

DRAFT MINUTES
Pacific Fishery Management Council
March 8-14, 2008 (192nd Meeting)
Doubletree Hotel
2001 Point West Way, Sacramento, CA 95815
Telephone 916-929-8855

A. Call to Order	5
A.1 Opening Remarks and Introductions	5
A.2 Roll Call	5
A.3 Executive Director's Report (03/09/08; 4:37 p.m.)	5
A.4 Council Action: Approve Agenda	6
B. Administrative Matters	6
B.1 Future Council Meeting Agenda Planning (03/09/08; 4:44 p.m.)	6
B.1.a Agenda Item Overview	6
B.1.b Reports and Comments of Advisory Bodies	6
B.1.c Public Comment	6
B.1.d Council Discussion of Future Council Meeting Agenda Topics	6
B.2 Magnuson-Stevens Act Reauthorization Implementation (03/14/08;8:34 a.m.)	7
B.2.a Agenda Item Overview	7
B.2.b Reports and Comments of Advisory Bodies	7
B.2.c Public Comment	7
B.2.d Council Action: Review Proposed Changes to EFP Regulations and Address Other New Requirements, as Available	7
B.3 Membership Appointments and Council Operating Procedures	8
B.3.a Agenda Item Overview (03/14/08; 1:03 p.m.)	8
B.3.b Reports and Comments of Advisory Bodies	8
B.3.c Public Comment	8
B.3.d Council Action: Consider Changes to Council Operating Procedures and Appoint New Advisory Body Members as Needed	8
B.4 Approval of Council Meeting Minutes	9
B.4.a Council Member Review and Comments	9
B.4.b Council Action: Approve September and November 2007 Minutes	9
B.5 Future Council Meeting Planning, April 2008 Council Meeting Agenda, and Workload Priorities	9
B.5.a Agenda Item Overview	9
B.5.b Reports and Comments of Advisory Bodies	9
B.5.c Public Comment	9
B.5.d Council Action: Adopt April 2008 Council Agenda, and Provide Guidance on Future Meetings and Priorities for Advisory Body Consideration (03/14/08; 1:13 p.m.)	9
C. Highly Migratory Species Management	10
C.1 National Marine Fisheries Service (NMFS) Report (03/10/08; 8:09 a.m.)	10
C.1.a Southwest Region Activity Report	10
C.1.b Southwest Science Center Report	10
C.1.c Reports and Comments of Advisory Bodies	10
C.1.d Public Comment	10
C.1.e Council Discussion	10

C.2	Yellowfin Tuna Overfishing (03/10/08; 9:55 a.m.)	11
C.2.a	Agenda Item Overview	11
C.2.b	Reports and Comments of Advisory Bodies	11
C.2.c	Public Comment	11
C.2.d	Council Action: Adopt Final Recommendations to Address Overfishing	11
C.3	High Seas Shallow-Set Longline (SSLL) Amendment – Part One	12
C.3.a	Agenda Item Overview (03/10/08; 10:34 a.m.)	12
C.3.b	Reports and Comments of Advisory Bodies	12
C.4	Exempted Fishing Permit (EFP) for Longline Fishing in the West Coast Exclusive Economic Zone – Part One	12
C.4.a	Agenda Item Overview (03/10/08; 1:07 p.m.)	12
C.4.b	Reports and Comments of Advisory Bodies	12
C.5	Public Comment Session on the High Seas SSLL Amendment and Longline Fishing EFP	12
C.5.a	Agenda Item Overview (03/10/08; 1:20 p.m.)	12
C.5.b	Public Comment	12
C.3	High Seas SSLL Amendment – Part Two	13
C.3.c	Council Action: Consider Alternatives for Development of a High Seas SSLL Fishery (03/10/08; 3:28 p.m.)	13
C.4	EFP for Longline Fishing in the West Coast Exclusive Economic Zone – Part Two	14
C.4.c	Council Action: Adopt EFP for Public Review (03/10/08; 4:09 p.m.)	14
D.	Salmon Management	15
D.1	Review of 2007 Fisheries and Summary of 2008 Stock Abundance Estimates	15
D.1.a	Report of the Salmon Technical Team (STT) (03/11/08; 8:15 a.m.)	15
D.1.b	Agency and Tribal Comments	16
D.1.c	Reports and Comments of Advisory Bodies	16
D.1.d	Public Comment	17
D.1.e	Council Action	17
D.2	Identification of Stocks Not Meeting Conservation Objectives	18
D.2.a	Agenda Item Overview (03/10/08; 11:15 a.m.)	18
D.2.b	Agency and Tribal Comments	18
D.2.c	Reports and Comments of Advisory Bodies	18
D.2.d	Public Comment	18
D.2.e	Council Action: Direct Necessary Actions Required by the Salmon Fishery Management Plan	18
D.3	Klamath River Fall Chinook (KRFC) Stock Assessment and Management Recommendations	19
D.3.a	Agenda Item Overview (03/11/08; 1:10 p.m.)	19
D.3.b	Salmon Technical Team Assessment	19
D.3.c	Agency and Tribal Comments	20
D.3.d	Reports and Comments of Advisory Bodies	20
D.3.e	Public Comment	20
D.3.f	Council Action: Direct Necessary Actions Required by the Salmon Fishery Management Plan	21
D.4	Identification of Management Objectives and Preliminary Definition of 2008 Salmon Management Options	22
D.4.a	Agenda Item Overview (03/11/08; 3:34 p.m.)	22
D.4.b	Report of the Pacific Salmon Commission	22
D.4.c	NMFS Recommendations	22
D.4.d	Tribal Recommendations	23
D.4.e	State Recommendations	23

D.4.f	Reports and Comments of Advisory Bodies _____	23
D.4.g	Public Comment _____	24
D.4.h	Council Recommendations for Initial Options for STT Collation and Description (03/11/08; 6:10 p.m.) _____	24
D.5	Council Recommendations for 2008 Management Option Analysis (03/12/08; 4:43 p.m.) _____	25
D.5.a	Agenda Item Overview _____	25
D.5.b	Report of the STT _____	25
D.5.c	Reports and Comments of Advisory Bodies _____	25
D.5.d	Public Comment _____	25
D.5.e	Council Direction to the STT and Salmon Advisory Subpanel on Options Development and Analysis _____	26
D.6.	Council Direction for 2008 Management Options (If Necessary) (03/13/08; 7:02 p.m.) _____	27
D.6.a	Agenda Item Overview _____	27
D.6.b	Report of the STT _____	27
D.6.c	Reports and Comments of Advisory Bodies _____	27
D.6.d	Public Comment _____	27
D.6.e	Council Guidance and Direction _____	27
D.7	Adoption of 2008 Management Options for Public Review (03/14/08; 4:14 p.m.) _____	29
D.7.a	Agenda Item Overview _____	29
D.7.b	Report of the STT _____	29
D.7.c	Reports and Comments of Advisory Bodies _____	29
D.7.d	Agency and Tribal Comments _____	29
D.7.e	Public Comment _____	29
D.7.f	Council Action: Adopt Management Options for Public Review _____	30
D.8	Appoint Salmon Hearings Officers (03/14/08; 2:11 p.m.) _____	31
D.8.a	Agenda Item Overview _____	31
D.8.b	Council Action: Appoint Hearings Officers _____	31
E.	Habitat _____	32
E.1	Current Habitat Issues (03/12/08; 8:15 am) _____	32
E.1.a	Report of the Habitat Committee _____	32
E.1.b	Reports and Comments of Advisory Bodies _____	32
E.1.c	Public Comment _____	32
E.1.d	Council Action: Consider Habitat Committee Recommendations _____	32
F.	Groundfish Management _____	34
F.1	NMFS Report (03/12/08; 8:40 am) _____	34
F.1.a	Regulatory Activities _____	34
F.1.b	Science Center Activities _____	34
F.1.c	Reports and Comments of Advisory Bodies _____	35
F.1.d	Public Comment _____	35
F.1.e	Council Discussion _____	35
F.2	Stock Assessment Planning for 2011-2012 Management Measures _____	35
F.2.a	Agenda Item Overview (03/12/08; 10:38 am) _____	35
F.2.b	Stock Assessment Options _____	35
F.2.c	Preliminary Stock Assessment Terms of Reference _____	36
F.2.d	Reports and Comments of Advisory Bodies _____	37
F.2.e	Public Comment _____	38
F.2.f	Council Action: Adopt for Public Review the Preliminary Terms of Reference, List of Stocks to be Assessed, and Stock Assessment Review Schedule _____	38
F.3	Pacific Whiting Harvest Specifications and Management Measures for 2008 _____	39
F.3.a	Agenda Item Overview (03/12/08; 1:29 p.m.) _____	39

F.3.b	Reports and Comments of Advisory Bodies _____	39
F.3.c	Public Comment _____	40
F.3.d	Council Action: Adopt 2008 Stock Assessment, Allowable Biological Catch, Optimum Yield, and Management Measures (03/12/08; 4:12 p.m.) _____	41
F.4	Fishery Management Plan Amendment 22: Open Access License Limitation _____	43
F.4.a	Agenda Item Overview (03/13/08; 8:56 am) _____	43
F.4.b	Reports and Comments of Advisory Bodies _____	43
F.4.c	Public Comment (03/13/08; 11:29 am) _____	44
F.4.d	Council Action: Adopt Amendment Alternatives for Public Review _____	44
F.5	Consideration of Inseason Adjustments _____	47
F.5.a	Agenda Item Overview (03/13/08; 3:07 p.m.) _____	47
F.5.b	Report of the Groundfish Management Team (GMT) _____	47
F.5.c	Agency and Tribal Comments _____	47
F.5.d	Reports and Comments of Advisory Bodies _____	47
F.5.e	Public Comment _____	47
F.5.f	Council Action: Adopt Preliminary or Final Recommendations for Adjustments to 2008 Fisheries _____	48
F.6	Tracking and Monitoring for Trawl Rationalization Program _____	48
F.6.a	Agenda Item Overview (03/13/08; 4:26 p.m.) _____	48
F.6.b	Current Status of Program Administration Issues _____	48
F.6.c	Agency and Tribal Comments _____	48
F.6.e	Reports and Comments of Advisory Bodies _____	48
F.6.f	Public Comment _____	48
F.6.g	Council Action: Refine Tracking and Monitoring and other Program Administration Provisions as Appropriate for Analysis (03/13/08; 5:49 p.m.) _____	48
F.7	Final Consideration of Inseason Adjustments (if Needed) (03/14/08; 10:09 a.m.) _____	49
F.7.a	Agenda Item Overview _____	49
F.7.b	Report of the GMT _____	49
F.7.c	Agency and Tribal Comments _____	49
F.7.d	Reports and Comments of Advisory Bodies _____	50
F.7.e	Public Comment _____	50
F.7.f	Council Action: Adopt or Confirm Final Adjustments to 2008 Fisheries _____	50
G.	<i>Pacific Halibut Management</i> _____	51
G.1	Report on the International Pacific Halibut Commission Meeting (03/12/08; 5:15 p.m.) _____	51
G.1.a	Agenda Item Overview _____	51
G.1.b	Summary of Meeting _____	51
G.1.c	Agency and Tribal Comments _____	51
G.1.d	Reports and Comments of Advisory Bodies _____	51
G.1.e	Public Comment _____	51
G.1.f	Council Discussion _____	51
G.2	Incidental Catch Regulations in the Salmon Troll and Fixed Gear Sablefish Fisheries _____	52
G.2.a	Agenda Item Overview (03/12/08; 5:33 p.m.) _____	52
G.2.b	State Proposals for the Salmon Troll Fishery _____	52
G.2.c	State Proposals for the Fixed Gear Sablefish Fishery _____	52
G.2.d	Tribal Comments _____	52
G.2.e	Reports and Comments of Advisory Bodies _____	52
G.2.f	Public Comment _____	52
G.2.g	Council Action: Adopt Public Review Options for 2008 _____	52
ADJOURN	_____	53

A. Call to Order

A.1 Opening Remarks and Introductions

Don Hansen, Chair, called the 192nd meeting of the Pacific Fishery Management Council to order on Sunday, March 8, 2008 at 4:30 p.m..

For the record, the Council held a closed executive session from 3:30 p.m. to 4:30 p.m. to discuss litigation and personnel matters.

A.2 Roll Call

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

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

The following Council members were absent from the entire meeting:

Mr. David Hogan (US State Department, nonvoting)
Mr. Gordon Williams (State of Alaska Official, nonvoting)

A.3 Executive Director's Report (03/09/08; 4:37 p.m.)

Dr. Don McIsaac provided the Executive Director's report. He highlighted the following informational reports:

- Informational Report 1: NOAA Policy Directive 30-120, NMFS Permit Fees
- Informational Report 2: Letter to Senators Boxer, Feinstein, Smith, and Wyden Regarding a Fair and Science-Based Flow Plan for Klamath River Salmon
- Informational Report 3: NOAA Names Balsiger Acting Director for NMFS
- Supplemental Informational Report 4: Preliminary DRAFT Research and Data Needs 2008

A.4 Council Action: Approve Agenda

The Council unanimously approved the agenda as shown in Agenda Item A.4, Council Meeting Agenda. (Motion 1)

B. Administrative Matters

B.1 Future Council Meeting Agenda Planning (03/09/08; 4:44 p.m.)

B.1.a Agenda Item Overview

Dr. McIsaac briefed the Council on the following documents:

- Agenda Item B.1.a, Attachment 1: Council Meeting Decision Points for Groundfish Trawl Rationalization, Intersector Allocation, and 2009-2010 Biennial Management Specifications
- Agenda Item B.1.a, Attachment 2: Preliminary Draft Four-Meeting Outlook for the Pacific Council
- Agenda Item B.1.a, Attachment 3: Preliminary Proposed Council Meeting Agenda, April 6-12, 2008, Seattle, Washington
- Agenda Item B.1.a, Attachment 4: Preliminary Proposed Council Meeting Agenda, June 6-13, 2008, Foster City, California
- Agenda Item B.1.a, Attachment 5: Preliminary Proposed Council Meeting Agenda, September 7-12, 2008, Boise, Idaho
- Agenda Item B.1.a, Attachment 6: Preliminary Proposed Council Meeting Agenda, November 2-7, 2008, San Diego, California

B.1.b Reports and Comments of Advisory Bodies

Mr. Doug Fricke provided Agenda Item B.1.b, Supplemental HMSAS Report.

B.1.c Public Comment

Mr. Chip Bissell, American Albacore Fishing Association, Bonita, CA—asking the Council to consider developing a limited entry fishery plan for the albacore fishery.

Mr. Jerry Thon, Astoria Holdings, Bellingham, WA—concerning a cooperative research project to better survey the sardine population.

Mr. Peter Flournoy, International Law Offices, San Diego, CA—speaking against a limited entry program for the albacore fishery.

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

Mr. Moore asked Dr. McIsaac about the April agenda with regard to action on the intersector allocation issue and if the Groundfish Allocation Committee (GAC) had recommended delaying the final action. Dr. McIsaac said the GAC did discuss postponing the final intersector allocation action but that decision will be made by the Council at the April meeting.

B.2 Magnuson-Stevens Act Reauthorization Implementation (03/14/08; 8:34 a.m.)

B.2.a Agenda Item Overview

Mr. Mike Burner provided the agenda item overview.

B.2.b Reports and Comments of Advisory Bodies

None.

B.2.c Public Comment

Ms. Gina Goodhill, Environment California, Sacramento, CA

Ms. Liz Gary, Conserve Our Ocean Legacy Campaign, Sacramento, CA

B.2.d Council Action: Review Proposed Changes to EFP Regulations and Address Other New Requirements, as Available.

Mr. Moore expressed concern that the exempted fishing permit (EFP) proposed rule is intended to improve the process, but may disrupt the carefully thought out process this Council has adopted to match our regional management cycles. He asked Mr. Lockhart and National Marine Fisheries Service (NMFS) if the national EFP improvements contained in the proposed rule contain any provisions that would adversely affect our region. Mr. Lockhart said the Northwest Region reviewed the rule internally and identified a few provisions that gave them concern. Those concerns have been addressed and, as of now, he did not feel there is anything in the proposed rule that would disrupt the way the Council conducts its EFP business.

Mr. Moore asked Mr. Lockhart if the Council needs to submit additional comments on the rule. Mr. Lockhart felt that the Council does not need to send a letter and stated that NMFS Headquarters has been responsive to internal comments and understands the need to maintain regional flexibility.

Ms. Vojkovich noted that the proposed rule is primarily focused on commercial fishing EFPs and she sees an increase in the number and scope of recreational fishery EFP proposals in the future. It would behoove NMFS to begin thinking about efficient ways of implementing them. She also noted that with the development of future management tools such as individual quota systems, NMFS should retain flexibility to adjust to EFPs that are proposed to address new issues.

Mr. Wolford spoke to a recreational chilipepper rockfish EFP that is currently being developed and referenced the comments on conservation engineering submitted by the New England Fishery Management Council (NEFMC) (Agenda Item B.2.a, Supplemental Attachment 4) and asked Mr. Lockhart if there was anything in this letter or the proposed rule that would impact the chilipepper rockfish EFP. Mr. Lockhart said the proposed rule does not affect the chilipepper rockfish EFP. He noted that generally speaking there have been concerns at the national level regarding the past levels of EFP review or the lack of a strong scientific basis for EFPs. He feels that the Council process provides for both of these criteria through Council and SSC review and is comfortable with the proposed rule.

Ms. Fosmark stated that after an EFP recommendation leaves the Council forum it goes out for review by NMFS and other agencies for its consistency with other laws and policies and asked if under the proposed system the Council would get a chance to respond to comments or readdress an EFP recommendation in these circumstances. Ms. Cooney said she has not worked on such an EFP, but said once EFPs are

recommended by the Council they are generally part of the NMFS administrative process and do not come back before the Council.

Dr. McIsaac asked if there was anything in the NEFMC response letter (Agenda Item B.2.a, Supplemental Attachment 4) that is contrary to our process or if there are any issues in that letter the Council should comment on rather than be silent on the matter. Mr. Burner did not feel that Council silence on this issue was inappropriate or would jeopardize NEFMC comments because the NEFMC comments are specific to their regional concerns.

Ms. Fosmark noted that the EFP proposed rule calls for increased observer coverage and emphasized the important issue of funding these expensive requirements because it is often the funding that limits our EFP abilities.

Mr. Moore asked if there is a need for the Council to comment on the development of revised environmental review procedures. Dr. McIsaac noted that the Council and the Central California Coast (CCC) are both waiting for a new proposal before commenting.

B.3 Membership Appointments and Council Operating Procedures

B.3.a Agenda Item Overview (03/14/08; 1:03 p.m.)

Dr. John Coon provided the agenda item overview.

B.3.b Reports and Comments of Advisory Bodies

None.

B.3.c Public Comment

None

B.3.d Council Action: Consider Changes to Council Operating Procedures and Appoint New Advisory Body Members as Needed

Mr. Lockhart moved and Mr. Wolford seconded a motion (Motion 30) to appoint Mr. Edward J. ("EJ") Dick to replace Dr. John Field as the Southwest Fisheries Science Center (SWFSC) representative on the Groundfish Management Team (GMT). Motion 30 passed unanimously.

Ms. Vojkovich moved and Mr. Wolford seconded a motion (Motion 31) to appoint Mr. Larry Hanson to replace Mr. Steve Turek on the Habitat Committee (HC). Further, Ms. Vicki Frey will act as the designated alternate to Mr. Hanson. Motion 31 passed unanimously.

Ms. Vojkovich moved and Mr. Wolford seconded a motion (Motion 32) to appoint Captain Buzz Brizendine to replace Mr. Bob Fletcher as the Southern Charter Boat Operator position on the Highly Migratory Species Advisory Subpanel (HMSAS). Motion 32 passed unanimously.

Mr. Anderson moved and Mr. Myer seconded a motion (Motion 33) to appoint Dr. Theresa Tsou to replace Mr. Tom Jagielo on the Scientific and Statistical Committee (SSC). Motion 33 passed unanimously.

Mr. Anderson moved and Mr. Moore seconded a motion (Motion 34) to adopt the modifications to Council Operating Procedure (COP) 15 as contained in Agenda Item B.3.a, Attachment 1, and Agenda Item B.3.a, Supplemental Attachment 2. Motion 34 passed unanimously.

B.4 Approval of Council Meeting Minutes

B.4.a Council Member Review and Comments

Chairman Hansen asked for comments; none were given.

B.4.b Council Action: Approve September and November 2007 Minutes

Mr. Moore moved and Mr. Cedergreen seconded a motion (Motion 35) to approve the September 2007 and November 2007 minutes. Motion 35 passed unanimously.

B.5 Future Council Meeting Planning, April 2008 Council Meeting Agenda, and Workload Priorities

B.5.a Agenda Item Overview

Dr. McIsaac highlighted various changes in agenda planning in the supplemental attachments.

Ms. Fosmark asked that the Legislative Committee (LC) agenda include looking at a petition to ban import of swordfish.

Mr. Anderson asked if the intersector allocation amendment was flushed out to the point that the Council could make an informed final decision on the preferred alternative in April. Dr. McIsaac replied that the GAC had passed a motion that indicated a recommendation that there not be final action in April based on the materials in front of the GAC. Since that was not a Council motion, there has been no change in the planning attachments listing final action. He stated that the Environmental Assessment (EA) in the April briefing book will have additional analysis and a decision can be made by the Council at that time whether or not to take final action.

B.5.b Reports and Comments of Advisory Bodies

Mr. Robert Jones, GMT member, read Agenda Item B.5.b, Supplemental GMT Report.

B.5.c Public Comment

Mr. Mike Okoniewski, Pacific Seafoods, Woodland, WA—concerning the proposed spotter plane sardine survey.

Mr. Doug Fricke, WFOA, Hoquiam, WA—concerning HMS issues (e.g., the proposed swordfish import ban).

B.5.d Council Action: Adopt April 2008 Council Agenda, and Provide Guidance on Future Meetings and Priorities for Advisory Body Consideration (03/14/08; 1:13 p.m.)

Mr. Lockhart suggested that the intersector allocation issue be left as is on the agenda, but note that final action may or may not be taken.

Mr. Anderson stated that the GMT should set its April meeting priorities as the biennial specifications and management measures and inseason changes. If time allows, the GMT could work on trawl rationalization analytical results and intersector allocation issues.

Ms. Vojkovich agreed and expressed her concerns about the GMT priorities, work schedule and the extremely long hours that they are putting in at each meeting (over 15 hours per day at every meeting). She believes the Council should take a more active role to clearly limit GMT priorities and workload.

Dr. Hanson expressed concern about loading up the LC agenda and what the proper issues are for its consideration, especially with regard to whether it was appropriate to include state legislation on the agenda. Other Council members agreed that the agenda should be limited to appropriate Federal legislation or other legislative issues that may have a direct impact on Council management and are within the purpose of the committee.

C. Highly Migratory Species Management

C.1 National Marine Fisheries Service (NMFS) Report (03/10/08; 8:09 a.m.)

C.1.a Southwest Region Activity Report

Mr. Mark Helvey gave the NMFS report. Mr. Rod McInnis reported on the March 5-7, 2008, 77th Inter-American Tropical Tuna Commission (IATTC) meeting in La Jolla. Ms. Marija Vojkovich and Mr. McInnis reported on the December 2007 fourth meeting of the Western and Central Pacific Fisheries Commission (WCPFC) in Guam.

C.1.b Southwest Science Center Report

Dr. Gary Sakagawa gave a presentation on the recent assessments and status of HMS stocks.

C.1.c Reports and Comments of Advisory Bodies

Mr. Doug Fricke provided Agenda Item C.1.c, Supplemental HMSAS Report.

C.1.d Public Comment

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

C.1.e Council Discussion

Ms. Vojkovich discussed some issues to be further considered under Agenda Item B.5, future Council meeting planning. She recommended developing recommendations for the WCPFC, especially for the Northern Committee, at the June 2008 Council meeting.

Ms. Vojkovich said that the Council should also discuss domestic conservation measures for striped marlin in coming meetings.

There was a discussion of the next biennial management cycle under the HMS Fishery Management Plan (FMP) framework and what measures might be considered.

Mr. Helvey said the Council should discuss recommendations relevant to both the WCPFC and the IATTC at the April 2008 Council meeting because of issues common to both organizations.

C.2 Yellowfin Tuna Overfishing (03/10/08; 9:55 a.m.)

C.2.a Agenda Item Overview

Dr. Kit Dahl provided the agenda item overview.

C.2.b Reports and Comments of Advisory Bodies

Mr. Craig Heberer provided Agenda Item C.2.b, Supplemental HMSMT Report.

Mr. Fricke provided Agenda Item C.2.b, Supplemental HMSAS Report.

C.2.c Public Comment

None.

C.2.d Council Action: Adopt Final Recommendations to Address Overfishing

Ms. Vojkovich moved (Motion 2) that the Council recommend to NMFS that no new domestic conservation measures are needed. This would address the requirements of Magnuson-Steven Act section 304(i)(2)(A) for domestic regulations to address the relative impact of U.S. fishing vessels on the stock.

Ms. Fosmark seconded the motion. Motion 2 passed unanimously.

Ms. Vojkovich moved (Motion 3) that the Council recommend to Congress and the State Department, to address the requirements of Magnuson-Steven Act section 304(i)(2)(B), for international actions that will end overfishing, taking into account the relative impact of vessels of other nations and vessels of the United States:

1. Set a total allowable catch (TAC) of 200,000 metric tons for yellowfin taken by purse seine in the Eastern Pacific Ocean (EPO), but that the IATTC Director is authorized to increase the limit by up to four increments of 30,000 mt each if he concludes, from examination of available data, that such increments would pose no significant risk to the stock. If the limit, including any increments authorized by the Director, is reached, purse-seining for tunas will cease.
2. Reduce capacity in the purse seine fishery, consistent with IATTC resolutions C-00-10 and C-02-03 to control total fishing capacity.
3. Design and implement an IATTC program to collect information on fish aggregating devices (FADs) and assess their impacts on target stocks, especially juvenile tunas.
4. Implement time-area closures consistent with measures identified by the IATTC scientific staff

Ms. Fosmark seconded the motion.

Mr. Judson Feder noted that the recommendations for 304(i)(2)(B) should be made to Congress and the State Department rather than NMFS (corrected above).

The maker and the seconder agreed to the change by consensus.

Mr. Melcher asked if the motion included the exemption from the time-area closure for Class I-V purse seine vessels, as proposed by the HMSAS. Ms. Vojkovich said no.

Motion 3 passed unanimously.

There was a discussion of the HMSAS recommendation that the Council request a copy of the Antigua Convention implementing legislation for review. It was agreed that Council staff will request a copy of the bill for review by the Council's Legislative Committee.

C.3 High Seas Shallow-Set Longline (SSLL) Amendment – Part One

C.3.a Agenda Item Overview (03/10/08; 10:34 a.m.)

Dr. Dahl provided the agenda item overview.

C.3.b Reports and Comments of Advisory Bodies

Mr. Fricke provided Agenda Item C.3.b, Supplemental HMSAS Report. He corrected an omission in the report to the effect that the proposed point system for permit qualification include a provision stating that both any new HMS FMP limited entry permit and a Western Pacific Fishery Management Council (WPFMC) Pelagics FMP limited entry permit cannot be owned by the same person simultaneously. Second, in the fourth full paragraph, the clause stating that what follows represents a minority opinion should be stricken.

Mr. Craig Heberer provided Agenda Item C.3.b, Supplemental HMSMT Report.

C.4 Exempted Fishing Permit (EFP) for Longline Fishing in the West Coast Exclusive Economic Zone – Part One

C.4.a Agenda Item Overview (03/10/08; 1:07 p.m.)

Dr. Dahl provided the agenda item overview.

C.4.b Reports and Comments of Advisory Bodies

Mr. Fricke provided Agenda Item C.4.b, Supplemental HMSAS Report.

C.5 Public Comment Session on the High Seas SSLL Amendment and Longline Fishing EFP

C.5.a Agenda Item Overview (03/10/08; 1:20 p.m.)

Dr. Dahl provided the agenda item overview. This agenda item combines the public comment periods for Agenda Item C.3 and Agenda Item C.4.

C.5.b Public Comment

Mr. John Gillespie, fisherman, Santa Margarita, CA
Ms. Meghan Jeans, Ocean Conservancy, San Francisco, CA
Ms. Andrea Treece, Center for Biological Diversity, San Francisco, CA
Mr. Ben Enticknapp, Oceana, Portland, OR
Ms. Julie Sherman, Marine Fish Conservation Network, Portland, OR
Mr. Ken Hinman, National Coalition for Marine Conservation, Leesburg, VA

Mr. Peter Flournoy, International Law Offices, San Diego, CA
Mr. Bob Osborn, United Anglers of Southern California, Surfside, CA
Mr. Steve Fosmark, fisherman, Pebble Beach, CA
Mr. Bill Sutton, fisherman, Ojai, CA
Mr. Svein Fougner, fisheries consultant, Rancho Palos Verdes, CA

C.3 High Seas SSSL Amendment – Part Two

C.3.c Council Action: Consider Alternatives for Development of a High Seas SSSL Fishery (03/10/08;3:28 p.m.)

Ms. Vojkovich moved (Motion 4), referring to Agenda Item C.3.b, HMSMT Report and Agenda Item C.3.b, Supplemental HMSAS Report, adopt a range of alternatives for public review for a shallow-set longline fishery seaward of 200 nautical miles and east of 150° W longitude. The motion identified three alternatives: 1) status quo; 2) a west coast limited entry program for SSSL seaward of the west coast exclusive economic zone (EEZ)—qualification to receive one of these limited entry permits would be based on criteria that would involve prior landings of swordfish, a number of years of fishing experience, or ownership of a drift gillnet (DGN) permit; and 3) establish a management framework without a limited entry permit program. As part of the proposed action, the motion also described a variety of mitigation measures for incidental sea turtle takes.

Ms. Culver seconded motion 4.

Several questions (described below) helped to clarify elements of the motion.

On a question from Ms. Fosmark, Ms. Vojkovich clarified that the pelagic limited entry permit refers to a WPFMC Pelagics FMP limited entry permit.

On a question from Mr. Moore as to the status of anyone who fished under an Oregon developmental fishery permit with DGN gear but may not have also possessed a California DGN limited entry permit, Ms. Vojkovich clarified that an Oregon developmental fishery permit would qualify the same as possessing the California permit.

On a question from Dr. Dahl as to whether qualification is based on the current owner of a DGN permit, Ms. Vojkovich referenced the discussion of criteria on page 4 of the HMSMT report and said the qualifications are based on the discussion on data issues presented there.

On a second question from Dr. Dahl about the recent participation (2005-2007) provision in the motion, which he interpreted as applying to either of the qualification options (landings, point systems), since SSSL gear has been prohibited since 2004 that would seem to disqualify people who only used longline gear. Ms. Vojkovich said the analysis should report the data on participation during that time period. It would then be possible to look at earlier years for the participation requirement, to include years when SSSL landings were made.

Ms. Vojkovich described her rationale for the motion. She noted that the west coast SSSL fishery previously operated, so this is not a new fishery, just the revival of an existing one, which provides swordfish to local markets and is beneficial to fishers and processors. She explained the reason for offering a non-limited entry option, noting that currently only a few people had expressed an interest in this fishery and it would be much simpler to implement. She explained that the effort limit of 1-1.5 million hooks reflected uncertainty about what maximum effort could be allowed and the need to better understand what level of effort would support an economically viable fishery. The area closure options

(east of 150° or 140° W longitude) are necessary because a geographically unconstrained fishery does not seem feasible. The different qualification methods (landings, point system) provide different ways of understanding who could get a permit. She noted that the various sea turtle take mitigation measures, such as take caps and full observer coverage are applicable to all the options in the motion.

Mr. Melcher, to clarify, asked if the third, non-limited entry alternative would only contain the option for a fishery east of 140° W longitude and not an option for a fishery east of 150° W longitude. Ms. Vojkovich said the 150° W longitude option was not included. She also clarified that under the third alternative participation would only be limited by an interest to fish, observer coverage availability, and ultimately the turtle cap. There would be no limited entry program under this alternative.

In response to some discussion as to whether Motion 4 constituted sending the alternatives out for public review, Ms. Culver said she understood that it was, but there should be further discussion after voting on this motion.

Motion 4 passed unanimously.

The Council discussed the timeline for completing this action. There is a desire that this action be evaluated in a joint biological opinion with a current action by the WPFMC to increase the effort limits and turtle take caps for their SLL fishery, which they plan to implement at the beginning of 2009. The result of the discussion was guidance that a draft analysis of the alternatives contained in the motion should be released for public review in the July-August 2008 timeframe with the Council taking final action to adopt a preferred alternative at their September 2008 meeting.

Mr. Helvey thought a joint biological opinion analysis could be initiated based on the specification in the motion of effort being no more than 1.5 million hooks and the fishery being constrained to at least east of 150° W longitude. It may be possible to use this information in the Endangered Species Act (ESA) section 7 consultation process in advance of the Council selecting a preferred alternative.

Ms. Vojkovich recommended sending a letter to Admiral Lautenbacher expressing the opinion that the review of both the WPFMC and PFMC actions should be conducted jointly by NMFS, given that so far the two councils have not been able to coordinate. Dr. McIsaac raised concerns about this approach and suggested it would be preferable to talk with the WPFMC directly about the two actions and the feasibility of collaboration, based on the motion just passed. Ms. Culver suggested a letter to Admiral Lautenbacher would still be prudent and could simply describe the process relative to both councils.

C.4 EFP for Longline Fishing in the West Coast Exclusive Economic Zone – Part Two

C.4.c Council Action: Adopt EFP for Public Review (03/10/08; 4:09 p.m.)

Mr. Helvey moved and Ms. Fosmark seconded a motion (Motion 5) that the EFP be adopted for public review as presented, except for the proposed change of the time period in which fishing would occur. Instead, the time period proposed in last year's application, to fish September–December, will be applied. The other change, restricting fishing to seaward of 50 nautical miles rather than 40 miles is more precautionary and can be retained. This change from what the applicant proposed will make it easier to complete the National Environmental Policy Act (NEPA)/ESA evaluations since the proposal is thus essentially identical to what was proposed and analyzed last year.

Both Mr. Moore and Ms. Culver sought clarification on aspects of the proposal, especially the question of whether only swordfish would be targeted and not tuna. Mr. Helvey said it is the same proposal as approved by the Council in 2007 and only swordfish would be targeted. Mr. Moore also asked if the

applicant's request to allow the EFP to occur in 2009 if the approval process prevents it from occurring in 2008 was part of the motion. Mr. Helvey said yes.

Ms. Culver was concerned that the HMSMT had not provided the evaluation as described in COP 20. She also asked if the EA analysis would be available for the Council's final decision in April. Mr. Helvey said both the previously completed EA and the Biological Opinion would be made available to the Council in April.

Ms. Culver also wondered whether the Council should go forward with this proposal, given the objections raised by the California Coastal Commission in 2007.

Motion 5 passed. Ms. Vojkovich, Ms. Culver, and Mr. Wolford voted no.

D. Salmon Management

D.1 Review of 2007 Fisheries and Summary of 2008 Stock Abundance Estimates

Mr. Chuck Tracy presented Agenda Item D.1, Situation Summary.

D.1.a Report of the Salmon Technical Team (STT) (03/11/08; 8:15 a.m.)

Dr. Robert Kope briefly summarized the Review of 2007 Ocean Salmon Fisheries and Preseason Report I: Stock Abundance Analysis for 2008 Ocean Salmon Fisheries.

Mr. Wolford asked what freshwater harvest rate for Sacramento River fall Chinook (SRFC) was assumed. Dr. Kope replied, 14.5 percent of the adult river run.

Mr. Wolford asked why the Sacramento River fall index (SRFI) included fisheries south of Cape Falcon while the Central Valley index (CVI) only used fisheries south of Point Arena. Dr. Kope replied that substantial numbers of SRFC are caught as far north as Cape Falcon so those fisheries were included in the SRFI to provide a more complete abundance index. Only small percentages of SRFC catch occurred north of Cape Falcon, generally less than half of one percent of the total SRFC catch.

Mr. Melcher asked if the STT was confident in the estimated proportion of SRFC jacks in the total CVI jacks. Dr. Kope replied that there was reversal in the ratio between the Red Bluff diversion dam counts of winter Chinook and the carcass survey counts, which could result in predicting a higher percentage of winter Chinook in the total jack estimate, but an overestimate of total jacks.

Mr. Melcher asked why the CVI predictor did not use a zero intercept. Dr. Kope replied that the model predicts age-3 and age-4 abundance combined from age-2 jack returns, and even with zero jacks, there would be age-4 adults expected to return.

Mr. Melcher asked why the Oregon Coastal natural (OCN) coho forecast had performed poorly but the exploitation rate prediction was fairly accurate. Dr. Kope replied that the OCN predictor has relied on different model variables through time, and the OCN represents a small portion of the Oregon Production Index (OPI) stock group, which consists largely of hatchery stocks and has been relatively well projected.

Mr. Anderson asked why there was no forecast entered for Grays Harbor Chinook. Mr. Tracy responded that the Model Evaluation Workgroup added several Washington Coastal Chinook stocks to the Chinook

Fishery Regulation Assessment Model (FRAM) in 2007 and decided to add entries for those stocks in the Preseason Report I Table I-1; however Grays Harbor Chinook was not one of those stocks.

Mr. Anderson asked if the STT considered anomalous ocean conditions in the 2008 forecasts identified by some scientists. Dr. Kope replied the STT was aware of the reports but because of mixed results from the ocean conditions and salmon returns, no attempt was made to broadly incorporate ocean conditions indicators.

Mr. Anderson noted that in addition to the STT concerns listed in Preseason Report I, he would add forecast error for Washington Coastal coho as a concern for establishing 2008 management measures.

Dr. McIsaac asked if any estimates of SRFC were near the conservation objective of 122,000 adult spawners. Dr. Kope replied there was one model that would result in a prediction in that neighborhood, but it is unlikely that model will have much support.

Mr. Wolford asked what the low Klamath River fall Chinook (KRFC) age-3 forecast implied for fall credit card fisheries and 2009 fisheries. Dr. Kope replied it would depend largely on the age-2 KRFC return in 2008, but absent a good return of those fish, it would be difficult to meet the 35,000 floor in 2009.

D.1.b Agency and Tribal Comments

Ms. Vojkovich presented Agenda Item D.1.b, CDFG Report.

Dr. Pete Lawson and Mr. Michael Mohr presented Agenda Item D.1.b, Supplemental NMFS Report.

Ms. Vojkovich asked what the timeframe for the recommendations was. Dr. Lawson replied it would be an ongoing process, but hopefully by the 2009 season some ocean indices could be incorporated into abundance forecasts.

Mr. Wolford asked if freshwater areas were investigated. Dr. Lawson replied no.

Mr. Mallet asked if the objective was to improve predictions or improve runs. Dr. Lawson replied initially to improve predictions, but that it should provide subsequent benefits to the stocks.

D.1.c Reports and Comments of Advisory Bodies

Mr. Stuart Ellis presented Agenda Item D.1.c, Supplemental HC Report.

Messrs. Dave Bitts and Jim Hie presented Agenda Item D.1.c, Supplemental SAS Report.

Dr. Pete Lawson presented Agenda Item D.1.c, Supplemental SSC Report.

Mr. Melcher asked if the SRI model the SSC was recommending included a zero intercept model. Dr. Lawson replied yes, and noted that the SSC was tentatively recommending the ratio estimator with a zero intercept and omitting the 2005 data point.

Dr. McIsaac asked if any of the models the SSC was considering supporting approached a forecast of 122,000 SRFC. Dr. Lawson replied no.

Mr. Mohr described the various Sacramento stock abundance predictors being considered. He noted the 2005 data point in the CVI was outside the range of the historical database and it provides no information for the 2008 situation of extremely low jack returns in 2007. Once that data point is eliminated there are

three SRI models under consideration: a straight line through the origin, a straight line with a positive y-intercept and a curvilinear relationship. The latter relationship loses its curve when the 2005 data point is omitted, and functionally becomes one of the straight line models. The y-intercept model is problematic in the low jack range of the data where the line is above most of the data points, and especially when there are few age-4 SRFC in the ocean after the low 2007 returns. Therefore the zero intercept model made the most sense for 2008.

Mr. Sones asked if Humboldt squid could have a significant impact on salmon abundance. Mr. Mohr replied that initial investigations indicated it unlikely.

Mr. Melcher asked if the STT and SSC were recommending the same model, and if so what was the predicted SRFC abundance. Mr. Mohr replied they are recommending the same model but that he has not calculated the predicted abundance, and has actively tried to exclude that knowledge from deliberations on selecting the best model. Calculating the prediction could be done quickly though.

Mr. Tracy noted the model selection was specific to 2008 up to this point, and asked if the STT considered how this or any of the models would be applied in the future or under other circumstances. Mr. Mohr replied that there had been no discussions yet, but that there would be, and a zero intercept model is not necessarily intended as a long-term predictor for SRFC.

D.1.d Public Comment

Mr. John Carlson, Executive Director, California Fish and Game Commission, Sacramento, CA
Mr. Bob Boucke, Johnson's Bait and Tackle, Yuba City, CA

D.1.e Council Action

Mr. Melcher moved and Mr. Moore seconded a motion (Motion 6) to adopt the abundance forecast data set for OCN coho as recommended by the SSC, STT, and OPITT.

Ms. Vojkovich offered an amendment to Motion 6 to adopt the index ratio for SRFC with the removal of the 2005 data point as recommended by the SSC and STT for 2008. Mr. Wolford seconded the amendment to Motion 6. The amendment passed unanimously.

Motion 6 passed as amended unanimously.

Ms. Vojkovich moved and Ms. Fosmark seconded a motion (Motion 7) to have the Council send a letter addressed to Mr. Jim Balsiger requesting the SWFSC and Northwest Fisheries Science Center (NWFSC) take the lead on the technical tasks as recommended by NMFS under Agenda Item D.1.b, Supplemental NMFS Report, as well as those recommendations included in the SAS and HC reports under this agenda item. Other state and Federal agencies should also be included in this effort, and a status report should be presented to the Council at its September meeting.

Chairman Hansen recommended the United States Fish and Wildlife Service (USFWS) should be deeply involved in this, as hatchery issues are likely to come up. Mr. Tim Roth replied the USFWS would be a part of the effort.

Mr. Wolford asked if the questions in Agenda Item, D.1.b, CDFG Report would be part of the investigation effort. Ms. Vojkovich replied that the list was specific to SRFC and the NMFS report was broader, but some integration of the two would be desirable.

Mr. Anderson felt there are serious marine survival issues for salmonids all up and down the west coast, not an anomaly, and urged that there be close consultation with state agencies and tribes.

Mr. Lockhart said NMFS would abstain from the vote to preserve flexibility up the chain of command, but supports the motion.

Mr. Sones stated the tribes are concerned with the patterns of decline and are supportive of the oceanographic and ecosystem management aspects of the effort.

Motion 7 passed. Mr. Lockhart abstained.

D.2 Identification of Stocks Not Meeting Conservation Objectives

D.2.a Agenda Item Overview (03/10/08; 11:15 a.m.)

Mr. Tracy presented the agenda item overview.

D.2.b Agency and Tribal Comments

Mr. Sones presented Agenda Item D.2.b, Supplemental Tribal Comments.

D.2.c Reports and Comments of Advisory Bodies

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

Dr. Robert Kope reported the STT forecast for SRFC with no additional fishing in the ocean south of Cape Falcon and in the Sacramento basin was 59,100 adult natural and hatchery spawners, which triggers a Conservation Alert. With normal Sacramento Basin fisheries the forecast would be 50,500.

Mr. Melcher asked if the STT had looked at the Oregon Coastal Chinook exploitation rate relative to the exception to the Salmon FMP Overfishing Criteria. Dr. Kope replied no, that the STT would normally only do so if the stock triggered an Overfishing Concern or a Conservation Alert; without a quantitative projection the STT was not in a position to examine that. However, except for the far north migrating stocks, most of the historical exploitation rates would probably be greater than 5 percent in Council area fisheries.

D.2.d Public Comment

None.

D.2.e Council Action: Direct Necessary Actions Required by the Salmon Fishery Management Plan

Mr. Sones moved (Motion 8) to direct the STT and HC to determine if Queets and Quillayute spring/summer Chinook continue to be exploited at less than 5 percent in Council managed fisheries and to conduct an initial assessment of the causes for their recent decline. Mr. Cedergreen seconded the motion.

Motion 8 passed unanimously.

D.3 Klamath River Fall Chinook (KRFC) Stock Assessment and Management Recommendations

D.3.a Agenda Item Overview (03/11/08; 1:10 p.m.)

Dr. McIsaac presented the agenda item overview.

D.3.b Salmon Technical Team Assessment

Dr. Kope summarized Agenda Item D.3.b KRFC Stock Assessment. He reported that overfishing of KRFC did occur in 2004, 2005, and 2006; the workgroup was concerned about possible long-term productivity of the aggregate KRFC stock due to low escapement in the Scott and Salmon rivers, but was not able to confirm that the stock was overfished. The recommended criteria for the end of the Overfishing Concern was not intended to be a precedent for other stocks, but that achieving the spawning escapement floor of 35,000 adult natural area spawners (floor) in one year was not an adequate measure of stock recovery; the workgroup felt that more than one strong brood should contribute to the recovery of the stock.

Mr. Melcher asked if one strong brood contributing to multiple return years would address the workgroup concern for one brood constituting recovery of the stock. Dr. Kope replied it could, as long as it was not just a single return year.

Mr. Melcher asked if the workgroup considered any alternatives to the criteria of achieving the floor in three of four consecutive years and the relationship to achieving maximum sustainable yield (MSY) on a continuing basis. Mr. Tracy replied there were three alternatives considered: achieving the floor in 1) three consecutive years, 2) any three years, and 3) three of four consecutive years. All discussions were based on the premise of multiple broods contributing to stock recovery.

Mr. Melcher asked if there were no updates to the Klamath Ocean Harvest Model (KOHM) recommended at this time, was a timeline considered. Dr. Kope replied there was no specific timeline, but as issues arose, the STT would address them as necessary.

Mr. Wolford asked if Recommendation 3 for *de minimis* fishing would require another amendment. Dr. Kope replied no, that it would only require the Council to implement the recommendation in annual management measures because it is less than the maximum allowable rate. Ms. Cooney agreed.

Ms. Vojkovich asked if there was a way to address the tributary subpopulation spawning issue outside of the recommended criteria for aggregate spawning escapement, and how much that issue influenced the recommended criteria. Dr. Kope replied that based on the Amendment 15 analysis, the likelihood of subpopulations falling below 720 spawners was substantially lessened with aggregate spawning escapements above the floor, and that was why there were no specific recommendations in either Amendment 15 or this report for managing for minimum substock spawning escapement.

Ms. Vojkovich asked which recommendations would provide the greatest benefit. Dr. Kope replied the recommendations were listed in priority order.

Mr. Lockhart asked if the recommended criteria maintained a biological link to the cause of the Overfishing Concern if recovery took many years to achieve three out of four consecutive escapements above the floor. Dr. Kope replied probably not, and that stock recovery would likely require an improvement in ocean conditions.

Mr. Roth asked what the Scott and Salmon river returns were for 2007. Dr. Kope replied both were greater than 1,000.

D.3.c Agency and Tribal Comments

Mr. Mike Orcutt, Hoopa Valley Tribe, presented Agenda Item D.3.c, Supplemental Tribal Report.

Mr. Melcher asked if the Hoopa Valley Tribe was supporting the recommendation of targeting 40,700 until the criteria to end the Overfishing Concern was met. Mr. Orcutt replied the Tribe was still discussing that point.

Mr. Dave Hillemeier, representing the Yurok Tribe, reiterated several points regarding high in-river mortality of juvenile KRFC from the broods contributing to the Overfishing Concern, and linked many of the problems to effects from the Klamath Dams. The Yurok Tribe advocated dam removal. The Yurok Tribe also supported the workgroup Recommendation 1 for the criteria to end the Overfishing Concern, Recommendation 3 for *de minimis* fisheries, and Recommendation 5 for restricting fall fisheries during the recovery period; the tribe was still discussing Recommendation 2.

Dr. McIsaac asked if an FMP amendment or some other mechanism would be necessary to implement Recommendations 1 and 2. Ms. Cooney replied an amendment would not be necessary because the FMP anticipates criteria to end an Overfishing Concern would result from the assessment, and the FMP specifies in Section 3.1.2 that the rebuilding plan would not require an amendment to allow for timely implementation through the annual management process. The Council could adopt measures that extend beyond 2008 through the rulemaking process, which could be completed later in 2008, without an FMP amendment.

Ms. Vojkovich asked if the rebuilding plan would be implemented annually or if there was a longer-term process. Ms. Cooney replied the rulemaking process would establish the Council rebuilding plan after public comment, and when the Overfishing Concern was ended, NMFS would simply repeal the rule based on the record of meeting the criteria in the rebuilding plan.

D.3.d Reports and Comments of Advisory Bodies

Dr. Lawson presented Agenda Item D.3.d, Supplemental SSC Report.

Mr. Paul Heikkila presented Agenda Item D.3.d, Supplemental REVISED SAS Report.

Mr. Moore asked if the KRFC rebuilding plan was specific for that stock and time, would the Salmon Advisory Subpanel (SAS) consider the rebuilding criteria establish a precedence. Mr. Heikkila replied yes.

Mr. Stuart Ellis presented Agenda Item D.3.d, Supplemental HC Report.

D.3.e Public Comment

Mr. Duncan MacLean, F/V Barbara Faye, El Granada, CA

Mr. Dave Bitts, PCFFA, Eureka, CA

Ms. Fosmark asked if the 40,700 target in Recommendation 2 was too high. Mr. Bitts replied he did not see the evidence that spawner numbers was limiting production.

D.3.f Council Action: Direct Necessary Actions Required by the Salmon Fishery Management Plan

Ms. Vojkovich asked if final action was necessary at this time. Ms. Cooney replied that a range of options for public review should be adopted at this time with final action planned for April, or if more time was needed for analysis, in June.

Ms. Vojkovich asked if the decision was delayed until June how would the Council adopt management measures in April. Ms. Cooney replied that some parts of the rebuilding plan required action in April, such as targeting an escapement of 40,700, while the criteria to end the Overfishing Concern could be delayed until June.

Mr. Moore asked if the impacts of the rebuilding plan on affected communities would require analysis in an environmental document. Ms. Cooney replied the stock was not declared overfished, and therefore the rebuilding plan was not a Magnuson Act requirement but an FMP requirement, and was not subject to the same requirements as a groundfish rebuilding plan, for example.

Ms. Vojkovich asked how the recommendations for a rebuilding plan equal or exceed the National Standard Guidelines as indicated at the end of Section 3.2.1 of the FMP. Mr. Tracy replied that section of the FMP is referring to the default rebuilding feature of the FMP where S_{MSY} or the FMP conservation objective is targeted every year, rather than establishing a rebuilding period where targets less than S_{MSY} are allowed for a period of time while the stock rebuilds; however the recommendations do include targeting the best currently available estimate of S_{MSY} during the rebuilding period, which comport with National Standard 1.

Ms. Vojkovich asked if rebuilding periods less than 3-5 years for Chinook as referenced in Section 3.2.3 of the FMP would meet the intent of the Magnuson Act. Mr. Lockhart replied yes.

Mr. Melcher asked if the 40,700 target in Recommendation 2 would require an FMP Amendment. Ms. Cooney replied the current KRFC conservation objective is a floor, and targeting escapement levels above the floor would be allowed.

Mr. Melcher moved (Motion 9) to adopt the workgroup's recommendations as shown in Agenda Item D.3.b, KRFC Stock Assessment with the following modifications: Recommendation 1 - Consider the Overfishing Concern of KRFC ended when a natural spawning escapement of at least 35,000 adults is achieved in three out of four consecutive years **OR** with a natural spawning escapement of at least 40,700 adult KRFC (S_{MSY}) in two consecutive years; do not include Recommendation 3, include Recommendations 2 and 4-13. Mr. Warrens seconded the motion.

Mr. Melcher said he was omitting Recommendation 3 because Amendment 15 was just completed and no new information was available indicating a change was appropriate. He recommended taking final action on the recommendations at this time and not sending them out for further public comment.

Mr. Moore asked if the intent was that the rebuilding plan was specific to the KRFC Overfishing Concern triggered in 2004-2006 and did not set a precedent for any other stock or future Overfishing Concern. Mr. Melcher replied yes, he recognized the unique situation as presented and further noted that the rebuilding period would have started with the 2007 KRFC return.

Mr. Lockhart noted the rule making process required a two meeting process. Ms. Cooney recommended the rebuilding plan be implemented in the management measures adopted in April. Mr. Melcher replied

that his intent was to comply with the Federal process requirements, and adopting for public review was agreeable.

Mr. Lockhart moved to amend Motion 9 to include Recommendation 3 in the public review process. No one seconded the motion to amend Motion 9.

Mr. Tracy noted there were two parts to Recommendation 3, the sliding scale and the implementation threshold, and asked if the intent was to omit both portions. Mr. Melcher replied no, only the sliding scale portion should be omitted; the implementation threshold would apply to whatever the annual management objective was.

Motion 9 passed unanimously.

D.4 Identification of Management Objectives and Preliminary Definition of 2008 Salmon Management Options

D.4.a Agenda Item Overview (03/11/08; 3:34 p.m.)

Mr. Tracy presented the agenda item overview.

D.4.b Report of the Pacific Salmon Commission

Mr. Sones presented Agenda Item D.4.b, Supplemental Tribal Report.

D.4.c NMFS Recommendations

Mr. Lockhart observed that the STT forecast of SRFC was less than the conservation objective, and therefore NMFS recommended at least one of the options include zero fishing south of Cape Falcon. Any fishing in that area would require an emergency rule. Fisheries north of Cape Falcon would likely not require an emergency rule.

Dr. Peter Dygert summarized Agenda Item D.4.c, Supplemental NMFS Guidance Letter.

Mr. Anderson reported Washington Department of Fish and Wildlife (WDFW) was considering a 10 percent exploitation rate limit on Lower Columbia River wild (LRW) fall Chinook in southern U.S. fisheries in response to the depressed status of the North Lewis River fall Chinook stock.

Mr. Melcher asked how NMFS reconciled the 13 percent marine impact rate limit on Rogue/Klamath coho with the 8 percent marine and freshwater exploitation rate limit on Lower Columbia natural (LRN) coho, given the relative lack of information on the Southern Oregon Northern California coastal coho (SONCC) coho evolutionarily significant unit (ESU). Dr. Dygert replied that the Rogue-Klamath coho (RK) limit was fixed, not stepped. The lingcod-north (LCN) matrix was developed for only Clackamas and Sandy stocks, and doesn't include consideration of other, possibly weaker stocks in the basin. When sufficient information is available, a long-term strategy will be developed.

Mr. Melcher asked what NMFS expectations were for mark-selective fisheries on Columbia River tule Chinook stocks to provide relief when much of the exploitation on those stocks occurs in Canadian and tribal fisheries, which are not expected to conduct mark-selective fisheries. Dr. Dygert replied mark-selective fisheries would provide some relief when combined with other hatchery reform measures. Mark-selective fisheries would probably be practical only in freshwater areas and possibly off the Washington coast, and only when mark rates were sufficient, around 2010 or 2011.

Mr. Melcher asked if NMFS proposed a biological opinion on Columbia River natural tule Chinook and LCN coho for 2008 only or a long-term opinion. Dr. Dygert replied the LCN opinion would be long-term, until reinitiated, but for natural tule Chinook the opinion would be for 2008 only.

Dr. McIsaac asked if an emergency rule would be necessary to conduct a genetic stock identification (GSI) study south of Cape Falcon. Dr. Dygert replied if the GSI was purely a scientific effort with non-retention, it could be implemented as a research project without an emergency rule.

D.4.d Tribal Recommendations

Mr. Raphael Bill, Mr. Herb Jackson, and Ms. Terry Goudy-Rambler (Columbia River Treaty Tribes) presented Agenda Item D.4.d, Tribal Recommendations.

Mr. Orcutt presented Agenda Item D.4.d, Supplemental Comments of Hoopa Valley Tribe.

Mr. Sones presented Agenda Item D.4.d, Supplemental Tribal Recommendations.

D.4.e State Recommendations

Mr. Anderson presented Agenda Item D.4.d/e, Supplemental WDFW/Tribal Recommendations.

D.4.f Reports and Comments of Advisory Bodies

Mr. Tracy read Agenda Item D.4.f, Supplemental SSC Statement.

Messrs. Jim Olson, Paul Heikkila, Duncan MacLean, Steve Watrous, Mike Sorenson, Richard Heap, and Paul Pierce presented Agenda Item D.4.f, Supplemental SAS Report.

Mr. Olson noted the following corrections:

- Page 1, U.S./Canada border to Leadbetter Point and Leadbetter Point to Cape Falcon commercial fisheries, Option III: Open days were Friday through Monday.

Mr. Melcher asked why the north of Cape Falcon commercial fishery in Option III split the Chinook quota at Leadbetter Point. Mr. Olson replied to preserve historical shares and to control impacts on Puget Sound Chinook.

Mr. Heikkila noted the following corrections:

- Page 3, Humbug Mt. to OR/CA border commercial fishery, Option I: Eliminate the April 10-29 fishery.
- Page 4, Cape Falcon to Humbug Mt. commercial fishery, Options I and II: Eliminate the requirement for all vessels to land their fish in the state of Oregon.

Mr. Melcher asked if the Option III fishery was open to all fishers. Mr. Heikkila replied no, fishing would be under contract through the CROOS project.

Mr. MacLean noted the following corrections:

- Page 6, Point Arena to U.S. Mexico Border commercial fishery, Option I: Change September 39 to September 30.
- Page 5, Horse Mt. to Point Arena commercial fishery, Option II: Change closed to August 15-29 and September 1-15.

- Page 6, Point Arena to U.S./Mexico Border commercial fishery, Option II: Change closed to August 15 through September 30.
- Page 6, Point Reyes to Pt. San Pedro late fall area target commercial fishery, Option III: Eliminate.

Dr. McIsaac asked what the purpose was of retaining coded-wire-tag (CWT) fish in Option III. Mr. MacLean replied it was to verify the GSI data and to provide aging information.

Mr. Watrous noted the following corrections:

- Page 7, North of Cape Falcon Recreational Fisheries Supplemental Management Information, Option II, Bullet 4: change Area 4B add-on fishery from 3,000 marked coho to 5,000 marked coho.
- Page 7, North of Cape Falcon Recreational Fisheries Supplemental Management Information, Option III, Bullet 4: change Area 4B add-on fishery of 6,000 marked coho to No Area 4-B add-on fishery.
- Page 7, North of Cape Falcon Recreational Fisheries Supplemental Management Information, Options I, II, and III, Bullet 5: change Buoy 10 expected coho catch to 3,500, 4,000, and 4,500, respectively.
- Page 7, U.S./Canada Border to Cape Falcon recreational fishery, Options I and II, first bullet: change subarea guideline to quota.

Mr. Sorenson noted the following corrections:

- Page 9, Cape Falcon to OR/CA border recreational mark selective coho fishery, Option II, first bullet: change June 22 to June 19; August 31 to August 30, and; 10,000 marked coho to 7,500 marked coho.
- Page 9, Cape Falcon to Humbug Mt. recreational fishery, Option III: eliminate the 2008 fishery.
- Page 9, Cape Falcon to OR/CA border recreational mark selective coho fishery, Option III: change 7,500 marked coho to 5,000 marked coho; change Sunday through Wednesday to Sunday through Thursday; and change All salmon to All salmon except Chinook.

Mr. Melcher asked if the SAS was recommending inseason action to rescind the recreational fishery openings prior to May 1, 2008. Mr. Sorenson replied yes.

Mr. Heap noted the following corrections:

- Page 10, Humbug Mt. to OR/CA Border and OR/CA border to Horse Mt. recreational fishery, Option II: Change May 21 through September 1 to May 24 through August 20 and August 31 through September 1.

D.4.g Public Comment

Mr. Frank Galusha, www.myoutdoorbuddy.com, Shingletown, CA
 Mr. Ben Platt, Fort Bragg Salmon Trollers Marketing Association, Fort Bragg, CA
 Mr. Kent Martin, Salmon for All, Skamokawa, WA
 Mr. Joel Kawahara, Washington Trollers Association, Seattle, WA
 Mr. Steve Wilson, Washington Trollers Association, Federal Way, WA
 Mr. Gary Manies, tackleshop owner & guide, Redding, CA

D.4.h Council Recommendations for Initial Options for STT Collation and Description (03/11/08; 6:10 p.m.)

Mr. Anderson stated that none of the options were likely to meet LCN and OCN coho management objectives and did not represent a reasonable range. He recommended adjourning until the following morning before providing guidance to the STT to allow discussions with co-managers.

Mr. Melcher agreed with Mr. Anderson's comments regarding LCN and OCN coho and recommended the STT begin the analysis of the option package and report back to the Council as soon as possible.

Ms. Vojkovich asked if the public comment requesting a Monterey Bay fishery would require an EFP or ESA clearance from NMFS. Ms. Cooney replied that the proposed fishery was in state waters so an EFP from NMFS would not be required, but the impacts would have to be included in the analysis of Council area fisheries and would require ESA consultation.

Ms. Vojkovich recommended recreational Option I for all ocean areas in California be closed for 2008; with salmon non-retention in Sacramento Basin fall fisheries; for Option II reduce the number of open days in California recreational ocean fisheries to 514 and reduce Sacramento Basin fisheries to about 2/3 of 2007 levels, and; for Option III reduce the number of open days in California recreational ocean fisheries to 257 and reduce Sacramento Basin fisheries to about 1/3 of 2007 levels. Mr. Melcher asked if Ms. Vojkovich intended to zero out the California recreational Klamath management zone (KMZ) fishery. Ms. Vojkovich replied yes.

Wednesday, March 12; 2:26 p.m.

Mr. Lockhart announced the results of the inseason conference that occurred earlier that day were: 1) to change the opening date for the Oregon commercial fisheries between Cape Falcon and the OR/CA border from March 15 to April 15; 2) to eliminate the April 7-25 Horse Mt. to Point Arena commercial opening; 3) change the opening date for the Oregon recreational fisheries between Cape Falcon and Humbug Mt. from March 15 to April 15; 4) to close the recreational fishery from Horse Mt. to Point Arena effective April 1; and 5) to close the recreational fisheries scheduled to open in April between Point Arena and the U.S./Mexico border.

D.5 Council Recommendations for 2008 Management Option Analysis (03/12/08; 4:43 p.m.)

D.5.a Agenda Item Overview

Mr. Tracy presented the agenda item overview.

D.5.b Report of the STT

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

Ms. Vojkovich recommended the SAS focus on the range of options that would be reasonable and assume that the SRFC escapement was not going to change substantially from the values on pages 19 and 23.

Ms. Vojkovich requested the STT provide estimates of SRFC hatchery egg take under the options relative to objectives.

D.5.c Reports and Comments of Advisory Bodies

None.

D.5.d Public Comment

Mr. Jim Welter, fisherman, Brookings, OR
Mr. E.B. Duggan, sport fisherman, Willow Creek, CA

D.5.e Council Direction to the STT and Salmon Advisory Subpanel on Options Development and Analysis

The Council recommended reconvening the following morning to provide direction to the STT.

Thursday March 13, 2008; 8:18 a.m.

Additional direction provided to the STT.

Mr. Anderson directed the STT to make the following changes:

- Page 10, North of Cape Falcon Recreational Fisheries Supplemental Management Information, Option I, bullet 1: change the coho quota from 35,000 marked coho to 25,000 marked coho.
- Page 10, U.S./Canada Border to Cape Falcon Chinook directed recreational fishery, Option I: split the season into two areas with separate quotas - U.S./Canada Border to Leadbetter Point and Leadbetter Point to Cape Falcon.
- Page 10, U.S./Canada Border to Leadbetter Point Chinook directed recreational fishery, Option I, first bullet: change May 25 through June 15 to May 24 through June 30.
- Page 10, Leadbetter Point to Cape Falcon Chinook directed recreational fishery, Option I, first bullet: change May 25 through June 7 to May 25 through June 15 and change the 4,500 Chinook quota to 4,750 Chinook quota with remaining quota to be used in the July-September all species fishery.
- Page 1, North of Cape Falcon Commercial Fisheries Supplemental Management Information, Option I, bullet 1: change the coho quota from 35,000 marked coho to 25,000 marked coho.
- Page 1, U.S./Canada border to Cape Falcon Chinook directed commercial fishery, Option II: change the Chinook quota from 11,667 to 8,750 and have a four day per week fishery with a landing limit of 50 Chinook.
- Page 2, U.S./Canada border to Cape Falcon commercial all species fishery, Option II: change the opening date from July 1 to July 5 and the Chinook guideline from 5,833 to 8,750.

Mr. Steve Williams directed the STT to make the following changes:

- Pages 3 and 4, Cape Falcon to OR/CA Border commercial GSI fishery, Option III: eliminate retention of adipose fin-clipped Chinook.
- Pages 3 and 4, Cape Falcon to OR/CA Border commercial GSI fishery, Option I, first bullet: change May 1 to April 15.
- Page 12, Cape Falcon to Humbug Mt. recreational fishery, Options I and II, first bullet: change May 1 to April 15.
- Page 12, Cape Falcon to OR/CA border recreational mark selective coho fishery, Options II and III, first bullet: change the coho quota to 5,000 marked coho to 7,500 marked coho, respectively.
- Page 12, Humbug Mt. to OR/CA border recreational fishery, Option I: Replace with Option II.
- Page 12, Humbug Mt. to OR/CA border recreational fishery, Option II: as displayed with the open dates changed to May 24 through July 6 and August 24 through September 1.
- Page 12, Humbug Mt. to OR/CA border recreational fishery, Option III: closed to all salmon fishing.

Ms. Vojkovich directed the STT to make the following changes:

- Pages 5 and 6, OR/CA Border to U.S./Mexico Border commercial GSI fishery, Option III: eliminate retention of adipose fin-clipped Chinook.
- Pages 13 and 14, Horse Mt. to U.S./Mexico Border recreational fishery, Option III: eliminate 2009 same as Option I.

Mr. Wolford directed the STT to make the following changes:

- Page 12, OR/CA border to Horse Mt. recreational fishery, Option I: replace with Option II.

- Page 12, Humbug Mt. to OR/CA border recreational fishery, Option II: consistent with Oregon portion of the KMZ except no 4 fish in 7 days requirement.
- Pages 13 and 14, Horse Mt. to U.S./Mexico Border recreational fishery, Option I: reduce the days open by about 25 percent.

Mr. George Kautsky requested the STT model one option with a KRFC spawning escapement of 35,000 adult natural area spawners. This would provide an opportunity to evaluate the effects of an elevated spawning escapement on tribal fisheries. Mr. Lockhart directed the STT to comply with Mr. Kautsky's request. Dr. Kope replied the STT would model the three options with a KRFC escapement of 40,700 and add a footnote indicating the additional catch available to river fisheries with a 35,000 KRFC escapement.

D.6. Council Direction for 2008 Management Options (If Necessary) (03/13/08; 7:02 p.m.)

D.6.a Agenda Item Overview

Mr. Tracy presented the agenda item overview.

D.6.b Report of the STT

Dr. Kope presented Agenda Item D.6.b, Supplemental STT Report.

Mr. Anderson asked if the LCN and OCN coho impacts on page 23 included impacts from Alaska, British Columbia and Puget Sound fisheries. Dr. Kope replied no for LCN but yes for OCN coho.

Dr. McIsaac asked if the GSI study would be included in Options I and II. Dr. Kope replied yes, but that impacts outside the listed seasons were not included in the analyses.

D.6.c Reports and Comments of Advisory Bodies

None.

D.6.d Public Comment

Mr. Dave Bitts, PCFFA, Eureka, CA

Mr. Duncan MacLean, F/V Barbara Faye, El Granada, CA

D.6.e Council Guidance and Direction

Mr. Lockhart said that having two of the three options that allow for significant impacts on SRFC would give the public the wrong impression about the likely outcome of 2008 seasons south of Cape Falcon. He noted that in 2006 the risk of allowing some impacts to KRFC was offset by the potential benefit of accessing more abundant SRFC, the expected escapement of KRFC was within the observed range, and within the range from which the stock had previously recovered. The situation with SRFC in 2008 did not provide those potential benefits and expected SRFC escapement was well below the observed range. Therefore, in order to issue an emergency rule to allow any fishing south of Cape Falcon, NMFS would need to hear the justification, which has not been presented to date. Mr. Lockhart recommended consideration of the following options for south of Cape Falcon fisheries:

- Option III – No fishing;
- Option II – GSI study only;

- Option I – Something close to Option II, but with some justification.

Mr. Lockhart said the GSI study could probably occur without an emergency rule but would need a research permit by the science centers. However, ESA coverage would require some thought, and the GSI study may not be a given.

Mr. Steve Williams asked if limited coho only fishing would be allowed in the no fishing Option III. Mr. Lockhart replied impacts to SRFC would have to be considered and a determination made on what constitutes an impact.

Dr. McIsaac recommended that the Council reconvene first thing the following morning for additional direction to the STT.

Friday, March 14, 2008; 8:08 a.m. Additional Direction Given to the STT.

Mr. Steve Williams directed the STT to make the following changes based on Mr. Lockhart's guidance:

- Pages 3 and 4, Cape Falcon to OR/CA Border commercial fishery, Option I: open dates are April 15 through May 31, no landing and possession limits, all fish must be landed in Oregon.
- Pages 3 and 4, Cape Falcon to OR/CA Border commercial fishery, Option II: sufficient impacts for GSI fishery May 1 through August 31, no salmon retention allowed.
- Pages 3 and 4, Cape Falcon to OR/CA Border commercial fishery, Option III: closed.
- Page 13, Cape Falcon to Humbug Mt. recreational fishery, Option I: open dates are April 15 through June 15, one fish per day.
- Page 13, Cape Falcon to OR/CA Border, recreational mark-selective coho fishery, Option I: open dates are June 22 through August 31, seven days per week, or quota of 10,000 coho, two fish per day, no Chinook retention.
- Page 14, Humbug Mt. to OR/CA Border recreational fishery, Option I: open dates are May 24-26 one fish per day, no coho; July 4-6, and August 28-31, two fish per day only one of which may be a Chinook.
- Page 13, Cape Falcon to Humbug Mt. recreational fishery, Options II and III: closed.
- Page 13, Cape Falcon to OR/CA Border recreational mark-selective coho fishery, Option II: open dates are June 22 through August 31, Sunday through Wednesday, or quota of 6,000 coho, two fish per day, no Chinook retention.
- Page 13, Cape Falcon to OR/CA Border recreational mark-selective coho fishery, Option III: closed.
- Page 14, Humbug Mt. to OR/CA Border recreational fishery, Options II and III: closed.

Mr. Anderson directed the STT to make the following changes:

- Pages 1 and 2, U.S./Canada border to Cape Falcon commercial fisheries, bottom box for all options: change Vessels fishing north/south of Leadbetter Point to Vessels fishing or in possession of salmon while fishing north/south of Leadbetter Point.
- Page 10, Leadbetter Point to Cape Falcon Chinook directed recreational fishery, Option I, first bullet: change June 30 to June 28.
- Page 11, Queets River to Leadbetter Point all species recreational fishery, Options I and II, first bullet: change June 29 and June 15 to July 1 and June 16, respectively.

Ms. Vojkovich directed the STT to make the following changes:

- Pages 5 and 6, OR/CA Border to U.S./Mexico Border commercial GSI fishery, Option II: sufficient impacts for GSI fishery May 1 through August 31, no salmon retention allowed.
- Pages 5 and 6, OR/CA Border to U.S./Mexico Border commercial fishery, Option III: closed

- Pages 5 and 6, OR/CA Border to Pigeon Point commercial fishery, Option I: August 1-31 with a 3,000 Chinook quota in the CA KMZ, 3,000 in Fort Bragg, and 3,000 in San Francisco.
- Page 6, Pigeon Point to U.S./Mexico border commercial fishery, Option I: closed.
- Pages 13 and 14, OR/CA border to Pigeon Point recreational fishery, Option I: May 24-26, July 4-6, and August 28-31; two fish per day.
- Page 14, Pigeon Point to U.S./Mexico border recreational fishery, Option I: May 18-26 one fish per day.
- Pages 13 and 14, OR/CA border to U.S./Mexico border recreational fishery, Options II and III: closed.

Mr. Lockhart clarified that it was acceptable to adopt for public review options that would require an emergency rule.

D.7 Adoption of 2008 Management Options for Public Review (03/14/08; 4:14 p.m.)

D.7.a Agenda Item Overview

Mr. Tracy presented the agenda item overview.

D.7.b Report of the STT

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

Mr. Roth requested the STT include, in Preseason Report II, a breakdown of SFRC impacts similar to those on page 21.

Ms. Vojkovich asked if the range of alternatives should include one option without the language referring to 2009 openings in Oregon fisheries. Mr. Williams replied that it should be eliminated from Option III for both the commercial and recreational fisheries in Oregon.

D.7.c Reports and Comments of Advisory Bodies

None.

D.7.d Agency and Tribal Comments

Mr. Sones read, on behalf of the Columbia River Tribes, Agenda Item D.7.d, Supplemental Tribal Report (Testimony of the Columbia River Treaty Tribes).

D.7.e Public Comment

Mr. Jerry Karnow, Jr., California Game Warden's Association, Penn Valley, CA
Mr. Jeff Feldner, Oregon Sea Grant, Logsdon, OR

Mr. Wolford asked what would be the effect of prohibiting retention of adipose fin-clipped Chinook in the GSI research fisheries. Mr. Feldner replied the information could be obtained by alternate methods.

Mr. Gordy Williams asked how many fishermen would be employed in the GSI study. Mr. Feldner replied that it would depend on the experimental design and budget, but probably less than the 92 employed in 2007.

Mr. Mark Warner, American Fishing Foundation, Klamath, CA
Mr. Dan Bacher, Fish Sniffer Magazine, Sacramento, CA

D.7.f Council Action: Adopt Management Options for Public Review

Motions 36 through 39 were made utilizing Agenda Item D.7.b, Supplemental STT Report as corrected during the STT report:

Mr. Anderson moved and Mr. Cedergreen seconded a motion (Motion 36) to adopt options for the area north of Cape Falcon as listed for the recreational and non-Indian commercial fisheries with the following changes:

- Page 8, Queets River to Leadbetter Point all species recreational fishery, Option III: change the start date from May 26 to June 8, and allow only one Chinook in the two fish bag limit.

Motion 36 passed unanimously.

Mr. Steve Williams moved and Mr. Warrens seconded a motion (Motion 37) to adopt options for the area between Cape Falcon and the OR/CA border as listed for both commercial and recreational fisheries. Motion 37 passed unanimously.

Mr. Sones moved and Mr. Warrens seconded a motion (Motion 38) to adopt the tribal options as shown. Motion 38 passed unanimously.

Ms. Vojkovich moved and Ms. Fosmark seconded a motion (Motion 39) to adopt options for the area between the OR/CA border and the U.S./Mexico border as listed for both commercial and recreational fisheries. Motion 39 passed unanimously.

Mr. Anderson noted that at least one option would require an emergency rule to implement fisheries south of Cape Falcon, which require meeting five criteria specified in Council Operation Procedure 10 (Agenda Item D.4.a, Attachment 2). He listed the criteria and the Council's response to them as follows:

1. The issue was not anticipated or addressed in the salmon plan, or an error was made.
 - a. This collapse of the SRFC stock was unprecedented and the Council could not anticipate it.
2. Waiting for a plan amendment to be implemented would have substantial adverse biological or economic consequences.
 - a. An amendment was not being considered for the unique situation of 2008.
3. In the case of allocation issues, the affected user representatives support the proposed emergency action.
 - a. Allocation of the harvest associated with Options I or II was not in conflict with the FMP.
4. The action is necessary to meet FMP objectives.
 - a. The SRFC impacts in Options I and II may be necessary to meet the FMP objective: seek to maintain ocean salmon fishing seasons which support the continuance of established recreational and commercial fisheries while meeting salmon harvest allocation objectives including fishing communities.
 - b. The Council will have to determine at its April meeting if the level of harvest being considered can achieve this objective and if the difference in SRFC spawning escapement is worth those potential benefits.

5. If the action is taken, long-term yield from the stock complex will not be decreased.
 - a. The Council will need to have additional information on this at its April meeting to determine if this criterion would be met.

Mr. Lockhart agreed that the current options represented a realistic range of alternatives for public review and would allow the Council to gather important information and public input. The Council has established a reasonable argument for presenting alternatives that would require an emergency rule, but the final decision in April would be contingent on establishing a case that the benefits of the proposed fishing seasons in Options I or II would be worth the risk to the stock.

D.8 Appoint Salmon Hearings Officers (03/14/08; 2:11 p.m.)

D.8.a Agenda Item Overview

Dr. Coon presented the agenda item overview.

D.8.b Council Action: Appoint Hearings Officers

Ms. Vojkovich asked if the California hearing could be considered for Sacramento. Dr. McIsaac replied that there were still fisheries issues in the KMZ that would warrant a meeting in Eureka, so that a Sacramento meeting would probably be in addition to the Eureka meeting rather than in place of it.

Mr. Lockhart stated that NMFS could try to submit the *Federal Register* notice for the additional hearing in Sacramento.

The Council appointed the following officers to the three salmon hearings on 2008 salmon season options:

March 31

The Chateau Westport, Westport, WA – Messrs. Mark Cedergreen and Phil Anderson representing the Council, Mr. Doug Milward representing the STT, and Dr. Peter Dygert representing NMFS.

Coos Bay Red Lion Hotel, Coos Bay, OR – Messrs. Rod Moore and Steve Williams representing the Council, Mr. Craig Foster representing the STT, and Ms. Sarah McAvinchey representing NMFS.

April 1

Red Lion Hotel Eureka – Mr. Dan Wolford and Ms. Marija Vojkovich representing the Council, Mr. Allen Grover representing the STT, and Mr. Mark Helvey representing NMFS.

The United States Coast Guard (USCG) indicated there would be two representatives at each of the hearings.

Ms. Vojkovich reported that because of logistical constraints and with the Council meeting in Sacramento providing an opportunity for Central Valley interests to express their opinions, a Sacramento hearing was not warranted.

E. Habitat

E.1 Current Habitat Issues (03/12/08; 8:15 a.m.)

E.1.a Report of the Habitat Committee

Ms. Jennifer Gilden provided the agenda item overview.

Mr. Stuart Ellis gave the HC Report (Agenda Item E.1.a, Supplemental HC Report).

E.1.b Reports and Comments of Advisory Bodies

None.

E.1.c Public Comment

None.

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

There were no recommendations associated with this report. However, Council members had the following discussion.

Mr. Moore asked, on the Reedsport Ocean Power Technologies (OPT) project, what are the issues that need to be resolved? Is OPT dragging its feet? Mr. Ellis said it would be unfair to say OPT is dragging its feet; but given the species impact studies, it's going to be a very complex process. Just figuring out how to study these issues is complex, as is the adaptive management plan. They are working on these issues, as well as a salvage plan.

Mr. Warrens asked if there was any discussion about the project off Coos Bay, which last week went from a 20 buoy pilot project to a 200 buoy project. Mr. Ellis said there had been no discussion of that. Mr. Warrens suggested following up on it. Mr. Ellis said that three members of the HC were tracking these projects, and that there would be more updates on wave energy.

Mr. Anderson said he had seen drawings of a wind energy project being contemplated off Grays Harbor, and understands that a preliminary application has been granted, what about that? Mr. Ellis said that the HC member from Washington did mention that project, but it was still very conceptual and there wasn't much detail available. However, given the importance of that area to fishing, we will need to keep track of that proposal.

Mr. Hansen asked about the Finavera test buoy that had sunk and been lost. Mr. Ellis said that he hadn't heard that the buoy had been lost, but said that that it brings up a good point regarding the complexities of figuring out a salvage plan. [Note: the buoy is being recovered as of July 21, 2008.]

Mr. Cedergreen asked whether Federal Energy Regulatory Commission (FERC) would get involved with the windmills off Gray's Harbor, since they're not hydropower. Mr. Ellis said he thought the project would go through FERC, but would check on it. [Note: the projects are a combination of wind energy and hydrokinetic energy, and so far are going through the FERC process.] Mr. Ellis said that if you don't need a Federal permit to put a windmill in state waters, then analyzing the environmental impacts would have to be done very differently.

Mr. Steve Williams asked how many projects had been proposed off Oregon. Mr. Ellis said about a dozen, of various scales. A couple projects have been proposed by county entities; it looks like they may simply be placeholders, with no intention of following up. It's hard to tell how serious the proposals are.

Ms. Fosmark asked if the HC was tracking proposals for desalinization plants. Mr. Ellis said they had not been tracking desalinization plants, but that he was aware of them and that there will likely be more interest in them in the future. He said the HC had also heard a description of a new cable project coming down from Alaska into the Florence area. There are many developments occurring off the coast, in many different jurisdictions; they're very complicated to track, and will have cumulative effects.

Ms. Fosmark asked if the HC could update the Council on the California wave energy projects being proposed off Ft. Bragg and Eureka. Mr. Ellis said yes, HC members are tracking this closely. Right now, it is confusing because there are overlapping projects; it's hard to tell where they would be located.

Mr. Warrens noted that a representative of the Washington Dungeness Crab Fishermen's group made a report to Ocean Policy Advisory Council (OPAC) in January about the Grays Harbor project. He'd be a good source of information. Also, while there are many wave energy sites being proposed in Oregon, Governor Kulongoski has stated that his policy is to limit them to no more than seven, but he didn't state how big they could be.

Mr. Sones said he was curious about the spills on the Columbia, and why they would minimize the spill with such a high snowpack this year. Are these decisions driven by those conditions, or is it just a negotiated process?

Mr. Ellis said that we haven't had significant runoff yet out of the Cascades, so while the snowpack is good, they haven't needed to spill water. Later the dams may be forced to spill water because there's too much. That's good for fish migration, but typically this early release of Spring Creek hatchery fish is necessitated by the large number of fish they're producing—nearly 15 million subyearling fish. There's simply not the space to keep those fish in the hatchery, so they have to release about half of them early. It typically occurs when the Bonneville Power Administration (BPA) wants to hang on to water; they claim that spill costs several millions of dollars. That's the ongoing genesis of this issue.

Mr. Helvey asked if the members of the HC were familiar enough with the FERC process to know when the Council should weigh in on these projects. Mr. Ellis said yes, we've got three members who are tracking this, but it's hard to keep track of the various deadlines and processes. We are trying to keep up to date. There will be times when we miss the deadlines because of the Council meeting schedule.

Mr. Roth said that regarding the Spring Creek spill, Mr. Ellis is correct – total production is about 15 million. About half of it has to go out in March because of density issues, and the other half goes out in two releases, in April and May. The releases in April and May receive the benefit of any spill going on at that time. The spill program for other stocks typically turns on around April 10, so the April & May releases are timed to benefit from that spill. We haven't been seeing spill in March in recent years, unless there's a huge storm event or heavy snowpack, though the USFWS and others have argued for that. For this year, we are pleased there was some spill provided. We all know the benefit of the Spring Creek stock, especially for fisheries north of Falcon; so we think it's important to maximize survival of that critical stock. So we are pleased we got some spill.

USFWS will be moving aggressively this year to get Spring Creek reprogramming operations in place as soon as possible. The reprogramming is an effort to move some of the production at Spring Creek to another facility, probably Bonneville hatchery—which has a history of good survival for tule releases—so

we no longer have to have a March release. Spring Creek would produce 10.5 million instead of 15 million, with just an April and May release. The rest would go to the other facility. Part of that means that the current production of upriver brights at Bonneville—which are now being released below Bonneville—would be reconsidered; there’s a strong desire by the tribes for that to be moved upriver. So that’s all part of the negotiations. Our regional director wants to get this done as soon as possible so we can get out of this March spill debate every year.

F. Groundfish Management

F.1 NMFS Report (03/12/08; 8:40 a.m.)

F.1.a Regulatory Activities

Mr. Lockhart briefed the Council on *Federal Register* Notices published since the last Council meeting. He also noted Ms. Jamie Goen will be leaving for a new position in April in New England. That position will be advertised shortly. Ms. Yvonne de Reynier is currently on leave through June, and upon her return she will work on aquaculture. The groundfish branch chief position will be advertised soon. The Amendment 16-4 lawsuit has recently been challenged and we must add to the record. This effort has taken the entire time of Dr. Steve Freese and Ms. Mariam McCall for six weeks. Because of this, rule making timelines have suffered, including Amendment 10. Instead, an EFP will be put in place with many of the Amendment 10 requirements; however, the EFP will not be in place for the April 1 start of the California fishery. Under the EFP, sorting at sea would be allowed before that date, but not landing unsorted catch on shore. That can occur after the EFP start date. For those individuals worried about Vessel Monitoring System (VMS), they should contact Archipelago. Both the Regulatory Flexibility Analysis (RFA) and the The Nature Conservancy (TNC) EFPs have been delayed because of the lawsuit. Amendment 15 should be in place by the May 15th start of the at-sea sector, but it is close, due to the lawsuit.

There are new internal tracking requirements for rules and NEPA documents. Also, there will be a new Federal Docket Management System (FDMS), which is an electronic rule making initiative and the electronic comments that are public record will go through this system and not to e-mail. This will allow greater public access to the record.

Mr. Rod Moore stated that for business purposes and continuity, it would be best to operate the whole season under the EFP, rather than switching to Amendment 10 in the middle of the season.

F.1.b Science Center Activities

Dr. Elizabeth Clarke stated that the observers and the people on the groundfish survey are in training right now. Sea bird bycatch was recently summarized and presented at a conference. That information will be presented to the Council in a future meeting. Ecosystem-based management and Integrated Ecosystem Assessments have received some discussion in the past few months, and will continue to be discussed. Off-year workshops are being planned for catchability and national stock assessments.

Dr. Elizabeth Clarke and Dr. Jim Hastie provided a PowerPoint presentation on estimating discards from the trawl fleet, available on the Council’s website at:
http://www.pcouncil.org/bb/2008/0308/F1b_SUP_SCAR_PPT.pdf.

Mr. Dayna Matthews gave an update on open access VMS issues. There are 456 open access vessels that either have VMS or are scheduled to have it installed. This is tracking well with our predictions. In the

end, we will have 1,000-1,500 VMS units installed on vessels. There are several models that the vessels can choose from, and some of them draw down a lot of power. There is a great deal of variability in these VMS units.

F.1.c Reports and Comments of Advisory Bodies

None.

F.1.d Public Comment

None.

F.1.e Council Discussion

None.

F.2 Stock Assessment Planning for 2011-2012 Management Measures

F.2.a Agenda Item Overview (03/12/08; 10:38 a.m.)

Mr. John DeVore provided the agenda item overview.

F.2.b Stock Assessment Options

Dr. Elizabeth Clarke and Dr. Jim Hastie provided a list of stock assessment options for consideration (Agenda Item F.2.b, Attachment 1). This list was developed to start the discussion and does not necessarily represent NWFSC recommendations. They coordinated with SWFSC and state agency staff in developing the list. There is a national impetus to assess more stocks. Therefore, some new stocks are on the list, but it is also important not to over-burden the system as we have learned from past experience. We will need to be creative in meeting the challenge of doing many new assessments and/or assessments for a complex of species.

There have been recommendations for a new full assessment of yelloweye next year. Since NWFSC is the lead on this one, they are asking for any new data to inform a new assessment before making their recommendations in June when the final decision is tentatively scheduled.

Mr. Hansen asked if new ACL guidelines would come with new money for addressing new policies. Dr. Clarke said she has asked for final guidance from headquarters before June when the Council is scheduled to decide management measures for 2009 and 2010. Dr. Clarke said the re-authorized Magnuson-Stevens Act (MSA) calls for science-based harvest specifications for all species in the FMP. She was not sure whether that meant stock assessments would be needed for all species. They are therefore looking for new methods for assessing data-poor stocks. Mr. Lockhart agreed and said they are pushing for more money to address the goal of science-based harvest specifications.

Mr. Wolford asked if an assessment of a species complex would alleviate the need for individual species' assessments that comprise the complex and Dr. Clarke said yes.

Ms. Vojkovich asked about an approach for doing an assessment for a complex. Dr. Clarke said they are only now developing the approach since one does not currently exist. Species complex assessments on the west coast may be one of the first attempted nationally, although multi-species assessments have also been done in the North Pacific. Dr. Hastie mentioned the 1996 *Sebastes* assessment. Information does

exist, such as trawl survey information, for many of these species and some sort of more simplified assessment methodology is contemplated. Ms. Vojkovich asked about assessing the nearshore rockfish complexes and whether there is survey information to inform such assessments. Dr. Clarke said there are pilot projects that have been done, but a long time series of survey data does not exist. We will need money to develop the needed long time series surveys. Dr. Hastie said there is a lot of length data available for many data-poor species, but length data is particularly difficult to determine rockfish age compositions. Dr. Clarke said there will be efforts to develop new methods for assessing data-poor species, but it is likely to be a challenge to address the uncertainty and fashion management advice from such rudimentary assessments.

Mr. Anderson addressed Agenda Item F.2.d, Supplemental WDFW Report, which recommends a full yelloweye assessment in 2009. WDFW is contemplating new research activities starting this year funded by a new state license surcharge on both commercial and recreational licenses. These funds are dedicated to rockfish research, particularly research for yelloweye rockfish. WDFW partnered with the International Pacific Halibut Commission (IPHC) to sample rockfish areas using their fixed-gear survey for Pacific halibut. An acoustic tagging program for yelloweye was initiated in 2007 off Westport and planned for the waters off the north Washington coast in 2008. Their hope is these new sources of information can inform a 2009 assessment. WDFW staff believe there are regional stock differences not addressed in the most recent full assessment done in 2006. They also want to evaluate yelloweye data collected in Alaska and British Columbia. WDFW also believes including catch per unit of effort (CPUE) data for the Washington halibut fishery as was done for the Oregon halibut fishery may be warranted. While some of this new yelloweye data will be available to Dr. Clarke before June, not all of it will be. New remotely operated vehicle (ROV) work and expanded acoustic tagging work will not be available before June. This will be a significant workload and WDFW scientists are willing to partner with the NWFSC to do a new full yelloweye assessment. Dr. Clarke said the inclusion of a Washington halibut CPUE index was evaluated in the 2007 update assessment and these data did not significantly affect assessment results. Dr. Clarke said NWFSC staff workload needs to be evaluated. NWFSC staff would be willing to assist WDFW staff if they take the lead on a full yelloweye assessment, if their staff is overloaded with other assessment duties. Mr. Anderson said these are all good points that should be considered before a final decision is made in June. Mr. Anderson said the current estimate of unfished yelloweye biomass is questionable. Since yelloweye constraints significantly affect Washington fisheries, they would like to partner with NMFS and the tribes to make this a priority. Mr. Cedergreen echoed Mr. Anderson's comments and said Washington stakeholders cannot wait for the "out" year assessment cycles if new data are available. Dr. Clarke asked if some of the Washington research money could be used to contract an assessment scientist. She recommended an extended discussion with her staff and that of WDFW to develop a plan of action.

Dr. McIsaac asked if other recommended full assessments with NWFSC as the lead agency could be prioritized. Dr. Clarke said what drives the list in part is agency guidance to update assessments every five years. She said there are other recommended trade-offs. Having a couple of months before a final decision is made will help sort out these trade-offs and develop priorities. In June, she anticipates a couple of lists that highlight these trade-offs. Mr. Williams asked if ten full assessments is the limit for full assessments and Dr. Clarke said the limits are based on the number of available assessment scientists and how many assessments can be reviewed in Stock Assessment Review (STAR) panels. Ten full assessments is the effective limit as we have learned in the last two assessment cycles. Updates are much less onerous for the assessment scientists and easier to review since they do not require a STAR panel review.

F.2.c Preliminary Stock Assessment Terms of Reference

This discussion was deferred to the SSC report.

F.2.d Reports and Comments of Advisory Bodies

SSC Report

Mr. Robert Conrad provided Agenda Item F.2.d, Supplemental SSC Report.

Mr. Moore asked about the SSC recommendation on the number of STAR panel members. He asked if the SSC was requesting an additional STAR member and Mr. Conrad said no, as long as the number of full assessments for review at a STAR panel does not increase from two.

Mr. Moore asked about needed changes to the stock assessment Terms of Reference (ToR) to address stocks like whiting and Mr. Conrad said new language will be forthcoming in June.

Dr. McIsaac asked if some of the workshop recommendations were rejected by the SSC since they were not included in the draft ToR. Mr. Conrad said the SSC did not address the workshop recommendations. They will be deliberated in June by the SSC.

Ms. Vojkovich asked if there would be more detailed recommendations forthcoming in doing new data-poor assessments. Mr. Conrad said that they will have to test these methodologies before more definitive recommendations are made. Ms. Vojkovich asked about the recommendation to discuss this at the California-sponsored workshop. Mr. Conrad said it was fortuitous that the California workshop was scheduled, but scheduling the second workshop could be a challenge.

Dr. McIsaac asked Mr. DeVore if the draft ToR addressed how to consider data reports and assessments done outside the Council process and Mr. DeVore said no. However, NEPA guidance is to consider all available information and, in this case, we would use the SSC to review any relevant scientific information analyzed in NEPA decision documents.

Dr. Clarke recommended how to address alternative methodologies for reviewing new data-poor assessments in a workshop as recommended by the SSC. The Council should be cautioned that any assessment should go through an explicit Council review process to substitute for Office of Management and Budget (OMB) guidelines. She also remarked that the national standard for the number of assessment reviewers is three. The SSC recommendation for four or more reviewers (N+2 reviewers where N = the number of assessments at a STAR panel) at a STAR panel can be costly and these costs should be considered. Mr. Moore asked if there would be logistic difficulties in coordinating STAR reviews with the SSC-recommended number of reviewers and the number of assessments to be reviewed and Dr. Clarke said yes. She said the quality of the review is based on the expertise of the reviewers, not the number of reviewers.

GMT Report

Mr. E.J. Dick provided Agenda Item F.2.d, Supplemental GMT Report.

GAP Report

Ms. Heather Mann provided Agenda Item F.2.d, Supplemental GAP Report.

Mr. Moore asked if the GAP discussed the GMT's recommendation for doing a cabezon assessment and Ms. Mann said no. He asked if the GAP discussed changes to the stock assessment ToR and Ms. Mann said no.

Ms. Vojkovich asked if there was a decision not to assess bank rockfish, does the GAP have a recommendation on what to do with the bank rockfish stock and Ms. Mann said no. The GAP believes the assessment would be done, so there was no discussion on a contingency plan.

F.2.e Public Comment

None.

F.2.f Council Action: Adopt for Public Review the Preliminary Terms of Reference, List of Stocks to be Assessed, and Stock Assessment Review Schedule

Mr. Moore moved and Mr. Williams seconded a motion (Motion 10) to adopt for public review the list of 2009 assessments in Agenda Item F.2.b, Attachment 1, with the following modifications:

- yelloweye to be scheduled as a full assessment;
- Pacific ocean perch to be scheduled as an updated assessment;
- bank rockfish to be assessed in the minor slope complex assessment; and
- cabezon scheduled as a full assessment.

Mr. Moore said this is consistent with advisory body recommendations. While there is still discussion on how to do assessments for a species complex, he is hoping this preliminary decision will stimulate public comment and more discussion of this item.

Mr. Anderson said he agreed with the motion and is willing to help, but not lead the preparation of a full yelloweye assessment. He is also taken aback by the comment that WDFW research money could be used to do a yelloweye assessment. WDFW is unwilling to take on a new yelloweye assessment, but they are willing to contribute staff resources to the effort.

Ms. Vojkovich asked if a complex assessment could be done in an off year. Mr. Moore said this could be a friendly amendment.

Ms. Vojkovich moved and Mr. Lockhart seconded a motion to amend the main motion (Amendment 1 to Motion 10) that the Council consider doing a complex assessment in the off year.

Dr. McIsaac asked if the motion was to develop methods for doing a complex assessment or actually doing the complex assessment in the off year and Ms. Vojkovich said it was the former-develop the methodology in the off year.

Amendment 1 to Motion 10 carried unanimously. Main Motion 10 carried unanimously.

Mr. Moore moved and Mr. Warrens seconded a motion (Motion 11) to adopt the stock assessment ToR in Agenda Item F.2.c, Supplemental Attachment 1 with the following change:

- Strike the new language in the second paragraph on page 6 (paragraph starting with “Presuming two full stock assessments are under review ...”).

Motion 11 passed unanimously.

Mr. Moore said the issue of the number of reviewers at STAR panels has come up many times before and he personally felt the logistics involved of trying to get more reviewers can be overwhelming, especially with tight budgets in the Council process. The quality of assessment reviews depends on the reviewers, not the number of reviewers. He therefore supports the language we have had in the past. Mr. Anderson

asked if we take this out and don't offer an alternative, how will we get public comment on the two different approaches? Mr. Moore would be willing to have two alternatives to that paragraph or we can rely on people being aware of past Council discussions on this topic. Chairman Hansen said if you leave it in there, then we can get comment on that too.

Mr. Moore moved and Mr. Myer seconded a motion (Motion 12) to adopt for public review the Draft SSC Terms of Reference for Groundfish Rebuilding Analysis as shown in Agenda Item F.2.c, Supplemental Attachment 2.

Motion 12 carried unanimously.

F.3 Pacific Whiting Harvest Specifications and Management Measures for 2008

F.3.a Agenda Item Overview (03/12/08; 1:29 p.m.)

Mr. DeVore provided the agenda overview.

Mr. Lockhart provided an update on the whiting treaty process. The Canadians will put the whiting treaty before their parliament by the end of the week. After a 21-day review and assuming no problems, the instruments of ratification will be traded between countries. Mr. Moore asked about the public comment period for appointing new members to the new international commission and Mr. Lockhart said the timing of the public comment period should pose no problems.

F.3.b Reports and Comments of Advisory Bodies

SSC Report

Mr. Conrad provided Agenda Item F.3.b, Supplemental SSC Report.

Mr. Moore asked Mr. Conrad about the statement regarding fixed q in previous assessments. These past assessments had two equally plausible models of q (one model fixed q and the alternative model estimated q with a prior). Is the SSC recommending a single model where q is estimated and Mr. Conrad said yes.

Mr. Moore asked about the statement that spawning biomass is expected to increase at a harvest of 500,000 mt or lower and Dr. Thomas Helser said yes, this assessment is more optimistic. Mr. Moore asked Dr. Helser to characterize the uncertainty in the decision table—is the 50th percentile the most likely and Dr. Helser said yes, this is the central tendency. Mr. Moore asked if the lower panel in the decision table reflects constant catch scenarios and Dr. Helser said yes. The catch levels address the advice and results in the alternative Canadian assessments.

Mr. Anderson asked about the 50th percentile column associated with alternative catch levels—is the spawning biomass under the 50th percentile the most likely biomass with that catch and Dr. Helser said yes. Mr. Anderson asked about the 42.6 percent depletion in 2008 under all catch scenarios and Dr. Helser explained this is the most likely depletion estimate at the start of 2008. Depletion estimates/projections change after 2008 based on the realized 2008 catch.

Mr. Anderson asked about the TINSS model result that has a lower depletion estimate for 2008 relative to the SS2 model. He said he was sensitive to the science issues that evolved during the review process. It appears they are recommending a lower 2008 catch with a mean of a 446,000 mt 2008 catch and Dr. Helser said that is true.

GMT Report

Ms. Kelly Ames, Mr. E.J. Dick, and Mr. Merrick Burden provided Agenda Item F.3.b, Supplemental GMT Report.

Mr. Moore asked about the report from the Groundfish Harvest Policy Evaluation workshop—if an OY of 656,464 mt OY were adopted, would that lead us to a depletion less than B25 percent? Mr. Dick said there would be a high probability of that outcome under that scenario. Mr. Moore asked if the OY were set at a much lower level, then would that lead to a higher depletion rate and Mr. Dick said there would be a lower probability of driving the stock down to such low levels.

Mr. Moore asked about the estimated overfished species' mortalities given different whiting OYs—if the coastwide OY were set at 363,842 mt, what would be the estimated bycatch? Ms. Ames said the projected bycatch under that scenario would be 4.65 mt of canary rockfish, 17.82 mt of darkblotched rockfish, 421.56 mt of widow rockfish, and 0.1 mt of yelloweye rockfish.

Mr. Moore noted the widow bycatch was dramatically reduced later in the 2007 season and asked why that wasn't used in projecting bycatch. Mr. Burden said it was used. The earlier season rates were used to address seasonal patterns.

Mr. Lockhart noted the GMT recommendation to increase some bycatch caps to increase whiting fleet flexibility. Did the GMT address the needs of other fleets? Ms. Ames said the GMT is analyzing needs for darkblotched rockfish by the non-whiting trawl fleet.

Mr. Lockhart asked why the GMT did not recommend holding off on Amendment 10 rulemaking last year and Ms. Ames said the GMT cannot speak to specifics without seeing the proposed rule, but there is an understanding there may be a disconnect between the Council decision and the proposed rule.

Dr. McIsaac noted the GMT recommendation that the Council should pick an appropriate acceptable biological catch (ABC), but under the re-authorized MSA, that is an SSC decision. Does the GMT recommendation presume that this is a policy decision, not an SSC decision and Ms. Ames said yes.

GAP Report

Ms. Heather Mann provided Agenda Item F.3.b, Supplemental GAP Report. Ms. Mann said the GAP statement should have included a GAP recommendation to set the whiting harvest specifications based on the assessment, not the bycatch implications.

Mr. Moore asked about the recommendation for a risk-averse ABC/OY of 414,193 mt—is this from the Helser et al. decision table and Ms. Mann said yes.

F.3.c Public Comment

Mr. Pierre Marchand, Jr., Jessie's Ilwaco Fish Company, Ilwaco, WA
Mr. Mike Okoniewski, Pacific Seafood, Woodland, WA
Mr. Brad Pettinger, Oregon Trawl Commission, Brookings, OR
Mr. Ben Enticknap, Oceana, Portland, OR
Mr. Dan Waldeck, Pacific Whiting Conservation Cooperative, Portland, OR
Ms. Julie Sherman, Marine Fish Conservation Network, Portland, OR
Mr. Mike Story, F/V Pegasus, Warrenton, OR

F.3.d Council Action: Adopt 2008 Stock Assessment, Allowable Biological Catch, Optimum Yield, and Management Measures (03/12/08; 4:12 p.m.)

Mr. Hansen asked Dr. Hastie to come to the table to explain Agenda Item F.3.a, Supplemental NMFS Report 2. Dr. Hastie came to the podium and provided a PowerPoint presentation “NWFSC Response to Technical Issues Raised in the Hake Minority Report.” The PowerPoint is available on the Council’s website at: http://www.pcouncil.org/bb/2008/0308/F3a_SUP_NWFSC_RESP.pdf.

The minority report tries to claim the stock is in dire straits when in fact the stock is near the biomass target. The 2005 year class is the second best on record, which is corroborated in the virtual population analysis (VPA) assessment. The VPA assessment also indicates the 2003 year class is the third largest cohort on record. No basis for poor recent recruitment. Stock has been declining since 2003, but the stock was at B60 percent in 2003. The FMP calls for a stock target of B40 percent and a declining biomass in this case is not a cause for concern. The same data were not used the same way in all three assessment models. The SS2 model does a retrospective modeling of data to estimate q and other model results. Comparing this model with past assessments is a flawed comparison since this is the first time all sources of assessment uncertainty have been freely assessed in a Pacific whiting assessment.

Mr. Wolford asked if the model estimated a reasonable q and Dr. Hastie said the STAR panel thought so.

Mr. Anderson said it was disconcerting that there is some disagreement from some Canadian scientists. He lauded the NWFSC scientists for their work.

Mr. Anderson moved and Mr. Cedergreen seconded a motion (Motion 13) to adopt the Helser et al. assessment (Agenda Item F.3.a, Attachment 1). This was the recommendation from the SSC.

Mr. Sones said he will participate in the discussion and decisions for this agenda item, except he will refuse himself from the tribal allocation vote.

Motion 13 carried unanimously.

Mr. Anderson moved and Mr. Myer seconded a motion (Motion 14) to adopt a coastwide ABC of 400,000 mt, a coastwide OY of 364,842 mt, and a U.S. OY of 269,545 mt. He reviewed all three assessment models and took a precautionary approach given model uncertainty. He looked at the more pessimistic posterior distribution which, at this level of catch, is projected to increase depletion from 35.9 percent to 40.1 percent by 2011. While he is not using bycatch rates to set harvest specifications, he is mindful of the bycatch implications associated with these harvest specifications. This will still require industry cooperation to minimize their bycatch.

Mr. Moore said he supports Mr. Anderson’s motion. There was a question earlier of the SSC setting the ABC, but this is a policy call. The risk-averse ABC in the decision table is 414,193 mt and this motion sets a lower ABC.

Mr. Myer said he is in support of the motion. In the past he has voted to increase the OY because the 2005 year class had not shown. Now this case is reversed with the assessment corroborating on the water observations by fishermen.

Mr. Lockhart said this new assessment presents good news, but there is still uncertainty regarding the strength of the 2005 year class. The motion is precautionary by all accounts given the uncertainty.

Motion 14 carried unanimously.

Mr. Anderson stated there will be an updated scorecard forthcoming under the inseason adjustments agenda item. He is hesitant to recommend bycatch caps until seeing the scorecard. He asked whether the Council should wait until inseason to make this decision? Mr. DeVore cautioned that industry is expecting this decision today and not deferring to inseason. Mr. Moore asked about an appropriate process and Dr. McIsaac said the appropriate process would be to defer this F.3 decision now if the Council would like to change from the noticed action. Mr. Anderson asked for the GMT to respond and Ms. Ames explained those considerations were on page 7 of the GMT report. Mr. Moore asked if the 10.1 mt of canary rockfish assumes a 4.7 mt cap in the whiting fishery and Ms. Ames said yes. Mr. Anderson asked if the GMT's projected amount for darkblotched rockfish, canary rockfish, and widow rockfish corresponds to the U.S. OY decided today and Ms. Ames said yes, if you assume there will be a change in fleet distribution. Mr. Anderson said there may be changes under inseason to bycatch caps, but he wants to give industry a sense of the level of these bycatch caps. Ms. Ames directed the Council to the Appendix A table in the GMT report. The widow rockfish bycatch would be higher than the OY if there was no change in fleet distribution. Mr. Anderson said he is not intending to set the bycatch caps based on that assumption and the current values for bycatch caps in the scorecard are 4.7 mt for canary rockfish, 25 mt for darkblotched rockfish, and 220 mt for widow rockfish. Ms. Ames said the current regulations specify a 275 mt bycatch cap for widow rockfish. Mr. Anderson said further progress may be impossible without an updated scorecard under the inseason adjustments agenda item.

Mr. Moore moved and Mr. Warrens seconded a motion (Motion 15) to table the bycatch cap and tribal whiting allocation decisions until Friday.

Motion 15 carried unanimously.

F.3 Pacific Whiting Harvest Specifications and Management Measures for 2008 (revisited), Friday, 03/14/08; 11:28 a.m.

Dr. Hanson moved and Mr. Moore seconded a motion (Motion 27) to revisit Agenda Item F.3.

Motion 27 carried unanimously.

Dr. Hanson remarked that, given the re-opening of this agenda item, anyone who wants to provide public comment should do so now. No public comments were brought forward, so the Council moved to action.

Mr. Anderson moved and Mr. Williams seconded a motion (Motion 28) to adopt the following total catch limits for non-treaty whiting sectors:

- canary rockfish - 4.7 mt;
- darkblotched rockfish - 40 mt); and
- widow rockfish - 275 mt.

If any of these total catch limits are attained inseason, the whiting fishery will close for all non-treaty sectors even if whiting allocations have not been attained.

Mr. Moore said he supports the motion, but he wants to be able to close the fishery on projection of the total catch limit. Mr. Anderson has confidence that NMFS will be able to close the fishery on a projection. If there is additional whiting and widow rockfish available, a release of the residual widow yield can be made in September, along with depth closures, if needed.

Mr. Lockhart said the total catch limits are reasonable and he will support the motion.

Motion 28 passed unanimously.

Mr. Lockhart moved and Mr. Anderson seconded a motion (Motion 29) to adopt a 2008 Pacific whiting treaty allocation of 35,000 mt.

Mr. Sones recused himself from the vote because of his interest in the tribal whiting fishery. Motion 29 carried unanimously.

Addendum to F.3

Before the Council went to Agenda Item F.7, Mr. Bob Conrad, Chair of the SSC, was asked to come to the podium to speak to what the SSC would have had for a point estimate of the allowable coastwide catch of Pacific whiting under the 40:10 rule in their statement for whiting (Agenda Item F.3, SSC Comments). Mr. Conrad referred the Council to Table F in Agenda Item F.3.a, Attachment 1. He stated that the SSC approved the base model put forth at the STAR panel which had a most probable coastwide ABC, under a 50 percent depletion rate, of 656, 604 mt (Table F). That is deemed the most probable estimate.

Mr. Moore said the ABC the Council recommended of 400,000 mt is well within the risk averse range given the probabilities on this decision table. Mr. Anderson noted we did not pick the midpoint, it was lower than that, and we also looked at the midpoint that came out of the two Canadian models and took that into consideration as well.

F.4 Fishery Management Plan Amendment 22: Open Access License Limitation

F.4.a Agenda Item Overview (03/13/08; 8:56 a.m.)

Mr. LB Boydston provided a PowerPoint presentation, available on the Council's website at: (http://www.pccouncil.org/bb/2008/0308/F4a_SUP_ATT4.pdf).

Ms. Culver made a correction to the EA document at the top of page 39. She noted that tribal fisheries are regulated through Federal law.

In response to a question by Mr. Steve Williams regarding why the nearshore fishery was excluded, Mr. Boydston explained that was a CDFG recommendation. Inclusion in the Federal program would create duplicate permitting and possible conflict with state programs. Washington's nearshore waters are closed and Oregon and California have the fishery under close state management.

In response to a question from Mr. Moore, Mr. Boydston clarified that a nearshore vessel under a California or Oregon permit could also qualify for a Federal open access (OA) permit (e.g., if they caught lingcod). There is no attempt to differentiate between vessel strategies.

Mr. Lockhart noted that the data indicate 95 percent of the vessels took only 5 percent of the fish. Mr. Boydston confirmed that to be the case and it shows the tremendous amount of capital involved in the fishery over time.

F.4.b Reports and Comments of Advisory Bodies

Ms. Michele Culver provided Agenda Item F.4.b, Supplemental WDFW Report. Dr. Bob Conrad provided Agenda Item F.4.b, Supplemental SSC Report.

Ms. Michele Culver led off and Ms. Gway Kirchner joined her at the podium to provide Agenda Item F.4.b, Supplemental WDFW and ODFW Joint Report.

Ms. Heather Mann provided Agenda Item F.4.b, Supplemental GAP Report. Mr. Tommy Ancona came to the podium to assist in fielding questions.

Mr. Dayna Matthews provided Agenda Item F.4.b, Supplemental EC Report.

F.4.c Public Comment (03/13/08; 11:29 a.m.)

Mr. Shems Judd, Environmental Defense, San Francisco, CA
Ms. Laura Deach, trawler, Northport, WA
Mr. Paul Heikkila, F/V Andante, Coquille, OR
Mr. John Gillespie, fisherman, Santa Margarita, CA
Mr. Allan Alward, Morro Bay Commercial Fishermen, Atascadero, CA
Mr. Steve Pschaida, F/V Irene M, San Diego, CA
Mr. Daniel Platt, Salmon Trollers Marketing Association, Fort Bragg, CA
Mr. Bill James, open access fisherman, Salem, OR
Mr. Tom Capen, commercial fisherman, San Luis Obispo, CA
Mr. Ben Platt, Salmon Trollers Marketing Association, Fort Bragg, CA

F.4.d Council Action: Adopt Amendment Alternatives for Public Review

Ms. Culver moved and Mr. Myer seconded a motion (Motion 18) to adopt for public review the range of alternatives as shown in Agenda Item F.4.a, Attachment 1 *Preliminary Draft Environmental Assessment for Pacific Coast Groundfish Fishery Management Plan Amendment 22: Conversion of the Open Access Fishery to Federal Permit Management*, along with the additional alternatives (options/suboptions) contained in Agenda Item F.4.b, Supplemental WDFW and ODFW Joint Report for public review.

Ms. Culver said that options A and B have a specified fleet size upfront. Option A is consistent with an alternative in the EA (option B would have to be added); and option C does not have a predetermined fleet size, but does have a list of considerations. As part of the motion, a comprehensive review of the open access fishery would take place about 7 years from the date of implementation and at that time the Council could make other changes if needed. Across alternatives, WDFW and ODFW would provide vessel owner history data (Washington data for the individual permit holders; Oregon vessel owner history). With development of state-specific objectives, it is not an objective for Washington to have a higher proportion of open access participants than what we have had in the past. In looking at the graph on page 24 of Mr. Boydston's PowerPoint presentation slide, the state of Washington had less than 100 vessels participating per year. She spoke about the history of Washington's nearshore fishery fleet. In looking at the measures taken in Washington through the years to manage and restrict nearshore fisheries and stocks, it is very different from California and Oregon and is not a viable comparison. Washington is not looking to increase their proportion of the nearshore fishery and would respect actions of the other states to do the same. Ms. Culver asked to have the GAC schedule this item on their agenda before the September meeting so the Council can take final action on this in September.

Mr. Moore moved and Mr. Steve Williams seconded an amendment (Amendment #1 to Motion 18) to modify item #4 listed in Agenda Item F.4.b Supplemental WDFW and ODFW Joint Report, to add an option for restricting permits to a particular state within the concept of state-specific objectives.

Mr. Moore said we have heard discussions about transferability by the GMT in terms of both economic impacts and effort shifts. Since we are looking under this particular alternative for state-specific actions,

we should analyze what if vessels or persons or permits are confined to the states from whence they came to avoid economic shifts as noted by our panels.

Dr. Hanson said that under this amendment, if a state decided to take no action, then the Council is left with an open access fishery. Ms. Culver said this would only apply for alternatives 3 through 6.

Amendment #1 to Motion 18 passed. Ms. Vojkovich voted no.

Ms. Cooney asked how to handle this alternative. She supposed the permits could be under the FMP, but would be identified to particular states by where they made their primary landings. Mr. Moore said you could restrict landings to a particular state; the concept is to address the concerns raised by our advisory committees that have economic implications.

Mr. Steve Williams moved and Mr. Moore seconded an amendment (Amendment #2 to Motion 18) to drop Alternative 5. Mr. Steve Williams felt that Alternative 5 is covered under the range of other alternatives in one form or another.

Amendment #2 to Motion 18 passed unanimously.

From the Federal perspective, Mr. Lockhart said that to the extent we go down the road of having state-specific plans he would like to really hear the rationale on why it is needed. That will need to come in during the public review period and further staff analysis.

Ms. Cooney stated that the issue of the state-specific permits/standards raises some new issues; it will take a little more thinking to see what the real ramifications are.

Ms. Vojkovich asked Mr. Boydston about Alternative 2, license limitation – it is really the simplest other than status quo; but it is an alternative that simply on an annual basis people just sign up for and then we really end up with just a list of registered vessels. How do we get to an alternative that allows us to cap the fishery and that has some sort of minimum landing and closes the fishery at that level and does not allow new fishers?

Mr. Boydston noted that the existing range of alternatives, plus the new ones in the main motion, give you a very wide range of fleet size goals and landing requirements with a lot of flexibility. Ms. Vojkovich stated that taking out Alternative 5 leaves that permit transferability range open except for Alternative 6 which is not specific for transfer. Mr. Boydston stated that Alternative 6 is a placeholder for a no transfer provision.

Ms. Vojkovich moved and Mr. Lockhart seconded an amendment (Amendment #3 to Motion 18) to add a no transfer provision to Alternative 6.

Amendment #3 to Motion 18 passed.

Mr. Moore asked if Mr. Boydston intended to address the SSC comments about what they perceived as difficulties or inefficiencies in the text of the EA. Mr. Boydston replied in the affirmative and said he did not see anything that could not be fixed and that additional analysis could be done on the individual vessel effect.

Ms. Vojkovich did not recall any discussion in the document or presentation about what exactly “incidental” means. Mr. Boydston said in the analysis we define the two modes, which sets the data up for analysis. The B and C permittees would have separate regulations.

Mr. Boydston asked for clarification on issue #3 which does not address California, and the issue of when data from Washington will be provided. He also asked if there were any confidentiality issues to deal with

Ms. Culver said she felt the data could be provided before the April meeting. As for confidentiality, there is currently an agreement between the three states and NMFS.

Ms. Vojkovich asked for clarification of what Mr. Boydston intended to do. Mr. Boydston replied he would use the same approach we have done with vessels.

Ms. Culver said she believes that each state tracks landings in terms of pounds and revenue, it is all tracked by number to fishermen in Washington and to vessels in California. If the data are analyzed by the permit number, you will get the number of permits by state. In the end, if that is the option we select, then those permit numbers that qualify lead you back to the vessel owner or the individual who caught the fish.

Mr. Sones asked how we anticipate what the open access catch and bycatch will be so that we don't exceed the OY. Mr. Boydston replied that the more vessels that participate in the fishery, the more likely there will be an increase in discards. That is one of the reasons the Council is addressing the open access issue. Mr. Sones asked if there is an alternative that will cap the open access so it reaches a certain limit. Mr. Boydston said alternatives 3 through 6 will cap the fishery, and the new alternatives will as well.

The Council Chair called for a vote on Main Motion 18. Motion 18 passed unanimously.

The Council directed Mr. Boydston to use the comments in the SSC report for further guidance.

Dr. McIsaac, asked about the amendment schedule (Attachment 2) – are the Council members still okay with this schedule—final action in September? If final action is not taken in September it will not occur until March 2009. He asked Ms. Cooney if the Council needed to identify a preferred alternative to go out for public review before final action in September. Ms. Cooney said, while not necessary, it was always a good idea to have a preferred alternative identified, especially since the range of alternatives was so large.

Mr. Moore asked about implementation dates. Mr. Lockhart said the simpler the final alternative chosen, the quicker we can implement it. Delaying final action until March 2009 would make it very challenging to get it in place in 2010.

Council consensus was to aim for final action in September.

Thinking about a 2010 implementation in the middle of the biennial management cycle, Ms. Culver expressed concern about what type of alternatives we need to include in the 2009/2010 specifications EIS for B permits and C permits. Ms. Cooney said that is a good question and one she has not really thought about. We might need to have that be addressed in this document.

Ms. Culver asked if it could be done in inseason action. Ms. Cooney said that would have to be taken up through the current document that will go out for public review. If you did the final in March 2009, you could flesh out the necessary documentation from September to March.

Mr. Boydston asked for guidance on moving forward with the gear endorsement provision. One option would be to have a single gear type endorsement per vessel. Other options would be multiple gear types and multiple gear types with a threshold level.

Mr. Lockhart said he was leaning towards not having the gear endorsement, and not add it to the analysis.

Ms. Vojkovich said we voted to have gear endorsements in there.

Ms. Vojkovich moved and Mr. Lockhart seconded a motion (Motion 19) to reconsider Motion 18. Motion 19 passed unanimously.

Ms. Vojkovich moved and Mr. Lockhart seconded a motion (Motion 20) to adopt the main motion 18 as adopted, with the exception to put in “no” or “none” in the length and gear endorsement.

Motion 20 passed unanimously.

F.5 Consideration of Inseason Adjustments

F.5.a Agenda Item Overview (03/13/08; 3:07 p.m.)

Mr. Merrick Burden provided the agenda item overview.

F.5.b Report of the Groundfish Management Team (GMT)

Ms. Ames walked the Council through Agenda Item F.5.b, Supplemental GMT Report.

F.5.c Agency and Tribal Comments

Ms. Vojkovich reviewed Agenda Item F.5.c, Supplemental REVISED CDFG Report.

Mr. Anderson, WDFW, stated he was not sure what the salmon seasons will be like this year, if any.

F.5.d Reports and Comments of Advisory Bodies

Ms. Mann, for the GAP, said the GAP has not had time to review the situation and asked when we will be revisiting the whiting issue, and the differences in regulatory process forsaking action at this meeting versus taking action on inseason 3 weeks from now.

F.5.e Public Comment

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

Mr. Jim Martin, RFA, Fort Bragg, CA

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

Mr. Dan Platt, Salmon Trollers Marketing Association, Fort Bragg, CA

Mr. Bill James, open access fisherman, Salem, OR

Mr. William Smith, F/V Riptide, Montara, CA

F.5.f Council Action: Adopt Preliminary or Final Recommendations for Adjustments to 2008 Fisheries

Ms. Vojkovich indicated that the GMT bycatch scorecard includes projected impacts on rebuilding stocks as a result of salmon fishing. She indicated that the Council's salmon decision in April may influence the projected amount of bycatch in the salmon fishery. If the Council's April salmon decision happens to be a reduction in salmon fishing opportunities, then we may see a reduction in bycatch attributed to the salmon fishery in the scorecard. Mr. Anderson gave the GMT guidance during their report. The GMT will report back with their analyses on Friday under the final inseason consideration (Agenda Item F.7).

F.6 Tracking and Monitoring for Trawl Rationalization Program

F.6.a Agenda Item Overview (03/13/08; 4:26 p.m.)

Mr. Jim Seger provided the agenda item overview.

F.6.b Current Status of Program Administration Issues

Dr. Steve Freese provided a history of the tracking and monitoring committee. He then reviewed Agenda Item F.6.b Supplemental T&M Draft Revisions.

F.6.c Agency and Tribal Comments

Mr. Lockhart thanked the folks who worked on the project.

F.6.e Reports and Comments of Advisory Bodies

Mr. Seger read Agenda Item F.6.e, GAC Report, and Agenda Item F.6.e, Supplemental SSC Report. Ms. Kelly Ames read Agenda Item F.6.e, Supplemental GMT Report. Ms. Heather Mann read Agenda Item F.6.e, Supplemental GAP Report. Mr. Anthony Warrington read Agenda Item F.6.e, Supplemental EC Report.

F.6.f Public Comment

Mr. Bob Eder, fisherman, Newport, OR
Mr. Steve Bodnar, Coos Bay Trawlers Association, Coos Bay, OR
Ms. Dorothy Lowman, Environmental Defense, West Linn, OR
Mr. Shems Judd, Environmental Defense, San Francisco, CA
Mr. Craig Urness, Pacific Seafood Group, Clackamas, OR

F.6.g Council Action: Refine Tracking and Monitoring and other Program Administration Provisions as Appropriate for Analysis (03/13/08; 5:49 p.m.)

Mr. Moore moved and Mr. Warrens seconded a motion (Motion 21) to add an additional objective to the analysis: "To develop a program that provides for total catch accountability at the vessel level in order to realize the full benefits of trawl rationalization" as recommended by the GMT. Motion 21 passed unanimously.

Dr. Hanson moved and Mr. Rod Moore seconded a motion (Motion 22) to add to Agenda Item F.6.b, on page 3, under Alternative 2, "discarding of additional non-ITQ commercial species prohibited"

and to the last bullet add “except for prohibited species” at the end of “discarding of prohibited species would be required.” Motion 22 passed unanimously.

Mr. Moore moved (Motion 23) to amend page 5, regarding processor production report to say “processor production report with the exception of proprietary business data.” Mr. Warrens seconded the motion. Dr. Hanson suggested that additional work be done on this before we start making modifications. Mr. Moore withdrew Motion 23.

Mr. Moore spoke with respect to Objective #5 in how we analyze the cost of monitoring vs. the benefits of ITQs. He thinks there is validity in looking at what the costs of our monitoring program are going to be based on essentially current prices and values. The market is unstable. He is nervous about having this based on some outcome, we need a range. Mr. Moore noted the need for a range in the analysis with respect to potential increase in volume and value of landings in order to determine the potential range of benefits against which to compare costs. Dr. Freese identified that results from work done by an economist under contract with the NWFSC will be forthcoming in April and will cover some of these issues. Mr. Warrens asked that the information from the Environmental Defense economist be made available to that contractor for consideration.

Mr. Anderson moved and Mr. Moore seconded a motion (Motion 24) to adopt the Enforcement Consultant (EC) recommendation as referenced in Agenda Item F.6.d, Supplemental EC Report. That recommendation was to change the objective that says “For State and Federal enforcement agreements that allow the exchange of relevant data to ensure compliance with IQ quotas” so that it reads “For State and Federal enforcement officers to have access to all data relating to IQ quotas for enforcement purposes.” Motion 24 passed unanimously.

Mr. Anderson noted the recommendation for a change to the objectives on page 1 of their supplemental report. It appeared similar to the GMT language. Mr. Anderson asked the Tracking and Monitoring Committee to take a look at the proposal from the GAP and make a recommendation as to whether or not to incorporate it as part of the objectives, along with the GMT recommended changes already adopted by the Council.

Dr. Hanson moved and Ms. Fosmark seconded a motion (Motion 25) to add a suboption to page 4, under the shoreside whiting section for Amendment 10, that would require either cameras or observers onboard. Motion 25 passed unanimously. Dr. Hanson noted that by its actions the Council has endorsed the report and adjourned the meeting for the day.

F.7 Final Consideration of Inseason Adjustments (if Needed) (03/14/08; 10:09 a.m.)

F.7.a Agenda Item Overview

Mr. Merrick Burden provided the agenda item overview.

F.7.b Report of the GMT

Ms. Ames read Agenda Item F.7.b, Supplemental GMT Report.

F.7.c Agency and Tribal Comments

None.

F.7.d Reports and Comments of Advisory Bodies

Ms. Heather Mann read Agenda Item F.7.c, Supplemental GAP Report.

F.7.e Public Comment

Mr. Mike Oknowiewski, Pacific Seafood, Woodland, WA

Mr. Dan Waldeck, Pacific Whiting Conservation Cooperative, Portland, OR

Mr. Dan Platt, Salmon Trollers Marketing Association, Fort Bragg, CA

F.7.f Council Action: Adopt or Confirm Final Adjustments to 2008 Fisheries

Mr. Lockhart addressed the issue of closing the whiting fishery upon attainment versus projection of a bycatch limit as indicated in the GMT and the GAP statements. He indicated that some fisheries are closed upon attainment, but he explained that it is not easy to close upon projection. He indicated that the factor that makes closing upon projection difficult is the fact that an announcement of closure causes behavioral changes in the fishery. His conclusion is that it may not be possible to project the exact date when a bycatch limit would be met, however he has the intention of picking a catch amount lower than the bycatch limit and when the fishery attains that amount, then NMFS would announce a closure in a relatively short time after that (one or two days). What that would mean is that in some cases we would go over or under the bycatch limit and he would like to hear guidance from the Council on this approach.

Mr. Anderson stated that if you close upon attainment, then you are guaranteed you are going to go over the bycatch limit amount. This is why he felt it was not appropriate to close upon attainment. He indicated that announcing a closure when you get close to the bycatch limit seems like a good approach.

Mr. Myer indicated that he agreed with Mr. Lockhart's proposed approach on closure by attainment of a bycatch limit. Announcing a closure when there is 20 mt of the bycatch limit remaining for widow was his suggestion.

Mr. Moore also echoed comments on closure by attainment. He suggested we be careful with darkblotched. He acknowledged the use of Sea-State by the offshore fleet and how the use of that program is helpful for managing bycatch. Mr. Moore suggested that tracking bycatch through a bycatch rate as the fishery progresses may give you a better opportunity to figure out when/if a closure should be announced.

Mr. Anderson asked Mr. Lockhart about the ability to modify bycatch limits in the whiting fishery, and whether that can be done through an inseason action quickly. Ms. Cooney said you can take that inseason action at the June or September meeting. Mr. Lockhart said in the past NOAA Fisheries has been able to do this very quickly and is continuing to improve. Currently it should take about 3 weeks to make such an inseason adjustment following Council action.

Mr. Moore moved and Mr. Warrens seconded a motion (Motion 26) by working off the GMT statement to: approve the California recreational groundfish 120 foot depth restriction; to approve the proposed California state-waters yelloweye RCA; to use the recreational fishery management line identified in the Supplemental Revised CDFG Report F.5.c; to adjust cumulative limits in the nonwhiting trawl fishery as shown in Tables 2 and 3 of the GMT report; and to reduce the bi-monthly limit in the open access sablefish daily trip limit (DTL) fishery north of the Conception area from 2,400 to 2,200 per two months starting April 1.

Mr. Anderson supported the motion then made some comments on the recreational values in the scorecard. He indicated he was supportive of the scorecard values for OR/WA recreational canary and yelloweye in particular and clarified that the values were projected catches in those fisheries, not harvest guidelines. He further stated that given what is likely to come out of the salmon decision in April, he feels more participation will occur in the groundfish fishery due to a reduction in salmon opportunities.

Mr. Steve Williams moved and Mr. Warrens seconded an amendment to Motion 26 to change the open access sablefish fishery bi-monthly limit reduction from April 1 to May 1. Amendment to Motion 26 passed unanimously. Motion 26 passed as amended unanimously.

G. Pacific Halibut Management

G.1 Report on the International Pacific Halibut Commission Meeting (03/12/08; 5:15 p.m.)

G.1.a Agenda Item Overview

Mr. Tracy presented the agenda item overview.

G.1.b Summary of Meeting

Mr. Anderson presented Agenda Item G.1.b, Meeting Summary.

G.1.c Agency and Tribal Comments

Mr. Sones supported the idea that an Area 2 workgroup made up of tribal, state, Federal, and PFMC staff needs to be convened to develop alternatives to the IPHC exploitable biomass apportionment methodology. The group should be tasked with examining available data sources, especially IPHC research, and examining reasonable alternatives for biomass apportioning (for example scaling exploitable biomass based on varying levels of survey catchability between areas). The group should also meet and confer with agency staff from British Columbia (as time allows) prior to the workshop being conducted by IPHC in the fall. This group should meet as soon as possible to develop necessary tasks and assignments and then again prior to the workshop to assess the merits of any alternative apportionment schemes.

G.1.d Reports and Comments of Advisory Bodies

None.

G.1.e Public Comment

None.

G.1.f Council Discussion

Mr. Anderson recommended the Council formulate a halibut managers workgroup with representation from tribes, states, and NMFS, and ask the states to provide industry advisors to the workgroup. Council staff should arrange a meeting in Portland following the June Council meeting so the workgroup can outline a strategy on how to interact with the IPHC at their catch apportionment workshop in the fall.

Mr. Sones, Mr. Steve Williams, and Mr. Lockhart concurred with Mr. Anderson's recommendation.

Dr. McIsaac asked how often the workgroup would meet. Mr. Anderson replied probably two meetings in Portland, which is a central location.

Dr. McIsaac asked if the workgroup would be appointed the following Friday under the Agenda Item B.3 or at the April 2008 Council meeting. Mr. Anderson replied the workgroup would not need to be a formally appointed group if participants could pay their own travel expenses and the Council could provide meeting space.

The Council concurred with Mr. Anderson's recommendations.

G.2 Incidental Catch Regulations in the Salmon Troll and Fixed Gear Sablefish Fisheries

G.2.a Agenda Item Overview (03/12/08; 5:33 p.m.)

Mr. Tracy presented the agenda item overview.

G.2.b State Proposals for the Salmon Troll Fishery

See under G.2.c.

G.2.c State Proposals for the Fixed Gear Sablefish Fishery

Mr. Anderson proposed salmon troll options of one halibut for each three Chinook plus one additional halibut with a 35 halibut per trip landing limit (status quo) and one halibut for each two Chinook plus one additional halibut with a 35 halibut per trip landing limit. For the sablefish fishery he proposed options of 100 pounds of dressed halibut for each 1,000 pounds of dressed sablefish plus two additional halibut (status quo), 80 pounds of dressed halibut for each 1,000 pounds of dressed sablefish plus two additional halibut, and 150 pounds of dressed halibut for each 1,000 pounds of dressed sablefish plus two additional halibut.

Mr. Steve Williams was prepared to support Mr. Anderson's proposals.

G.2.d Tribal Comments

None.

G.2.e Reports and Comments of Advisory Bodies

Mr. Jim Olson presented Agenda Item G.2.e, Supplemental SAS Report. Mr. Tracy read Agenda Item G.2.e, Supplemental GAP Report.

G.2.f Public Comment

None.

G.2.g Council Action: Adopt Public Review Options for 2008

Mr. Anderson moved and Ms. Vojkovich seconded a motion (Motion 16) to adopt for public review the options for incidental catch regulations in the non-Indian salmon troll fishery as shown in Agenda Item G.2.e, Supplemental SAS Report:

Option 1: Status quo: Beginning May 1, license holders may land no more than one Pacific halibut per each three Chinook, except one Pacific halibut may be landed without meeting the ratio requirement, and no more than 35 halibut per open period.

Option 2: Beginning May 1, license holders may land no more than one Pacific halibut per each two Chinook, except one Pacific halibut may be landed without meeting the ratio requirement, and no more than 35 halibut per open period.

Motion 16 passed unanimously.

Mr. Anderson moved and Mr. Myer seconded a motion (Motion 17) to adopt for public review a range of landing restrictions for Pacific halibut retention in the non-Indian commercial sablefish fishery north of Point Chehalis that included:

- 100 pounds of dressed halibut for each 1,000 pounds of dressed sablefish plus two additional halibut (status quo),
- 80 pounds of dressed halibut for each 1,000 pounds of dressed sablefish plus two additional halibut, and
- 150 pounds of dressed halibut for each 1,000 pounds of dressed sablefish plus two additional halibut.

Motion 17 passed unanimously.

ADJOURN

The 192nd Council meeting was adjourned at 5:26 p.m. on Friday, March 14, 2008.

DRAFT

Council Chairman

DRAFT

Date

PFMC
02/18/2009 4:49:51 PM

Moved by: Marija Vojkovich
Motion 4 passed unanimously.

Seconded by: Michele Culver

Motion 5: Adopt the EFP for public review as presented, except for the proposed change of the time period in which fishing would occur. Instead, the time period proposed in last year's application, to fish September–December, will be applied. The other change, restricting fishing to seaward of 50 nautical miles rather than 40 miles is more precautionary and can be retained. This change from what the applicant proposed will make it easier to complete the NEPA/ESA evaluations since the proposal is thus essentially identical to what was proposed and analyzed last year.

Moved by: Mark Helvey

Seconded by: Kathy Fosmark

Motion 5 passed. Ms. Vojkovich, Ms. Culver, and Mr. Wolford voted no.

Motion 6: Adopt the abundance forecast data set for OCN coho as recommended by the SSC, STT, and OPITT.

Moved by: Curt Melcher

Seconded by: Rod Moore

Amdmnt: Adopt the index ratio for Sacramento River fall Chinook with the removal of the 2005 data point as recommended by the SSC and STT for 2008.

Moved by: Marija Vojkovich

Seconded by: Dan Wolford

The amendment passed unanimously.

Motion 6 passed as amended unanimously.

Motion 7: Have the Council send a letter addressed to Mr. Jim Balsiger requesting the SWFSC and NWFSC take the lead on the technical tasks as recommended by NMFS under Agenda Item D.1.b, Supplemental NMFS Report, as well as those recommendations included in the SAS and HC reports under this agenda item. Other state and Federal agencies should also be included in this effort, and a status report should be presented to the Council at its September meeting.

Moved by: Marija Vojkovich

Seconded by: Kathy Fosmark

Motion 7 passed. Mr. Frank Lockhart abstained.

Motion 8: Direct the STT and HC to determine if Queets and Quillayute spring/summer Chinook continue to be exploited at less than 5 percent in Council -managed fisheries and to conduct an initial assessment of the causes for their recent decline. The coastal stocks include: Queets summer, Queets spring, Quilleute spring, and Quilleute summer.

Moved by: David Sones

Seconded by: Mark Cedergreen

Motion 8 passed unanimously.

Motion 9: Adopt the KRFC workgroup's recommendations as shown in Agenda Item D.3.b, KRFC Stock Assessment with the following modifications: Recommendation 1 - Consider the

Overfishing Concern of KRFC ended when a natural spawning escapement of at least 35,000 adults is achieved in three out of four consecutive years **OR** with a natural spawning escapement of at least 40,700 adult KRFC (S_{MSY}) in two consecutive years; do not include Recommendation 3, include Recommendations 2 and 4-13.

Moved by: Curt Melcher

Seconded by: Frank Warrens

Amdmnt: Include Recommendation 3 in the public review process.

Moved by: Frank Lockhart

Seconded by: (No seconder)

Motion 9 passed unanimously.

Motion 10: Adopt for public review the list of 2009 assessments in Agenda Item F.2.b, Attachment 1, with the following modifications:

- yelloweye to be scheduled as a full assessment;
- Pacific ocean perch to be scheduled as an updated assessment;
- bank rockfish to be assessed in the minor slope complex assessment; and
- cabezon scheduled as a full assessment.

Moved by: Rod Moore

Seconded by: Steve Williams

Amdmnt: Put out for public review an alternative of doing a complex assessment in the off year.

Moved by: Marija Vojkovich

Seconded by: Frank Lockhart

Amendment to Motion 10 passed unanimously.

Main Motion 10 passed unanimously.

Motion 11: Adopt for public review, the stock assessment ToR in Agenda Item F.2.c, Supplemental Attachment 1 with the following change:

- Strike the new language in the second paragraph on page 6 (paragraph starting with “Presuming two full stock assessments are under review ...”).

Moved by: Rod Moore

Seconded by: Frank Warrens

Motion 11 passed unanimously.

Motion 12: Adopt for public review the Draft SSC Terms of Reference for Groundfish Rebuilding Analysis as shown in Agenda Item F.2.c, Supplemental Attachment 2.

Moved by: Rod Moore

Seconded by: Dale Myer

Motion 12 passed unanimously.

Motion 13: Adopt the new whiting assessment (Agenda Item F.3.a, Attachment 1) for deciding 2008 Pacific whiting harvest specifications and management measures (endorses the SS2 model from the SSC).

Moved by: Phil Anderson

Seconded by: Rod Moore

Motion 13 passed unanimously.

Motion 14: Adopt for 2008 Pacific whiting harvest specifications, an ABC of 400,000 mt and a coastwide OY of 364,842 mt with a US OY of 269,545 mt.

Moved by: Phil Anderson
Motion 14 passed unanimously.

Seconded by: Dale Myer

Motion 15: Table Agenda Item F.3.d (bycatch cap and tribal whiting allocation decisions) until Friday, March 14, 2008.

Moved by: Rod Moore
Motion 15 passed unanimously.

Seconded by: Frank Warrens

Motion 16: Adopt for public review the options for incidental catch regulations in the non-Indian salmon troll fishery as shown in Agenda Item G.2.e, Supplemental SAS Report:

Option 1: Status quo: Beginning May 1, license holders may land no more than one Pacific halibut per each three Chinook, except one Pacific halibut may be landed without meeting the ratio requirement, and no more than 35 halibut per open period.

Option 2: Beginning May 1, license holders may land no more than one Pacific halibut per each two Chinook, except one Pacific halibut may be landed without meeting the ratio requirement, and no more than 35 halibut per open period.

Moved by: Phil Anderson
Motion 16 passed unanimously.

Seconded by: Marija Vojkovich

Motion 17: Adopt for public review a range of landing restrictions for Pacific halibut retention in the non-Indian commercial sablefish fishery north of Point Chehalis that included:

- 100 pounds of dressed halibut for each 1,000 pounds of dressed sablefish plus two additional halibut (status quo),
- 80 pounds of dressed halibut for each 1,000 pounds of dressed sablefish plus two additional halibut, and
- 150 pounds of dressed halibut for each 1,000 pounds of dressed sablefish plus two additional halibut.

Moved by: Phil Anderson
Motion 17 passed unanimously.

Seconded by: Dale Myer

Motion 18: Adopt for public review the range of alternatives as shown in Agenda Item F.4.a, Attachment 1, *Preliminary Draft Environmental Assessment for Pacific Coast Groundfish Fishery Management Plan Amendment 22: Conversion of the Open Access Fishery to Federal Permit Management* along with the additional options/suboptions contained in Agenda Item F.4.b Supplemental WDFW and ODFW Joint Report.

Moved by: Michele Culver

Seconded by: Dale Myer

Moved by: Rod Moore
Motion withdrawn, not voted on.

Seconded by: Frank Warrens

Motion 24: Adopt the EC recommendation as referenced in Agenda Item F.6.d, Supplemental EC Report. That recommendation was to change the objective that says “For State and Federal enforcement agreements that allow the exchange of relevant data to ensure compliance with IQ quotas” – change it to read “For State and Federal enforcement officers to have access to all data relating to IQ quotas for enforcement purposes.”

Moved by: Phil Anderson
Motion 24 passed unanimously.

Seconded by: Rod Moore

Motion 25: Add a suboption to page 4, under the shoreside whiting section for Amendment 10, that would add a suboption which requires observers onboard.

Moved by: Dave Hanson
Motion 25 passed unanimously.

Seconded by: Kathy Fosmark

Motion 26: Mr. Moore moved and Mr. Warrens seconded a motion (Motion 26) by working off the GMT statement to: approve the California recreational groundfish 120 foot depth restriction; to approve the proposed California state-waters yelloweye RCA; to use the recreational fishery management line identified in the Supplemental Revised CDFG Report F.5.c; to adjust cumulative limits in the nonwhiting trawl fishery as shown in Tables 2 and 3 of the GMT report; and to reduce the bi-monthly limit in the open access sablefish daily trip limit (DTL) fishery north of the Conception area from 2,400 to 2,200 per two months starting April 1.

Moved by: Rod Moore

Seconded by: Frank Warrens

Amndmnt: Change the open access sablefish fishery bimonthly limit reduction from April 1 to May 1.

Moved by: Steve Williams
Amendment passed.
Motion 26 passed. Unanimously.

Seconded by: Frank Warrens

Motion 27: Untable Agenda Item F.3.d. (Council Action)

Moved by: Dave Hanson
Motion 27 passed uanimously.

Seconded by: Rod Moore

Motion 28: Adopt the following total catch limits for non-treaty whiting sectors:

- canary rockfish - 4.7 mt;
- darkblotched rockfish - 40 mt); and
- widow rockfish - 275 mt.

If any of these total catch limits are attained inseason, the whiting fishery will close for all non-treaty sectors even if whiting allocations have not been attained.

Moved by: Phil Anderson
Motion 28 passed unanimously.

Seconded by: Steve Williams

Motion 29: Adopt for 2008 Pacific whiting specifications a treaty allocation of 35,000 mt.

Moved by: Frank Lockhart
Motion 29 passed. Mr. Sones recused.

Seconded by: Phil Anderson

Motion 30: Appoint Mr. Edward J. ("EJ") Dick to replace Dr. John Field as the SWFSC representative on the GMT.

Moved by: Frank Lockhart
Motion 30 passed unanimously.

Seconded by: Dan Wolford

Motion 31: Appoint Mr. Larry Hanson to replace Mr. Steve Turek on the Habitat Committee. Further, Ms. Vicki Frey will act as the designated alternate to Mr. Hanson.

Moved by: Marija Vojkovich
Motion 31 passed unanimously.

Seconded by: Dan Wolford

Motion 32: Appoint Captain Buzz Brizendine to replace Mr. Bob Fletcher to the Southern Charter Boat Operator position on the HMSAS.

Moved by: Marija Vojkovich
Motion 32 passed unanimously.

Seconded by: Dan Wolford

Motion 33: Appoint Dr. Theresa Sou to replace Mr. Tom Jagielo on the SSC.

Moved by: Phil Anderson
Motion 33 passed unanimously.

Seconded by: Dale Myer

Motion 34: Adopt the modifications to COP 15 as contained in Agenda Item B.3.a, Attachment 1, and Agenda Item B.3.a, Supplemental Attachment 2.

Moved by: Phil Anderson
Motion 34 passed unanimously.

Seconded by: Rod Moore

Motion 35: Approve the September 2007 and November 2007 minutes.

Moved by: Rod Moore
Motion 35 passed unanimously.

Seconded by: Mark Cedergreen

Motions 36 through 39 were made utilizing Agenda Item D.7.b, Supplemental STT Report as corrected during the STT report:

Motion 36: Adopt options for the area north of Cape Falcon as listed for the recreational and non-Indian commercial fisheries with the following changes:

Page 8, Queets River to Leadbetter Point all species recreational fishery, Option III: Change the start date from May 26 to June 8, and allow only one Chinook in the two fish bag limit.

Moved by: Phil Anderson
Motion 36 passed unanimously.

Seconded by: Mark Cedergreen

Motion 37: Adopt options for the area between Cape Falcon the OR/CA border as listed for both commercial and recreational fisheries.

Moved by: Steve Williams
Motion 37 passed unanimously.

Seconded by: Frank Warrens

Motion 38: Adopt the tribal options as shown.

Moved by: David Sones
Motion 38 passed unanimously.

Seconded by: Frank Warrens

Motion 39: Adopt options for the area between the OR/CA border and the U.S./Mexico border as listed for both commercial and recreational fisheries.

Moved by: Marija Vojkovich
Motion 39 passed unanimously.

Seconded by: Kathy Fosmark