

April 2009 Preliminary Initial Draft Meeting Minutes: Open Access Fishery Discussion

F. Groundfish Management

F.1 National Marine Fisheries Service Report (04/05/09; 2:55 p.m.)

F.1.a Regulatory Activities

Mr. Frank Lockhart spoke about the open access decision made at the March Council meeting. After reviewing the decision and talking with his staff about that decision, this program doesn't provide as many benefits as compared to the costs to both the government and the industry. He believes perhaps with more time we could improve upon that decision and come up with something that works better for all involved. He intends on Thursday when we talk about June Council meeting agenda and workload, he will ask for an hour on the June agenda, with intent to make a motion to rescind; to undo the decision made in March and go forward from there. He realizes this is an unusual step. He thinks the decision made doesn't provide us with very much at all. He just wanted to put people on notice that he will be asking for time on the June agenda during Agenda Item G.5. this Thursday.

F.1.e Council Discussion

Ms. Culver had discussion and concerns about rescinding the open access motion passed in March. She would rather discuss alternatives that were not considered previously; perhaps staff prepares a white paper on the topic. The discussion would show how the new proposals would better meet the goals of the Council. Then the Council could decide if they would want to rescind the previous action.

Mr. Lockhart responded that it was an interesting proposal; they will certainly consider that, and the steps and order is different from what he is proposing and would like to talk to his staff and review other considerations. This is primarily a conservation concern; the capping of effort is a primary thorough concern here. In NMFS opinion, this does not cap effort and address the primary concern of NMFS.

Mr. Moore, to clarify, asked Mr. Lockhart, the point made that the Council failed the cost-benefit analysis. (nod yes?).

G.5 Future Council Meeting Agenda and Workload Planning (04/09/09; 2:35 pm)

G.5.a Agenda Item Overview

Dr. Donald McIsaac provided the agenda item overview. Mr. Merrick Burden walked the Council through Agenda Item G.5.a, Supplemental Attachment 7.

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

None.

G.5.c Public Comment

Ms. Dorothy Lowman, Environmental Defense, Portland, OR
Mr. Santi Roberts,
Ms. Erica Fuller,

G.5.d Council Discussion and Guidance on Future Council Meeting Agenda and Workload Planning

Mr. Lockhart spoke about his intention to rescind the decision on open access from the March meeting (which he announced earlier in the week). Mr. Lockhart said it would be unprecedented; and convinced that he should not break the precedence. There was also some public testimony about this. So he did not want to make a motion to rescind the action in June. Mr. Lockhart said NMFS still has strong conservation issues about the action in March; the March action does not accomplish or provide us that much more information. The Council still needs to submit the amendment to NMFS and based on the information that is available, he said it might be difficult for the federal government to proceed.

Ms. Culver appreciated Mr. Lockhart's comments; positive to have open discussion. Ms. Culver said there were some items included in the intent of the motion. In addition to that there was some confusion on her part relative to the actual fisheries that were covered and required to register; she thought directed fisheries for all groundfish; but found out we are looking at incidental too. She spoke about registration for state waters. Her thoughts would be if the Council could not transmit the final to NMFS, and schedule an opportunity to clarify the intention of the motion in March (similar to the trawl rationalization).

Mr. Moore on that, he is concerned that not use a clarification process to completely modify something the Council voted on; he felt the motion was fairly clear.

Mr. Steve Williams asked how long we might find out from NMFS what the decision might be, if we sent the amendment to NMFS. Mr. Lockhart said in the past it has been a few weeks to a few months.

Ms. Eileen Cooney said this is an FMP amendment and there is a statutory process (60 day comment period). So it triggers a longer process.

Dr. McIsaac asked if the Council would like to schedule some sort of clarification – verbatim description of the motion and what passed, we could do that perhaps as early as September. Mr. Lockhart stated he did not want to prejudge the package before it was submitted. Dr. McIsaac noted this should be considered workload issue for the staff to prepare full MSA recommendation documentation that NMFS felt could not be approved. Ms. Cooney stated the action might not just be a clarification as noted by Ms. Culver – if there are different interpretations, we would just be getting the information; cannot make changes.

Ms. Culver, not sure how to accomplish this, but relative to the two issues she had, she would like to have some clarification on that (as to what was adopted, who is affected, and whether it meets the objectives).

Ms. Vojkovich asked what happens if we don't like it? Dr. Hanson explained the rules of how to rescind a motion. Ms. Vojkovich, we adopted something about "deeming" where does that fit into this whole thing? Mr. Lockhart suggested NMFS and Council staff meet to put together information and provide a report to the Council in June or a letter to the Council members in June as a way forward. Mr. Moore said if Mr. Lockhart is going to do that, he wants to make sure that you review the Council discussion as well. Council concurrence. (underline added for emphasis).

PFMC
06/01/09