

MEMBERSHIP APPOINTMENTS AND COUNCIL OPERATING PROCEDURES

During this agenda item, the Council will consider changes in the Council Membership Roster, including Council Members, advisory body membership, and appointments to other forums, and also any relevant changes in Council Operating Procedures (COP).

Changes in Council Member Designees

There have been some recent changes in Council Member Designees which are provided for your information. No Council action is required.

The California Department of Fish and Game (CDFG) have added some additional Council Member Designees. In addition to Ms. Marija Vojkovich, who is the primary designee for Director Koch, additional designees are Mr. Sonke Mastrup and Ms. Marci Yaremko (Closed Session A.1.a, Attachment 1).

The Washington Department of Fish and Wildlife (WDFW) have also made changes in designees. As Interim Director, Mr. Phil Anderson is now the official state representative to the Council. He has designated Ms. Michele Culver as his primary designee and Mr. Patrick Pattillo as an alternate designee (Closed Session A.1.a, Attachment 2).

Council Advisory Body Appointments

Management and Technical Teams

Coastal Pelagic Species Management Team (CPSMT)

The ODFW has nominated Mr. Greg Krutzikowsky to replace Ms. Cyreis Schmitt on the CPSMT (Closed Session A.1.a, Attachment 3).

Groundfish Management Team (GMT)

The WDFW has notified the Council that due to severe funding shortages, beginning March 2009, they will be unable to provide two GMT representatives. Mr. Corey Niles will continue as the sole WDFW representative and Ms. Heather Reed will no longer be available to serve (Closed Session A.1.a, Attachment 4).

Highly Migratory Species Management Team (HMSMT)

The National Marine Fisheries Service Southwest Fisheries Science Center (NMFS SWFSC) has nominated Dr. Kevin Piner to replace Dr. Suzanne Kohin on the HMSMT (Closed Session A.1.a, Attachment 5).

Model Evaluation Workgroup (MEW)

The NMFS Northwest Region (NWR) has nominated Dr. Thomas Helser to replace Mr. Dell Simmons on the MEW (Closed Session A.1.a, Attachment 6).

Advisory Subpanels

Groundfish Advisory Subpanel (GAP)

For the vacant **Conservation** position on the GAP (formerly held by Dr. Stephen Barrager), Environmental Defense have nominated Mr. Shems Jud. The Natural Resources Defense Council (NRDC) and Fishermen's Marketing Association have sent letters of support for Mr. Jud's nomination (Closed Session A.1.a, Attachment 7). No other nominations have been received.

For the vacant **Processor** position on the GAP (formerly held by Ms. Heather Mann), Mr. Thomas Libby has been nominated by himself and the West Coast Seafood Processors Association (Closed Session A.1.a, Attachment 8). No other nominations have been received.

For the vacant **Washington Charter Boat** position on the GAP (formerly held by Mr. Rhett Weber), the Westport Charterboat Association has nominated Mr. Larry Giese (Closed Session A.1.a, Attachment 9). No other nominations have been received.

Other Council Committees

Groundfish Allocation Committee (GAC) Non-Voting

For the vacant **non-voting Processor** position on the GAC (formerly held by Ms. Heather Mann), the Council received two nominations:

- Mr. Andrew Bornstein has been nominated by the West Coast Seafood Processors Association (Closed Session A.1.a, Attachment 8);
- Mr. Richard Carroll has been nominated by Ocean Gold Seafoods (Closed Session A.1.a, Attachment 10).

Vacancies on Permanent Council Advisory Bodies

The following advisory body position is vacant with no nominations:

Habitat Committee

Idaho Department of Fish and Game Position

Appointments to Other Forums

None proposed at the time of advance Briefing Book release.

Changes to Council Operating Procedures

None proposed at the time of advance Briefing Book release.

Council Action:

1. **Confirm or provide guidance on appointments to Council advisory bodies and potential COP changes.**
2. **Specific actions are required for: the ODFW nomination to the CPSMT; NMFS SWFSC nomination to the HMSMT; NMFS NWR nomination to the MEW; nominations to the Conservation, Processor and Washington Charter Boat positions on the GAP; and two nominations to the GAC nonvoting Processor position.**

Reference Materials:

1. Closed Session A.1.a, Attachment 1: Letter from Mr. Donald Koch to Mr. Donald Hansen specifying Council member designees.
2. Closed Session A.1.a, Attachment 2: Letter from Mr. Phil Anderson to Mr. Barry Thom specifying Council member designees.
3. Closed Session A.1.a, Attachment 3: Nomination—Mr. Greg Krutzikowsky to ODFW position on the CPSAS.
4. Closed Session A.1.a, Attachment 4: Letter from Mr. Phil Anderson to Dr. Donald McIsaac concerning a reduction in GMT representatives.
5. Closed Session A.1.a, Attachment 5: Nomination—Dr. Kevin Piner to NMFS SWFSC position on the HMSMT.
6. Closed Session A.1.a, Attachment 6: Nomination—Dr. Thomas Helzer to the NMFS NWR position on the MEW.
7. Closed Session A.1.a, Attachment 7: Nomination and two letters of support—Mr. Shems Jud to the Conservation position on the GAP.
8. Closed Session A.1.a, Attachment 8: Nominations—Mr. Andrew Bornstein to the nonvoting Processor Position on the GAC and Mr. Thomas Libby to the Processor position on the GAP.
9. Closed Session A.1.a, Attachment 9: Nomination—Mr. Larry Giese to the Conservation position on the GAP.
10. Closed Session A.1.a, Attachment 10: Nomination—Mr. Richard Carroll to the nonvoting Processor position on the GAC.

Agenda Order:

- a. Agenda Item Overview
 - b. Reports and Comments of Agencies and Advisory Bodies
 - c. Public Comment
 - d. **Council Action:** Consider Changes to Council Operating Procedures and Appoint New Advisory Body Members as Needed
- John Coon

PFMC
02/19/09

APPROVAL OF COUNCIL MEETING MINUTES

The draft minutes for the March and September 2008 Council meetings are attached for Council Member review and approval.

The full record of each Pacific Fishery Management Council (Council) meeting is maintained at the Council office, and consists of the following:

1. The proposed agenda (available online at <http://www.pcouncil.org/bb/bbarchives.html>).
2. The approved minutes (available online at <http://www.pcouncil.org/minutes/cminutes.html>). The minutes summarize actual meeting proceedings, noting the time each agenda item was addressed and identifying relevant key documents. The agenda item summaries consist of a narrative on noteworthy elements of the gavel to gavel components of the Council meeting and summarize pertinent Council discussion for each Council Guidance, Discussion, or Action item, including detailed descriptions of rationale leading to a decision and discussion between an initial motion and the final vote.
3. Audio recordings of the testimony, presentations, and discussion occurring at the meeting. Recordings are labeled by agenda number and time to facilitate tape or CD-ROM review of a particular agenda item (available from our recorder, Mr. Craig Hess, Martin Enterprises, phone (360) 425-7507).
4. All written documents produced for consideration at the Council meeting, including (1) pre-meeting briefing book materials, (2) pre-meeting supplemental briefing book documents, (3) supplemental documents produced or received at the meeting, validated by a label assigned by the Council Secretariat and distributed to Council Members, and (4) public comments and miscellaneous visual aids or handout materials used in presentations to Council Members during the open session (available online at <http://www.pcouncil.org/bb/bbarchives.html>).
5. A copy of the Council Decision Document. This document is distributed immediately after the meeting and contains very brief descriptions of Council decisions (available online at <http://www.pcouncil.org/decisions/archivedecisions.html>).
6. A copy of Pacific Council News. Refer to the Spring Edition for March and April meetings; the Summer Edition for the June meeting; the Fall Edition for the September meeting; and the Winter Edition for the October-November Council meeting (available online at <http://www.pcouncil.org/newsletters/archivenews.html>).

Council Action:

Review and approve the draft March and September 2008 Council meeting minutes.

Reference Materials:

1. Agenda Item I.2.a, Attachment 1: Draft Minutes, March 8-14, 2008.
2. Agenda Item I.2.a, Attachment 2: Draft Minutes, September 7-12, 2008.

Agenda Order:

- a. Council Member Review and Comments Don Hansen
- b. **Council Action:** Approve March and September 2008 Council Meeting Minutes

PFMC
02/18/09

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.	Pacific Halibut Management	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 SSLL Amendment – Part Two

C.3.c Council Action: Consider Alternatives for Development of a High Seas SSLL 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 SSLL 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 SSLL 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 SSLL landings were made.

Ms. Vojkovich described her rationale for the motion. She noted that the west coast SSLL 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 SSLL 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 (NWFS) 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 recuse 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 Boydstun provided a PowerPoint presentation, available on the Council's website at: (http://www.pcouncil.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. Boydstun 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. Boydstun 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. Boydstun 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

DRAFT VOTING LOG
Pacific Fishery Management Council
March 2008

Motion 1: Approve the agenda as shown in Agenda Item A.4, Council Meeting Agenda.

Moved by: Rod Moore
Motion 1 passed unanimously.

Seconded by: Curt Melcher

Motion 2: Recommend to NMFS that no new domestic conservation measures are needed to 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.

Moved by: Marija Vojkovich
Motion 2 passed unanimously.

Seconded by: Kathy Fosmark

Motion 3: 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 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.

Moved by: Marija Vojkovich
Motion 3 passed unanimously.

Seconded by: Kathy Fosmark

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 SSLL seaward of the West Coast 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 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.

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

Seconded by: Kathy Fosmark

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
The amendment passed unanimously.
Motion 6 passed as amended unanimously.

Seconded by: Dan Wolford

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
Motion 7 passed. Mr. Frank Lockhart abstained.

Seconded by: Kathy Fosmark

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
Motion 8 passed unanimously.

Seconded by: Mark Cedergreen

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 unanimously.

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

DRAFT MINUTES
Pacific Fishery Management Council
September 7-12, 2008 (195th Meeting)

Doubletree Hotel Boise - Riverside
2900 Chinden Boulevard, Boise, Idaho 83714
Telephone 208-343-1871

A.	Call to Order	5
A.1	Opening Remarks, Introductions, and Council Member Appointments	5
A.2	Roll Call	5
A.3	Executive Director's Report (09/08/08; 9:15 a.m.)	5
A.4	Council Action: Approve Agenda	6
B.	Open Comment Period	6
B.1	Comments on Non-Agenda Items	6
B.1.a	Public Comment	6
B.1.b	Council Discussion of Comments as Appropriate	6
C.	Administrative Matters	6
C.1	Future Council Meeting Agenda and Workload Planning	6
C.1.a	Agenda Item Overview (09/08/08; 10:35 a.m.)	6
C.1.b	Reports and Comments of Advisory Bodies	6
C.1.c	Public Comment	6
C.1.d	Council Discussion and Guidance on Future Council Meeting Agenda and Workload Planning	7
C.1	Future Council Meeting Agenda and Workload Planning (continued on Friday)	7
C.1.a	Agenda Item Overview (09/12/08; 9:54 a.m.)	7
C.1.b	Reports and Comments of Advisory Bodies	7
C.1.c	Public Comment	7
C.1.d	Council Discussion and Guidance on Future Council Meeting Agenda and Workload Planning	7
C.2	Process for Council Approval of Regulations Implementing Council Recommendations ("Deeming Process") (09/09/08; 9:22 a.m.)	8
C.2.a	Agenda Item Overview	8
C.2.b	Agency and Tribal Comments	8
C.2.c	Reports and Comments of Advisory Bodies	9
C.2.d	Public Comment	9
C.2.e	Council Action: Adopt Final Recommendations for Approving Proposed Regulations Prior to Implementation	9
C.3	Update and Communication of Research and Data Needs (09/09/08; 10:12 a.m.)	9
C.3.a	Agenda Item Overview	9
C.3.b	Reports and Comments of Advisory Bodies	9
C.3.c	Public Comment	10
C.3.d	Council Action: Adopt a Final Research and Data Needs Document	10
C.4	Legislative Matters	11
C.4.a	Agenda Item Overview (09/10/08; 8:07am)	11
C.4.b	Legislative Committee Report	11
C.4.c	Reports and Comments of Advisory Bodies	11
C.4.d	Public Comment	11
C.4.e	Council Action: Consider Legislative Committee Recommendations	11
C.5	Implementation of the Magnuson-Stevens Reauthorization Act (MSRA)	11
C.5.a	Agenda Item Overview (09/10/08; 8:15 a.m.)	11

C.5.b	NMFS Report	11
C.5.c	Reports and Comments of Advisory Bodies	12
C.5.d	Public Comment	13
C.5.e	Council Action: Refine Recommendations for Revised Procedures Regarding National Standard 1 Guidelines, including Annual Catch Limits (09/10/08; 10:08 a.m.)	13
C.6	Approval of Council Meeting Minutes	17
C.6.a	Council Member Review and Comments	17
C.6.b	Council Action: Approve June Council Meeting Minutes	17
C.7	Fiscal Matters	18
C.7.a	Agenda Item Overview (09/12/08; 9:32 a.m.)	18
C.7.b	Budget Committee Report	18
C.7.c	Reports and Comments of Advisory Bodies	18
C.7.d	Public Comment	18
C.7.e	Council Action: Consider Budget Committee Recommendations	19
C.8	Membership Appointments and Council Operating Procedures (COP)	19
C.8.a	Agenda Item Overview (09/12/08; 9:41 a.m.)	19
C.8.b	Reports and Comments of Advisory Bodies	19
C.8.c	Public Comment	19
C.8.d	Council Action: Consider Changes to COP and Appoint New Advisory Body Members as Needed	19
D.	Salmon Management	20
D.1	Salmon Methodology Review	20
D.1.a	Agenda Item Overview (09/08/08; 10:45 a.m.)	20
D.1.b	Agency and Tribal Comments	20
D.1.c	Reports and Comments of Advisory Bodies	20
D.1.d	Public Comment	20
D.1.e	Council Action: Establish Final Methodology Review Priorities for 2009 Salmon Season	20
D.2	Progress Report on Causes of the 2008 Salmon Failure	21
D.2.a	Agenda Item Overview (09/08/08; 11:25 a.m.)	21
D.2.b	West Coast Salmon Work Group Progress Report	21
D.2.c	Agency and Tribal Comments (09/08/08; 1:35 p.m.)	22
D.2.d	Reports and Comments of Advisory Bodies	22
D.2.e	Public Comment	22
D.2.f	Council Discussion and Guidance	22
D.3	Central Valley Salmon Recovery Plan (09/08/08; 1:57 p.m.)	23
D.3.a	Agenda Item Overview	23
D.3.b	NMFS Report	23
D.3.c	Agency and Tribal Comments	23
D.3.d	Reports and Comments of Advisory Bodies	23
D.3.e	Public Comment	23
D.3.f	Council Comments	23
E.	Pacific Halibut Management	24
E.1	Pacific Halibut Bycatch Estimate for International Pacific Halibut Commission (IPHC) Adoption	24
E.1.a	Agenda Item Overview (09/08/08; 2:33 p.m.)	24
E.1.b	NMFS Report	24
E.1.c	Reports and Comments of Advisory Bodies	24
E.1.d	Public Comment	24
E.1.e	Council Review and Guidance	24
E.2	Pacific Halibut Catch Apportionment Methodology (09/08/08; 3:14 p.m.)	25
E.2.a	Agenda Item Overview	25
E.2.b	Reports and Comments of Advisory Bodies	25

E.2.c	Public Comment	25
E.2.d	Council Action: Recommendations to IPHC	25
E.3	Proposed Changes to Catch Sharing Plan and 2009 Annual Regulations	25
E.3.a	Agenda Item Overview (09/08/08; 3:50 p.m.)	25
E.3.b	Agency and Tribal Recommendations and Comments	25
E.3.c	Reports and Comments of Advisory Bodies	26
E.3.d	Public Comment	26
E.3.e	Council Action: Adopt Proposed Changes for Public Review	26
F.	Enforcement	27
F.1	Enforcement Activity Report (09/09/08; 8:06 a.m.)	27
F.1.a	Agenda Item Overview	27
F.1.b	NMFS Enforcement Presentation	27
F.1.c	Report and Comments of Advisory Bodies	27
F.1.d	Public Comment	27
F.1.e	Council Discussion	27
G.	Habitat	28
G.1	Current Habitat Issues	28
G.1.a	Agenda Item Overview (09/09/08; 11:05 a.m.)	28
G.1.b	Report of the Habitat Committee	29
G.1.c	Reports and Comments of Advisory Bodies	29
G.1.d	Public Comment	29
G.1.e	Council Action: Consider Habitat Committee Recommendations	29
H.	Highly Migratory Species Management (HMS)	29
H.1	National Marine Fisheries Service (NMFS) Report	29
H.1.a	Southwest Region Activity Report (09/09/08; 1:04 p.m.)	29
H.1.b	Southwest Fishery Science Center Report	29
H.1.c	Reports and Comments of Advisory Bodies	29
H.1.d	Public Comment	29
H.1.e	Council Discussion	29
H.2	Changes to Routine Management Measures for 2009-2010 Season (09/09/08; 1:52 p.m.)	30
H.2.a	Agenda Item Overview	30
H.2.b	Reports and Comments of Advisory Bodies	30
H.2.c	Public Comment	30
H.2.d	Council Action: Adopt Proposed Changes for 2009–10 Routine Management Measures for Public Review	30
H.3	Fishery Management Plan Amendment 2: High Seas Shallow Set Longline Management	31
H.3.a	Agenda Item Overview (09/09/08; 3:36 p.m.)	31
H.3.b	Agency Comments	31
H.3.c	Reports and Comments of Advisory Bodies	32
H.3.d	Public Comment	32
H.3.e	Council Action: Refine Amendment Alternatives (09/09/08; 5:10 p.m.)	32
I.	Groundfish Management	35
I.1	Consideration of Inseason Adjustments	35
I.1.a	Agenda Item Overview (09/10/08; 1 p.m.)	35
I.1.b	Report of the Groundfish Management Team	35
I.1.c	Agency and Tribal Comments	35
I.1.d	Reports and Comments of Advisory Bodies	36
I.1.e	Public Comment	36
I.1.f	Council Action: Adopt Preliminary or Final Recommendations for Adjustments to 2008 Groundfish Fisheries	36

I.2	Groundfish Essential Fish Habitat (EFH) Review Process	35
I.2.a	Agenda Item Overview (09/11/08; 8:09 a.m.)	37
I.2.b	Recommendations of the Essential Fish Habitat Review Committee (EFHRC)	37
I.2.c	Reports and Comments of Advisory Bodies	39
I.2.d	Public Comment	39
I.2.e	Council Action: Adopt a Final Groundfish EFH Review Process	39
I.3	National Marine Fisheries Service (NMFS) Report	41
I.3.a	Regulatory Activities (09/11/08; 9:50 a.m.)	41
I.3.b	Science Center Activities (09/11/08; 10:31 a.m.)	41
I.3.c	Reports and Comments of Advisory Bodies	42
I.3.d	Public Comment	42
I.3.e	Council Discussion	42
I.4	Fishery Management Plan Amendment 22: Open Access License Limitation	42
I.4.a	Agenda Item Overview (09/11/08; 11:15 a.m.)	42
I.4.b	Reports and Comments of Advisory Bodies	42
I.4.c	Public Comment	42
I.4.d	Council Action: Take Final Action or Adopt Preliminary Preferred Alternative for Public Review	42
I.5	Stock Assessment Planning for 2011-2012 Groundfish Fishery Decision Making (09/11/08; 3:05 p.m.)	43
I.5.a	Agenda Item Overview	43
I.5.b	NMFS Northwest Fisheries Science Center Recommendations	43
I.5.c	Reports and Comments of Advisory Bodies	44
I.5.d	Public Comment	45
I.5.e	Council Action: Adopt Final Stock Assessment Terms of Reference and Assessment Plan	45
I.6	Final Adoption of Exempted Fishing Permits (EFPs) for 2009	46
I.6.a	Agenda Item Overview (09/11/08; 4:09pm)	46
I.6.b	Agency and Tribal Comments	46
I.6.c	Reports and Comments of Advisory Bodies	46
I.6.d	Public Comment	48
I.6.e	Council Action: Adopt Final Recommendations for 2009 EFPs	48
I.7	Final Consideration of Inseason Adjustments (if Needed)	50
I.7.a	Agenda Item Overview (09/12/08; 9:10 a.m.)	50
I.7.b	Report of the GMT	50
I.7.c	Agency and Tribal Comments	50
I.7.d	Reports and Comments of Advisory Bodies	50
I.7.e	Public Comment	50
I.7.f	Council Action: Adopt or Confirm Final Adjustments to 2008 Groundfish Fisheries	50
ADJOURN		51

A. Call to Order

A.1 Opening Remarks, Introductions, and Council Member Appointments

Don Hansen, Chair, called the 195th meeting of the Pacific Fishery Management Council (Council) to order on Monday, September 8, 2008 at 9 a.m. A closed session was held from 8 a.m. to 9 a.m.

Mr. Jerry Mallet introduced Ms. Sharon Kiefer, Assistant Director, Idaho Department of Fish and Game (IDFG). Ms. Kiefer provided a short PowerPoint presentation and shared Idaho fishery management statistics. Mr. Mallet also introduced Mr. Joe Greenley, former Council Executive Director. Mr. Dave Ortmann also praised Mr. Greenley for his contributions to fishery conservation in Idaho.

A.2 Roll Call

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

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

The following Council member was absent from the entire meeting:

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

A.3 Executive Director's Report (09/08/08; 9:15 a.m.)

Dr. McIsaac provided the Council with an overview of the seven Informational Reports. He also noted the halibut managers workgroup meeting has been changed from 7 p.m. to noon today, and will be in the Aspen Room.

Mr. Anderson noted that he has a concern about the 2008 Pacific halibut fishery (Informational Report 4) which he would like to address with the Council. Ms. Cooney said it could be discussed under the halibut items as a discussion item only. Mr. Anderson said he would make his comments under E.3.b.

A.4 Council Action: Approve Agenda

The Council approved the agenda as shown in Agenda Item A.4., September Council Meeting Agenda, with the change in ancillary meeting for the Halibut Managers Workgroup from 7 p.m. to noon. (Motion 1)

B. Open Comment Period

B.1 Comments on Non-Agenda Items

B.1.a Public Comment

Dr. Usha Varanasi, Northwest Fisheries Science Center. Provided a PowerPoint on the West Coast Governors' Agreement on Ocean Health.

Dr. Lisa Wooninck, Monterey Bay National Marine Sanctuary (MBNMS). Reported that a draft response to the August 22, 2008 letter from the City of Monterey to Paul Michel, Superintendent, MBNMS will be coming soon (Supplemental Open Comment 4).

Mr. Jerry Thon, Northwest Sardine Survey, Astoria, Oregon. Provided a PowerPoint on the progress of a test aerial survey for northwest Sardine.

B.1.b Council Discussion of Comments as Appropriate

Council members asked Mr. Thon about the process of coordinating the aerial survey with that of the Southwest Fishery Science Center and other issues in making the aerial survey into a reliable forecasting tool.

At this time, Mr. Bob Lohn addressed the Council and presented certificates to Mr. Mark Cedergreen and Mr. Rod Moore on their reappointments.

C. Administrative Matters

C.1 Future Council Meeting Agenda and Workload Planning

C.1.a Agenda Item Overview (09/08/08; 10:35 a.m.)

Dr. McIsaac provided the agenda item overview—covering the three attachments describing the three-meeting outlook, draft November Council meeting agenda, and trawl rationalization hearing schedule. He also reported on his meeting with staff of the California Department of Fish and Game (CDFG) at their request to discuss coordination issues and a possible strategic planning meeting for Council members

C.1.b Reports and Comments of Advisory Bodies

None.

C.1.c Public Comment

None.

C.1.d Council Discussion and Guidance on Future Council Meeting Agenda and Workload Planning

Mr. Anderson asked if the Council would consider date changes for the upcoming hearings on the trawl rationalization issue as he had a problem with the Astoria and Olympia hearings being on the same day. That discussion will be taken up on Friday, along with the discussion on having an off-site long-term planning meeting.

C.1 Future Council Meeting Agenda and Workload Planning (continued on Friday)

C.1.a Agenda Item Overview (09/12/08; 9:54 a.m.)

Dr. McIsaac presented an overview of the updated meeting planning attachments (Supplemental Attachments 4-8). He noted the addition of the planning for Fishery Management Plan (FMP) amendments for changes in the National Standards (National Environmental Policy Act and annual catch limits) and movement of Highly Migratory Species (HMS) issues from March to April. He also reviewed the change toward six-day Council meetings and the goal of convening meetings on only one weekend rather than hitting parts of two weekends.

C.1.b Reports and Comments of Advisory Bodies

Dr. Coon read the Habitat Committee (HC) Report. He noted that in the last sentence of the report, the HC meant to refer to the “ecosystem” FMP, not the “essential” FMP.

C.1.c Public Comment

None.

C.1.d Council Discussion and Guidance on Future Council Meeting Agenda and Workload Planning

Regarding the November Council meeting schedule, Mr. Mallet recommended the Budget Committee (BC) meeting be moved from Saturday to Sunday morning. Ms. Culver recommended moving the Coastal Pelagic Species (CPS) together in one day, moving the final groundfish inseason action to earlier in the week (Wednesday or Thursday), and ensuring some breaks in the trawl rationalization item. Ms. Vojkovich recommended taking the salmon preseason schedule off the agenda and just including it as an informational report. She also recommended front-loading the Groundfish Management Team (GMT) meeting. Mr. Lockhart noted that the Groundfish Allocation Committee (GAC) agenda in January would be dedicated to the intersector allocation amendment, not to open access.

With regard to the HC recommendations for initiating the ecosystem FMP process, Council members agreed that work on that issue should await funding. Dr. McIsaac has been working and will continue to work toward that end.

With regard to the trawl rationalization hearings, the following assignments were completed or revised. Mr. Williams and Ms. Gway Kirchner will attend the Oregon hearings. Mr. Lockhart said due to budget constraints, there might be Southwest Region (SWR) at the meeting instead of Northwest Region (NWR). Ms. Vojkovich said CDFG will have a state representative at their two meetings (either she or Ms. Johanna Grebel). Council staff, Oregon Department of Fish and Wildlife (ODFW), and Ms. Culver agreed the Olympia hearing would stay as scheduled and the Astoria hearing would be moved to October 29. WDFW (Washington Department of Fish and Wildlife) will be at the meeting in Astoria.

Ms. Vojkovich spoke about the meeting of Dr. McIsaac and Mr. Hansen with the CDFG about process, workload, and personnel issues. CDFG has been experiencing some real issues on being able to support Council activities fully. CDFG recommends that the Chair and Executive Director have a similar conversation with the other states and talk about the common issues. The state agency managers don't always have a clear picture of Council activities, and how to plan for them or look for the right kind of people the Council needs for assistance. This could be helped if there were a strategic plan for all the FMPs, but may not be possible budget wise. Planning helps, but it is a demand in itself.

Mr. Williams related to Ms. Vojkovich's comments about workload. He welcomes the opportunity to sit and talk about how to move forward. But he is finding out that it is the items that we don't see coming at us that cause the problems.

Mr. Lockhart said they might like to participate in some of those meetings and suggested that utilizing videoconference calls might be an efficient way of handling it.

Dr. McIsaac suggested that he could put out a "year horizon" planning sheet at the November meeting to facilitate better planning and also follow-up with further discussion on the possibility of having a special planning meeting outside of the regular Council meetings.

Dr. McIsaac read a letter on behalf of the Council to Mr. Dell Simmons on his retirement.

C.2 Process for Council Approval of Regulations Implementing Council Recommendations ("Deeming Process") (09/09/08; 9:22 a.m.)

C.2.a Agenda Item Overview

Dr. John Coon provided the agenda item overview. Section 303(c) of the Magnuson-Stevens Fishery Conservation and Management Act (MSA) speaks to a Council submitting, to the Secretary, proposed regulations which the Council deems necessary or appropriate for the purposes of implementing or modifying an FMP or FMP amendment. A recent court case decided that regulations promulgated by National Marine Fisheries Service (NMFS) to implement proposed North Pacific Fishery Management Council (NPFMC) management recommendations contained additional requirements for which there was no evidence the Council had "deemed" the additional requirements necessary or appropriate. As a result, all Councils have been asked to establish a formal process whereby it is clear that the Council has "deemed" all proposed regulations as necessary or appropriate.

The agenda overview identified two possible options for achieving the desired process which involved amending Council Operating Procedure (COP) 1. The options were: (1) have a full, formal Council approval of the regulations, or (2) delegate it to the Executive Director and Council Chair. Dr. Coon directed the Council's attention to C.2.a, Attachment 1, which contained a third option that allowed the Council to choose which course to follow on a case-by-case basis.

C.2.b Agency and Tribal Comments

Mr. Anderson suggested that "necessary and appropriate" is different than the term "consistent" in the proposed language and needs to be changed. Ms. Eileen Cooney, NOAA General Counsel agreed and brought forth the following language as a revision to Option 3 in Attachment 1:

Proposed Revision for Option 2

The Council deems that regulations implementing this management program/this plan amendment/these specification and management measures—are necessary or appropriate in accordance with 303(c) of the MSA. After NMFS has prepared the regulatory language, the Council authorizes the Executive Director to review the regulations to verify that they are consistent with this Council action, before submitting them to the Secretary on behalf of the Council.

C.2.c Reports and Comments of Advisory Bodies

None.

C.2.d Public Comment

None.

C.2.e Council Action: Adopt Final Recommendations for Approving Proposed Regulations Prior to Implementation

Ms. Cooney's suggested language was discussed in depth and the Council instructed Council staff to include Ms. Cooney's language in a fourth option which deletes the full Council review. Mr. Lockhart also suggested that Council staff remove the deadline dates in the language and insert "prior to final submission to the Secretary of Commerce."

The new Option 4 will come before the Council for approval on Friday, Agenda Item C.8.

C.3 Update and Communication of Research and Data Needs (09/09/08: 10:12 a.m.)

C.3.a Agenda Item Overview

Mr. Burner provided the agenda item overview.

C.3.b Reports and Comments of Advisory Bodies

Dr. Ralston provided Agenda item C.3.b, Supplemental SSC Report. Mr. Moore asked about the SSC recommendations on the comments submitted by the National Marine Sanctuary Program; specifically, the comment referring to Section 3.4 on page 16. Dr. Ralston said that in his letter (Agenda Item C.3.a, Attachment 2). Mr. Douros referenced specific habitat studies and seemingly made the case that there has been research done at the global level which alleviates the need to do further studies locally. In that context, the SSC was simply trying to clarify that field studies were needed on the west coast.

Dr. Ralston clarified for Ms. Culver that the SSC focused on prioritizing the groundfish section because the other chapters already had prioritizations that were previously considered by the SSC.

Mr. Lockhart noted that groundfish priority number nine on the first page of the SSC report regarding Pacific whiting harvest policy will become obsolete when the Pacific Whiting Treaty is fully implemented.

Dr. Robert Kope provided Agenda Item C.3.b, Supplemental STT Report. Mr. Gordy Williams suggested reorganizing the salmon chapter so that research needs and data needs are described and prioritized separately to defuse some of the conflicting recommendations on prioritization. Ms. Vojkovich noted the

SSC and the Salmon Technical Team (STT) statements are recommending two different things regarding the release mark rates in Section 4.3. Dr. Kope reported that the STT does not believe this reference is necessary and is recommending its removal, but noted that it is not a major issue for the STT and leaving the recommendation in the report is a reasonable alternative. Dr. Kope confirmed that if the chapter is reorganized as Mr. Williams suggested that the STT believes that items such as escapement monitoring can be listed as a high data need priority and that the global stock identification (GSI) research could be listed as a high research priority.

Mr. Burner read Agenda Item C.3.b, Supplemental SAS Report.

C.3.c Public Comment

None.

C.3.d Council Action: Adopt a Final Research and Data Needs Document

Ms. Vojkovich moved to adopt the SSC recommendations as shown in Agenda Item C.3.b, Supplemental SSC Report with the exception of the recommendations for salmon research and data needs. Ms. Fosmark seconded the motion (Motion 7).

Ms. Vojkovich said she omitted the salmon portion of the SSC report because she wanted to have a separate discussion of how that section can be restructured. The motion is focused on adopting the SSC recommendations on groundfish priorities and for incorporating the comments of the National Marine Sanctuary Program.

Mr. Moore moved (Amendment #1 to Motion 7) to switch groundfish priority nine with groundfish priority ten on the first page of the SSC report due to the potential for dropping this need under the Pacific Whiting Treaty. Mr. Myer seconded Amendment #1.

Amendment #1 to Motion 7 passed unanimously.

Mr. Moore asked for an amendment (Amendment #2 to Motion 7), to change the recommended edit to Section 3.4 on the third page of the SSC report to read “where such studies have not yet been conducted.” Mr. Warrens seconded Amendment #2 to Motion 7. Mr. Moore stated the intent here is simply to clarify the SSC intent.

Amendment #2 to Motion 7 passed unanimously.

Main Motion 7 passed unanimously.

Ms. Vojkovich moved (Motion 8) to direct Council staff to reorganize the salmon research and data needs chapter along the lines of the groundfish chapter so that data needs and research needs are listed and prioritized separately, and include the comments in the supplemental reports of the SSC, the SAS, and the STT. Ms. Fosmark seconded Motion 8.

Ms. Vojkovich sees indications that GSI is a high priority for salmon research and agrees that collecting field data and escapement data for forecast models is also a high priority. She felt there was no need for competition for priority status between these research needs and the data needs, and that under this motion both could be listed in separate sections as high priorities.

Mr. Moore said there is a conflict between the SSC and STT recommendations on monitoring release mark rates for salmon and asked which recommendation Ms. Vojkovich was including in the motion.

Ms. Vojkovich said she is satisfied with the way it is currently portrayed in the document and is putting forward the SSC recommendation on the matter.

Ms. Culver concurs with the recommendations in the motion and asked if the intent would be to have staff include the recommendation in the document and consider it final without further future Council review. Ms. Vojkovich confirmed that the motion does not include any additional Council review and provides Council staff the latitude to incorporate the changes and release the document in a final version.

Motion 8 passed unanimously.

C.4 Legislative Matters

C.4.a Agenda Item Overview (09/10/08; 8:07 a.m.)

Mr. Burner provided the agenda item overview.

C.4.b Legislative Committee Report

Mr. Burner provided Agenda Item C.4.b, Supplemental LC Report.

C.4.c Reports and Comments of Advisory Bodies

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

C.4.d Public Comment

None.

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

Mr. Moore asked about the HMSAS request for a Council update on the implementing legislation for the Antigua Convention. Mr. Lockhart reported there are no updates on this matter.

Mr. Moore moved (Motion 13) that the Council direct the Executive Director to send a letter to U.S. Senator Smith and the U.S. House of Representatives Subcommittee on Fisheries, Wildlife and Oceans, regarding H.R. 6537 that reiterates the Council Coordinating Committee position on the authority to regulate fishing within National Marine Sanctuaries and requests Council participation at future Congressional hearings on NMSA reauthorization. Mr. Cedergreen seconded the motion.

Motion 13 passed. Mr. Lockhart abstained.

C.5 Implementation of the Magnuson-Stevens Reauthorization Act (MSRA)

C.5.a Agenda Item Overview (09/10/08; 8:15 a.m.)

Mr. Burner provided the agenda item overview.

C.5.b NMFS Report

Mr. Frank Lockhart confirmed the extension of the public comment period and stated the focus of the session should be on developing specific Council comments on the language in the proposed rule, including any suggested changes to the proposed regulations that would improve the guidelines for the

Council process. He noted that he as well as Ms. Jennifer Ise, Ms. Eileen Cooney, Mr. Mark Helvey, and Mr. Alan Risenhoover were available for questions.

Mr. Moore asked about the timeline for publishing the final rule. Mr. Lockhart said that NMFS will be moving as quickly as possible and that the extension will add minimal delays, but NMFS now expects a final rule in early 2009. Mr. Moore further asked about the potentially significant changes to the Council process and the need to amend FMPs in a short timeframe to meet the schedule of the reauthorization. Mr. Lockhart said it is going to be a challenge to meet the deadlines imposed by the Magnuson-Stevens Reauthorization Act (MSRA) because the Council will have a little over a year to implement the guidelines and MSRA requirements.

C.5.c Reports and Comments of Advisory Bodies

Dr. Ralston provided Agenda Item C.5.c, Supplemental SSC Report. Mr. Anderson asked about the SSC statement regarding sources of uncertainty that are not addressed in an acceptable biological catch (ABC) control rule. Dr. Ralston clarified that the SSC is concerned that if an assessment results a variety of outcomes due to several plausible states of nature, the proposed rule would seemingly limit the possible SSC response. He said the ABC control rule calculations can account for uncertainty, but as formulas, they offer little flexibility. He noted a canary rockfish example where assessment results were blended to form the final harvest recommendations and the SSC is unsure how that would work under the proposal.

Mr. Moore noted that in the current groundfish process, overfishing occurs when harvest exceeds the ABC and for healthy stocks, the Council often sets optimum yield (OY) equal to the ABC and wondered what margin the OY levels would have to fall below the ABC under the proposed guidelines. Dr. Ralston noted that ABC will be treated differently than its current use to account for scientific uncertainty. He said the SSC did not discuss specific margins, but he felt the ABC will always need to be below the overfishing level (OFL).

Ms. Fosmark noted the SSC remarks on the “ecosystem component” sections of the proposed rule and asked if the SSC had a different term or a suggested improvement for that term. Dr. Ralston said the SSC did not develop a new term other than the “other fish” term used in the statement. The SSC felt the ecosystem component term is misleading and grandiose because it implies that an ecological role of the species in the FMP has been considered when that is not the proposed use of the term.

Mr. Wolford asked if the SSC anticipated characterizing uncertainty in terms of numbers or in a qualitative sense such as high, medium, or low. Dr. Ralston stated the SSC would likely try to quantify the uncertainty, but noted that different control rules and added flexibility should be expected for data-poor species.

Mr. Roth concurred with the SSC finding that the current proposed rule does not fit well with Council salmon management and asked if the SSC discussed the specifics of the flexibility portion of the proposed rule. Dr. Ralston said the SSC did discuss salmon management and felt that control rules based on escapement goals and exploitation rate limits achieve the intent of the rule, but there is no definitive determination whether this management strategy would fit under the proposed guidelines.

Mr. Burner read Agenda Item C.5.c, Supplemental SAS Report, and Agenda Item C.5.c, Supplemental CPSMT Report.

Mr. Mike Okoniewski provided Agenda Item C.5.c, Supplemental CPSAS Report. Mr. Wolford asked if the formulas expressing a control rule for CPS express the existing management of CPS or is the formula a proposed change. Mr. Burner explained that the formula itself is straight out of the CPS FMP, but the entire bulleted section of the report attempts to express a mechanism by which the existing precautionary

approaches in the existing control rule can meet the requirements of the proposed guidelines. He noted that the control is designed to incorporate scientific uncertainty and is a simple calculation once an estimate of spawning stock biomass is approved. The Council's policy decision is inherent in the control rule and can be changed in response to a conservation concern or new scientific information, but unless amended by the Council, the control rules in place are automatically applied to the estimated abundance to develop a proxy for MSY harvest levels.

Dr. Robert Kope provided Agenda Item C.5.c, Supplemental STT Report. Mr. Anderson asked how the STT drew the conclusion in the second paragraph that stocks north of the Umpqua River are exempt from the proposed regulations because they are internationally managed under the Pacific Salmon Treaty (PST). Dr. Kope stated that these stocks fall under the individual stock-based management (ISBM) classification under the PST that requires these stocks to meet escapement goals set by the PST and further requires that those stocks not meeting those goals be managed under a 40 percent reduction in harvest rate from base period harvest levels. The fisheries are managed by the U.S. Secretary of Commerce according to the recommendations of the Council and in conformity with the PST. Mr. Anderson noted that the language in the statement implies that west coast salmon fisheries are managed by the Pacific Salmon Commission rather than simply complying with the PST.

Mr. Steve Williams asked if tribal treaty rights qualify as international agreements and therefore be exempt from the proposed rule requirements. Ms. Cooney said that there needs to be additional internal discussions on the matter, but for the moment she felt that the entire fishery needs to be considered and tribal treaty rights would not qualify as an international agreement.

Dr. McIsaac asked if the STT felt that the proposed rule guidance on ESA stocks amounted to an exemption from the proposed guidelines. Dr. Kope reported that the flexibility stated in the rule does not exempt ESA stocks and that it was unclear to the STT whether an exemption, like the one proposed for ecosystem components, could be applied.

Ms. Heather Mann provided Agenda Item C.5.c, Supplemental GAP Report.

Dr. Kit Dahl read Agenda Item C.5.c, Supplemental HMSMT Report. Dr. McIsaac referred to the HMSMT statement on the NOAA panel of scientist that is working on technical guidance and clarity on implementing the proposed rule and asked for greater specificity from NMFS. Ms. Ise stated that NMFS did convene such a group to develop methodologies for setting annual catch limits (ACLs) and accountability measures (AMs), particularly for data-poor stocks. The intent is to have a draft out in early 2009. Mr. Lockhart added that Dr. Clarke is participating in the process.

Mr. Peter Fricke provided Agenda Item C.5.c, Supplemental HMSAS Report. Mr. EJ Dick provided Agenda Item C.5.c, Supplemental GMT Report.

C.5.d Public Comment

None.

C.5.e Council Action: Refine Recommendations for Revised Procedures Regarding National Standard 1 Guidelines, including Annual Catch Limits (09/10/08; 10:08 a.m.)

Mr. Moore asked NMFS for additional guidance on how the Council and the SSC should calculate scientific uncertainty when developing ABCs. Mr. Risenhoover said that is a topic that NMFS is eager to receive Council comments on. Part of the lack of clarity in the rule is a result of trying to build flexibility in the guidelines so that they can be applied across all eight Regional Councils and across all of the

FMPs. Ms. Jennifer Ise noted that the NMFS group of scientists is also working on further technical guidance in this regard.

Mr. Moore noted that several advisory body reports referenced species that are potentially “outside” the fishery, krill in the CPS plan, monitored stocks in the HMS plan, prohibited species in the groundfish plan, etc., and asked if the “ecosystem component” is intended to capture these species for which there is no active management anticipated. Mr. Risenhoover said the MSA requires an ACL for every fishery and the ecosystem component designation is designed to capture those species that are not in the fishery. Ms. Ise added that a lot of FMPs have species listed in the FMP for data collection only and this was conceived as a mechanism for accounting for those species without considering them in the fishery and therefore needing ACLs.

Mr. Moore noted that the GAP reported on the proposed provision to carry harvest overages into subsequent fishing years as a means of accountability and asked if the proposed provisions in the Council trawl rationalization effort that allow the carryover of unused quota pounds to subsequent years would also be allowed under the proposed guidelines. Mr. Lockhart said he thought it would be allowed and reminded the Council that a principle purpose of the revised guidelines is to prevent overfishing. He felt that in practice this mechanism is not going to be a problem, particularly if the Council takes such a mechanism into consideration when setting the initial management target. Of course any carryover that resulted in exceeding an ABC or OFL would be problematic.

Mr. Anderson spoke to the difficulty of fitting the proposed guidelines to the Council salmon management regime. He referenced the SSC statements regarding the current use of exploitation rate management that could loosely fall under the definition of an ACL and the STT reference to stocks managed under the PST and the Endangered Species Act (ESA). He did not read the language in the proposed rule as an exemption from ACL requirements for salmon or for stocks listed under the ESA. Rather he felt the Council would need to provide, for NMFS review, documentation and rationale for the Council’s existing use of exploitation rate and escapement goal management that clearly demonstrates how this system meets the intent to end and prevent overfishing and how such a management strategy fits under the flexibility stated in the guidelines. Mr. Risenhoover said that he felt Mr. Anderson was correct and confirmed that the MSA does not provide exemptions for salmon or for species listed under the ESA. He noted that the process envisioned by Mr. Anderson is what NMFS had anticipated when they drafted the sections of the proposed guidelines on flexibility for salmon management.

Mr. Moore followed up the discussion and asked if the same careful process of documenting and providing rationale for management approaches that may not meet the strict definition of management reference points such as ACLs could be applied to the Council’s other FMPs. Mr. Risenhoover said there will likely be greater flexibility for internationally managed species as the MSA guidance was very broad in this regard. Ms. Ise asked Mr. Moore for clarification on what types of flexibility (e.g., seasonal or harvest rate management) he was referring to. Mr. Moore said in most cases we have numeric OYs that are derived from different methodologies across the FMPs. He felt the Council is doing a good job achieving the management goals the Congress intended in the reauthorization such as preventing overfishing and addressing overfished stocks. To achieve this task, the Council has developed our own techniques that fit the fisheries the Council manages. Rather than restructure our successful management process to accommodate a template, the Council would prefer flexibility in the “template” to best achieve the goals of what the proposed National Standard 1 guidelines are trying to accomplish. Mr. Risenhoover said that would make an excellent comment to submit for further review, particularly if the comment included some specific examples.

Mr. Tim Roth echoed Mr. Anderson’s comments about managing salmon and expressed his support for Council salmon management and is hopeful that NMFS will recognize that fact.

Mr. David Sones reiterated the intent of the reauthorization and the proposal to get all eight Regional Councils in a position of ending and preventing overfishing. He proposed that each Council could prepare a "state of the resource" type of a report that captures a Regional Council's effectiveness at meeting this intent. For the tribes, conservation is the primary objective.

Mr. Steve Williams expressed his observation that the Pacific Council is a long way towards meeting these guidelines and may have less work to do than other Regional Councils. He supports Mr. Anderson's comments regarding Council management of salmon.

Mr. Anderson reference the graphic on page 32534 of Agenda Item C.5.b, Attachment 1 regarding the relationship between ACLs, annual catch targets (ACTs), and OFLs. He said he was first introduced to many of these new management provisions at the national workshop held in Arlington, Virginia in September of 2007. He noted that the first bullet of the graphic says AMs are associated with ACLs and he thinks they could have been better associated with ACTs because the accountability measures more directly address management uncertainty while an ACL addresses scientific uncertainty. Mr. Anderson asked if it is a correct interpretation that an ACT is established through consideration of a management system's ability to monitor catch and ensure that harvest targets are not exceeded. Mr. Risenhoover confirmed that Mr. Anderson was correct. Ms. Ise noted that said AMs are associated with ACLs in the proposed rule because that is the way they are discussed in the MSA. ACTs are not part of the MSA, but are part of the proposed guidelines and could be associated with AMs to ensure that management uncertainty is accounted for and that ACLs are not exceeded.

Mr. Cedergreen thanked the NMFS staff for their help. He said the Council management area is quite expansive with unique and diverse stocks and fisheries and he believes the goals and objectives of the MSA are being met in most, if not all, cases and hopes that the templates will be as flexible as possible to accommodate Council management.

Mr. Ortmann concurred with the need for flexibility in applying these guidelines across the eight Regional Councils and stressed the importance of maintaining the Council's effective salmon management, including the use of exploitation rate targets as ACLs.

Ms. Vojkovich felt that the proposed rule gives the Council maximum flexibility to meet the goals of the MSA and she stressed the importance of amending our FMPs to describe our current management plans and how they meet the intent of the guidelines. She sees the guidelines as being less restrictive than they first appear because, as other Council members have noted, all of our fisheries are structured to meet the goals and objectives of the MSA and we have accountability measures in place.

Ms. Vojkovich also addressed the large workload imposed by the reauthorization and the need for funding to augment struggling state staffing budgets. If we want to meet the deadlines for implementation of these guidelines, the Council and the states will need additional resources and/or the deadlines will need to be flexible. Mr. Risenhoover said he has heard the message of workload and funding from this Council and that NMFS is trying to get increases through the annual budget cycle. NMFS has proposed increases in the 2009 budget that have passed mark-up sessions in the U.S. House of Representatives and the U.S. Senate, but further negotiations will occur and it is difficult to predict the final outcome. He said the deadlines for implementation are imposed by Congress and are not something NMFS can amend in the guidelines.

Ms. Fosmark thanks the NMFS staff for their participation and said she is appreciative of the exemptions for internationally managed stocks. She said the Pacific Council has done a good job of preventing overfishing and she felt the guidelines were helpful and will provide the Council with the needed flexibility to meet the requirements and maintain its effective management.

Dr. McIsaac presented the following table on the screens in the Council meeting room. He described the table as a speculative calendar for final implementation of the NS1 guidelines, amending the Council FMPs, and promulgating regulations relative to the MSA mandated deadlines of 2010 for fisheries experiencing overfishing and by 2011 for all other fisheries.

Stage	Most Aggressive Schedule Conceivable	High Priority Schedule
Proposed Rule Comment Period Ends	September 2008	September 2008
Final Rule	January 2009	March 2009
"Council Announces Scoping - EIS or EA Determination - Initiate FMP Amendments"	March 2009	June 2009
First FMP Amendment Drafts, Including Alternatives	June 2009	November 2009
Adopt Preliminary Preferred Alternative for Public Review	September 2009	Mar-Apr 2010
Final Council Action	November 2009	June 2010
Secretarial Approval	April 2010	January 2011
Changes in Existing Fishing Regulations	Second Half of 2010	During 2011

The table presents two speculative schedules, one very aggressive and unlikely to be achieved and a second that is perhaps more realistic, but is still an aggressive schedule that places the work on a high priority. Dr. McIsaac stated that under any scenario, the Council and NMFS are facing a large workload with a relatively short time frame with dedicated funding still being sought.

Mr. Risenhoover commended the Council for this type of forward planning and that with no stocks subject to overfishing, the Pacific Council is in a better situation than other Councils facing the 2010 deadline.

Mr. Warrens asked what the Council's legal exposure would be if the aggressive schedules presented are not met and the required management response is not in place by the MSA imposed deadlines. Ms. Cooney stated that the intent would be to meet the Congressional timeline and if that is not possible and the matter ended up in court, the FMP amendment schedules would be reviewed to determine if reasonable work and best efforts are underway. She could not speculate on the outcome of such a review.

Mr. Gordy Williams asked if the Council's expectations on salmon management will fit the proposed schedules. Mr. Anderson reviewed salmon management under exploitation rate and escapement goals and the practice of limiting effort through season limitation or quotas. He felt that the salmon process would not need significant revision and could not speculate on whether or to what extent the salmon FMP would need amending.

Mr. Anderson said he heard a lot of comments regarding the significant flexibility in the proposed rule and the general understanding that the Council will be able to adapt existing management in a way that is consistent with the new guidelines. Mr. Anderson presented another alternative for Council consideration. He referenced comments submitted by the North Pacific Fishery Management Council (NPFMC) (Agenda Item C.5.a, Attachment 2) and concurred that there is a layer of complexity in the proposed guidelines and an opportunity to suggest some simplifications. There are some new terms in the proposed rule that are not necessarily required by the MSA and the NPFMC is proposing or suggesting some simplification of the proposed guidelines. He felt that it was worth considering the comments of the NPFMC, but if the majority of the Council is content with the proposed rule it may not be a good use of time.

Chairman Hansen concurred with Mr. Anderson and the comments of the NPFMC and was supportive of an effort to simplify the proposal.

Mr. Moore said that his previous comments about the need for the expressed flexibility should not be taken as full support of the rule as written and he agreed with Mr. Anderson that meeting the MSA requirements need not be as complicated as the NMFS proposal. Mr. Moore suggested the Council response include some overarching comments as well as the individual statements of the advisory bodies to convey both the Council's general concerns as well as the complete record of the comment provided today. The letter could include a general support of the simplification of the NPFMC. Mr. Anderson said he supported the statements of the advisory bodies, but felt that the response would not provide definitive Council guidance if we simply send in the statements with a cover letter. There are points of clarification in the statements that should be included.

Mr. Anderson suggested there are two tracks the Council can take. The first would be to review the advisory body reports for commonalities and specific recommendations and include them in a letter along with items the Council feels were missed. Alternatively, he agrees with the NPFMC that there is an unnecessary introduction of new terms where existing terms would suffice (e.g., maximum fishing mortality threshold does not need to be replaced with OFL, and total allowable catch does not need to be replaced by an ACT). Therefore, he suggested a second approach whereby the Council recommends a simplification of the rule through the use of existing concepts and terms. Mr. Anderson noted Mr. Risenhoover's comments concerning the need for the rule to accommodate all eight Regional Councils and he was unsure whether a simplification would jeopardize that goal.

Mr. Moore again concurred that the rule does not need to be complicated and recommended a meld of the two approaches where the response includes the advisory comments and a description of how the Council process could fit the guidelines, but also expresses a concurrence with the NPFMC recommendations to simplify the guidelines. Mr. Anderson suggested the Pacific Council response could simply recommend that NMFS carefully consider the NPFMC comments because we share their concerns regarding the level of complexity and the opportunity to use existing terms, where applicable (i.e., ACLs are required by MSA), to meet the intent. Mr. Anderson felt that if existing terms and concepts were used as a model for constructing the proposed guidelines, we should use as many of the existing terms as possible rather than creating new ones.

Chairman Hansen stated that he felt the Council has provided enough guidance at this point and a motion on the matter is unnecessary.

Ms. Fosmark noted that there will be some simplification of the process due to the MSA exemptions for internationally managed species from all but the status determination criteria and MSY combined with the fact that krill are likely to be exempt due to their short life cycle.

Mr. Burner expressed appreciation for the Council's comments in addition to the strong advisory body statements on this topic. He concurred with Mr. Anderson's comments on simplification and felt the Council could move forward with a final response.

C.6 Approval of Council Meeting Minutes

C.6.a Council Member Review and Comments

None.

C.6.b Council Action: Approve June Council Meeting Minutes

Mr. Mallet moved and Mr. Moore seconded a motion (Motion 25) to approve the Draft June Council Meeting minutes as shown in Agenda Item C.6.b, Draft June 2008 Council Meeting Minutes, with the following changes:

- Draft June Minutes, Page 8, under Agenda Item C.1.d, last sentence of the third paragraph where it says “Mr. Moore stated . . .” Correct “rode” to “road.”
- Draft June Voting Log Page 13, Amendment #3 at the bottom where it specifies that permits would be issued to co-ops on the IQ alternative, it says “the motion failed, 10 yes, 2 no, 1 abstention”; it should read “motion failed, 2 yes, 10 no, 1 abstention.”
- Draft June Minutes, Page 37, under Agenda Item F.6.a, correct the first paragraph to read “Responding to questions, Ms. Cooney said that any new options offered at this meeting should be brought up before public comment; linkages between co-ops and motherships can be done, but without congressional action, linkages between co-ops and shoreside processors could not be implemented due to the specifications in the Magnuson-Act; that an initial allocation of IFQ to processors is a policy call not a legal issue; and that restricting vessels with IFQ overages from participating in other federally managed fisheries, e.g., HMS, or CPS, or salmon would present challenges because of differences between what is regulatory action and what is punitive action. Going beyond the groundfish fishery gets more into an enforcement issue. Saying actions could be taken means there is legal authority to take the action, assuming there is an adequate record.”
- Draft June Minutes, correct the spelling for the Makah Attorney, it should read “Mr. Marc Slonim” and not “Mr. Mark Sloan” as presented in the document.
- Draft June Minutes, Page 28, where it reads “Mr. Moore asked if there was any indication of Makah tribal set-asides for bycatch species and Mr. Svec said the current scorecard values are adequate,” it should read “Mr. Moore asked if there was any indication of need for additional Makah tribal set-asides. . . .”
- Draft June Voting Log, Page 8, Motion 30, Amendment #2, it shows “Dr. David Hanson and Mr. Frank Warrens” as voting yes; it should say “All voted no; except Mr. Lockhart, who abstained.”

Motion 25 passed unanimously, pending verification.

C.7 Fiscal Matters

C.7.a Agenda Item Overview (09/12/08; 9:32 a.m.)

Dr. Coon provided the agenda item overview.

C.7.b Budget Committee Report

Mr. Jerry Mallet provided Agenda Item C.7.b, Supplemental Budget Committee Report.

C.7.c Reports and Comments of Advisory Bodies

None.

C.7.d Public Comment

None.

C.7.e Council Action: Consider Budget Committee Recommendations

The Council approved the report of the Budget Committee as shown in Agenda Item C.7.b, Supplemental Budget Committee Report (Motion 26).

C.8 Membership Appointments and Council Operating Procedures (COP)

C.8.a Agenda Item Overview (09/12/08; 9:41 a.m.)

Dr. Coon provided the agenda item overview.

C.8.b Reports and Comments of Advisory Bodies

Dr. Coon referred the Council to a report from the Enforcement Consultants.

C.8.c Public Comment

None.

C.8.d Council Action: Consider Changes to COP and Appoint New Advisory Body Members as Needed

Ms. Culver moved and Mr. Cedergreen seconded a motion (Motion 27) to appoint Ms. Lisa Veneroso to fill the Washington Department of Fish and Wildlife (WDFW) position on the Coastal Pelagic Species Management Team (replacing Ms. Carol Henry). Motion 27 passed unanimously.

Mr. Steve Williams moved and Mr. Moore seconded a motion (Motion 28) to appoint Ms. Lynn Mattes to fill the Oregon Department of Fish and Wildlife vacancy on the GMT. Motion 28 passed unanimously.

Mr. Lockhart moved and Ms. Fosmark seconded a motion (Motion 29) to appoint Ms. Sarah McAvinchey to fill the vacant NMFS Northwest Region position on the Groundfish Management Team (GMT); and appoint Dr. Michael O'Farrell to fill the NMFS Southwest Fisheries Science Center position on the STT (replacing Mr. Michael Mohr). Motion 29 passed unanimously.

The Council also noted that the Enforcement Consultants had selected a new Chair, Deputy Chief Mike Cenci with the WDFW, replacing Mr. Tony Warrington, California Department of Fish and Game.

The Executive Director announced that the Council Chair would make an interim appointment of Ms. Dorothy Lowman to fill the vacant non-voting conservation position on the Groundfish Allocation Committee (GAC), replacing Mr. Steve Barrager. This was necessary to fill the position for the October GAC meeting. The Council directed staff to solicit nominations for a permanent replacement for the position for Council consideration at the November Council meeting.

The Council also unanimously adopted an addition to COP 1, General Council Operating Procedures, (Motion 30) which was a revision gleaned from three options and recommendations from Ms. Cooney that were considered under Agenda Item C.2 to formalize the Council's regulatory deeming process. The adopted language (Option 4) is contained in Agenda Item C.8.a, Supplemental Attachment 1, and authorizes the Executive Director to review the regulations and verify that they are consistent with Council intent.

D. Salmon Management

D.1 Salmon Methodology Review

D.1.a Agenda Item Overview (09/08/08; 10:45 a.m.)

Mr. Chuck Tracy presented the agenda item overview.

D.1.b Agency and Tribal Comments

None.

D.1.c Reports and Comments of Advisory Bodies

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

Mr. Steve Williams asked if there were data issues in addition to workload associated with the Klamath fall Chinook maturity boundary analysis. Dr. Lawson replied yes. Dr. McIsaac noted Pacific States Marine Fisheries Commission was working on incorporating the missing coded-wire-tag information into their data base.

Dr. Robert Kope presented Agenda Item D.1.c, STT Report.

Ms. Vojkovich asked if the Sacramento River fall Chinook abundance index and harvest model review would include issues associated with the lack of fishery data from 2008. Dr. Kope replied the STT would discuss those issues, but that the models should be able to accommodate that without modification.

Mr. Anderson asked if the review would evaluate the Chinook Fishery Regulation Assessment Model (FRAM) for modeling mark-selective fisheries in the ocean. Dr. Kope replied that is the intent of this review.

Mr. Anderson asked if there were other analyses or reviews necessary to allow the STT or SSC to recommend the Chinook FRAM for use in modeling mark selective Chinook fisheries in the ocean. Dr. Kope replied the STT did not have serious concerns, but that the SSC was concerned with propagation of model effects due to Chinook age structure.

Mr. Tracy read into the record Agenda Item D.1.c, Supplemental SAS Report.

D.1.d Public Comment

None.

D.1.e Council Action: Establish Final Methodology Review Priorities for 2009 Salmon Season

Dr. McIsaac asked why there were no materials available on the coho Endangered Species Act (ESA) consultation standard. Mr. Lockhart replied Dr. Dygert has continued to work on this but a report will not be forthcoming soon.

Dr. McIsaac asked if the Council should expect no change for 2009 guidance. Mr. Lockhart replied the guidance letter would be developed based on the information available at the time, including any relevant

stock status information. A change would be possible at that time; but a formal document for review by the SSC would likely not be available.

Mr. Anderson asked if there was opportunity for Oregon to have any new information provided to address the issues in NMFS letter of May 19 (Agenda Item D.1.b, NMFS Letter). Mr. Steve Williams replied a draft document was scheduled for early in 2009, although that timeline had slipped to some unknown degree.

Mr. Anderson asked if it was likely that given the progress to date and expected in the near future that the NMFS guidance for 2009 would not provide any additional relief to coho fishery constraints. Mr. Lockhart replied that would be a safe assumption.

Mr. Anderson noted that the hatchery reform efforts in the lower Columbia River to reduce impacts on natural stocks were necessary to maintain current hatchery Chinook production levels, and that mark selective fisheries were part of those efforts. In the absence of those efforts, the allowable exploitation rate on natural tule Chinook stocks would likely decline to the point of eliminating ocean Chinook fisheries. The use of Chinook FRAM to evaluate impacts on natural tule stocks was also an important part of those efforts and for that reason this review is a high priority.

Mr. Tim Roth agreed with Mr. Anderson's comments. United States Fish and Wildlife Service (USFWS) initiated a mass marking program prior to the State's and all age classes of Spring Creek tule Chinook were mass marked.

Mr. Cedergreen considered Chinook FRAM review as the top priority to maintain the economies of coastal communities.

Dr. McIsaac asked what the Chinook mark rate for Westport recreational fisheries was in 2008. Mr. Cedergreen replied anecdotal information indicated between 50 and 80 percent early in the season, which was higher than that for coho.

Mr. Steve Williams also considered review of Chinook FRAM as the highest priority.

Mr. Anderson moved (Motion 2) to adopt in priority order for the salmon methodology review, Items #1, #2, and #3 as shown in Agenda Item D.1.c, STT Report. Mr. Cedergreen seconded the motion.

Motion 2 passed unanimously.

D.2 Progress Report on Causes of the 2008 Salmon Failure

D.2.a Agenda Item Overview (09/08/08; 11:25 a.m.)

Mr. Tracy presented the agenda item overview.

D.2.b West Coast Salmon Work Group Progress Report

Drs. John Stein and Churchill Grimes presented Agenda Item D.2.b, West Coast Salmon Work Group Progress Report PowerPoint (on Council website).

Chairman Hanson asked if there was information on the possible effects of Humboldt squid on salmon abundance. Dr. Grimes replied information was available but there was no evidence of a relationship.

Ms. Vojkovich asked what type of comment was sought for the January 2009 meeting. Dr. Stein replied they wanted comment on the draft report.

Ms. Vojkovich asked if there was an alternate way of getting information people that did not attend the August 29 meeting. Dr. Grimes replied yes, there was an electronic submission site available.

Ms. Vojkovich asked if there was a follow up to get that information or if it was voluntary only. Dr. Grimes replied there was an initial follow up, but no additional follow up was anticipated.

Mr. Wolford asked if the rationale for removing items from the list of possible causes was available. Dr. Grimes replied there was either duplication or the Work Group felt there was sufficient information available for a tentative decision; however, items could be reinstated if sufficient information was provided. Mr. Tracy replied page 2 of the Agenda Item D.2.d, Work Group Report, indicated that a full rationale would be provided in the final report.

Mr. Wolford asked whether some of the removals were due to lack of information. Dr. Grimes replied no.

Mr. Wolford asked if the schedule was reasonable. Dr. Stein replied the schedule was requested by the Council and was tight, but should be achievable.

Ms. Fosmark asked if this email address for submitting additional information could be made available. Mr. Tracy replied the email address was in Agenda Item D.2.d, Supplemental SAS Report.

Dr. McIsaac asked how the Work Group would address topics with insufficient information. Dr. Grimes replied the Work Group members would make every attempt to acquire data on identified topics.

D.2.c Agency and Tribal Comments (09/08/08; 1:35 p.m.)

Ms. Vojkovich noted the California Ocean Protection Council also held workshops in August on the salmon collapse, and were seeking public input on policy direction.

D.2.d Reports and Comments of Advisory Bodies

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

Mr. Tracy read into the record Agenda Item D.2.d, Supplemental SAS Report.

D.2.e Public Comment

None.

D.2.f Council Discussion and Guidance

Mr. Wolford requested that the Work Group provide a very brief line by line rationale for why items were deleted from the list of possible causes for the salmon collapse.

Ms. Vojkovich recommended:

- an editor be used to make the report more cohesive;
- to have the final report to the Council be easily digestible for a non-scientific audience;
- address cumulative effects, and;
- incorporate Ocean Policy Committee considerations.

Dr. Grimes replied Work Group members were participating in the Ocean Policy Committee process.

Mr. Sones asked if enforcement issues were identified in the progress report. Dr. Stein replied no, but they would add that to the list.

Dr. McIsaac asked what the peer review process would be for completing the process. Dr. Grimes replied the first priority would be to meet the Council scheduled deadline for a report by April 2009, and the SSC would provide some review of that product. The journal manuscript review would follow normal procedures and be reviewed outside the Work Group and Council forums.

D.3 Central Valley Salmon Recovery Plan (09/08/08; 1:57 p.m.)

D.3.a Agenda Item Overview

Mr. Tracy presented the agenda item overview and summarized Agenda Item D.3.a, Attachment 2.

D.3.b NMFS Report

Ms. Maria Rea, NMFS, presented Agenda Item D.3.b, Supplemental PowerPoint presentation. (Central Valley Salmon and Steelhead Recovery Plan Update).

Dr. McIsaac asked what the recovery goals for winter Chinook were. Ms. Rea replied that they were primarily having more than one viable population in the diversity groups and having acceptable levels of hatchery influence in those populations.

D.3.c Agency and Tribal Comments

Ms. Vojkovich noted that CDFG has submitted direct comments to NMFS.

D.3.d Reports and Comments of Advisory Bodies

Dr. Kope presented Agenda Item D.3.d, STT Report.

Dr. McIsaac asked what the reduction was in ocean harvest rate for winter Chinook since the 1970's. Dr. Kope replied there was no adequate information to make an estimate.

Mr. Tracy read into the record Agenda Item D.3.d, Supplemental SAS Report.

D.3.e Public Comment

None.

D.3.f Council Comments

Ms. Vojkovich moved (Motion 3) to submit comments from Council staff and advisory bodies as shown in Agenda Item D.3.a, Attachment 2 Staff Comments, Agenda Item D.3.d, STT Report, and Agenda Item D.3.d, Supplemental SAS Report, to NMFS and ask that they consider the comments in their draft of the Central Valley Salmon Recovery Plan. Mr. Wolford seconded the motion.

Motion 3 passed unanimously.

E. Pacific Halibut Management

E.1 Pacific Halibut Bycatch Estimate for International Pacific Halibut Commission (IPHC) Adoption

E.1.a Agenda Item Overview (09/08/08; 2:33 p.m.)

Mr. Tracy presented the agenda item overview.

E.1.b NMFS Report

Dr. Jim Hastie presented Agenda Item E.1.b, Supplemental NMFS Report via PowerPoint.

Mr. Anderson asked why there were different proportions of legal sized fish estimated for the two methods of assigning mortality. Dr. Hastie replied it was based on the distribution of legal sized fish in the various strata with different mortality rates.

Mr. Anderson asked if the NMFS Northwest Fisheries Science Center (NWFSC) was making a recommendation on which mortality method to use. Dr. Hastie replied not at the time; while the viability method was consistent with that used in Alaska, there were sample size issues.

Mr. Anderson asked how the sample rates compare with Canadian and Alaskan sample rates. Dr. Hastie replied he did not know.

Mr. Moore asked if restricting the trawl fleet to deeper water resulted in more halibut mortality. Dr. Hastie replied no, the mortality rate would increase due to longer tows and greater thermal gradients, etc., but the bycatch rates generally decline. For example, given similar effort in earlier years, the bycatch mortality actually decreased.

Mr. Williams asked what analysis was used to assess fixed gear bycatch mortality on Pacific halibut. Dr. Hastie replied the analysis was very aggregated, and that use of logbooks could allow additional stratifications.

E.1.c Reports and Comments of Advisory Bodies

Dr. Stephen Ralston presented Agenda Item E.1.c, Supplemental SSC Report.

Dr. McIsaac asked if the SSC was endorsing use of the viability criteria. Dr. Ralston replied the SSC felt the viability criteria should be used, but that additional analyses should be conducted prior to the 2009 management season.

E.1.d Public Comment

None.

E.1.e Council Review and Guidance

Mr. Anderson moved (Motion 4) to adopt the recommendations for halibut management for Area 2A as submitted by NMFS NWFSC, and recommend halibut bycatch levels consistent with the observer based viability criteria and the recommendations of the SSC. Mr. Rod Moore seconded the motion.

Motion 4 passed unanimously.

E.2 Pacific Halibut Catch Apportionment Methodology (09/08/08; 3:14 p.m.)

E.2.a Agenda Item Overview

Mr. Tracy presented the agenda item overview.

E.2.b Reports and Comments of Advisory Bodies

Mr. Anderson presented Agenda Item E.2.b, Supplemental PFMC Representative Report.

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

E.2.c Public Comment

Dr. Leaman, IPHC Executive Director, stated the IPHC staff had agreed to meet with Area 2A halibut managers to discuss apportionment issues. He noted that the Area 2 age structure was substantially truncated and the IPHC staff believes that represents a significant loss of reproductive capacity. Apportionment in Area 2A is problematic due to data issues, but whatever solution is reached, it should be applied equally to all catch areas and the stock as a whole, and it should be robust to uncertainty in stock structure.

E.2.d Council Action: Recommendations to IPHC

Mr. Anderson asked if the NMFS NWFSC could provide trawl survey catch information to the Halibut Managers Workgroup. Dr. Elizabeth Clarke replied the raw numbers would be obtainable before November.

Mr. Anderson noted the Halibut Managers Workgroup will report back to the Council in November after its meeting with IPHC staff on apportionment issues.

E.3 Proposed Changes to Catch Sharing Plan and 2009 Annual Regulations

E.3.a Agenda Item Overview (09/08/08; 3:50 p.m.)

Mr. Tracy presented the agenda item overview.

E.3.b Agency and Tribal Recommendations and Comments

Mr. Anderson asked for a brief overview at the November Council meeting of how and why the tribal catch went over their halibut quota, and what measures would be taken to ensure it doesn't happen again. Mr. Sones replied an overview of the overall management plan could be provided, and the individual tribes could report on their quota management.

Mr. Anderson presented Agenda Item E.3.b, Supplemental WDFW Report.

Mr. Don Bodenmiller presented Agenda Item E.3.b, Supplemental ODFW Report.

Mr. Anderson asked if lingcod and yelloweye rockfish catch were associated in Oregon waters. Mr. Bodenmiller replied that the intent of the proposal was that anglers would be targeting halibut and incidentally catching lingcod.

Mr. Anderson asked if there was a concern about anglers catching halibut then targeting lingcod. Mr. Bodermiller replied yes.

Mr. Tracy asked how the inside 40 fathom quota would be managed when the Columbia River area was open. Mr. Bodermiller replied catch would be assigned to the Columbia catch area on those days, and to the Central Coast subarea on the days the Columbia River subarea was closed.

E.3.c Reports and Comments of Advisory Bodies

Ms. Heather Mann presented Agenda Item E.3.c, Supplemental GAP Report.

Mr. Moore asked who would prepare the proposed white paper. Ms. Mann replied Council staff, NMFS, and/or GMT members.

E.3.d Public Comment

Ms. Leesa Cobb, Port Orford, OR
Mr. Amy Braundon, Port Orford, OR

Mr. Moore asked what the process would be to allow retention of halibut bycatch from fixed gear fisheries south of Point Chehalis. Ms. Cooney replied it would require rulemaking under the Halibut Act as opposed to the Magnuson Act, and would require at least two Council meetings, depending on the analysis and review period, and the necessary revisions to the Catch Sharing Plan (CSP).

E.3.e Council Action: Adopt Proposed Changes for Public Review

Mr. Anderson moved (Motion 5) to adopt for public review the proposed changes to the Area 2A Pacific halibut catch sharing plan and 2009 annual regulations as shown in Agenda Item E.3.b, Supplemental WDFW Report. Mr. Myer seconded the motion.

Motion 5 passed unanimously.

Mr. Williams moved (Motion 6) to adopt for public review the proposed changes to the Area 2A Pacific halibut catch sharing plan and 2009 annual regulations as shown in Agenda Item E.3.b, Supplemental ODFW Report; in addition, direct NMFS, ODFW, and others to develop an informational report based on recommendations in Agenda Item E.3.c, Supplemental GAP Report. Mr. Frank Warrens seconded the motion.

Ms. Vojkovich asked if the motion was intended to initiate the process for consideration by the Council of the retention of halibut bycatch in fixed gear fisheries. Mr. Williams replied yes.

Ms. Vojkovich inquired about the workload and timing implications. Mr. Williams recommended the process should be complete in time for the September 2009 consideration of proposed CSP modifications.

Mr. Anderson was concerned about going forward with the bycatch retention process because currently halibut bycatch was not accounted for in the fixed gear fleet. Once the level of bycatch and mortality rates were determined, a decision on how to allocate the mortality would be needed. After that point, the Council could consider an incidental allowance for the fixed gear sablefish fishery south of Point Chehalis. Because of the uncertainty in the apportionment and bycatch mortality issues, other CSP changes may be necessary; the workload may necessarily postpone consideration of the bycatch retention issue, and a piecemeal approach to CSP revisions would not be desirable. Mr. Williams replied the motion was only to initiate a process to collect information for future consideration.

Ms. Vojkovich recommended approaching workload issues in a more strategic manner.

Mr. Anderson asked when fixed gear halibut bycatch information would be available. Dr. Clarke replied methodology was being developed with the IPHC to provide mortality estimates. Initial review of the methods would likely occur in spring of 2009, with preliminary estimates to follow.

Mr. Anderson asked if the intent of the process was to allow retention of halibut bycatch discards or to allocate some portion of the Area 2A total allowable catch (TAC) to the fixed gear fishery south of Point Chehalis. Mr. Williams replied the intent was to gather information necessary to explore options, not to take the discards off the top of the Area 2A TAC or reallocate from one group to another.

Mr. Anderson was also concerned about the ODFW proposal to allow lingcod retention and the possibility of increased yelloweye rockfish impacts, and requested information at the November Council meeting on that issue.

Motion 6 passed unanimously.

F. Enforcement

F.1 Enforcement Activity Report (09/09/08; 8:06 a.m.)

F.1.a Agenda Item Overview

Mr. Burner provided a brief agenda item overview.

F.1.b NMFS Enforcement Presentation

Special Agent in Charge Vicki Nomura, and Special Agent in Charge Don Masters gave the report for the Northwest and Southwest Regions of the NMFS Office of Law Enforcement (OLE) which was well received by the Council (Powerpoint presentation).

F.1.c Report and Comments of Advisory Bodies

None.

F.1.d Public Comment

None.

F.1.e Council Discussion

Mr. Anderson asked how many agents are in the Northwest Region. Ms. Nomura reported 16: 3 in Bellingham, WA, 3 in Seattle, WA, 1 in Port Angeles, WA (and one vacancy); 1 in Westport, WA; 2 in Astoria, OR; 1 in Portland, OR; 1 in Roseburg, Oregon; and 1 in Boise, Idaho. Mr. Anderson also asked for the number of vessels the OLE has available for ocean patrols. Ms. Nomura said there were 3 or 4.

Mr. Anderson expressed concerns about references in the presentation to insignificant recreational fishery activity in the Olympic National Marine Sanctuary (ONMS). Ms. Nomura clarified that the statement was focused on all recreational activities and was intended only to note that activity in the relatively remote OCNMS is less than that of the California sanctuaries, not that activity in the OCNMS was

insignificant. Mr. Anderson noted the presentation incorrectly referenced only one island in the OCNMS. Ms. Nomura said the omission has been noted for correction.

Mr. Anderson asked if the requirements for vessels to avoid orca whales was Federal law. Ms. Nomura said that it was not, but that violations could be issued under the ESA or the Marine Mammal Protection Act (MMPA) and that recently passed State legislation in Washington has been helpful.

Mr. Jerry Mallet noted that the OLE has an enforcement agreement with Idaho that is primarily focused on ESA salmon issues and asked why this partnership was not noted in the presentation. Ms. Nomura noted the omission and clarified that the partnership with IDFG is very effective, but that OLE is prevented from forming a Joint Enforcement Agreement (JEA) with Idaho because JEAs are limited to coastal states.

Ms. Kathy Fosmark asked for additional information on the 26 international violations. Ms. Nomura reported that illegal foreign fishing operations are detected by United States Coast Guard (USCG) and NMFS OLE patrols and are also reported by others. Many cases are discovered and investigated after the fact and result in a lengthy paper chase by our investigators. U.S. authority becomes effective if OLE can prove an MSA or Lacey Act violation.

Mr. Anderson expressed appreciation for the JEA program and felt it has been extremely valuable for both state and Federal enforcement.

Mr. David Sones asked who is responsible for enforcing the 200 mile EEZ boundary. Ms. Nomura said that OLE conducts patrols in cooperation with the USCG and that some of the state enforcement vessels are able to patrol Federal waters as well.

Chairman Hansen asked Mr. Don Masters about sea lion problems in the Newport, CA marina. Mr. Masters confirmed that there have been several incidents in that area and that his office is responsible for monitoring those interactions under the MMPA.

Dr. McIsaac noted that the electronic monitoring video clip in the presentation depicting a violation at sea was of poor quality and asked if that was the case with all of the footage. Ms. Nomura said that date, time, and other confidential information that was taken out by video technicians and that the video used for monitoring is better quality. She also noted that OLE does not have the manpower and resources to view the videos in real-time and video review is contracted out and NMFS is made aware of suspicious activities for further review.

Dr. McIsaac asked if there is anything the Council can do to support the OLE and its activities. Ms. Nomura said the JEA is currently under review and Council support is very important to the program and that Council members may be contacted during the course of the review.

G. Habitat

G.1 Current Habitat Issues

G.1.a Agenda Item Overview (09/09/08; 11:05 a.m.)

Ms. Jennifer Gilden provided the agenda item overview.

G.1.b Report of the Habitat Committee

Ms. Teresa Scott provided Agenda Item G.1.b, Supplemental HC Report. Ms. Scott also provided Agenda Item D.2.d, Supplemental HC Report—Progress Report on Causes of the 2008 Salmon Failure, and Agenda Item D.3.d, Supplemental HC Report—HC Comments on Central Valley Chinook Recovery Plan.

G.1.c Reports and Comments of Advisory Bodies

None.

G.1.d Public Comment

None.

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

Ms. Vojkovich moved and Ms. Fosmark seconded a motion (Motion 9) relative to the Central Valley Chinook Recovery Plan, to include the comments of the Habitat Committee as shown in Agenda Item D.3.c, Supplemental HC Report to forward to NMFS. (The rest of the advisory body comments were included to forward to NMFS under Motion 3.)

Motion 9 passed unanimously.

H. Highly Migratory Species Management (HMS)

H.1 National Marine Fisheries Service (NMFS) Report

H.1.a Southwest Region Activity Report (09/09/08; 1:04 p.m.)

Mr. Helvey walked the Council through Supplemental Informational Report 8 (proposed critical habitat designation for the threatened southern distinct population segment of green sturgeon). Mr. Helvey reviewed Agenda Item H.1.a, Southwest Region Activity Report.

H.1.b Southwest Fishery Science Center Report

Mr. Russ Vetter provided a PowerPoint Presentation.

H.1.c Reports and Comments of Advisory Bodies

None.

H.1.d Public Comment

Mr. Chip Bissell, American Albacore Fishing Association, Oak View, CA
Mr. Doug Fricke, Washington Trollers Association, Hoquiam, WA

H.1.e Council Discussion

Ms. Culver asked if the Council and its advisory bodies would have an opportunity to review the deep-set longline fishery environmental assessment. The environmental assessment (EA) is being finalized and

does not require Council action, because it supplements analysis of Council action in adopting the HMS FMP. Mr. Helvey said that the EA would be made available to the Council and its advisory bodies.

H.2 Changes to Routine Management Measures for 2009-2010 Season (09/09/08; 1:52 p.m.)

H.2.a Agenda Item Overview

Dr. Dahl provided the agenda item overview.

H.2.b Reports and Comments of Advisory Bodies

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

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

H.2.c Public Comment

Ms. Julie Sherman, Marine Fish Conservation Network, Portland, OR

Mr. Steve Crooke, recreational angler, Irvine, CA

Ms. Meghan Jeans, Ocean Conservancy, San Francisco, CA

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

H.2.d Council Action: Adopt Proposed Changes for 2009–10 Routine Management Measures for Public Review

Ms. Vojkovich moved and Ms. Fosmark seconded a motion (Motion 10) to adopt the following as a preferred alternative to regulatory changes for HMS fisheries for 2009-10:

- A seasonal closure for all HMS commercial shark fisheries south of 34° 27' N. latitude that is generally the same as the current drift gillnet (DGN) fishery. (The DGN fishery is closed 0-200 nm February 1 to April 30 and 0-75 nm May 1 to August 14 from the U.S.-Mexico border to the U.S.-Canada border.)
- A seasonal closure for the recreational HMS shark fishery for the entire state (U.S.-Mexico border to California-Oregon border) during that same time period, February 1-August 14, 0-200 nm.

Alternatives 1-4, contained in HMSMT Report H.2.b, and a fifth option contained on page 11 of the HMSMT report, a mandatory data collection requirement for all shark tournaments, are also put out for public review.

Speaking to her motion, Ms. Vojkovich said that the commercial hook and line fishery and recreational fishery have shown increasing catch while managers have not monitored the situation closely. Although the thresher shark harvest guideline has not been exceeded, the Council should use the precautionary approach for thresher sharks. It is important to protect these sharks during their pupping season. This was the purpose of the DGN fishery closure.

Mr. Moore asked several questions about the motion. In response, Ms. Vojkovich said the closures are not depth-based. The preferred alternatives are offered in addition to Alternative 2 in the HMSMT report, which also describes seasonal closures. The seasonal closure would not cover incidental take in other non-HMS fisheries.

Dr. Dahl said the Council would normally choose a preferred alternative at the November meeting. He suggested that the motion indicate that these are “preliminary preferred alternatives” to reflect that fact that we are still seeking public input.

Ms. Fosmark asked for clarification of the latitudinal extent of the closures and whether they are the same as the DGN seasonal closure. Ms. Vojkovich reiterated that for the recreational fishery it is statewide and for the commercial fishery it is south of 34° 27’ N. latitude. She expects public comment from fishers that don’t think they should be subject to such a closure.

Ms. Vojkovich also suggested some clarifications in the wording of Alternative 3 in the HMSMT Report, Agenda Item H.2.b, bag limits. The daily bag limit options would then be:

- One shark per day (1 shortfin mako, or 1 common thresher, or 1 pelagic thresher, or 1 bigeye thresher, or 1 blue shark)
- One shark of each HMS shark species per day (no more than 1 shortfin mako, and 1 common thresher, and 1 pelagic thresher, and 1 bigeye thresher, and 1 blue shark)

Mr. Helvey warned that closing all HMS fisheries in the Southern California Bight would affect the purse seine fishery. Ms. Vojkovich asked how the action should be worded to prevent commercial fisheries catching thresher sharks; would it be possible to say “HMS shark fisheries”? (The description of the motion above includes this clarification.)

Mr. Moore asked if the motion included the HMSMT recommendation to include a 1 shark per boat limit. Ms. Vojkovich said it did.

Motion 10 passed unanimously.

Ms. Vojkovich asked the Council to recommend to NMFS that high priority be given to stock assessments for shortfin mako, blue, and common thresher sharks. The Council concurred on this guidance to NMFS.

Ms. Culver asked Mr. Helvey about the second action described in the situation summary to address the vessel marking requirement west of 150° as required by WCPFC Conservation and Management Measure 2004-03. Does it need to be addressed through the harvest specifications and management measures process or could it be addressed by a recommendation from the Council to NMFS? Mr. Helvey said such a recommendation would be sufficient for NMFS to undertake rulemaking.

Ms. Culver moved (Motion 11) to request NMFS to adopt revised regulations at 50 CFR 660.704 and in 50 CFR 300.173 to allow, but not necessarily require, vessels to be marked with their international radio call sign (IRCS) consistent with WCPFC CMM 2004-03. Mr. Dale Myer seconded the motion.

Motion 11 passed unanimously.

H.3 Fishery Management Plan Amendment 2: High Seas Shallow Set Longline Management

H.3.a Agenda Item Overview (09/09/08; 3:36 p.m.)

Dr. Dahl provided the agenda item overview.

H.3.b Agency Comments

None.

H.3.c Reports and Comments of Advisory Bodies

Mr. Craig Heberer and Dr. Stokes provided Agenda Item H.3.c, HMSMT Report and Agenda Item H.3.c, Supplemental HMSMT Report.

Mr. Doug Fricke provided Agenda Item H.3.c, Supplemental HMSAS Report.

H.3.d Public Comment

Mr. Ben Enticknapp, Oceana, Portland, OR

Ms. Meghan Jeans, The Ocean Conservancy, San Francisco, CA

Ms. Pam Lyons Gromen, National Coalition for Marine Conservation, Leesburg, VA

Ms. Julie Sherman, Marine Fish Conservation Network, Portland, OR

H.3.e Council Action: Refine Amendment Alternatives (09/09/08; 5:10 p.m.)

Mr. Moore asked for clarification on the process and when the appropriate National Environmental Policy Act analysis would be done. Dr. Dahl described the anticipated process at this time: a preliminary DEIS would be available in early 2009 with the Council slated to take final action at their April 2009 meeting. Then it would go through Secretarial review, rulemaking, etc. In response to Mr. Moore's question about public comment on expanding the description of the proposed action to include other gear types, Dr. Dahl said the proposed action is focused on addressing the disapproved portion of the FMP only. However, the analysis could look into the feasibility of those gear types expanding their landings to meet demand.

Dr. McIsaac asked NOAA GC to respond to part of the written public comments stating that the public process as described is inappropriate. Mr. Feder said that the comment was based on the understanding that the Council was taking some kind of final action at this meeting, which is not the case. Mr. Helvey followed up by saying that the confusion arose from the Notice of Intent stating that the Council would choose a preliminary preferred alternative at this meeting, which is not the case.

Ms. Fosmark clarified that the DGN permit is owned by a person, and the person can't fish two permits at one time.

Ms. Culver asked Mr. Helvey about the letter from Dr. Balsiger (Agenda Item H.3.a, Attachment 2) and what actions have been taken by PIRO and SWR to coordinate review of the WPFMC and PFMC actions. Mr. Helvey said that the former PRD ARA from PIRO is now working in SWR PRD and that is a starting point for addressing Dr. Balsiger's request.

Ms. Culver then asked if the WPFMC/PIRO had received a similar letter from Dr. Balsiger. Mr. Helvey said he did not know.

Ms. Fosmark moved (Motion 12) to adopt Agenda Item H.3.c, HMSMT Report, Agenda Item H.3.c, Supplemental HMSMT Report, and Agenda Item H.3.c, Supplemental HMSAS Report as refinements to the alternatives for public review and Council action at the April 2009 meeting. She would like to remind the Council that the WPFMC is planning to increase Hawaiian shallow-set longline effort in the eastern Pacific and we should be mindful of that. Mr. Dan Wolford seconded Motion 12.

Mr. Moore said the HMSMT recommended modifying Alternative 3, open access, to make it a limited entry program. He asked if the motion would keep Alternative 3 as is and add another option for a limited entry program based on Alternative 3, as recommended by the HMSMT, or choose one over the other. Ms. Fosmark said that both the current Alternative 3 and the modification recommended by the HMSMT to create a limited entry program are included.

Mr. Moore said none of the team documents are clear on whether permit transferability would be allowed. He asked if the analysis should consider the issue of permit transferability. Ms. Fosmark said the intent was to include the last recommendation in the Supplemental HMSMT report addressing transferability.

Mr. Moore then asked if Ms. Fosmark was considering any specific period of time during which transfer would be prohibited. Ms. Fosmark said she thinks it is acceptable to look at a 1- or 2-year period.

Ms. Vojkovich said, relative to the last issue, that the term “actively fish” in the HMSMT recommendation is not defined. She proposed defining a range of one to five landings per year (Amendment 1 to Motion 12) to define “actively fish.” The amendment was seconded by Dr. David Hanson.

Mr. Moore asked if the definition of actively fish applied only to the permit holder and whether crew members were excluded. Ms. Vojkovich said that the HMSMT recommendation referenced the permit holder.

Mr. Dan Wolford expressed concern about including a range of numbers for landings rather than a single number.

Ms. Fosmark was concerned that this requirement could make it too difficult to ultimately transfer the permit.

Mr. Wolford said he now understood that the proposed range of numbers in the amendment to the motion was intended to solicit comments from the public and ultimately one number would be chosen. In that case he is satisfied with a range at this point.

Mr. Steve Williams raised the concern that a person wouldn’t be able to make the necessary number of landings if the sea turtle take cap was reached prematurely in a given year. Ms. Vojkovich recommended changing the amendment so the range of landings was from zero to five (i.e., the range includes no landing requirement) so that issue could be analyzed.

Mr. Tim Roth interjected to recommend that NMFS and the Council coordinate with USFWS to address any seabird-related impacts pursuant to the ESA and Migratory Bird Treaty Act.

Mr. Myer asked if the discussion the Council had at the March 2008 meeting related to a prohibition on a person owning a West Coast SSLL permit and a Hawaii longline limited entry permit simultaneously was in any way addressed in the alternatives. He thought not. Ms. Fosmark said the second paragraph in the HMSAS report references the Hawaii longline fleet and she included that as a consideration in her motion. She suggested a separate motion to clarify

Dr. McIsaac read back Amendment 1 made by Ms. Vojkovich.

Mr. Moore moved to amend Amendment #1 to Motion 12 to change the range from one to five to zero to five. Mr. Warrens seconded amendment #2.

Amendment #2 passed unanimously.

Amendment #1 (as amended) passed unanimously.

Mr. Myer moved (Amendment #3 to Motion 12) to include a prohibition on an individual owning both a West Coast SSLL permit and a Hawaii longline limited entry permit simultaneously. Mr. Moore seconded the amendment.

Ms. Vojkovich asked if Mr. Myer's motion would require an individual to divest themselves of a Hawaii permit to qualify or own a West Coast SSLL permit. Mr. Myer said the intention was that they couldn't own the two permits simultaneously.

Ms. Fosmark suggested that the amendment allow them to own both permits but an individual could only fish one of the permits in a given year. Mr. Myer said that is the intent.

Dr. David Hanson said that what Mr. Myer and Ms. Fosmark are saying are totally different things. The amendment prohibited owning both permits while Ms. Fosmark was talking about using both permits at the same time. Dr. McIsaac said the language in the amendment includes a prohibition on "owning" both permits but in the clarification he heard "exercising" or "utilizing." Because of the confusion Mr. Myer asked to withdraw the motion and indicated he would try again. The seconder agreed to withdraw the amendment.

Dr. McIsaac said absent any more amendments we will be voting on the main motion.

Mr. Myer moved (Amendment #4 to Motion 12) to amend the main motion to include a prohibition on a person exercising/utilizing a West Coast SSLL permit while at the same time exercising/utilizing a Hawaii longline limited entry permit. Dr. Hanson asked if the intent was that in any given year they couldn't exercise/utilize both permits. Mr. Myer said yes. Mr. Moore seconded the amendment.

Amendment #4 to Motion 12 passed unanimously.

Mr. Steve Williams asked if the fourth paragraph of the Supplemental HMSAS Report, discussing permanent transfer of fishing opportunity from DGN to SSLL, was part of the motion. Ms. Fosmark said the motion only included the second paragraph in the Supplemental HMSAS Report and there was no intention that retiring a DGN permit would be required when receiving a SSLL permit.

Ms. Culver said in regard to the main motion she was unsure where the Council was in the overall process for taking action. Furthermore, in reading about the WPFMC's proposed action (described in Agenda Item H.3.a, Attachment 1), which would allow a substantial increase in sea turtle takes, she was concerned about the overall impact of the two actions. She recommended focusing on collaboration between the two councils to develop a joint action and deferring further action on this FMP amendment action if it is on a separate track from the WPFMC's action. She also recommended giving higher priority to the biennial management measures and the white paper on albacore fishery management. Once the Council has made some progress on collaboration between the two councils this item could again be brought up for discussion. At that point the Council might also have more information on the status of loggerhead sea turtles and the total regional impact of both proposals.

Mr. Helvey said that a proposal needs to come out of this Council to facilitate collaboration. For that reason he thought it was a good idea to move forward with this action. Ms. Culver said it would show good faith to not proceed with this action and explore a joint action first. Mr. Helvey said the opportunity for collaboration will be in developing the biological opinion.

Main Motion 12 as amended passed. Ms. Culver, Mr. Dale Myer, and Ms. Vojkovich voted no.

Ms. Culver asked for clarification on the process going forward. Dr. Dahl repeated the answer he had given to Mr. Moore previously in response to the same question.

I. Groundfish Management

I.1 Consideration of Inseason Adjustments

I.1.a Agenda Item Overview (09/10/08; 1 p.m.)

Mr. Merrick Burden provided the agenda item overview.

I.1.b Report of the Groundfish Management Team

Ms. Joanna Grebel and Ms. Gretchen Arentzen provided Agenda Item I.1.b, Supplemental GMT Report.

I.1.c Agency and Tribal Comments

Mr. Moore asked Mr. Lockhart about the possibility of the Council recommending two separate inseason actions. One action would be specific to whiting and the other would be specific to the other fisheries. Mr. Moore specifically asked if doing so would put both actions on different time tracks for implementation. Mr. Lockhart said yes.

Mr. Anderson addressed the need to adequately document and monitor catch in the whiting fishery to make sure OYs are not exceeded for overfished species. Mr. Anderson asked if there are any differences in the ability to monitor the fishery now if a re-opening occurred compared to the ability to monitor the whiting fishery earlier in the year. Mr. Lockhart indicated that there were differences due to the unique circumstances regarding monitoring of the shoreside fishery. He indicated that, following the closure of the whiting fishery, the shoreside compliance monitors had left and it may be problematic to find monitors and get them back in the shoreside plants in order to adequately monitor the fishery. Mr. Anderson indicated that in the Council's decision on the possibility of re-opening the whiting fishery, that the decision may include a caveat that any action be conditional on appropriate monitors being in place to track the catch of overfished species.

Mr. Myer indicated that there may not be as many shoreside processors that would participate in a whiting fishery re-opening and this may reduce the demand for shoreside compliance monitors. He indicated that the Council could solicit information on the likely level of processor participation from public comment.

Ms. Vojkovich spoke to the California recreational fishery closure and referenced the Council discussion in March about managing the California recreational fishery catch of yelloweye rockfish and the concern raised by some that bringing the fishery in to 20 fathoms may not be an adequate measure. Ms. Vojkovich indicated that the CDFG Director had committed to the Council and to the industry that the state would close the fishery if catch projections indicated the fishery would exceed the harvest guideline for yelloweye. She further indicated that CDFG had followed through on this commitment and had acted on September 2 to close the fishery north of Pt. Arena.

Mr. Sones reported that the Tribes had not found much whiting early in the season, but that whiting had shown up more recently. He indicated that canary bycatch issues had come up in tribal whiting fishing activity. He complemented the Makah Tribe in being able to keep canary bycatch down in their whiting fishery in light of these challenges.

Mr. Moore referenced the GMT report and pointed to the canary rockfish catch estimates. He asked if 1.3 metric tons would be sufficient to accommodate the tribal whiting fishery for the rest of the year. Mr.

Sones indicated that he believed so and explained that rockfish bycatch typically decreases later in the year as the whiting become more concentrated.

Mr. Anderson expressed appreciation for the GMT's work. He said he will be looking to provide opportunities for the communities trying to survive, and made reference to fishery closures implemented earlier in the year.

I.1.d Reports and Comments of Advisory Bodies

Ms. Heather Mann provided Agenda Item I.1.d, Supplemental GAP Report. Mr. Dayna Matthews provided Agenda Item I.1.d, Supplemental GAP Report.

I.1.e Public Comment

Mr. Karl Haflinger, Sea-State, Vashon, WA
Mr. Richard Carol, Ocean Gold Seafoods, Westport, WA
Mr. Dennis Rydman, Ocean Gold Seafoods, Westport, WA
Mr. Greg Shaugnacy, Ocean Gold Seafoods, Westport, WA
Mr. Dan Waldeck, Pacific Whiting Conservation Cooperative, Portland, OR
Mr. John Bundy, Glacier Fish Company, Seattle, WA
Mr. Mike Hyde, American Seafoods, Seattle, WA
Mr. Brent Paine, United Catcher Boats, Seattle, WA
Mr. Mark Cooper, Cooper Fishing, Inc., Toledo, OR
Mr. Pierre Marchand, Jesse's Ilwaco Fish Company, Ilwaco, WA
Mr. Mike Okoniewski, Pacific Seafood, Woodland, WA
Mr. Steve Bodner, Coos Bay Trawlers Association, Coos Bay, OR
Mr. Steve Hughes, United Catcher Boats, Seattle, WA
Mr. Chris Peterson, F/V Pacific Challenger, Seattle, WA
Mr. Burt Parker, F/V Pacific Challenger, Seattle, WA
Mr. Jim Seavers, fisherman, Newport, OR
Mr. Brad Pettinger, Oregon Trawl Commission, Astoria, OR
Mr. Steve Aarvick, F/V Windjammer, Lynnwood, WA
Ms. Julie Sherman, Marine Fish Conservation Network, Portland, OR
Ms. Karen Garrison, NRDC, San Francisco, CA
Ms. Donna Parker, Arctic Storm, Seattle, WA

I.1.f Council Action: Adopt Preliminary or Final Recommendations for Adjustments to 2008 Groundfish Fisheries

Mr. Dale Myer moved and Mr. Mark Cedergreen seconded Motion 14 to adopt the following redistribution of canary rockfish that the GMT identified is available (4.1 mt):

- 4.1 mt (the number representing unattributed catch in the GMT scorecard)
- 0.4 mt to reopen the non-whiting bottom trawl fishery from 60 fms to 75 fms in the north (as shown in option 2, Table 5 of GMT report)
- 3.7 mt
- 2.0 mt to reopen the primary whiting fishery
- 1.7 mt remaining residual in the scorecard

Relative to the 2.0 mt of canary for the whiting fishery, specify that the whiting fishery is to reopen as soon as possible with a bycatch cap of 1.7 mt. An additional 0.3 mt would be subsequently released,

through an automatic action by NMFS, two weeks later, but not later than November 1, 2008. If the 1.7 mt cap is not reached, any remaining canary would rollover to be added to the 0.3 mt. In all cases, the canary rockfish bycatch in the whiting fishery would not exceed 2.0 mt.

This action would not directly affect a long-term allocation of canary rockfish.

Mr. Moore moved and Mr. Steve Williams moved to amend motion 14 (Amendment #1 to Motion 14) to add 12 mt of widow to the existing whiting bycatch cap of 275 mt for a new cap of 287 mt. Amendment #1 to Motion 14 passed unanimously. Main Motion 14 as amended passed unanimously.

Mr. Moore moved and Ms. Vojkovich seconded a motion (Motion 15), utilizing Agenda Item I.1.b, Supplemental GMT Report to make the following recommendations:

- Close Federal waters in the North and North-Central management areas of California (North of Point Arena) to recreational groundfish fishing.
- Increase the limited entry fixed gear sablefish DTL limits north of 36° N. lat. to one landing per week up to 1,500 lb, and 6,500 lb per 2 months; same daily limit of 500 lb.
- Increase open access shelf rockfish limits south of Point Conception (34° 27' N. lat.) to 1,000 lb per 2 months for period 6 only.
- Increase non-whiting trawl cumulative limits as outlined in bold in Table 6 of the GMT report.

Ms. Vojkovich made the clarification that the areas of closure for the California recreational fishery are in the north and north central management area North of Point Arena.

Motion 15 passed unanimously.

Mr. Lockhart expressed concern about NMFS staff workload and the ability to implement these inseason recommendations while simultaneously working on 2009-2010 harvest specifications.

Mr. Burden indicated that the GMT would bring back a revised scorecard that includes the results of this action as well as draft trip limits under the final inseason item on Friday. He indicated that he did not foresee any more inseason adjustment items.

I.2 Groundfish Essential Fish Habitat (EFH) Review Process

I.2.a Agenda Item Overview (09/11/08; 8:09 a.m.)

Mr. Tracy presented the agenda item overview.

I.2.b Recommendations of the Essential Fish Habitat Review Committee (EFHRC)

Dr. Waldo Wakefield presented Agenda Item I.2.b, Supplemental EFHRC Report.

Mr. Lockhart asked what significant changes to Council Operating Procedure (COP) 22 the Essential Fish Habitat Review Committee (EFHRC) was proposing. Dr. Wakefield replied the paragraph dealing with EFHRC composition; the proposed changes more accurately reflect the current EFHRC composition and the request for tribal representation.

Mr. Lockhart asked for elaboration on the proposed annual review process. Dr. Wakefield replied the interim review cycle in COP 22 (Agenda Item I.2.a, Attachment 1) resulted in almost three years between implementation of any proposed changes and the EFHRC felt that was too long to deal with existing concerns for EFH.

Dr. McIsaac requested a summary of the proposed changes to COP 22. Dr. Wakefield replied the construction of the original purpose statement was not similar to other COPs, so the EFHRC moved most of the specific points under the purpose section to the objective section and referenced the relevant sections in the Groundfish FMP.

Ms. Culver felt the proposed changes appear to replace the Council's role in the EFH review process with that of the EFHRC. Dr. Wakefield replied the intent was not to replace the Council's role, but to draft a process that would assist the Council in achieving the stated objectives.

Mr. Warrens asked for the rationale for an annual review process. Dr. Wakefield replied that a two year cycle would result in almost three years before any needed change could be implemented. The annual review would also help the Council stay informed regularly rather than only at the five-year review process.

Mr. Warrens asked if the EFHRC support for an annual process was unanimous. Dr. Wakefield replied yes, although there was much discussion.

Mr. Warrens asked if there were discussions of Council budgetary issues and coordination with other processes. Dr. Wakefield replied there was little discussion about budgetary issues but considerable discussion about schedule coordination.

Ms. Fosmark felt the proposed EFHRC COP 22 (Agenda Item I.2.a, Supplemental Attachment 2) was primarily a reorganization of the original, and maintained the language about recommendations to the Council.

Ms. Culver asked when the EFHRC recommended cutoff was for proposed EFH changes to be implemented in January 2011. Mr. Tracy replied the intent of the proposed annual process was to align with the biennial specifications process in even years; in the odd years the Council could consider other implementation strategies if warranted. If not warranted, implementation would simply default to the biennial specification process the following year. The intent was to provide the Council flexibility for implementing high priority changes.

Mr. Moore asked if the EFHRC considered the potential disruption of having, for example, an HAPC being established in the middle of a two year fishing period. Dr. Wakefield replied yes, there was an extensive discussion on that topic, but the EFHRC felt there was sufficient need for a more responsive process.

Mr. Lockhart felt the possibility of needed action outside the biennial specification process was slight, but recognized the utility of having new information available annually. The proposed schedule appeared to allow consideration of such action, but actual implementation would likely be infrequent, and result in only two extra meetings of the EFHRC in most odd years.

Mr. Wolford stated the EFHRC proposed COP 22 (Attachment 2) appeared to reflect an advocacy position rather than assisting the Council. He asked if the EFHRC intended to reinvent its purpose. Dr. Wakefield replied no, the EFHRC was diverse in expertise, and their intent was to outline a process that would help the Council to gather information. Mr. Tracy replied the EFHRC was attempting to establish a structured and streamlined process.

Mr. Cedergreen asked if the EFHRC was recommending changing the EFHRC from an ad hoc to a permanent EFHRC to meet the proposed review schedules. Dr. Wakefield replied the EFHRC felt the

schedule was necessary to accomplish the objectives, but there was no recommendation for establishing the EFHRC on a permanent basis.

Ms. Culver clarified the Council intent for the five year review was to provide for an in depth analysis of EFH changes and HAPC proposals that all advisory bodies could respond to, and for the short-term review to respond more quickly to discovery of sensitive new areas by addressing fishing closures in the specification process until the more extensive five year review process could encompass a broader review.

I.2.c Reports and Comments of Advisory Bodies

None.

I.2.d Public Comment

None.

I.2.e Council Action: Adopt a Final Groundfish EFH Review Process

Mr. Warrens moved (Motion 16) to table the issue until March 2009 to allow an opportunity to clarify and assess the EFHRC proposed changes to COP 22, and for other advisory bodies to comment. Mr. Moore seconded the motion.

Mr. Warrens felt COP 22 needed to be finalized before the review process could start, and the concerns expressed dictated additional time to consider workload, meeting frequency, and staffing issues.

Mr. Mallet recommended additional direction be provided to the EFHRC to facilitate their discussions and recommendations for the March meeting.

Mr. Warrens accepted Mr. Mallet's recommendation as a friendly amendment, and recommended Chairman Hansen, Dr. McIsaac, and Mr. Tracy provide direction at the EFHRC meeting currently scheduled for October.

Ms. Culver noted the Council had a thorough discussion in developing COP 22 along with the Groundfish Amendment 19 process and recommended retaining the original COP 22 language.

Mr. Lockhart recommended not delaying the process until March. While the EFHRC report was within the direction provided for this meeting, the workload associated with either review process necessitated a quicker response.

Mr. Wolford recommended the EFHRC attempt to work with the existing COP 22 and recommend necessary changes as they proceed.

Ms. Culver recommended the EFHRC meet once prior to June 2009 in order to establish required elements for proposals and thereby accommodate the one existing proposal in the existing schedule.

Ms. Culver offered substitute motion (Motion 17) to retain COP 22, as presented in Attachment 1. Mr. Warrens seconded the motion.

Mr. Moore supported the substitute motion.

Ms. Fosmark asked if the Council intended to address the proposed addition of a tribal representative to the EFHRC. Mr. Sones replied the tribes did not want to participate in the coastwide process, but were interested in any proposals that would affect tribal usual and accustomed areas.

Mr. Warrens noted the original intent was for the Chairman to appoint additional members as needed.

Mr. Lockhart noted that the final rule for Amendment 19 was signed in 2006, which NMFS interpreted to mean that the first five year review should be initiated in 2011. If the original COP 22 (Attachment 1) is retained, the five year review would start in 2008. The original COP 22, however, does not preclude the EFHRC from recommending changes to the schedule.

Dr. McIsaac noted the original COP 22 also has a call for proposals at the September 2008 meeting, which did not occur.

Mr. Steve Williams noted there would be additional opportunities to change schedules if necessary.

Mr. Myer offered an amendment (Amendment #1 to Motion 17) to correct the timing of the five year review by substituting the table in Agenda Item I.2.b, Supplemental EFHRC Report, for the five year review table in the original COP 22. Mr. Cedergreen seconded the amendment.

Ms. Vojkovich asked for the EFHRC rationale for the five year review schedule. Mr. Wakefield replied the original schedule was out of date; the revised schedule reflected the 2011 start date.

Ms. Culver asked if the amendment was intended to retain the actions included in original COP 22 and just revise the timing of the five year review. Mr. Myer replied yes.

Dr. Hanson recommended withdrawal of the amendment to Motion 17 due to the extensive clarifications and qualifications.

Mr. Myer withdrew the amendment; Mr. Cedergreen concurred. (Amendment #1 to Motion 17 was withdrawn.)

Mr. Moore moved to amend Motion 17 (Amendment #2); for the five year review table on page 4 of the original COP 22 in Attachment 1, change June 2008 to June 2011 and add three years to the other dates in that table. Mr. Myer seconded Amendment #2 to Motion 17.

Amendment #2 to Motion 17 passed unanimously.

Dr. McIsaac restated the motion.

Motion 17 as amended passed unanimously.

Mr. Lockhart recommended guidance to the EFHRC to develop terms of reference for both the short-term and five year review process for Council approval.

Mr. Moore asked when the terms of reference would come before the Council for approval. Mr. Lockhart replied summer of 2009 or when appropriate.

Ms. Culver reiterated Council intent that the short term review process be initiated in June 2009, and requested the Executive Director and Council staff work with the EFHRC Chair to schedule any necessary meetings to prepare for the initiation of the short-term review process.

I.3 National Marine Fisheries Service (NMFS) Report

I.3.a Regulatory Activities (09/11/08; 9:50 a.m.)

Mr. Lockhart provided comments on workload associated with EFPs, recent *Federal Register* notices and the issue of losing data buoys to fishing gear. He also spoke about whiting monitoring issues and recognized Lori Jesse, Becky Renko, Eileen Cooney, and Mariam McCall for their work on getting the monitoring program implemented and keeping the season open.

Mr. Lockhart provided a progress report on Amendment 10. He expects the amendment to be in place next season, pending any unexpected actions from the change over in the administration (e.g., OMB might put a stop on rulemaking). He expects final approval for Amendment 15 any week now. He also talked about a consultation on the seabird issue with US Fish and Wildlife Service that is moving ahead with conclusion of the consultation in 2009. He sees no real problem with the interaction of the groundfish fishery with seabirds and preventive actions are already being taken by the fixed-gear fishery.

Mr. Lockhart also noted that the pot and trap fishery for sablefish has been moved from a category III to a category II listing under the Marine Mammal Protection Act. NMFS will be following through with letters of notification, authorization, and registration of these vessels to comply with the change.

Regarding the implementation of the inseason whiting management measures adopted in June, the Council confirmed that NMFS could exercise its authority via a notice (followed by regulation) to close the fishery without requiring any further Council action (similar to salmon management).

Regarding a logbook requirement for the fixed-gear fishery in the 2009-10 management measures, Mr. Lockhart expressed that to complete a Federal requirement would require a trailing amendment to the 2009-10 measures. Following further discussion, it was agreed that more follow-up with the states would occur on how this measure is implemented—by the states or through a Federal measure.

Mr. Lockhart reported that the groundfish management measures for 2009-10 will be delayed and not be implemented on January 1, 2009. They are shooting for implementation by March 1, 2009. Ms. Cooney spoke about making inseason adjustments for the January/February timeframe based on using the existing 2008 management measures for period one.

I.3.b Science Center Activities (09/11/08; 10:31 a.m.)

Dr. Elizabeth Clarke and Dr. Jim Hastie provided an update on science center activities. The Trawl Coefficient Q workshop will be held by the NWFSC September 23-25, at the Hotel Deca, Seattle, Washington. The SWFSC has made progress on the historical catch reconstruction for the off-year science improvement (1931-1968). The NWFSC has also been making progress on historical data for Oregon and Washington. The data will be available in both PacFIN and RecFIN systems. Dr. Clarke spoke of other efforts made by the states to digitize historical catch reconstruction from paper copies.

Dr. Clarke also spoke about the timeline for the consolidated effort for determining halibut bycatch in the trawl fleet as well as a total mortality estimate. The schedule remains generally the same as contained in the Supplemental Information Report of June 4, 2007. The bycatch reports for the groundfish fishery are expected to be complete by October 1 and the total mortality report sometime in November. If convenient, new bycatch summaries could be included for the California halibut and pink shrimp trawlers at that same time. A summary of bycatch in the fixed-gear fishery should be finalized for the September 2009 Council meeting. With regard to the acoustic survey, there will be a new vessel available in 2010 for those surveys. There is also the inter-calibration issue between vessels which is in process.

The SWFSC has received funding from the Fisheries and the Environment Program to try to link oceanographic information with fishing operations.

I.3.c Reports and Comments of Advisory Bodies

None.

I.3.d Public Comment

Mr. Bob Alverson, FVOA, Seattle, WA—spoke to the voluntary efforts of the fixed-gear fishery to limit interactions with seabirds.

I.3.e Council Discussion

Council members Tim Roth and Michele Culver thanked Mr. Alverson for his proactive efforts to protect seabirds.

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

I.4.a Agenda Item Overview (09/11/08; 11:15 a.m.)

Mr. LB Boydston provided the agenda item overview. Mr. Boydston gave a PowerPoint presentation, available on the Council's website at: http://www.pcouncil.org/bb/2008/0908/SUP_I4a_ATT4_0908.pdf

I.4.b Reports and Comments of Advisory Bodies

Mr. Boydston summarized Agenda Item I.4.c, Supplemental GAC Report. Dr. Steve Ralston provided Agenda Item I.4.b, Supplemental SSC Report. Ms. Joanna Grebel provided Agenda Item I.4.b, Supplemental GMT Report. Mr. Tommy Ancona provided Agenda Item I.4.b, Supplemental GAP Report.

I.4.c Public Comment

Ms. Kate Wing, San Francisco Crab Boat Owners Association, San Francisco, CA
Mr. Bill James, fisherman, Salem, OR
Mr. Cliff Shipman, fisherman, Boise, ID
Mr. Tom Capen, Port San Luis Fishermen's Association, San Luis Obispo, CA
Mr. Rick Algert, Harbor Master, Morrow Bay, CA
Ms. Laura Deach, longliner, Northport, WA
Mr. Steve Aarvick, F/V Windjammer, Lynnwood, WA
Mr. Daniel Platt, Salmon Trollers Marketing Association, Fort Bragg, CA
Mr. Bill Blue, Morro Bay Commercial Fishermen's Association, Morro Bay, CA

I.4.d Council Action: Take Final Action or Adopt Preliminary Preferred Alternative for Public Review

Mr. Steve Williams moved and Ms. Culver seconded a motion (Motion 18) to adopt the following as a preliminary preferred alternative for limiting the directed groundfish open access fishery:

1. Alternative A-4, as specified in the Preliminary Draft Environmental Assessment for Amendment 22 (Agenda Item I.4.a, Attachment 1) with a minimum landing criteria of 100 pounds.
2. Qualifying Framework QF-3 (1998-2006, with one trip in 2004-2006).
3. No long-term fleet size goal.
4. Allow for permit transferability after the first year of the program.
5. Allow for use of A and B permits on the same vessel in the same year using a declaration process.
6. No state landing endorsement provision.
7. No previous year B species landing requirement to renew or transfer permit.
8. Species endorsements for sablefish and lingcod; using the following qualifying criteria: one pound, 100 pounds, and 500 pounds in any one year from 1998-2006. All other B species will be managed under a general B permit.
9. Council Guidance: Notify all commercial fishery permit/license holders who landed any groundfish since 2004 in Washington, Oregon, and California that the PFMC proposed action may limit their opportunities in groundfish open access. This is to ensure notification of those affected by both the "B" and "C" permit alternatives. Include easily understood documents that clearly display the preliminary preferred alternative, that there are other alternatives for consideration, and where they can obtain more detailed information. Include a detailed description of what is allowed under the "C" permit, and how one is obtained. Provide notice of public comment opportunities in early January.

Motion 18 passed unanimously.

Regarding the timeline, Mr. Boydston asked if the Council would set final action for March 2009, with implementation in 2011. Mr. Lockhart said that is a much more reasonable timeframe and is do-able.

Ms. Culver said the states cannot issue "C" permits; Mr. Lockhart said if NMFS does it, we have to charge for it.

I.5 Stock Assessment Planning for 2011-2012 Groundfish Fishery Decision Making (09/11/08; 3:05 p.m.)

I.5.a Agenda Item Overview

Mr. John DeVore provided the agenda item overview.

I.5.b NMFS Northwest Fisheries Science Center Recommendations

Dr. Elizabeth Clarke and Ms. Stacey Miller provided NMFS Northwest Fisheries Science Center recommendations. Dr. Clarke spoke to the draft STAR Panel schedule in Agenda Item I.5.a, Attachment 3. The SSC recommends a few changes to the STAR Panel schedule and the location of the STAR Panel meetings may need to be changed. The NWFSC agrees with the SSC's recommendations on

the STAR Panel schedule. The schedule limits assessment reviews to two per panel and preserves the mop-up panel in the fall. A whiting panel is scheduled since the new assessment process is not set up yet.

The number-of-reviewers issue has been resolved by NOAA Fisheries identifying two CIE reviewers and other parties identifying the other reviewers. Mr. Moore asked if the NWFSC has agreed to the N=2 number of reviewers and Dr. Clarke said yes.

Mr. Moore asked if additional assessments coming into a STAR Panel, such as occurred last year in the whiting STAR Panel, is accounted for in the Terms of Reference. Ms. Miller said this is explicit on page 6 of the Terms of Reference.

Dr. McIsaac said there is a recommendation to specify a deadline to receive draft assessments in advance of the briefing book. He asked if this presented a problem and Ms. Miller said this could be a problem for some STAR Panels such as the whiting Panel, which may need to be advanced.

I.5.c Reports and Comments of Advisory Bodies

SSC Report

Dr. Steve Ralston provided Agenda Item I.5.c, Supplemental SSC Report.

Mr. Hansen asked if there is a risk that greenspotted rockfish may be overfished and Dr. Ralston said there is no obvious conservation concern. This assessment may help inform how to assess a stock managed within a complex.

Mr. Moore asked if there is an explicit limit on competing assessments for a stock provided at a STAR panel. Dr. Ralston stated he is not sure this is well addressed in the Terms of Reference, but should be.

Mr. Moore asked if there was a problem with a deadline for post-STAR draft assessments of one week before the briefing book deadline and Dr. Ralston said this should be accomplishable in most, but not all, cases.

Mr. Moore asked if there is language in the Terms of Reference that would reject an assessment that is obviously incomplete and misses the deadline and Dr. Ralston said this language is offered in Supplemental Attachment 5.

Ms. Culver said that WDFW explained that they wanted to provide a spiny dogfish data report rather than a full assessment. They were surprised that this was still listed as a full assessment. She asked if the SSC had a discussion on a spiny dogfish data report and Dr. Ralston said this was not discussed. The goal going into the STAR Panel is to produce a full stock assessment. However, the SSC expects some of these draft assessments may become data reports if they are insufficient for a full assessment.

Mr. Wolford asked why the April 27-May 1 STAR Panel has different assessments and Dr. Ralston said this was to avoid a conflict of interest with the STAR chair.

Ms. Vojkovich said she is concerned with adding another stock (i.e., greenspotted rockfish) to the list of full assessments. She also does not know the importance of greenspotted rockfish to current management. She thought improving current assessments on important stocks was a higher priority. Dr. Ralston acknowledged a tension between adding new stock assessments and improving existing assessments. There is a need to assess more stocks and the greenspotted rockfish assessment may be a good template for how to assess a data-poor stock. This is why this stock assessment may take the form

of a data report. Ms. Vojkovich asked if the list of stock assessments is developed based on the data available and Dr. Ralston said this did factor into the decision to assess greenspotted rockfish.

Dr. McIsaac asked if there was a problem of advancing the February and August STAR panels by one week and Dr. Ralston said not from the SSC perspective.

GAP Report

Mr. Tom Ancona provided Agenda Item I.5.c, Supplemental GAP Report.

I.5.d Public Comment

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

I.5.e Council Action: Adopt Final Stock Assessment Terms of Reference and Assessment Plan

Mr. DeVore explained the elements and considerations for this decision.

Mr. Moore asked Dr. Clarke if it was possible to move up the February STAR Panel for hake next year and she explained why this could not be done.

Mr. Moore asked if there was anything that precluded provision of a minority report in a STAR Panel to the SSC and Dr. Clarke said that should be explicit in the Terms of Reference.

Mr. Moore moved and Mr. Warrens seconded a motion (Motion 19) to adopt the Groundfish Stock Assessment Terms of Reference (Agenda Item I.5.a, Attachment 1) with the following additions and changes:

- page 6 – substitute SSC language on the number of STAR panel reviewers from Agenda Item I.5.c, Supplemental SSC Report;
- pages 3 and 5 – substitute text from Agenda Item I.5.a, Supplemental Attachment 5 on Council staff and NMFS staff responsibilities;
- add definition of a data report from Agenda Item I.5.a, Attachment 2 with the recommended SSC change in wording from Agenda Item I.5.c, Supplemental SSC Report;
- give Council staff authority to finalize the Terms of Reference;
- include rejection language for late or incomplete assessments and deadlines for submission of materials for STAR Panels;
- allow STAR panel minority reports; and
- characterize deadlines for submission of STAR panel materials to the briefing book as guidelines.

Mr. Moore intentionally used guidelines rather than deadlines to provide more flexibility for STAR panel participants since some of the 2009 briefing book deadlines are soon after planned STAR meetings (e.g., the proposed 2009 Pacific whiting STAR panel).

Mr. DeVore asked if the motion includes provision of the required elements of pre-STAR draft assessments and Mr. Moore said yes.

Motion 19 carried unanimously.

Mr. Moore moved and Ms. Vojkovich seconded a motion (Motion 20) to adopt the proposed 2009 STAR panel schedule as shown on the Agenda Item SSC report with the following changes:

- keep dates and locations of proposed STAR panels as shown with the proviso that these can be changed for logistic reasons and to meet deadlines; and
- strike the proposed spiny dogfish and greenspotted assessments.

Mr. DeVore asked if there would there be a process for provision of greenspotted and spiny dogfish data reports and Mr. Moore said the motion does not speak to data reports.

Motion 20 carried (Mr. Mallet voted no).

Ms. Culver stated that WDFW does intend to compile spiny dogfish data and identify potential data gaps for a future assessment. One failing for spiny dogfish is that only one dogfish spine has been found from California for ageing spiny dogfish. The data summary will be provided as an informational report and presented to SSC for their review. She is not sure of the timing of that report.

Ms. Vojkovich asked if NMFS has guidance on stock assessment planning before we plan the next series of assessments. Mr. Lockhart asked if NMFS has any way of determining how to use a stock assessment for management decision-making. Dr. Clarke said there is a NMFS methodology of ranking the quality of assessments (tiers 1-4) that has been developed as a guideline document and has been employed by different regional management councils. This document may be helpful in ranking west coast assessments. She noted that there are criteria for priorities for new assessments contained in the current Terms of Reference.

Mr. Lockhart said his vote on striking the two assessments was compelled by workload and the need to improve assessments that make the most difference to our current management regime. Mr. Mallet said he fails to see how resources can be shifted to do a better job on fewer assessments. Mr. Lockhart said there are many people who contribute to an assessment and to the process for using assessment results to develop management advice.

I.6 Final Adoption of Exempted Fishing Permits (EFPs) for 2009

I.6.a Agenda Item Overview (09/11/08; 4:09 p.m.)

Mr. DeVore provided the agenda item overview. He explained that one of the EFP applications (Agenda Item I.6.a, Attachment 5) was withdrawn by the sponsors due to problems raised in advisory body meetings this week.

Mr. Moore asked if Supplemental Attachment 10 is to replace Attachment 3 and Mr. DeVore said he was not sure. He recommended asking Mr. Jim Martin when he delivers public comment.

Ms. Fosmark said she would recuse herself from the vote on the chilipepper EFP sponsored by Mr. Steve Fosmark (Agenda Item I.6.a, Attachment 1) for conflict of interest reasons.

I.6.b Agency and Tribal Comments

None.

I.6.c Reports and Comments of Advisory Bodies

GMT Report

Ms. Joanna Grebel provided Agenda Item I.6.c, Supplemental GMT Report.

Ms. Culver asked if the cowcod cap for the EFP sponsored by The Nature Conservancy (TNC) et al. (Agenda Item I.6.a, Attachment 3) was raised in Table 1 of the GMT report and Ms. Grebel said no.

Ms. Culver asked what the residual yields for the other bycatch cap species were in the scorecard and Mr. DeVore said the residual, unused yields are as follows: canary rockfish- 5.0 mt (however, this assumes the catch sharing guideline adopted for 2009 and the actual predicted impacts will be much lower); cowcod -1.9 mt; and yelloweye- 0.5 mt. For widow rockfish, the scorecard shows all the residual yield allocated to the non-treaty whiting fishery. However, the actual widow rockfish cap will be decided next March by the Council. He said he will look up the residual yields for darkblotched rockfish, Pacific ocean perch, and bocaccio.

Mr. Lockhart asked if there would be 100 percent observer coverage for the Fosmark EFP and Ms. Grebel said yes.

Mr. Moore asked about the 3 mt widow cap request for the Oregon yellowtail EFP and the lack of bold font indicating this is a new request. Further, the RFA chilipepper widow cap request is 3 mt in bold, but that figure is not in the RFA chilipepper EFP application. Mr. DeVore said the 3 mt cap request for the Oregon yellowtail EFP is a new request and the figure in the GMT table should have been in bold. The RFA chilipepper widow cap amount is a new request and is therefore in bold in the GMT table.

Mr. DeVore provided the residual yield amounts for the other species as follows: bocaccio- 167.2 mt; darkblotched rockfish- 7.6 mt; and Pacific ocean perch- 93.6 mt.

Ms. Vojkovich asked if EFP bycatch caps can be adjusted inseason next year and Ms. Grebel said that was her understanding. Mr. DeVore said this has occurred for bycatch caps in the whiting fishery and there was one interpretation that EFP caps can also be changed inseason. Mr. Lockhart said EFP caps have not been adjusted inseason in prior years. Ms. Cooney said the whiting caps are adjusted inseason since the EFP enables the shoreside whiting fishery is to be actively managed using bycatch caps. Ms. Culver recommended against inseason adjustment of EFP bycatch caps.

Mr. Moore asked if the GMT recommended a smaller yelloweye cap and a larger cowcod cap for the TNC EFP cap and Mr. DeVore said, with a 150 fm restriction, a 150 lb yelloweye cap was not needed and a 50 lb cap would suffice. The GMT recommendation on cowcod was simply that there was some cowcod yield available if the Council wanted to consider a higher cowcod cap for that EFP. Mr. Moore asked if the new higher requested amount of cowcod cap in The Nature Conservancy EFP is in the GMT table and Mr. DeVore said no, the original requested amount of cowcod is in the table.

GAP Report

Mr. Tom Ancona provided Agenda Item I.6.c, Supplemental GAP Report.

Mr. Moore asked if the GAP recommends the 3 mt widow cap for the Oregon recreational EFP and Mr. Ancona said yes. Mr. Moore asked if the GAP discussed a 3 mt widow cap for the RFA chilipepper EFP and Mr. Ancona said no, but subsequent discussions with GAP members did not identify a concern.

Mr. Moore asked for clarification on the GAP recommendation to cap the TNC EFP to 50 mt of sablefish and Mr. Ancona said the GAP is encouraging targeting on other species than sablefish. There was significant GAP discussion on this issue and we already know how to catch sablefish with trawl or fixed gear. This is a GAP compromise for this EFP, which is not generally well accepted by the GAP. The purpose of this EFP should not be to encourage a new fishery. Mr. Moore asked if the GAP position was that 330 mt of sablefish will not improve the experiment and Mr. Ancona said yes. Mr. Moore asked if

the GAP supported testing the ability of a regional fishing association to self-manage a fishery and Mr. Ancona said the GAP guardedly supports that purpose and need.

Mr. Lockhart asked how the GAP came to the conclusion that 50 mt of sablefish for the TNC EFP was adequate and Mr. Ancona said the EFP is attempting to gain access to trawl sablefish using fixed gear, which is not revolutionary. The GAP believes other species should be targeted as well for a fully informed experiment. Otherwise, this is simply a directed fishery for sablefish.

I.6.d Public Comment

Mr. Michael Bell, The Nature Conservancy, Los Osos, CA
Mr. Rick Algert, Harbor Master, Morro Bay, CA
Mr. Bill Blue, Morro Bay Fishermen's Association, Morro Bay, CA
Mr. Daniel Platt, Salmon Trollers Marketing Association, Fort Bragg, CA
Mr. Jim Martin, Recreational Fishing Alliance, Fort Bragg, CA

I.6.e Council Action: Adopt Final Recommendations for 2009 EFPs

Mr. Moore asked Mr. Jim Martin if the Recreational Fishing Alliance and the Golden Gate Fishermen's Association are requesting two hooks or five hooks per angler in the chilipepper EFP application and Mr. Martin said the request was revised to two hooks per angler to be consistent with CDFG regulations.

Ms. Vojkovich asked Mr. Michael Bell about their request for a higher cowcod bycatch cap in the TNC EFP and Mr. Bell said they are requesting a 450 pound cap.

Mr. Moore moved and Mr. Warrens seconded a motion (Motion 21) to approve the Fosmark EFP as shown in Agenda Item I.6.a, Attachment 1 with the errata in Agenda Item I.6.a, Supplemental Attachment 8. The motion also includes the GMT's retention recommendations for this EFP.

Mr. Moore said this is the same EFP approved last year for 2008 with the change in the scientists who will conduct the data analysis. Since health issues of the EFP participant delayed this EFP this year, the EFP deserves a test next year.

Motion 21 carried (Ms. Fosmark recused).

Mr. Moore moved and Mr. Warrens seconded a motion (Motion 22) to approve the RFA chilipepper EFP (Agenda Item I.6.a, Attachment 3) as revised by Agenda Item I.6.a, Supplemental Attachment 11, with the five hook request on page 3 deleted and with a widow cap of 1.7 mt rather than 3 mt.

Mr. Moore said this EFP was approved last year for 2008, but there has been no activity and results yet. Since there was a delay in getting this EFP on the water, the EFP deserves a thorough test on the water. The increased widow cap rationale was based on the Oregon experience where more hooks were fished at shallower depths where widow are more likely encountered. Mr. Moore did not believe there is the need for a higher widow cap for this EFP.

Ms. Vojkovich asked Mr. Martin if there was intent to retain groundfish other than rockfish as shown in the revised application and Mr. Martin said the intent was to only retain rockfish. Ms. Vojkovich asked for a friendly amendment to only allow rockfish retention and Mr. Moore and Mr. Warrens accepted.

Motion 22 carried unanimously.

Mr. Steve Williams moved and Mr. Moore seconded a motion (Motion 23) to approve the Oregon yellowtail EFP as shown in Agenda Item I.6.a, Attachment 4 with the GMT's recommendations on retention.

Mr. Steve Williams said the EFP proponents have worked closely with ODFW. This EFP may open up recreational opportunities in waters off Oregon.

Ms. Culver asked Mr. Steve Williams if the motion contains the GMT recommendation to include spatial data collection and analysis and Mr. Williams said yes.

Mr. Cedergreen said he supported this EFP. He noted the EFP will occur in depths greater than 40 fm in locations at the captains' discretion. He wondered if locations should be chosen randomly in a grid for a better scientific study. Mr. Williams explained the EFP tests the new gear and the ability of fishermen to effectively target yellowtail rockfish. He thought Mr. Cedergreen's idea could be explored subsequent to the first year of testing this EFP.

Motion 23 carried unanimously.

Ms. Vojkovich moved and Mr. Wolford seconded a motion (Motion 24) to approve the Morro Bay/Port San Luis (TNC) EFP for next year with the bycatch caps recommended on page 4 of the GMT report, a cowcod cap of 0.2 mt, and a sablefish cap of 150 mt.

Ms. Vojkovich said this is the second year of this EFP, which can provide good information on how a regional fishing association can work and how well fishermen can organize for effective management of a regional fishery. There is a need to build in incentives to participate in the EFP. The costs to fishermen are higher who participate in the EFP. Therefore, there is a need to provide a high enough sablefish cap as an incentive. With the Conception area sablefish OY increasing next year, a higher cap can be provided. Setting a sablefish cap lower than the requested 330 mt responds to concerns raised by other fishermen.

Ms. Culver explained she supported the motion and has also deliberated on an appropriate sablefish cap. The open access limits for next year are 8,000 lbs of sablefish per two months which equates to 136 mt per year for six vessels. Since there is no formal allocation of sablefish in the Conception area, a cap of 150 mt strikes a good balance.

Mr. Moore said last year's deliberation of a sablefish cap parsed out in two seasonal allotments responded to a lower OY and fishermen's concerns. With a higher OY next year, there is no need for the same seasonal cap and a higher sablefish cap can be supported. The motion does strike a reasonable balance. He agreed with proponents' request for a higher sablefish cap to provide incentives. This EFP should not be looked at as a way to provide a fishery for two ports, but as an experiment. The applicants need to know this experiment should not necessarily endure. There needs to be a clear road map of how this EFP will inform us and how long this EFP needs to be conducted.

Mr. Myer said he did not support this EFP in June, but the rationale provided by EFP proponents and Council members has changed his mind. While he still has reservations, he is now in support.

Mr. Lockhart thought this was a good experiment and will provide valuable information as the Council considers regional fishing associations in the future.

Ms. Fosmark said she supports the EFP and acknowledged the higher costs to fishermen participating in the EFP. She therefore moved and Ms. Vojkovich seconded a motion to amend Motion 24 (Amendment to Motion 24) to provide a sablefish cap of 165 mt.

Mr. Moore said he does not support the amendment. He would like to encourage participants to target species other than sablefish. The 150 mt sablefish cap is therefore a better level of harvest.

Mr. Wolford said he supports the amendment. One valuable attribute of the EFP is to see how well regional fishing associations can manage a fishery under adverse conditions. However, there is a need for incentives to gain fishermen participation.

The Amendment to Motion 24 carried on a roll call vote (Messrs. Rod Moore, Dale Myer, Steve Williams, Frank Warrens, and David Sones voted no).

Motion 24 as amended carried unanimously.

Ms. Vojkovich said this has been a challenging EFP cycle. The amount of staff and Council time has been out of proportion. These EFPs and the conditions are like regulations and have to be specific. A short term problem is to iron out details. The Council should look at EFPs in a broader perspective and should seriously deliberate how EFP results can be applied coastwide. The Council should prioritize EFPs with this in mind. EFPs should have a multi-year perspective to consider all the details in an EFP experiment. The Council should limit EFPs in the future. Mr. Lockhart echoed those comments and explained his staff workload is high in implementing EFPs. The more complicated EFPs take a significant amount of time to implement.

I.7 Final Consideration of Inseason Adjustments (if Needed)

I.7.a Agenda Item Overview (09/12/08; 9:10 a.m.)

Mr. Burden provided the agenda item overview, noting that final inseason action had been taken by the Council under Agenda Item I.1.

I.7.b Report of the GMTbe

Mr. Burden read Agenda Item I.7.b, Supplemental GMT Report, the scorecard which had been revised to reflect the Council's action under I.1.

I.7.c Agency and Tribal Comments

None.

I.7.d Reports and Comments of Advisory Bodies

None.

I.7.e Public Comment

None.

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

Mr. Moore asked about the bottom trawl gear regulations put in place through the June inseason action. He indicated that the Federal regulations were not consistent with the Council motion and asked if the draft trip limit tables attached to the GMT report accurately reflected the Council's motion under Agenda Item I.1. Mr. Burden indicated that they appeared accurate.

ADJOURN

The 195th Council meeting was adjourned at 10:45 a.m. on Friday, September 12, 2008.

DRAFT

Council Chairman

DRAFT

Date

DRAFT VOTING LOG
Pacific Fishery Management Council
September 2008

Motion 1: Approve the agenda as shown in Agenda Item A.4., September Council Meeting Agenda, with the change in ancillary meeting for the Halibut Managers Workgroup from 7 p.m. to noon.

Moved by: Rod Moore
Motion 1 passed unanimously.

Seconded by: Jerry Mallet

Motion 2: Adopt in priority order for the salmon methodology review, Items #1, #2, and #3 as shown in Agenda Item D.1.c, STT Report.

Moved by: Phil Anderson
Motion 2 passed unanimously.

Seconded by: Mark Cedergreen

Motion 3: Submit comments from Council staff and advisory bodies as shown in Agenda Item D.3.a, Attachment 2 Staff Comments, Agenda Item D.3.d, STT Report, and Agenda Item D.3.d, Supplemental SAS Report, to NMFS and ask that they consider the comments in the re-draft of the Central Valley Salmon Recovery Plan.

Moved by: Marija Vojkovich
Motion 3 passed unanimously.

Seconded by: Dan Wolford

Motion 4: Adopt the recommendations for halibut management for Area 2A as submitted by NMFS NWFSC, and recommend halibut bycatch levels consistent with the observer based viability criteria and the recommendations of the SSC.

Moved by: Phil Anderson
Motion 4 passed unanimously.

Seconded by: Rod Moore

Motion 5: Adopt for public review the proposed changes to the Area 2A Pacific halibut catch sharing plan and 2009 annual regulations as shown in Agenda Item E.3.b, Supplemental WDFW Report.

Moved by: Phil Anderson
Motion 5 passed unanimously.

Seconded by: Dale Myer

Motion 6: Adopt for public review the proposed changes to the Area 2A Pacific halibut catch sharing plan and 2009 annual regulations as shown in Agenda Item E.3.b, Supplemental ODFW Report; in addition, direct NMFS, ODFW, and others to develop an informational report based on recommendations in Agenda Item E.3.c, Supplemental GAP Report.

Moved by: Steve Williams
Motion 6 passed unanimously.

Seconded by: Frank Warrens

Motion 7: Adopt the SSC recommendations as shown in Agenda Item C.3.b, Supplemental SSC Report with the exception of the recommendations for salmon research and data needs.

Moved by: Marija Vojkovich

Seconded by: Kathy Fosmark

Amndmt#1: Switch groundfish priority nine with groundfish priority ten on the first page of the SSC report due to the potential for dropping this need under the Pacific Whiting Treaty

Moved by: Rod Moore

Seconded by: Dale Myer

Amendment #1 to Motion 7 passed unanimously.

Amndmt#2: Change the recommended edit to Section 3.4 on the third page of the SSC report to read "where such studies have not yet been conducted."

Moved by: Rod Moore

Seconded by: Frank Warrens

Amendment #2 to Motion 7 passed unanimously.

Main Motion 7 passed unanimously.

Motion 8: Direct Council staff to reorganize the salmon research and data needs chapter along the lines of groundfish chapter so that data needs and research needs are listed and prioritized separately and include in the comments in the supplemental reports of the SSC, the SAS, and the STT.

Moved by: Marija Vojkovich
Motion 8 passed unanimously.

Seconded by: Kathy Fosmark

Motion 9: Relative to the Central Valley Chinook Recovery Plan, include the comments of the Habitat Committee as shown in Agenda Item D.3.c, Supplemental HC Report to forward to NMFS. (The rest of the advisory body comments were included to forward to NMFS under Motion 3.)

Moved by: Marija Vojkovich
Motion 9 passed unanimously.

Seconded by: Kathy Fosmark

Motion 10: Adopt the following as a preferred alternative to regulatory changes for HMS fisheries for 2009-10:

- A seasonal closure for all HMS commercial shark fisheries south of 34° 27' N latitude that is generally the same as the current drift gillnet (DGN) fishery. (The DGN fishery is closed 0-200 nm February 1 to April 30 and 0-75 nm May 1 to August 14 from the U.S.-Mexico border to the U.S.-Canada border.)
- A seasonal closure for the recreational HMS shark fishery for the entire state (U.S.-Mexico border to California-Oregon border) during that same time period, February 1-August 14, 0-200 nm.

- The Alternatives 1-4, contained in HMSMT Report H.2.b, and a fifth option contained on page 11 of the HMSMT report, a mandatory data collection requirement for all shark tournaments, are also put out for public review.

Moved by: Marija Vojkovich
Motion 10 passed unanimously.

Seconded by: Kathy Fosmark

Motion 11: Request NMFS to adopt revised regulations at 50 CFR 660.704 and in 50 CFR 300.173 to allow, but not necessarily require, vessels to be marked with their international radio call sign (IRCS) consistent with WCPFC CMM 2004-03.

Moved by: Michele Culver
Motion 11 passed unanimously.

Seconded by: Dale Myer

Motion 12: Adopt Agenda Item H.3.c, HMSMT Report, Agenda Item H.3.c, Supplemental HMSMT Report, and Agenda Item H.3.c, Supplemental HMSAS Report as refinements to the alternatives for public review and Council action at the April 2009 meeting

Moved by: Kathy Fosmark

Seconded by: Dan Wolford

Amdmnt#1: Define a range of one to five landings per year to define the term “actively fish.”

Moved by: Marija Vojkovich

Seconded by: David Hanson

Amdmnt#2: Define a range of zero to five landings per year to define the term “actively fish.”

Moved by: Rod Moore

Seconded by: Frank Warrens

Amendment #2 to Motion 12 passed unanimously.

Amendment #1 to Motion 12 (as amended) passed unanimously.

Amdmnt#3: Include a prohibition on an individual owning both a West Coast SSLL permit and a Hawaii longline limited entry permit simultaneously.

Moved by: Dale Myer

Seconded by: Rod Moore

Amendment #3 to Motion 12 withdrawn, not voted on.

Amdmnt#4: Include a prohibition on a person exercising/utilizing a West Coast SSLL permit while at the same time exercising/utilizing a Hawaii longline limited entry permit.

Moved by: Dale Myer

Seconded by: Rod Moore

Amendment #4 to Motion 12 passed unanimously.

Main Motion 12 as amended passed. 10 yes, 3 no. Ms. Culver, Mr. Dale Myer, and Ms. Vojkovich voted no.

Motion 13: Direct the Council Executive Director to send a letter to U.S. Senator Smith and the U.S. House of Representatives Subcommittee on Fisheries, Wildlife and Oceans, regarding H.R. 6537 that reiterates the CCC position on the authority to regulate fishing within National Marine Sanctuaries and requests Council participation at future Congressional hearings on NMSA reauthorization.

Moved by: Rod Moore

Seconded by: Mark Cedergreen

Motion 13 passed. Mr. Lockhart abstained.

Motion 14: With regard to groundfish inseason management, adopt the following redistribution of the canary rockfish that the GMT identified is available (4.1 mt):

- 4.1 mt
- 0.4 mt to reopen the non-whiting bottom trawl fishery between 60 fms and 75 fms
- 3.7 mt
- 2.0 mt to reopen the primary whiting fishery
- 1.7 mt remaining residual in the scorecard

Relative to the 2.0 mt canary for the whiting fishery, specify that the whiting fishery is to reopen as soon as possible with a bycatch cap of 1.7 mt. An additional 0.3 mt would be subsequently released, through an automatic action by NMFS, two weeks later, but not later than November 1, 2008. If the 1.7 mt cap is not reached, any remaining canary would rollover to be added to the 0.3 mt. In all cases, the canary rockfish bycatch in the whiting fishery would not exceed 2.0 mt.

This action would not directly affect a long-term allocation of canary rockfish.

Moved by: Dale Myer

Seconded by: Mark Cedergreen

Amdmnt#1: Add 12 mt of widow to the existing whiting bycatch cap of 275 mt for a new cap of 287 mt.

Moved by: Rod Moore

Seconded by: Steve Williams

Amendment #1 to Motion 14 passed unanimously.

Main Motion 14 as amended passed unanimously

Motion 15: Utilizing Agenda Item I.1.b, Supplemental GMT Report, make the following recommendations to NMFS for groundfish inseason adjustments:

- Close Federal waters in the North and North-Central management areas (North of Point Arena).
- Increase the limited entry fixed gear sablefish DTL limits north of 36° N. lat. to one landing per week up to 1,500 lb, and 6,500 lb per 2 months; same daily limit of 500 lb.
- Increase open access shelf rockfish limits south of Point Conception (34° 27' N. lat.) to 1,000 lb per 2 months for period 6 only.
- Increase non-whiting trawl cumulative limits as outlined in bold in Table 6.

Moved by: Rod Moore

Seconded by: Marija Vojkovich

Motion 15 passed unanimously.

Motion 16: Relative to the groundfish essential fish habitat review process, table the issue until March 2009 to allow an opportunity to clarify and assess the EFHRC proposed changes to COP 22, and for other advisory bodies to comment. The motion included a friendly amendment to provide Council guidance to the EFHRC to facilitate their discussions and recommendations for the March meeting.

Moved by: Frank Warrens
Motion 16 withdrawn, not voted on.

Seconded by: Rod Moore

Motion 17: Adopt COP 22, as shown in Attachment 1.

Moved by: Michele Culver

Seconded by: Frank Warrens

Amdmnt#1: Correct the timing of the five year review by substituting the table in Agenda Item I.2.b, Supplemental EFHRC Report, for the five year review table in the original COP 22.

Moved by: Dale Myer
Amendment #1 withdrawn, not voted on.

Seconded by: Mark Cedergreen

Amdmnt#2: For the five year review table on page 4 of the original COP 22 in Attachment 1, change June 2008 to June 2011 and add three years to the other dates in that table.

Moved by: Rod Moore
Amendment #2 to Motion 17 passed unanimously.
Motion 17 as amended passed unanimously.

Seconded by: Dale Myer

Motion 18: Adopt the following as a preliminary preferred alternative for limiting the directed groundfish open access fishery:

1. Alternative A-4, as specified in the Preliminary Draft Environmental Assessment for Amendment 22 (Agenda Item I.4.a, Attachment 1) with a minimum landing criteria of 100 pounds.
2. Qualifying Framework QF-3 (1998-2006, with one trip in 2004-2006).
3. No long-term fleet size goal.
4. Allow for permit transferability after the first year of the program.
5. Allow for use of "A" and "B" permits on the same vessel in the same year using a declaration process.
6. No state landing endorsement provision.
7. No previous year "B" species landing requirement to renew or transfer permit.

8. Species endorsements for sablefish and lingcod; using the following qualifying criteria: one pound, 100 pounds, and 500 pounds in any one year from 1998-2006. All other “B” species will be managed under a general B permit.
9. Council Guidance: Notify all commercial fishery permit/license holders who landed any groundfish since 2004 in Washington, Oregon, and California that the PFMC proposed action may limit their opportunities in groundfish open access. This is to ensure notification of those affected by both the B and C permit alternatives. Include easily understood documents that clearly display the preliminary preferred alternative, that there are other alternatives for consideration, and where they can obtain more detailed information. Include a detailed description of what is allowed under the “C” permit, and how one is obtained. Provide notice of public comment opportunities in early January.

Moved by: Steve Williams
Motion 18 passed unanimously.

Seconded by: Michele Culver

Motion 19: Adopt the Groundfish Stock Assessment Terms of Reference (Agenda Item I.5.a, Attachment 1) with the following additions and changes:

- page 6 – substitute SSC language on the number of STAR panel reviewers from Agenda Item I.5.c, Supplemental SSC Report;
- pages 3 and 5 – substitute text from Agenda Item I.5.a, Supplemental Attachment 5 on Council staff and NMFS staff responsibilities;
- add definition of a data report from Agenda Item I.5.a, Attachment 2 with the recommended SSC change in wording from Agenda Item I.5.c, Supplemental SSC Report;
- give Council staff authority to finalize the Terms of Reference;
- include rejection language for late or incomplete assessments and deadlines for submission of materials for STAR Panels;
- allow STAR panel minority reports; and
- characterize deadlines for submission of STAR panel materials to the briefing book as guidelines.

The motion includes provision of the required elements of pre-STAR draft assessments.

Moved by: Rod Moore
Motion 19 passed unanimously.

Seconded by: Frank Warrens

Motion 20: Adopt the proposed 2009 STAR panel schedule as shown on the Agenda Item SSC report with the following changes:

- keep dates and locations of proposed STAR panels as shown with the proviso that these can be changed for logistic reasons and to meet deadlines; and
- strike the proposed spiny dogfish and greenspotted assessments.

Moved by: Rod Moore
Motion 20 passed (Mr. Mallet voted no).

Seconded by: Marija Vojkovich

Motion 21: Approve the Fosmark EFP as shown in Agenda Item I.6.a, Attachment 1 with the errata in Agenda Item I.6.a, Supplemental Attachment 8. The motion also includes the GMT's retention recommendations for this EFP.

Moved by: Rod Moore

Seconded by: Frank Warrens

Motion 21 passed (Ms. Fosmark recused).

Motion 22: Approve the RFA chilipepper EFP (Agenda Item I.6.a, Attachment 3) as revised by Agenda Item I.6.a, Supplemental Attachment 11, with the five hook request on page 3 deleted and with a widow cap of 1.7 mt rather than 3 mt. The motion includes a friendly amendment to only allow rockfish retention.

Moved by: Rod Moore

Seconded by: Frank Warrens

Motion 22 passed unanimously.

Motion 23: Approve the Oregon yellowtail EFP as shown in Agenda Item I.6.a, Attachment 4 with the GMT's recommendations on retention.

Moved by: Steve Williams

Seconded by: Rod Moore

Motion 23 passed unanimously.

Motion 24: Approve the Morro Bay/Port San Luis (TNC) EFP for next year with the bycatch caps recommended on page 4 of the GMT report, a cowcod cap of 0.2 mt, and a sablefish cap of 150 mt.

Moved by: Marija Vojkovich

Seconded by: Dan Wolford

Amndmnt: Provide a sablefish cap of 165 mt.

Moved by: Kathy Fosmark

Seconded by: Marija Vojkovich

Amendment to Motion 24 passed on a roll call vote. 7 yes, 5 no. Messrs. Rod Moore, Dale Myer, Steve Williams, Frank Warrens, and David Sones voted no.

Main Motion 24 as amended carried unanimously.

Motion 25: Approve the June minutes as shown in Agenda Item C.6.b, Draft June 2008 Council Meeting Minutes, with the following changes:

Moved by: Jerry Mallet

Seconded by: Rod Moore

Motion 25 passed unanimously.

Motion 26: Approve the report of the Budget Committee as shown in Agenda Item C.7.b, Supplemental Budget Committee Report.

Moved by: Frank Warrens

Seconded by: Jerry Mallet

Motion 26 passed unanimously.

Motion 27: Appoint Ms. Lisa Veneroso to fill the Washington Department of Fish and Wildlife (WDFW) position on the Coastal Pelagic Species Management Team (replacing Ms. Carol Henry).

Moved by: Michele Culver
Motion 27 passed unanimously.

Seconded by: Mark Cedergreen

Motion 28: Appoint Ms. Lynn Mattes to fill the Oregon Department of Fish and Wildlife vacancy on the GMT.

Moved by: Steve Williams
Motion 28 passed unanimously.

Seconded by: Rod Moore

Motion 29: Appoint Ms. Sarah McAvinchey to fill the vacant NMFS Northwest Region position on the Groundfish Management Team (GMT); and appoint Dr. Michael O'Farrell to fill the NMFS Southwest Fisheries Science Center position on the STT (replacing Mr. Michael Mohr).

Moved by: Frank Lockhart
Motion 29 passed unanimously.

Seconded by: Kathy Fosmark

Motion 30: Adopt an addition to COP 1, General Council Operating Procedures, which is a revision gleaned from three options considered under Agenda Item C.2 to formalize the Council's regulatory deeming process. The adopted language (Option 4) is contained in Agenda Item C.8.a, Supplemental Attachment 1.

Moved by: Rod Moore
Motion 30 passed unanimously.

Seconded by: Frank Warrens

FUTURE COUNCIL MEETING AGENDA AND WORKLOAD PLANNING

This agenda item is intended to refine general planning for future Council meetings and result in adoption of a final Proposed Agenda for the April 2009 Council Meeting on Friday, March 13. The following attachments are intended to help the Council in this process:

1. An abbreviated display of potential agenda items for a full year is provided in Attachment 1.
2. A preliminary three-meeting list of agenda topics for the Council's April, June, and September 2009 Council meetings in Attachment 2.
3. A draft Proposed April Council Meeting Agenda is provided as Attachment 3.

The Executive Director will assist the Council in reviewing the items listed above and discuss any other matters relevant to Council meeting agendas and workload. After considering supplemental material provided at the Council meeting, and any reports and comments from advisory bodies and public, the Council will provide guidance for future agenda development, adopt a Proposed April Council Meeting Agenda, and identify priorities for advisory body consideration at the April 2009 Council meeting.

Council Action:

- 1. Review pertinent information and provide guidance on potential agenda topics for future Council meetings.**
- 2. Provide final guidance on a Proposed Agenda for the April Council meeting.**
- 3. Identify priorities for advisory body considerations at the next Council meeting.**

Reference Materials:

1. Agenda Item I.2.a, Attachment 1: Draft Preliminary "Year at a Glance Summary" of Council Meeting Agenda Topics and Council Floor Time Estimate.
2. Agenda Item I.2.a, Attachment 2: Draft Preliminary Three-Meeting Outlook for the Pacific Council.
3. Agenda Item I.2.a, Attachment 3: Draft Preliminary Proposed Council Meeting Agenda, April 2-9, 2009, Millbrae, California.

Agenda Order:

- a. Agenda Item Overview
- b. Reports and Comments of Agencies and Advisory Bodies
- c. Public Comment
- d. **Council Action:** Adopt April 2009 Agenda and Provide Guidance on Future Council Meetings and Priorities for Advisory Body Consideration

Don McIsaac

PFCMC
02/24/09

2009 Pacific Council Workload Planning: *Year at a Glance Summary*

(Number of agenda items if greater than one shown within parentheses, placeholder matters shaded)

	<u>March</u> (Seattle)	<u>April</u> (Millbrae)	<u>June</u> (Spokane)	<u>September</u> (Foster City)	<u>November</u> (Costa Mesa)
CPS	Final 2009 STAR TOR EFP for Sardine Res. ACL FMP Amd.-Pln		Mackerel HG & Meas. Rev Sardine Allocation Final EFP--Sardine Res.	Follow-up on Sard. Alloc. ACL Amd.-Initial Drft	Sardine Asmnt & Mgmt Meas. Follow-up on Sard. Alloc.
Groundfish	NMFS Report Inseason Mgmt (2) Pacific Whiting A-20 Ownership & Misc A-20 Final Accum Lim A-22 (Op.Acs.)-Final EFH Rev TOR	NMFS Report Inseason Mgmt (2) Review VMS Regs A-20 (TR)--Misc. A-20--Obj. for AMP A-21 (ISA)-Final ACL Amd.-Pln	NMFS Report Inseason Mgmt (2) Approve Stock Assmnts A-20 Final Misc Issues A-20 Final AMP A-20 Final Ownership Crit. A-20--Initial Reg Review Specs Process Planning Prelim EFPs Initiate EFHRC Process ACL Amd.-Update/Guide	NMFS Report Inseason Mgmt (2) Approve Stock Assmnts A-20--Reg Deeming Off-Year Science Imprv ACL Amd.-PubRev Drf	NMFS Report Inseason Mgmt (2) Approve Stock Assmnts Initial Mgmt Specs & Meas. Final EFPs EFH Changes: Prelim Adopt. ACL Amd.-Final
HMS		NMFS Report Rpt on Albacore Mgmt Input to US Del. IATTC FMP A-2: HSSLL ACL Amd.-Pln	NMFS Report Albacore Mgmt Proposals Input to WCPFC N. Com	NMFS Report Albacore Further Mgmt ? Albacore Stk Assmnt? ACL Amd.-Initial Drft	NMFS Report Input to WCPFC
Salmon	09 Season Setting (6) Cons. Obj. Report ACL Amd.-Pln	NMFS Drft BO (CA Ops) 08 Salmon Failure Rpt 09 Season Setting (3) 09 Methodology Rev. Mitchell Act EIS Update		09 Methodology Rev. ACL Amd.-Initial Drft	2010 Preseason Mgmt. Schd 09 Methodology Rev.--Final
Other	Pacific Halibut (2) Habitat Issues USCG Ann. Rpt. Routine Admin (6) Evening--Cape to Cape	Halibut-Incidntl Regs Habitat Issues OCNMS Mgmt Pln Rev MBNMS MPA Pln Rev Review Council SOPP Routine Admin (7)	Halibut-Setline Bycatch Habitat Issues Routine Admin (8)	Pacific Halibut (3) Habitat Comm. MBNMS MPA Doc Rev State Enforcement Rpt Routine Admin (8) SWFSC-Env Var in Abun Est	Pacific Halibut (2) Habitat Comm. Ecosystem FMP-Funds Dep. Routine Admin (8)
Apx. Council Floor Time	6 days	6 days	6 days	6 days	6 days

Draft Preliminary Three-Meeting Outlook for the Pacific Council

(Contingent Items are Shaded and Counted in Time Estimate)

April Millbrae, CA--4/2-4/9/09 (Council Starts 4/4) Estimated Hours of Council Floor Time = 47.0	June Spokane, WA--6/13-18/09 (Council Starts 6/13) Estimated Hours of Council Floor Time = 45.5	September Foster City, CA--9/11-9/17/09 (Council Starts 9/12) Estimated Hours of Council Floor Time = 42.8
<p><u>Administrative</u> Closed Session; Open Session/Call to Order; Min. (3) Legislative Committee Report</p> <p>Membership Appointments & COP</p> <p>3 Mtg Outlook, Draft June Agenda, Workload Open Comment Period-Non-Agenda Items Comments on Proposed Rule for Council SOPP</p> <p><u>Coastal Pelagic Species</u></p> <p><u>Ecosystem FMP</u></p> <p><u>Enforcement Issues</u></p> <p><u>Groundfish</u> NMFS Report 2009 Inseason Management (2 Sessions) A-20--Trawl Rationalization: Misc. Clarifications A-20--Trawl Rationalization: AMP Analysis Parameters A-21--Intersector Allocation: Adopt Final Preferred Alt Review of VMS Implementation Regulations</p> <p>A-23--ACLs: Initial Planning & Scoping</p> <p><u>Habitat Issues</u> Habitat Committee Report</p>	<p><u>Administrative</u> Closed Session; Open Session Call to Order; Min. (3) Legislative Committee Report Fiscal Matters Membership Appointments & COP--including selection of Council Chair and Vice Chairs 3 Mtg Outlook, Drft Sept Agenda, Workload Open Comment Period--Non-Agenda Items</p> <p><u>Coastal Pelagic Species</u> Pac. Mackerel Harvest Guideline 2009-2010: Adopt Final Guideline and Mgmt Measures EFP for Sardine Research: Adopt Final Review Sardine Allocation in FMP Amendment 11: Scope the Need for any Changes</p> <p><u>Ecosystem FMP</u></p> <p><u>Enforcement Issues</u></p> <p><u>Groundfish</u> NMFS Report 2009 Inseason Management (2 Sessions) A-20--Trawl Rationalization: Final Action--Misc Issues A-20--Trawl Rationalization: Final Adaptive Mgmt Program A-20--Trawl Rationalization: Final Ownership Criteria A-20--Initial Regulation Review EFPs for 2010: Adopt Preliminary Recommendations Stock Assessments for 2011-12: Approve Assessments Proposed Process & Schedule for Developing Biennial Mgmt Spx (2011-2012): Discussion & Planning A-23--ACLs: Update & Guidance, if Nec. EFH Changes: Review & Assign Proposals to EFHRC</p> <p><u>Habitat Issues</u> Habitat Committee Report</p>	<p><u>Administrative</u> Closed Session; Open Session Call to Order; Min. (3) Legislative Committee Report Fiscal Matters Membership Appointments & COP: Review & Solicit Nom. for 2010-2012 Term 3 Mtg Outlook, Drft Nov Agenda, Workload Open Comment Period--Non-Agenda Items</p> <p><u>Coastal Pelagic Species</u></p> <p>Follow-up on Sardine Allocation?</p> <p>A-13--ACLs: Initial Draft</p> <p><u>Ecosystem FMP</u></p> <p><u>Enforcement Issues</u> State Activity Rpt</p> <p><u>Groundfish</u> NMFS Report 2009 Inseason Management (2 Sessions)</p> <p>A-20--Trawl Rationalization: Regulation Review/Deeming</p> <p>Stock Assessments for 2011-12: Approve Assessments Off-Year Science Improvements: Plan & Prioritize for 2010</p> <p>A-23--ACLs: Adopt for Pub. Review (Aggressive Schd.)</p> <p><u>Habitat Issues</u> Habitat Committee Report</p>

April Millbrae, CA--4/2-4/9/09 (Council Starts 4/4) Estimated Hours of Council Floor Time = 47.0	June Spokane, WA--6/13-18/09 (Council Starts 6/13) Estimated Hours of Council Floor Time = 45.5	September Foster City, CA--9/11-9/17/09 (Council Starts 9/12) Estimated Hours of Council Floor Time = 42.8
<p><u>Highly Migratory Species</u> NMFS Rpt (including Turtle Rpt) NMFS Rpt on Potential Mgmt Options for Albacore Mgmt Recommendations to US Delegation to IATTC A-2--High Seas Shallow-set Longline Amendment: Adopt Final Preferred Alternative A-3.--Annual Catch Limits: Initial Planning & Scoping</p> <p><u>Marine Protected Areas</u> OCNMS Mgmt Plan Review Process: Update MBNMS MPA Planning Process: Update</p> <p><u>Pacific Halibut</u></p> <p>Incidental Catch Regs for 2009: Adopt Final</p> <p><u>Salmon</u> 2009 Mgmt Measures: Adopt Final (3 agenda items) 2009 Methods Review: Process & Prelimin Topics West Coast Salmon Work Group Rpt Mitchell Act EIS: Status Rpt NMFS Draft BO for CA Water Projects Ops.: Update</p> <p><u>Information Reports</u></p> <p><u>Special Sessions</u> None</p>	<p><u>Highly Migratory Species</u> NMFS Rpt Albacore Mgmt: Proposed Options WCPFC Northern Committee Actions: Provide Recom.</p> <p><u>Marine Protected Areas</u></p> <p><u>Pacific Halibut</u></p> <p>Preliminary Bycatch Estimate for GF Setline Fisheries</p> <p><u>Salmon</u></p> <p><u>Information Reports</u> Salmon Fishery Update</p> <p><u>Special Sessions</u> None</p>	<p><u>Highly Migratory Species</u> NMFS Rpt Albacore Mgmt: Further Option Development?? Albacore Stk Assessment: Rev. & Make Recommendations</p> <p>A-3.--ACLs: Review Initial Draft</p> <p><u>Marine Protected Areas</u> MBNMS MPA Drft Doc for Council Review</p> <p><u>Pacific Halibut</u> Changes to 2010 CSP & Regs: Adopt for Pub Rev Halibut Bycatch Est for IPHC: Review Halibut Catch Apportionment for 2010</p> <p><u>Salmon</u> 2009 Methodology Review: Select Final Rev Priorities</p> <p>A-16-ACLs: Initial Draft</p> <p><u>Information Reports</u> Salmon Fishery Update Final SAFE Rpt (HMS)</p> <p><u>Special Sessions</u> Environmental Variables in Abundance Predictions-SWFSC</p>

Draft Preliminary Three-Meeting Outlook for the Pacific Council
(Contingent Items are Shaded and Counted in Time Estimate)

November		March	
Costa Mesa, CA--10/30-11/5/09(Council Starts 10/31) Estimated Hours of Council Floor Time = 43.5	43.5	Sacramento, CA--3/6-3/12/10 (Council Starts 3/6) Estimated Hours of Council Floor Time = 32.0	32.0
<u>Administrative</u>		<u>Administrative</u>	
Closed Session; Open Session Call to Order; Min. (3)	1.75	Closed Session; Open Session Call to Order; Min. (3)	1.75
Legislative Committee Report	0.5	Legislative Committee Report	0.5
Fiscal Matters	0.5		
Membership Appointments & COP: Adopt COP Changes & Appoint Adv. Body Membes for 2010-2012 Term	1.5	Membership Appointments & COP	0.25
3 Mtg Outlook, Drft Mar Agenda, Workload	0.5	3 Mtg Outlook, Draft Apr Agenda, Workload	0.5
Open Coment Period--Non-Agenda Items	0.75	Open Comment Period--Non-Agenda Items	0.75
<u>Coastal Pelagic Species</u>		<u>Coastal Pelagic Species</u>	
Pac. Sardine: Approve Stk Assmnt & Mgmt Measures	3		
Follow-up on Sardine Allocation?	2		
		A-13--ACLs: ? less aggressive	
<u>Ecosystem FMP</u>		<u>Ecosystem FMP</u>	
Ecosystem FMP Planning (Funding Contingent)	2		
<u>Enforcement Issues</u>		<u>Enforcement Issues</u>	
		US Coast Guard Annual Fishery Enforcement Report or in April--depending on location	1
<u>Groundfish</u>		<u>Groundfish</u>	
NMFS Report	1	NMFS Report	1
2009/10 Inseason Management (2 Sessions)	3	2009 Inseason Mgmt (2 Sessions)	3
		Pacific Whiting: Adopt 2010 Spec. & Mgmt Measures	3
		A-20--Trawl Rationalization: Deeming of Regulations	3
EFPs for 2010: Adopt Final Recommendations	3		
Stock Assessments for 2011-12: Final Mop-up	3	Stock Assessment Planing for 2013-14 Mgmt Measures	2
Mgmt Recommendatins for 2011-12 Fisheries (2 sessions)	6		
A-23--ACLs: Adopt Final (Aggressive Schd)	3		
EFH Changes: Approve for Inclusion in Bienial Specs.	2.5		
<u>Habitat Issues</u>		<u>Habitat Issues</u>	
Habitat Issues	0.75	Habitat Committee Report	0.75

November		March	
Costa Mesa, CA--10/30-11/5/09(Council Starts 10/31) Estimated Hours of Council Floor Time = 43.5	43.5	Sacramento, CA--3/6-3/12/10 (Council Starts 3/6) Estimated Hours of Council Floor Time = 32.0	32.0
<u>Highly Migratory Species</u>		<u>Highly Migratory Species</u>	
NMFS Rpt	1		
Council Recommendations for WCPFC Mtg	1		
A-3--ACLs: Adopt Final	2		
<u>Marine Protected Areas</u>		<u>Marine Protected Areas</u>	
<u>Pacific Halibut</u>		<u>Pacific Halibut</u>	
Changes to 2009 CSP & Regs: Adopt Final	0.75	Report on the IPHC Meeting	0.5
Halibut Catch Apportionment Status Rpt	1	Incidental Catch Regs for 2009: Adopt Options for Public Rev	0.5
<u>Salmon</u>		<u>Salmon</u>	
2009 Methodology Review: Adopt Final Changes	1	Review 2009 Fisheries & 2010 Abundance Estimates	1.5
A-16-ACLs: Adopt Final (Most Aggressive Schd)	2	2010 Mgmt Measures: Adopt Options for Public Rev & Appt. Hearings Officers (5)	10.5
		Identify Stocks not Meeting Conserv. Objectives	1.5
<u>Information Reports</u>		<u>Information Reports</u>	
Salmon Fishery Update			
Preseason Salmon Mgmt Sched for 2010: Approve			
<u>Special Sessions</u>		<u>Special Sessions</u>	
	43.5		32.0

REVISED DRAFT PRELIMINARY PROPOSED COUNCIL MEETING AGENDA, APRIL 2-9, 2009, MILLBRAE, CALIFORNIA

Thu, Apr 2	Sat, Apr 4	Sun, Apr 5	Mon, Apr 6	Tue, Apr 7	Wed, Apr 8	Thu, Apr 9
8:00 am HMSAS 8:00 am HMSMT Fri, Apr 3 8:00 am HMSAS 8:00 am HMSMT 8:00 am SSC 8:30 am HC 3:30 pm LC 5:00 pm ChB	CLOSED SESSION 8:00 AM OPEN SESSION 9:00 AM 1-4. Open & Approve Agenda (30 min) OPEN COMMENT 1. Comments on Non-Agenda Items (45 min) HABITAT 1. Current Issues (45 min) HIGHLY MIGRATORY 1. NMFS Report (including Turtle Update) (1 hr) 2. NMFS Prelim. Rpt on Albacore Mgmt Options (1 hr 15 min) 3. FMP Amend. for ACLs: Initial Scoping (1 hr 45 min) 4. International RFMO Matters: WCPFC Rpt; MOU; & Rec. to IATTC (1 hr)	<i>A late start is being implemented for Palm Sunday</i> HIGHLY MIGRATORY (CONT) 10 AM 5. Amendment 2 (High Seas SS long line): Adopt Final (4 hr) MARINE PROT. AREAS 1. OCNMS Mgmt Plan Rev. Proc.: Update (1 hr 30 min)	ADMINISTRATIVE 8 AM 1. Legislative Matters (30 min) MARINE PROT. AREAS (CONT) 2. MBNMS MPA Planning Process: Update (1 hr 30 min) SALMON 1. 2009 Mgmt Meas.: Tentative Adoption for Analysis (3 hr) 2. Work Group Rpt: Causes of 2008 Salmon Failure (2 hr) 3. NMFS Draft BO for CA Water Project Operation: Update (30 min) PACIFIC HALIBUT 1. Incidental 2009 Catch Regs in Salmon Troll & FG Sablefish Fisheries (30 min)	SALMON (CONT) 8 AM 4. Clarify Mgmt Measures for Analysis if Necessary (1 hr) GROUNDFISH 1. NMFS Report (1 hr) 2. Inseason Adjustments (2 hr) 3. Amendment 21 (Intersector Allocation): Adopt Final (4 hr)	GROUNDFISH (CONT) 8 AM 4. Amendment 20 Trawl Rationalization: Misc. Clarifications (2 hr) 5. Amendment 20 Trawl Rationalization: Analysis Parameters for AMP (4 hr) SALMON (CONT) 5. 2009 Methodology Review: Set Process & Select Methods to Review (1 hr) 6. Mitchell Act EIS: Status Report (1 hr)	SALMON (CONT) 8 AM 7. Adopt Final 2009 Management Measures (2 hr 30 min) GROUNDFISH (CONT) 6. Final Inseason Adjustments (1 hr) 7. FMP Amendments for ACLs: Initial Scoping (2 hr) 8. Review of VMS Implementation Regulations (1 hr) ADMINISTRATIVE (CONT) 2. Approve Council Minutes (15 min) 3. Membership Appointments (15 min) 4. Council SOPPs: Comment on Proposed Rule (30 min) 5. Future Meeting Agenda & Workload Planning (30 min)
	8 hr	5 hr 30 min	8 hr	8 hr	8 hr	8 hr
Note: TPG=Tribal Policy Group T&WTG=Tribal & WA Technical Group WA D=WA Delegation	8:00 am HMSAS 8:00 am HMSMT 8:00 am SSC 8:00 am TPG 8:00 am T&WTG 8:00 am WA D 1:00 pm GAP 4:30 pm EC	10:00 am EC 10:00 am GAP 10:00 am GMT 10:00 am SAS 10:00 am STT 10:00 am TPG 10:00 am T&WTG 10:00 am WA D	8:00 am EC 8:00 am GAP 8:00 am GMT 8:00 am SAS 8:00 am STT 8:00 am TPG 8:00 am T&WTG 8:00 am WA D	8:00 am EC 8:00 am GAP 8:00 am GMT 8:00 am SAS 8:00 am STT 8:00 am TPG 8:00 am T&WTG 8:00 am WA D	8:00 am EC 8:00 am GAP 8:00 am GMT 8:00 am SAS 8:00 am STT 8:00 am TPG 8:00 am T&WTG 8:00 am WA D	8:00 am SAS & STT 8:00 am TPG 8:00 am T&WTG 8:00 am WA D

Council-sponsored evening sessions: Chair's Reception on Saturday at 6:00 pm
 Total Council Floor Time = 45.5 hr

Pacific Council Workload Planning: *Year at a Glance Summary*

(Number of agenda items if greater than one shown within parentheses, placeholder matters shaded)					
	<u>April 09</u> (Millbrae)	<u>June 09</u> (Spokane)	<u>September 09</u> (Foster City)	<u>November 09</u> (Costa Mesa)	<u>March 10</u> (Sacramento)
CPS		Mackerel HG & Meas. Rev Sardine Allocation Final EFP--Sardine Res.	Follow-up on Sard. Alloc. ACL Amd.-Initial Drft	Sardine Asmnt & Mgmt Meas. Follow-up on Sard. Alloc.	Follow-up on Sard. Alloc. ACL Amd.-Pub Rev Drf
Groundfish	NMFS Report Inseason Mgmt (2) Review VMS Regs A-20 (TR)--Define CFA & Misc. Clarifications A-20-AMP Parameters A-21 (ISA)-Final ACL Amd.-Pln	NMFS Report Inseason Mgmt (2) Approve Stock Assmnts A-20 Fnl CFA, Accum; etc A-20 Final Ownership Crit. A-20 Final AMP A-20--Clarify & Rev Reg Specs Process Planning Prelim EFPs Initiate EFHRC Process ACL Amd.-Update/Guide	NMFS Report Inseason Mgmt (2) Approve Stock Assmnts A-20--Reg Deeming Off-Year Science Imprv ACL Amd.-PubRev Drf	NMFS Report Inseason Mgmt (2) Approve Stock Assmnts Initial Mgmt Specs & Meas. Final EFPs EFH Changes: Prelim Adopt ACL Amd.-Final	NMFS Report Inseason Mgmt (2) Pacific Whiting Specs A-20 Update on Impl Stock Assmnt Pln--2011-12
HMS	NMFS Report Rpt on Albacore Mgmt Input to US Del. IATTC FMP A-2: HSSL ACL Amd.-Pln	NMFS Report Albacore Mgmt Proposals Input to WCPFC N. Com	NMFS Report Albacore Further Mgmt ? Albacore Stk Assmnt? ACL Amd.-Initial Drft	NMFS Report Input to WCPFC	
Salmon	NMFS Drft BO (CA Ops) 08 Salmon Failure Rpt 09 Season Setting (3) 09 Methodology Rev. Mitchell Act EIS Update		09 Methodology Rev. ACL Amd.-Initial Drft	2010 Preseas'n Mgmt Schd 09 Methodology Rev.--Final	2010 Season Setting (6) Cons. Obj. Report ACL Amd.-Pln
Other	Halibut-Incidntl Regs Habitat Issues OCNMS Mgmt Pln Rev MBNMS MPA Pln Rev Review Council SOPP Routine Admin (7)	Halibut-Setline Bycatch Habitat Issues Aquaculture Presentation Routine Admin (8)	Pacific Halibut (3) Habitat Comm. Marine Debris Present. MBNMS MPA Doc Rev State Enforcement Rpt Routine Admin (8) SWFSC-Env Var in Abun Est	Pacific Halibut (2) Habitat Comm. MPA National Registry Ecosystem FMP-Funds Dep. Routine Admin (8)	Pacific Halibut (2) Habitat Issues USCG Ann. Rpt. Routine Admin (6)
Apx. Council Floor Time	6 days	6+ days	6 days	6 days	6 days

PRELIMINARY PROPOSED COUNCIL MEETING AGENDA, APRIL 2-9, 2009, MILLBRAE, CALIFORNIA

Thu, Apr 2	Sat, Apr 4	Sun, Apr 5	Mon, Apr 6	Tue, Apr 7	Wed, Apr 8	Thu, Apr 9
<p>8:00 am HMSAS 8:00 am HMSMT</p>	<p>CLOSED SESSION 8:00 AM</p> <p>OPEN SESSION 9:00 AM 1-4. Open & Approve Agenda (30 min)</p>	<p><i>A late start is being implemented for Palm Sunday</i></p> <p>HIGHLY MIGRATORY (CONT) 10 AM 3. FMP Amend. for ACLs: Initial Scoping (1 hr 45 min) 4. Intern'tl RFMO Matters: WCPFC Rpt; MOU; & Rec. to IATTC (1 hr)</p>	<p>SALMON 8 AM 1. NMFS BO Updates: CA Water Project Operation & Winter Chinook Fisheries (1 hr) 2. Work Group Rpt: Causes of 2008 Salmon Failure (2 hr) 3. 2009 Mgmt Meas.: Tentative Adoption for Analysis (3 hr)</p>	<p>SALMON (CONT) 4. Clarify Mgmt Measures for Analysis if Necessary (1 hr)</p>	<p>SALMON (CONT) 5. 2009 Method- ology Review: Set Process & Select Methods to Review (1 hr) 6. Mitchell Act EIS: Status Report (1 hr) 7. Adopt Final 2009 Management Measures (2 hr 30 min)</p>	<p>GROUND FISH (CONT) 5. Continue Amendment 20 Trawl Rationalization: Analysis Parameters for AMP (2 hr 30 min) 6. Final Inseason Adjustments (1 hr) 7. FMP Amendments for ACLs: Initial Scoping (2 hr) 8. Review of VMS Implementation Regulations (1 hr)</p>
<p>Fri, Apr 3</p> <p>8:00 am HMSAS 8:00 am HMSMT 8:00 am SSC 8:30 am HC 3:30 pm LC 5:00 pm ChB</p>	<p>OPEN COMMENT 1. Comments on Non-Agenda Items (45 min)</p> <p>HABITAT 1. Current Issues (45 min)</p> <p>HIGHLY MIGRATORY 1. NMFS Report (including Turtle Update) (1 hr) 2. NMFS Prelim. Rpt on Albacore Mgmt Options (1 hr 15 min) 2. Amendment 2 (High Seas SS long line): Adopt Final (4 hr)</p>	<p>MARINE PROT. AREAS 1. OCNMS Mgmt Plan Rev. Proc.: Update (1 hr 30 min) 2. MBNMS MPA Planning Process: Update (1 hr 30 min)</p> <p>GROUND FISH 1. NMFS Report (1 hr)</p> <p>ADMINISTRATIVE 1. Legislative Matters (30 min)</p>	<p>PACIFIC HALIBUT 1. Incidental 2009 Catch Regs in Salmon Troll & FG Sablefish Fisheries (30 min)</p> <p>GROUND FISH 2. Inseason Adjustments (1 hr 30 min)</p>	<p>GROUND FISH 3. Amendment 21 (Intersector Allocation): Adopt Final (4 hr) 4. Amendment 20 Trawl Rationalization : CFA Definition & Miscellaneous Clarifications (3 hr)</p>	<p>GROUND FISH (CONT) 5. Initial Amendment 20 Trawl Rationalization: Analysis Parameters for AMP (3 hr 30 min)</p>	<p>ADMINISTRATIVE (CONT) 2. Approve Council Minutes (15 min) 3. Membership Appointments (15 min) 4. Council SOPPs: Comment on Proposed Rule (30 min) 5. Future Meeting Agenda & Workload Planning (30 min)</p>
	8 hr	5 hr 45 min	8 hr	8 hr	8 hr	8 hr
<p>Note: TPG=Tribal Policy Group T&WTG=Tribal & WA Technical Group WA D=WA Delegation</p>	<p>8:00 am HMSAS 8:00 am HMSMT 8:00 am SSC 8:00 am TPG 8:00 am T&WTG 8:00 am WA D 1:00 pm GAP 1:00 pm GMT 4:30 pm EC</p>	<p>10:00 am EC 10:00 am GAP 10:00 am GMT 10:00 am SAS 10:00 am STT 10:00 am TPG 10:00 am T&WTG 10:00 am WA D</p>	<p>8:00 am EC 8:00 am GAP 8:00 am GMT 8:00 am SAS 8:00 am STT 8:00 am TPG 8:00 am T&WTG 8:00 am WA D</p>	<p>8:00 am EC 8:00 am GAP 8:00 am GMT 8:00 am SAS 8:00 am STT 8:00 am TPG 8:00 am T&WTG 8:00 am WA D</p>	<p>8:00 am EC 8:00 am GAP 8:00 am GMT 8:00 am SAS 8:00 am STT 8:00 am TPG 8:00 am T&WTG 8:00 am WA D</p>	<p>8:00 am SAS & STT 8:00 am TPG 8:00 am T&WTG 8:00 am WA D</p>

Council-sponsored evening sessions: Chair's Reception on Saturday at 6:00 pm
Total Council Floor Time = 45.75 hr

PRELIMINARY PROPOSED COUNCIL MEETING AGENDA, JUNE 11-18, 2009, SPOKANE, WASHINGTON

Thu, Jun 11	Sat, Jun 13	Sun, 14	Mon, Jun 15	Tue, Jun 16	Wed, Jun 17	Thu, Jun 18
<p>8:00 am HMSAS 8:00 am HMSMT</p>	<p>CLOSED SESSION 9:00 AM</p> <hr/> <p>OPEN SESSION 10:00 AM 1-4. Open & Approve Agenda (30 min)</p>	<p>PACIFIC HALIBUT</p> <p>1. Proposed Procedures for Estimating Bycatch in the Groundfish Setline Fisheries (1 hr)</p>	<p>GROUNDFISH</p> <p>4. Inseason Adjustments (2 hr) 5. EFPs for 2010: Preliminary Adoption (3 hr) 6. Amendment 20 Trawl Rationalization: Final Action on Defining Coastal Fishing Assoc.; Ownership Eligibility; Accumulation Limits; etc. (3+ hr)</p>	<p>ADMINISTRATIVE</p> <p>1. Legislative Matters (30 min)</p> <hr/> <p>COASTAL PELAGIC</p> <p>1. Pac Mackerel HG & Mgmt Meas. 09-10: Adopt Final (1 hr 30 min) 2. EFP for Sardine Res.: Adopt Final (2 hr) 3. Review Sardine Allocation: Scope Issues (2 hr 30 min)</p> <hr/> <p>GROUNDFISH</p> <p>7. Proposed Process & Schedule for Biennial Mgmt (2011-2012) (1 hr 30 min)</p>	<p>GROUNDFISH (CONT) 8 AM</p> <p>8. Amendment 20 Trawl Rationalization: Final Action for AMP (8 hr)</p>	<p>GROUNDFISH (CONT)</p> <p>9. Final Inseason Adjustments (2 hr) 10. A-20 (TR) Initial Regulatory Clarifications & Review (2 hr) 11. A-23 (ACLs): Guidance if Needed (2 hr)</p> <hr/> <p>ADMINISTRATIVE (CONT)</p> <p>2. Fiscal Matters (15 min) 3. Approve Council Minutes (15 min) 4. Membership Appointments (15 min) 5. Future Meeting Agenda & Workload Planning (30 min) 6. Offshore Aquaculture Presentation (45 min)</p>
<p>Fri, Jun 12</p> <p>8:00 am GAP 8:00 am GMT 8:00 am HMSAS 8:00 am HMSMT 8:00 am SSC 8:30 am HC 1:00 pm BC 3:30 pm LC 5:00 pm ChB</p>	<p>HABITAT</p> <p>1. Current Issues (45 min)</p> <hr/> <p>MARINE PROT. AREAS</p> <p>2. MBNMS MPA Planning Process: Update (1 hr 45 min)</p> <hr/> <p>HIGHLY MIGRATORY</p> <p>1. NMFS Report (1 hr) 2. NMFS Rpt on Potential Albacore Mgmt Options (2 hr) 2. Recommendations for WCPFC Northern Committee Actions (1 hr)</p>	<p>GROUNDFISH</p> <p>1. EFH Changes: Review & Assign Proposals to EFHRC (2 hr 30 min) 2. NMFS Report (1 hr) 3. Stock Assmnts for 2011-2012, Part I: Final Approval (3 hr)</p> <hr/> <p>OPEN COMMENT</p> <p>1. Comments on Non-Agenda Items (30 min)</p>				
	8 hr	8 hr	8+ hr	8 hr	8+ hr	8 hr
	<p>8:00 am GAP 8:00 am GMT 8:00 am HMSAS 8:00 am HMSAS 8:00 am SSC 4:30 pm EC</p>	<p>10:00 am CPSAS 10:00 am CPSMT 10:00 am EC 10:00 am GAP 10:00 am GMT</p>	<p>10:00 am CPSAS 10:00 am CPSMT 8:00 am EC 8:00 am GAP 8:00 am GMT</p>	<p>8:00 am EC 8:00 am GAP 8:00 am GMT</p>	<p>8:00 am EC 8:00 am GAP 8:00 am GMT</p>	

Council-sponsored evening sessions: Chair's Reception on Saturday at 6:00 pm
Total Council Floor Time = 48 hr

3/13/2009 2:05 PM

Agenda Item I.3.a
 Supplemental Attachment 6
 April 2009

HABITAT COMMITTEE REPORT ON FUTURE COUNCIL MEETING AGENDA AND WORKLOAD PLANNING

Ecosystem-based Management

While ecosystem-based fishery management (EBFM) does not appear on the Council agenda until November 2009, the Habitat Committee (HC) suggests that the Council consider the structure, mission, and appointment of a committee that would be poised to initiate EBFM planning as soon as funds become available. In the interim, the HC would welcome a briefing from scientists at the National Marine Fisheries Service (NMFS) Northwest Fisheries Science Center (NWFSC) on the use of the Atlantis model for EBFM.

Salmon EFH Review

The NMFS Northwest and Southwest regions and the Council have developed a proposal seeking NOAA funds to generate information to be used in updating salmon essential fish habitat (EFH). Pacific salmon EFH has not been updated since 1999. If funding is obtained, a draft report would be delivered in summer 2010. The HC suggests initiation of salmon EFH review be scheduled to coincide with the availability of this product.

Marine Protected Area Nominations

The HC received a report on the review of sites nominated for inclusion in the National Marine Protected Area (MPA) Network. Fisheries MPAs were not included in this first round of network nominations, though they are included in the National MPA Inventory. Examples of Pacific Council fishery MPAs are cowcod closure areas, salmon bycatch management zones for whiting, and groundfish habitat conservation areas. The HC recommends that Council sites be added to the national network in order to appropriately recognize Council efforts at protecting habitat and fish. It is the HC's understanding that the MPA Center would like to begin a dialogue with the Council about a future nomination process for Council MPAs; the next round of nominations will occur in late 2009. The HC recommends the Council reserve time at the September or November meeting for a discussion and decision on nomination of Council fishery MPAs into the national network.

Department of Commerce • National Oceanic & Atmospheric Administration • National Marine Fisheries Service

<i>NATIONAL MARINE FISHERIES SERVICE POLICY DIRECTIVE 01-114-01</i> <i>EFFECTIVE DATE: March 9, 2009</i>	
<i>Fisheries Management</i>	
<i>Regional Fishery Management Council Consultation in MPA Nomination Process</i>	
NOTICE: This publication is available at: http://www.nmfs.noaa.gov/directives/ .	
OPR: F/SF (A. Risenhoover) Type of Issuance: Initial	Certified by: F (J. Balsiger)
<i>SUMMARY OF REVISIONS:</i>	

1.0 Introduction

In the United States and around the world, marine protected areas (MPAs) are increasingly recognized as an important and promising management tool for mitigating or buffering impacts to the world's oceans from human activities. Presidential Executive Order 13158 of May 26, 2000 (Order) calls for the development of a National System of Marine Protected Areas (National System) and directs the establishment of a National MPA Center within NOAA to lead its development and implementation. The Order requires collaboration with federal agencies as well as coastal states and territories, tribes, regional fishery management councils (Councils), and other entities as appropriate, including the MPA Federal Advisory Committee. (The collaborative process described in this policy applies only to sites established through conservation and management measures per the Magnuson-Stevens Fishery Conservation and Management Act, 16 U.S.C. §§ 1801 et seq. (MSA), as a result of Council action.)

The Order further specifies that the National System be scientifically based, comprehensive, and represent the nation's diverse marine ecosystems and natural and cultural resources.

The National System provides the first comprehensive mechanism for coordinating MPAs managed by diverse federal, state, territorial, tribal, and local agencies to work toward national conservation objectives. The National System will benefit the nation's collective conservation efforts and participating MPAs, providing those sites with a means to address issues beyond their boundaries. The National System should benefit participating MPAs by enhancing stewardship, building partnerships, increasing support for marine conservation, fostering more effective and efficient outreach, promoting cultural heritage, and protecting MPA resources. The National System should benefit the nation by protecting representative ecosystems and resources, enhancing connectivity among MPAs, identifying gaps in current protection of ocean resources, providing new educational opportunities, enhancing research opportunities, and improving international coordination.

The National System outlines a science-based, transparent process for identifying gaps in current protection efforts where new or enhanced MPAs may be needed to address resource conservation needs. Effective stakeholder review and consultation is critical to this process. The National System does not provide any new authority for establishing or managing MPAs, but lays out design and implementation principles that will guide the development of the system. These principles include a commitment to balanced stakeholder involvement, respect for local and indigenous values, and adaptive management.

Additional information about Marine Protected Areas, the National Framework for a National System of MPAs, and the nomination process can be found at: <http://www.mpa.gov>.

2.0 Objective

The objective of this policy directive is to establish the process for consulting with Councils:

1. on whether sites that were established under the authorities of the MSA as a result of Council action should be nominated to be included in the National System, and
2. when adding, modifying, or removing MPAs in the National System.

To provide a roadmap for building the National System, the Order calls for the development of a framework for a National System. The 2008 Framework for the National System of MPAs of the United States of America (Framework) is the result of a multi-year development effort. The Framework proposes a National System that is, initially, an assemblage of existing MPA sites, systems, and networks established and managed by federal, state, tribal, or local governments.

The Framework outlines several key components of the National System, including:

- A set of overarching National System goals and priority conservation objectives;
- MPA eligibility criteria and other key definitions; and
- A nomination process for MPAs to be included in the National System.

MPA eligibility criteria are:

1. Meets the definition of an MPA as defined in the Framework.
2. Has a management plan (can be site-specific or part of a broader programmatic management plan; must have specified conservation goals and call for monitoring or evaluation of those goals).
3. Contributes to at least one priority conservation objective as listed in the Framework.
4. Cultural heritage MPAs must conform to criteria for the National Register of Historic Places.

Additional information about the Framework can be found at:

http://www.mpa.gov/national_system/final_framework_sup.html

3.0 Overview of Nomination Process

As established in the Framework, the nomination process includes the following steps:

1. The MPA Center will review sites in the U.S. MPA Inventory and identify the set of sites that, on initial review, meet the three (or four, for cultural sites) MPA eligibility criteria described above. Information on whether sites meet criterion 3, supporting at least one priority goal and conservation objective of the National System, will be provided by the managing entity as part of the nomination process. The MPA Inventory (www.mpa.gov) is a refinement of the early NOAA Marine Managed Areas Inventory, which was a broader collection of place-based management areas in U.S. waters.
2. For those sites that are potentially eligible, the MPA Center will send the managing entity or entities a letter of invitation to nominate the site, including the rationale for eligibility. In the case of sites established through conservation and management measures per the MSA, the managing entity is NOAA Fisheries.
3. The managing entity or entities will be asked to consider nominating identified sites for

inclusion in the National System and provide any additional information required to evaluate site eligibility relative to meeting priority conservation objectives. The managing entity may also provide a brief justification and nomination for (a) unsolicited sites believed to meet the requirements for entry into the National System, or (b) other sites that do not appear to currently meet the management plan eligibility criterion but are deemed to be a priority for inclusion based on their ability to fill gaps in national system coverage of the priority conservation objectives and design principles.

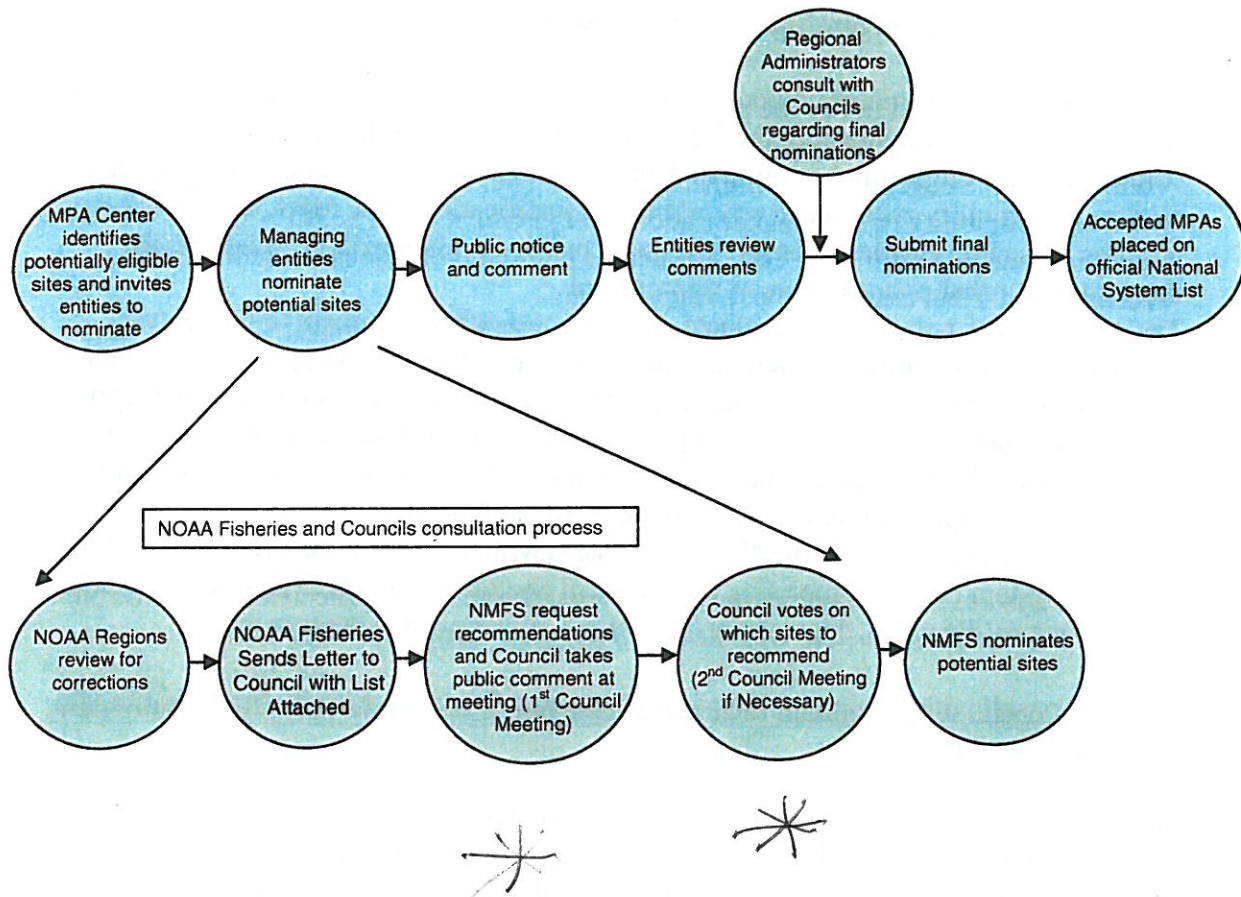
4. The MPA Center will review the set of nominated sites to ensure that nominations are sufficiently justified.
5. The MPA Center will notify the public, via the *Federal Register* and other means, of the sites nominated for inclusion in the National System and provide the opportunity to comment on the eligibility of nominated sites (or sites that have not been nominated) relative to eligibility criteria and any additional justification. The MPA Center will work with the managing entities to ensure adequate public involvement, including public meetings and tribal coordination, as appropriate.
6. The MPA Center will receive, evaluate, and forward public comment to the relevant managing entity or entities, which will then have the opportunity to reaffirm or withdraw the nomination based on public comment received and any other factors deemed relevant.
7. The MPA Center will review the final determination for each nomination, consult as necessary with the managing entity or entities should there be any discrepancies, and accept mutually agreed upon MPAs into the National System.
8. MPAs that are accepted into the National System will be listed in the official List of National System MPAs comprising the National System and made available to the public via the *Federal Register*, the website <http://www.mpa.gov>, and other means.

4.0 Process to Consult with Regional Fishery Management Councils in MPA Nominations and Revisions to Designations

The Councils have a unique and important role as partners with NOAA Fisheries in fisheries management, which includes establishing federal fishery management plans and plan amendments and habitat conservation areas. Therefore, the Councils will be a key partner with NOAA Fisheries in nominating sites to the National System and, conversely, identifying sites that should be removed from the National System due to management or other changes. Through a transparent process, NOAA Fisheries will consult with the Councils and nominate fisheries sites to the National System. This process applies only to sites established through conservation and management measures per the MSA as a result of Council action. Figure 1 shows how the Council consultation process fits within the overall nomination process. Because of the need for a transparent consultation process, MSA sites will be nominated and accepted into the National System as indicated below.

Figure 1. Summary of Nomination Process

Nomination Process



4.1 NOAA Fisheries Service and Regional Fishery Management Council Consultation for Nomination to National System. [Steps in brackets correspond to the overall nomination process discussed in Section 3.0]

- [Steps 1, 2] The MPA center will send NOAA Fisheries a list of sites that are eligible to be included in the National System.
- [Step 3] After receiving the list of eligible sites from the MPA Center, NOAA Fisheries will notify each Council, by letter, of those sites that fall within each Council's jurisdiction.
- [Step 3] In consultation with the appropriate Regional Administrator, each Council will establish a process for reviewing the list of eligible sites, including providing opportunity for public comment at Council meetings. The Council process is expected to occur over the course of two consecutive Council meetings, and conclude with a Council vote on a proposed list of sites to be included in the National System. Should an MPA fall in an area where two Councils or Regions have jurisdiction, the Council or Region that has the lead on the FMP implementing the MPA will nominate the site. The Council recommendations should be documented in a letter to the Regional Administrator and include the following:
 - For sites that a Council recommends be included in the National System, the Council should provide any additional supporting information as required by the MPA Center (<http://www.mpa.gov/pdf/national-system/nominationpackage1208.pdf>)
 - For sites that a Council recommends not be included in the National System, the Council should include a brief justification for that conclusion.
 - Note: The Councils may also use this process to nominate additional sites that are not currently on the list of eligible sites for inclusion in the National System.
- [Step 3] The Regional Administrator will review the Council's recommendation and prepare the proposed list of sites for submission to the MPA Center. NOAA Fisheries will justify the reasons for any changes from the Council's recommendations and in such a case will provide the required supporting information to the MPA Center.
- [Steps 4, 5] NOAA Fisheries will submit the nominations to the MPA Center for review and publication in the Federal Register and provide opportunity for public comment
- [Step 6] After the public comment period has ended, the MPA Center will provide the comments received back to NOAA Fisheries, which will in turn share the public comments received with the applicable Councils.
- [Step 6] The Regional Administrators will coordinate with the respective Council to review the comments and determine whether changes should be made to the list of nominated sites. Council recommendations for changes to the list of nominated sites should be documented in a letter to the Regional Administrator, including any required supporting information required by the MPA Center. It is expected that this process would occur over the course of one Council meeting.
- [Steps 7, 8] The Regional Administrator will review the Council's final recommendation and a final list of sites for submission to the MPA Center. NOAA Fisheries will justify the reasons for any changes from the Council's recommendations and in such a case will provide the required supporting information to the MPA Center.

4.2 Regional Fishery Management Council Consultation for Modifying or Removing MPAs
Participation in the National System does not constrain the managing entity from changing its

management of the MPA. The managing entity has the ability to, within its own authorities and processes, add or reduce levels of MPA protection, change the size of an MPA, or make other changes. It is expected that a similar consultation process between NOAA Fisheries and the Council as described in section 4.1 would be followed for modifying or removing sites from the National System, although the process may be modified to fit into the overall management process that a Council is following.

In general, to make changes to the National System, the managing entity will provide all significant updates to the MPA Center, but would not be required to re-nominate a site in the case of changes. If NOAA Fisheries and the appropriate Council determine that an MPA no longer meets the National System MPA criteria, then the MPA would be removed from the system by following the procedures established by the MPA Center.

MPA sites that have been included in the List of National System MPAs may be removed at any time by the MPA Center in response to a written request from the managing entity for reasons including:

- The MPA ceases to exist;
- The MPA no longer meets National System MPA eligibility criteria; or
- The managing entity requests removal

All requests from managing entities or actions by the MPA Center to remove an MPA from the National System will be published at www.mpa.gov and in the *Federal Register* for comment. Any comments received will be forwarded to the managing entity for consideration in making its final determination for removal. Upon request of the managing entity, and based upon a supporting rationale, the MPA will be removed from the List of National System MPAs.

For additional detail on the process that the MPA Center will follow for adding, modifying, or removing sites from the National System, refer to the MPA Framework at:
http://www.mpa.gov/national_system/final_framework_sup.html

The duration of this policy directive will be indefinite because the National System will be continuously updated with new MPA designations or revisions to existing MPA designations

This policy directive's objective will be attained when the above-described consultation process is carried out effectively on a routine basis

Procedural directives will be issued to implement this policy as needed.

References

This policy directive is supported by the references listed in Attachment 1.


Assistant Administrator for Fisheries

2-23-09
Date

Attachment 1

References:

Framework for the National System of Marine Protected Areas of the United States of America

Presidential Executive Order 13158

Magnuson-Stevens Fishery Conservation and Management Act, 16 U.S.C. §§ 1801 et seq.

Subject: April PFMC HMS Agenda
From: Douglas Fricke <dfricke@techline.com>
Date: Sun, 01 Mar 2009 19:29:36 -0800
To: PFMC- Don McIsaac <Donald.McIsaac@noaa.gov>
CC: Kit Dahl <Kit.Dahl@noaa.gov>, John Coon <John.Coon@noaa.gov>

Dear Don and Council members – The scheduling of the HMS issues starting on Sat. April 4 requires the HMS AS to meet starting on April 2 and 3. Unfortunately, this was not anticipated by many on the HMS AS and there is a Western Fishboat Owners Association annual meeting scheduled through April 1 in Astoria OR. This conflict will delay at least three members of the HMS AS from getting to the April PFMC meeting location until April 3. Wayne Heikkila has commitments and will not be able to attend until after April 5. Also, Pamela Tom has informed us that she will not be available until April 7. Is there any way that the April PFMC HMS issues can be scheduled for later in the week of April 6 between salmon and groundfish issues that would allow the HMS AS to meet and have sufficient time to discuss advice for the Council on HMS issues? – Doug Fricke – HMS AS Chair