

MINUTES
224th Session of the
Pacific Fishery Management Council
June 18-25, 2014
Hyatt Regency Orange County
11999 Harbor Blvd., Garden Grove, CA 92840

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A. Call to Order (June 20, 2014)

A.1 Opening Remarks

Ms. Dorothy Lowman, Council Chair, called the 224th meeting of the Pacific Fishery Management Council (Council) to order at 9:10 a.m. on June 20, 2014. A closed session was held prior to the opening of the regular session 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. William L. “Buzz” Brizendine (At-Large)
Ms. Michele Culver (State of Washington Official, designee)
Mr. Brian Corrigan (U.S. Coast Guard, non-voting designee)
Mr. David Crabbe (California Obligatory)
Mr. Jeff Feldner (At-Large)
Dr. Steven Haeseker (U.S. Fish and Wildlife Service, non-voting designee)
Dr. Dave Hanson, Parliamentarian (Pacific States Marine Fisheries Commission, non-voting designee)
Mr. Chris Kern (State of Oregon Official, designee)
Mr. Rich Lincoln (Washington Obligatory)
Ms. Dorothy Lowman, Chair (Oregon Obligatory)
Mr. Dale Myer (At-Large)
Mr. David Ortmann (State of Idaho Official, designee)
Mr. Herb Pollard, Vice Chair (Idaho Obligatory)
Mr. David Sones (Tribal Obligatory)
Mr. Dan Wolford (At-Large)
Mr. Bob Turner (National Marine Fisheries Service (NMFS), West Coast Region, designee),
Ms. Marci Yaremko (State of California Official, designee).

During the week the following people were present in their designated seats for portions of the meeting:

Mr. Troy Buell (State of Oregon Official, designee)
LCDR Gregg Casad (U.S. Coast Guard, non-voting designee)
Mr. Bob Farrell (State of California Official, designee)
Mr. Mark Helvey (NMFS, West Coast Region, designee);
Ms. Gway Kirchner (State of Oregon Official, designee)
Mr. Frank Lockhart (NMFS, West Coast Region, designee)

During the week the following people were absent from the meeting: Mr. David Bedford (State of Alaska Official, non-voting designee) and Mr. Dave Hogan (U.S. State Department, non-voting).

A.3 Executive Director's Report (6/20/2014; 9:13 a.m.)

Dr. McIsaac commented on the work of the Council staff in preparation of the meeting and Mr. Kris Kleinschmidt presented information regarding Agenda Item A.3.a, Attachment 1: Dropbox Sign up Form and Agenda Item A.3.a, Attachment 2: Dropbox Tutorial PowerPoint.

Dr. McIsaac noted the following Informational Reports:

- Informational Report 1: National Saltwater Fisheries Policy;
- Informational Report 2: Pacific Whiting Conservation Cooperative Amendment 20 Catcher/Processor Cooperative Final Annual Report 2013, Submitted to NMFS March 2014;
- Informational Report 3: Whiting Mothership Cooperative: An Amendment 20 Mothership Catcher Vessel Cooperative Final Annual Report on the 2013 Pacific Whiting Fishery, submitted to NMFS and PFMC March 2014;
- Informational Report 4: Catch Share Symposium (Wednesday, June 25, 2014, Hyatt Regency Orange County) Markets and Spatial Management in Fisheries: Evidence and Options for the U.S. West Coast Groundfish Fishery – *Note this workshop has been cancelled;*
- Supplemental Informational Report 5: Call for Nominations to both the MPA Federal Advisory Committee and MAFAC;
- Supplemental Informational Report 6: Press Release; Governor Kitzhaber praises sustainability certification for Oregon Fisheries;
- Supplemental Informational Report 7: 2013 California Risk Pool Report from Mr. Dwayne Oberhoff, Ecological Assets Management, LLC;
- Supplemental Informational Report 8: NOAA's Recreational Saltwater Fisheries Initiative. *Dr. McIsaac noted Mr. Russ Dunn will be at the meeting for this on Monday at 7 p.m.; and*
- Supplemental Informational Report 9: Fact Sheet: Leading at Home and Internationally to Protect our Oceans and Coast. *Dr. McIsaac noted that the measures proposed to extend the National Monument in the Western Pacific Fishery Management Council jurisdiction are about two-thirds of the exclusive economic zone in that region. Additional labeling requirements are also proposed for seafood to help combat illegal, unreported, and unregulated fishing. The comment deadline should extend over the September Council meeting.*

Dr. McIsaac commented on the May 2014 CCC Meeting (Agenda Item A.3.a, Attachment 3: Annual Council Coordination Committee Meeting Agenda May 13-15, 2014 and Agenda Item A.3.a, Attachment 4: Draft CCC May 13-15, 2014 Action Items) He noted that the meeting included discussions and action items (Attachment 4) on the budget, Magnuson-Stevens Act (MSA) reauthorization, formation of a cross-council habitat working group (which does not include our Council at this time due to budget considerations), and a proposed allocation review working group. In other matters not in the briefing book, there has been interest in forming a stakeholders workgroup to take up the review of Groundfish essential fish habitat (EFH). The effort could be initiated at the September Council meeting which would lead to a final conclusion for the review and updating of groundfish EFH. The idea would be for something similar to, but more open than the previous effort in 2003. One possibility might include the Groundfish Advisory

Subpanel (GAP), and they have been asked to consider this issue. Lastly, he proposed that Agenda Item C.1 be moved to the last day to allow Council members time to review the March Council meeting minutes which have been provided as a supplemental attachment.

A.4 Agenda (6/20/2014; 9:39 a.m.)

A.4.a. Council Action: Approve Agenda

Mr. Crabbe moved and Mr. Wolford seconded **Motion 1** to adopt Agenda Item A.4.a, Proposed June 18-25, 2014 Council Meeting Agenda, with the change of moving Agenda Item C.1 to the last day, as recommended by the Executive Director.

Motion 1 carried unanimously.

B. Open Comments

B.1 Comments on Non-Agenda Items (6/20/2014; 9:40 a.m.)

B.1.a Agenda Item Overview

Mr. Chuck Tracy provided the Agenda Item Overview. He noted that Agenda Item B.1.c, Robinson Open Comment Regarding Trip Limit Table 2 and Agenda Item B.1.c, Supplemental Aiello Open Comment Regarding Retrieval of Derelict Crab Pots in the Rockfish Conservation Area (RCA) (vessel monitoring system (VMS) Rules) are more appropriate under the omnibus agenda item (F.9) and will be considered there [later determined to fit under Agenda Item F.4].

B.1.b Reports and Comments of Advisory Bodies and Management Entities

Ms. Heather Mann presented Agenda Item B.1.b, Supplemental GAP Report.

B.1.c Public Comment

Mr. Geoff Shester and Ms. Morgan Green, Oceana, San Francisco, California commented regarding sardine management and presented Agenda Item B.1.c, Supplemental Oceana Open Comment (video on Ocean research).

Mr. Ralph Brown, trawl fisherman, Brookings, Oregon provided comments on the effects of individual fishing quota (IFQ) on the Trawl Fishery.

Mr. Jeff Miles, fisherman, Port Orford, Oregon commented on the derelict crab pots in the RCA.

B.1.d Council Discussion of Comments as Appropriate

None.

C. Administrative Matters

C.1 Approval of Council Meeting Minutes (6/25/2014; 12:28 p.m.)

[Recording 6/25/14pm1]

C.1.a Council Member Review and Comments

Ms. Dorothy Lowman asked for comments regarding Agenda Item C.1.a, Supplemental Attachment 1: Draft Minutes: 222nd Session of the Pacific Fishery Management Council (March 2014).

C.1.b Council Action: Approve March 2014 Minutes

Mr. Ortmann moved and Mr. Pollard seconded **Motion 36** for the Council to approve the draft minutes as presented in Agenda Item C.1.a, Supplemental Attachment 1: Draft Minutes: 222nd Session of the Pacific Fishery Management Council (March 2014).

Motion 36 carried unanimously.

C.2 Gulf of the Farallones and Cordell Bank National Marine Sanctuary Boundary Expansion (6/24/2014; 2:54 p.m.)

[Recording 6-24-14pm2]

C.2.a Agenda Item Overview

Mr. Kerry Griffin provided the Agenda Item Overview and introduced the following attachments:

- Agenda Item C.2.a, Attachment 1: Informational Flyer;
- Agenda Item C.2.a, Attachment 2: Frequently Asked Questions;
- Agenda Item C.2.a, Attachment 3: Draft EIS on expansion of National Marine Sanctuaries, Executive Summary;
- Agenda Item C.2.a, Attachment 4: Draft EIS on expansion of National Marine Sanctuaries (Electronic Only);
- Agenda Item C.2.a, Attachment 5: Proposed rule regarding plans for expansion of National Marine Sanctuaries (Electronic Only);
- Agenda Item C.2.a, Attachment 6: Draft Gulf of the Farallones Revised Management Plan (Electronic Only); and
- Agenda Item C.2.a, Attachment 7: Draft Cordell Bank National Marine Sanctuary Revised Management Plan (Electronic Only).

C.2.b Report from the National Marine Sanctuaries

Ms. Maria Brown and Mr. Dan Howard presented Agenda Item C.2.b, Supplemental NMS PowerPoint: National Marine Sanctuaries Presentation for CBNMS and GFNMS Proposed Boundary Expansion (DEIS, proposed Rule, Management Plans).

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

Ms. Diane Pleschner-Steele and Mr. Mike Okoniewski presented Agenda Item C.2.c, Supplemental CPSAS Report.

Mr. Bob Puccinelli presented Agenda Item C.2.c, Supplemental EC Report.

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

Ms. Fran Recht presented Agenda Item C.2.c, Supplemental HC Report.

Mr. Kerry Griffin read Agenda Item C.2.c, Supplemental HMSAS Report and Agenda Item C.2.c, Supplemental SAS Report.

C.2.d Public Comment

Agenda Item C.2.d, Public Comment (Letters from Alliance of Communities for Sustainable Fisheries and Pacific Coast Federation of Fishermen's Associations).

Mr. Marc Gorelnik, Coastside Fishing Club, El Cerrito, California.

Mr. Steve Scheiblauber, City of Monterey, Monterey, California.

C.2.e Council Action: Provide Comments on the Proposed Expansion of the Gulf of the Farallones and Cordell Banks National Marine Sanctuary Boundary (6/24/2014; 4:16 p.m.)

Council members began by asking several questions of Ms. Maria Brown and Mr. Dan Howard concerning National Marine Sanctuary (NMS) actions and procedures, as well as their reaction to the advisory body comments. Mr. Howard agreed that the intent of a proposed regulation prohibiting the introduction of foreign matter was not intended to prohibit the discarding of crab pot bait and needed to be looked into further.

Mr. Wolford moved and Mr. Brizendine seconded **Motion 22** that the Council staff prepare the appropriate cover letter to the Gulf of the Farallones and Cordell Bank National Marine Sanctuaries indicating the Council's lack of support for their expansion proposals and appending all Agenda Item C.2.c supplemental advisory body reports, including the supplemental Habitat Committee (HC) letter and correctly-numbered GAP Report.

Mr. Wolford noted the very good review of the proposed expansion by all of the advisory bodies and that they all withheld support of the expansion, some more strongly than others. That is why he chose to indicate our "lack of support" in the Council comment letter. All of the advisory bodies had valuable things to say that do represent a valid perspective. Although some comments may be dismissed by the sanctuaries, he believes they need to be addressed by the sanctuaries. Consequently, rather than editing the statements, he has chosen to submit them as they are. There are a couple of issues that make it critical for us to submit our comments to the correct office on time to ensure we are heard and responded to. He noted the problem of lobbying to achieve actions by others that entities cannot achieve themselves.

Mr. Crabbe thought that a positive response to some of the advisory body comments might improve things and change the support of the Council regarding the expansion. In that vein he could favor adding "at this time" to the language in the motion stating "a lack of support."

Other Council members agreed with this line of reasoning and approaching it as a more positive opportunity for cooperation between the Council and NMS.

Mr. Crabbe moved and Mr. Lincoln seconded Amendment 1 to strike "lack of support" and replace it with "a strong concern."

Mr. Crabbe stated that his motion responded to the recent Council discussion for wanting to signal that further information is needed before we could support the expansion. We would like to see those issues resolved, and this could be the pathway forward.

Mr. Sones and Mr. Buell expressed their support for this approach. Mr. Sones questioned if it was necessary to create an entire sanctuary designation to deal with issues such as oil and gas development.

Amendment 1 carried (Mr. Helvey and Ms. Yaremko abstained). **Motion 22**, as amended, carried (Mr. Helvey and Ms. Yaremko abstained).

[Council concluded this agenda item at 4:32 p.m. and reconvened with Agenda Item F.7.d]

C.3 Legislative Matters (6/25/2014; 10:25 a.m.)

C.3.a Agenda Item Overview

Ms. Jennifer Gilden presented the Agenda Item Overview and introduced the following attachments:

- Agenda Item C.3.a, Attachment 1: Senate MSA Reauthorization Discussion Draft (Electronic Only);
- Agenda Item C.3.a, Attachment 2: House MSA Reauthorization Discussion Draft (HR 4742) (Electronic Only);
- Agenda Item C.3.a, Attachment 3: Footnoted Version of MSA with House and Senate Changes (Electronic Only);
- Agenda Item C.3.a, Attachment 4: Summary of Differences between House and Senate Versions of MSA;
- Agenda Item C.3.a, Attachment 5: Staff Summary of Federal Legislation;
- Agenda Item C.3.a, Attachment 6: Comments of Mid-Atlantic Fishery Management Council on Senate discussion Draft;
- Agenda Item C.3.a, Attachment 7: Comments of the Marine Fisheries Advisory Committee on a Seafood Sustainability Registration Program;
- Agenda Item C.3.a, Attachment 8: Lowman Response to House Questions following Testimony;
- Agenda Item C.3.a, Attachment 9: Letter from Salmon Associations regarding S. 2198;
- Agenda Item C.3.a, Attachment 10: Agenda from June 11, 2014 LC Webinar;
- Agenda Item C.3.a, Supplemental Attachment 11: WDFW Initial Comments on “Discussion Draft” proposal on the MSA Reauthorization Act;
- Agenda Item C.3.a, Supplemental Attachment 12: Addendum to Staff Summary of Federal Legislation; and
- Agenda Item C.3.a, Supplemental CCC Letter: Letter from the CCC to the Honorable Senator Begich and Honorable Representative Hastings Dated June 20, 2014 Regarding MSA Reauthorization.

C.3.b Report of the Legislative Committee

Ms. Jennifer Gilden read Agenda Item C.3.b, Supplemental FINAL Legislative Committee Report and noted that Agenda Item C.3.b, Supplemental DRAFT Legislative Committee Report was moot at this time.

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

Ms. Jennifer Gilden read Agenda Item C.3.b, Supplemental HMSAS Report.

Mr. Mike Okoniewski presented Agenda Item C.3.b, Supplemental CPSAS Report.

Mr. Gerry Richter presented Agenda Item C.3.b, Supplemental GAP Report.

Ms. Michele Culver referred the Council to Agenda Item C.3.b, Supplemental Attachment 11 (Letter by WDFW on Initial Comments regarding MSA Reauthorization).

C.3.d Public Comment

Agenda Item C.3.d, Supplemental Public Comment: Letter from Wild Oceans.

Agenda Item C.3.d, Supplemental Public Comment 2.

Agenda Item C.3.d, Supplemental Public Comment 3: Letter from Marine Conservation Alliance (Electronic only).

Mr. Rod Moore, West Coast Seafood Processors Association, Portland, Oregon.

Mr. Mike Okoniewski, Pacific Seafood, Woodland, Washington.

Mr. Seth Atkinson, Natural Resources Defense Council, San Francisco, California.

C.3.e Council Action: Consider Legislative Committee Recommendations

LCDR Gregg Casad expressed the appreciation of the EC for the Council's and Council Coordinating Committee's efforts to address the electronic monitoring (EM) issues to make it available for enforcement use.

Dr. McIsaac noted that the Council could approve the LC report as is or with changes, which may include items covered by the advisory body reports or public comment as the Council feels necessary.

Mr. Crabbe suggested that adoption of the LC report and requesting the LC to look at the advisory body reports at the next meeting to include or subtract recommendations could be an appropriate pathway for the Council's further action. Ms. Lowman noted that the Council could just provide guidance at this point rather than needing to make motions.

Mr. Myer noted a minor correction to the LC report in that the Revitalizing the Economy of Fisheries in the Pacific Act (S. 1275) is no longer attached to the Coast Guard bill.

Mr. Lincoln noted that it is a rather fast-moving task to respond to the changing issues and various draft bills. He thought it important and encouraged the Council to deal with some of these problem areas in a more thoughtful manner, actually devising improved management approaches rather than just simplistic statements of intent.

Mr. Wolford noted that on the top of page 2 of the LC report there should be a re-numbering beginning with the sentence which starts: “The LC recommends the Council support the section on Fishery Impact Statements . . .” In the last paragraph on page 3, he believes we should change “useful” to “critical” in stating the need for a carryover exception. Staff should have the freedom to make those editorial changes as appropriate.

Mr. Farrell identified a needed clarification in support of allowing the Council broad discretion in designing the EM program, which would be in direct conflict with item 2 in the Highly Migratory Species Advisory Subpanel (HMSAS) statement. That statement recommended setting a minimum limit on the size of vessel required to carry a VMS. He suggested that recommendation not go forward. He also thought that item 5 pertaining to limiting fines should not go forward. As the values of the fisheries increase, the fines should also be allowed to increase.

Mr. Crabbe recommended approval of Agenda Item C.3.b, Supplemental FINAL LC Report with those changes mentioned on the floor. Staff could send a letter including the report’s recommendations between now and the September Council meeting. The statements of the advisory bodies could be reviewed further, and there would be subsequent opportunities to provide additional comments.

Dr. McIsaac confirmed his understanding that the Council is generally endorsing the LC report (with changes identified on the floor), and staff would send a letter with that information. He noted Mr. Lincoln’s desire to draw out the rebuilding plan matters for further consideration at the next Council meeting or stage, and not include them in this letter (i.e., no change in the current Council position on rebuilding at this time). The advisory body points would not be included in the letter, but considered further at the September LC meeting. The legislative process will be ongoing for some time, and there will be other opportunities for comments along the way. Staff will consider a webinar prior to the September meeting to allow more in-depth discussion of these issues.

Ms. Lowman noted one other issue in the LC report to consider was the paragraph on HMS issues which included a recommendation for flexibility in observer requirements. She thought that issue was not specific to HMS, but applied to other fisheries as well.

The Council concurred in the guidance given by Dr. McIsaac and Ms. Lowman. Mr. Lockhart noted his abstention in the matter.

C.4 Fiscal Matters (6/25/2014; 12:30 p.m.)

C.4.a Agenda Item Overview

Mr. Chuck Tracy provided the Agenda Item Overview.

C.4.b Report of the Budget Committee

Mr. Chuck Tracy presented Agenda Item C.4.b, Supplemental Budget Committee Report.

C.4.c Reports and Comments of Advisory Bodies and Management Entities

None.

C.4.d Public Comment

None.

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

Mr. Pollard moved and Mr. Wolford seconded **Motion 37** that the Council adopt the report of the Budget Committee as shown in Agenda Item C.4.b, Supplemental Budget Committee Report, including the CY 2014 operating budget as presented in the report.

Motion 37 carried unanimously.

C.5 Membership Appointments and Council Operating Procedures (6/25/2014; 12:36 p.m.)

C.5.a Agenda Item Overview

Mr. Chuck Tracy provided the Agenda Item Overview.

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

None.

C.5.c Public Comment

None.

C.5.d Council Action: Elect Council Chair and Vice Chair; Appoint Individuals to Advisory Bodies and Consider Changes to Council Operating Procedures

Mr. Ortmann moved and Mr. Sones seconded **Motion 38** that the Council appoint Ms. Dorothy Lowman to the position of Chair for the 2014-2015 term; and Mr. Herb Pollard to the position of Vice- Chair for the 2014-2015 term.

Motion 38 carried unanimously.

Mr. Ortmann moved and Mr. Pollard seconded **Motion 39** that the Council appoint Mr. Alan Byrne to the Idaho Department of Fish and Game seat on the Scientific and Statistical Committee (SSC).

Motion 39 carried unanimously.

Ms. Yaremko moved and Mr. Wolford seconded **Motion 40** that the Council appoint Mr. Dave Bitts to the California commercial troll seat on the Salmon Advisory Subpanel for the remainder of the 2013-2015 term.

Ms. Yaremko and Ms. Kirchner noted appreciation for the work done during this past preseason period by both Mr. Bitts and Mr. George Bradshaw.

Motion 40 carried unanimously.

Mr. Feldner moved and Ms. Kirchner seconded **Motion 41** that the Council appoint Mr. Greg Johnson to the commercial gillnet seat on the Salmon Advisory Subpanel for the remainder of the 2013-2015 term.

Motion 41 carried unanimously.

Ms. Lowman directed Council staff to solicit nominations for the charter sport seat on the CPSAS and for the southern processor seat on the HMSAS.

C.6 Future Council Meeting Agenda and Workload Planning (6/25/2014; 12:45 p.m.)

C.6.a Agenda Item Overview

Dr. Don McIsaac presented the Agenda Item Overview and introduced the following attachments:

- Agenda Item C.6.a, Attachment: Pacific Council Workload Planning;
- Agenda Item C.6.a, Attachment 2: Draft Agenda for the September 2014, Spokane, Washington Meeting;
- Agenda Item C.6.a, Supplemental Attachment 3: Pacific Council Workload Planning; Preliminary Year-at-a-Glance Summary; and
- Agenda Item C.6.a, Supplemental Attachment 4: Draft Proposed Pacific Council Meeting Agenda, September 10-17, 2014 in Spokane, Washington.

C.6.b Reports and Comments of Advisory Bodies and Management Entities

Mr. Jim Hastie presented Agenda Item C.6.b, Supplemental FSC Report.

Dr. Kit Dahl read Agenda Item C.6.b, Supplemental HMSAS Report and Agenda Item C.6.b, Supplemental HMSMT Report.

Mr. Gerry Richter presented Agenda Item C.6.b, Supplemental GAP Report.

C.6.c Public Comment

Mr. Seth Atkinson (Natural Resources Defense Council), San Francisco, California and Mr. Tom Libby, processor, Hammond, Oregon.

Mr. Ralph Brown, Fishermen's Marketing Association, Brookings, Oregon.

C.6.d Council Discussion and Guidance on Future Meeting Agendas and Workload Planning

Dr. McIsaac indicated it might be possible to move the agenda items concerning legislative matters and the Executive Order establishing a National Monument in certain Western Pacific waters to earlier in the week to allow participation by the HMS advisory bodies. He asked Council members to comment on the proposal to move the EFH consideration from November to next April, and in regard to the priority of HMS hard caps versus VMS and exempted fishing permits (EFPs).

Ms. Yaremko identified establishing hard caps on the high-priority protected species for the drift gillnet (DGN) fishery as California Department of Fish and Wildlife's (CDFW) top priority. She hoped that work would be accelerated. She thought EFPs could be delayed to help move the hard

cap proposals. Several other Council members agreed and offered some comments concerning how that could be scheduled.

In response to a question from Dr. McIsaac, Ms. Yaremko thought that bag limits for bluefin tuna could be accomplished along with the hard caps. Mr. Lincoln thought that VMS and the other issues were certainly of lesser priority.

Mr. Lockhart emphasized the need to provide adequate agenda time in September for the omnibus consideration.

Ms. Culver requested that the albatross avoidance video be included as an agenda item. It would be an informational item.

Ms. Kirchner and Mr. Lockhart spoke in support of delaying the EFH agenda. Ms. Kirchner explored the possibilities of establishing a group in September to deal with the EFH issues. Dr. McIsaac agreed that could be possible under the membership appointments agenda item.

Ms. Kirchner spoke in support of minimizing the need to have the Groundfish Management Team (GMT) at Council meetings, especially for March, and of having groundfish and Pacific halibut agenda items close together to help reduce travel for GMT members.

Mr. Lockhart stated that Mr. Helvey would bring details for the swordfish workshop to the September Council meeting.

D. Salmon Management

D.1 Lower Columbia River Natural Coho Harvest Matrix Update (6/20/2014; 10:12 a.m.)

D.1.a Agenda Item Overview

Mr. Mike Burner presented the Agenda Item Overview and introduced the following attachments:

- Agenda Item D.1.a, Attachment 1: LRC Workgroup Progress Report; and
- Agenda Item D.1.a, Attachment 2: Willamette River Coho and Lower Columbia River Coho ESU Boundary Report.

D.1.b Reports and Comments of Advisory Bodies and Management Entities

Mr. Jeromy Jording presented Agenda Item D.1.b, Supplemental NAA PowerPoint: Lower Columbia River Natural Harvest Matrix Update.

Mr. Mike Burner presented Agenda Item D.1.b, Supplemental SAS Report.

D.1.c Public Comment

None.

D.1.d Council Discussion and Guidance as Appropriate (6/20/2014; 10:59 a.m.)

Dr. McIsaac started the discussion by assuring everyone that Willamette Coho were not included in the harvest matrix. This was just information for the Council to have relative to the chore on the existing Coho matrix. He suggested that for September, it would be helpful to have a purpose and need statement in writing as to exactly what the objective was for this work on the harvest matrix.

Ms. Culver asked if the intent for the workgroup was to complete its work in time for a management change in 2015. Mr. Turner responded yes. He stated that they had the aspiration to do the status review in 2015, though it might take longer. Mr. Turner noted that there was a three-year review regime for tules to deal with uncertainty and to verify and validate the fishing regime. He believed that was the likely basis for the SAS recommendations.

Mr. Chris Kern commented that early-on they (Oregon Department of Fish and Wildlife (ODFW)) felt the need to have a five-year review period to deal with changing information and paradigms. The workgroup expressed a desire to have a shorter review period, and that might be where the three-year review recommendation came from. He noted that they have essentially included updated information for all of the primary populations within the evolutionarily significant unit (ESU), with the exception of the three in the gorge stratum. He agreed that a purpose and need statement was needed. He thought that the purpose was to look for ways to incorporate new information for populations that did not have data at the time the original processes were started, to assess the risk to these populations, and to identify if there are methods for harvest matrix control rules that are better for fisheries or risk, or both. In the original process, information was not available for stocks other than the Clackamas and Sandy populations.

Ms. Lowman requested that Mr. Kern take his thoughts on the purpose and need to the workgroup for their consideration and recommendation to the Council for September. She asked if the Council was comfortable with what the workgroup identified for their products for the Council in September.

Mr. Turner urged everyone to be on board with this work early on so they could take final action in November and meet the schedule for implementation in 2015.

Mr. Burner commented that staff would be streaming the audio and perhaps video of the workgroup planning.

D.2 Columbia River Cormorant Management Plan (6/20/2014; 11:14 a.m.)

D.2.a Agenda Item Overview

Mr. Mike Burner presented the Agenda Item Overview and introduced the following attachments:

- Agenda Item D.2.a, Attachment 1: September 30, 2013 Letter from Dr. McIsaac to Ms. Ruckwardt regarding the Council request on the content and review of the draft EIS on cormorant predation on juvenile salmonids;
- Agenda Item D.2.a, Supplemental Attachment 2: Draft Environmental Impact Statement: Double-crested Cormorant Management Plan to Reduce Predation of Juvenile Salmonids in the Columbia River Estuary (Full Version Electronic Only); and

- Agenda Item D.2.a, Supplemental Attachment 3: PowerPoint Presentation that was provided to the Salmon Advisory Subpanel on June 12, 2014 Regarding Double-crested Cormorant Management Plan/EIS; (briefing was done by Joyce E. Casey, Chief, Environmental Resources Branch, Portland District, U.S. Army Corps of Engineers).

D.2.b Reports and Comments of Advisory Bodies and Management Entities

Mr. Mike Burner presented Agenda Item D.2.b, Supplemental SAS Report.

D.2.c Public Comment

None.

D.2.d Council Action: Develop Comments on the Cormorant Management Plan for Submission to the U.S. Army Corps of Engineers (6/20/2014; 11:38 a.m.)

Mr. Pollard expressed agreement with the SAS report that this draft EIS was a good first step by the U.S. Army Corps of Engineers (Corps). However, he questioned the base period used, and, for perspective, noted that the loss of 20 million smolts at the saltwater interface is a huge amount that is about equal to the entire hatchery and wild production of smolts from the entire Snake River drainage. There is also a big disconnection between the estimates of predation on smolts for individual pit tag groups that run 1 to 7 percent when the total consumption of 20 million is 15 to 20 percent of all of the smolts estimated to reach the estuary. There are many factors that might explain this discrepancy, however, the Corps and bird researchers have never been able to provide a satisfactory answer. The Corps needs to be commended on the amounts spent on hatcheries, habitat, foregone power production, and harvest. However, there has been very little spent on the predation issues. Also, we need to consider that there are a significant amount of cormorants that are not associated with nesting, as they do not nest until they are 2 to 3 years old. That means there are another 50,000 to 60,000 birds preying on salmon. Our letter to the Corps should commend them for what they have done, but clearly identify the significant impacts of this predation and the steps that must be taken to reduce this huge negative impact on anadromous fish production.

Mr. Feldner stated his opinion that Alternative C (the preferred action) should go farther than what seems to be described here. In the long term, unless the available habitat on Sand Island is reduced to what it was prior to the dredge spoils, this problem will just keep coming back. He is not saying that such reduction should occur first. The report is correct that lethal means will be needed to reduce the population. However, once the population is reduced, the habitat needs to also be reduced, or we will have the same situation again.

Mr. Sones expressed his agreement with the prior comments and stated that we do not need to identify a minimum bird population size, but let that fall out more naturally. He also noted that the Corps have been protecting the birds from natural predators, and natural predation on the birds should be allowed and might help reduce the population.

Mr. Kern noted concern for potential dispersal issues for Alternative C, and that it should be monitored. Reducing this source of mortality is important, and should not be done in lieu of other actions.

Ms. Lowman summarized the Council input as: it is a good first step, we question the base period and estimate of numbers, there should be a long-term reduction in the available bird habitat, there should not be a minimum population target, natural predation should be allowed and encouraged, and there should be adequate monitoring of the dispersal so that we don't just move the problem to a different area.

Dr. McIsaac asked if the Council comment letter would then be in support of the preferred alternative. The other identified issues would be in regard to the biological opinion.

Mr. Ortmann responded that while the Council might be in support of Alternative C, it would be viewed as minimally acceptable at this time, and there could be more measures to consider in the future. He, Ms. Culver, and Mr. Kern indicated that the states would be providing their own comments, and have not completed their reviews. At this time, they would view Alternative C as the best of the options the Corps has presented, but not to preclude the possibility of determining a better final option.

Ms. Lowman agreed that the Council would characterize their comment as Alternative C was the best option among those presented at this time.

Mr. Pollard commented that returning the estuary habitat to normalcy would go a long ways toward resolving these problems. The natural islands do not support these large bird populations because they are forested, have natural predators, and the nesting areas are seasonally flooded. Nationwide, the Corps dredging has created habitat that supports unnatural aggregations of birds or other non-native wildlife that does not recognize an ecosystem approach to restoration.

Dr. McIsaac thought that there would need to be two letters. One would comment on the draft EIS alternatives, all of which meet the terms of the biological opinion determination of 5,300 to 5,900 nesting pairs. The second letter would provide our thoughts on issues in the biological opinion and future actions.

The Council concurred.

E. Highly Migratory Species Management

E.1 Update on Regulatory Matters and International Activities (6/20/2014; 1:07 p.m.)

E.1.a Agenda Item Overview

Dr. Kit Dahl presented the Agenda Item Overview and presented the following attachments:

- Agenda Item E.1.a, Supplemental Attachment 1: Table: Feature comparison between the Council Proposal and NMFS Proposal; and
- Agenda Item E.1.a, Supplemental Attachment 2: Framework for a Precautionary Management Approach for North Pacific Albacore (Preliminary Draft Proposal Version U.S. 2, August 2013).

E.1.b Report of the National Marine Fisheries Service

Mr. Mark Helvey presented the following attachments:

- Agenda Item E.1.b, REVISED NMFS Report: Regulatory and International Activities Update;
- Agenda Item E.1.b, Supplemental NMFS Report 2: Letter from Eileen Sobeck to PFMC Regarding Recommendations to Address Pacific Bluefin Tuna Overfishing;
- Agenda Item E.1.b, Supplemental NMFS Report 3: US – Canada Pacific Albacore Tuna Treaty; and
- Agenda Item E.1.b, REVISED Supplemental NMFS Report 4: NMFS Letter regarding Framework for a Precautionary Management Approach for North Pacific Albacore.

Mr. Dale Sweetnam presented information regarding the four stock assessments conducted by the International Scientific Committee for Tuna and Tuna-like Species in the North Pacific Ocean (ISC).

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

Mr. Bill Satterthwaite presented Agenda Item E.1.c, Supplemental SSC Report.

Mr. Doug Fricke presented Agenda Item E.1.c, Supplemental HMSAS Report.

Ms. Cyreis Schmitt presented Agenda Item E.1.c, Supplemental HMSMT Report.

E.1.d Public Comment

Ms. Tara Brock and Mr. Jamie Gibbon, Pew Charitable Trust, Washington, DC.

Mr. Doug Fricke, HMSAS Member, Westport, Washington.

Mr. Bob Osborn, HMSAS Member, Surfside, California.

[Mr. Geoff Shester, Oceana, San Francisco, California, did not speak]

Agenda Item E.1.d Supplemental Public Comment: Letter from Mr. Peter Flournoy regarding North Pacific Albacore IATTC and WCPFC Resolutions.

E.1.e Council Action: Consider Developments regarding General Regulatory Activities and International Fishery Issues (6/20/2014; 3:20 p.m.)

Mr. Lincoln spoke to the DGN fishery permanent rule process to reduce the risk of sperm whale bycatch. He was struck by the lack of a trigger mechanism with respect to the take on whales and recommended NMFS include provisions for a trigger mechanism with respect to the potential biological removal (PBR) of sperm whales.

Ms. Culver stated that in March the Council had clearly requested a second emergency rule to replace the expired one, followed by permanent rulemaking to reduce the risk of sperm whale bycatch in the DGN fishery. She noted the need and subsequent requirement for 100 percent observer coverage in the conservation zone to ensure knowledge of and quick reaction to any whale encounters. She understands from the NMFS report that the PBR has potentially been increased from 1.5 to 3 sperm whales. However, she believes the Council discussion and recommendation for a hard cap for the fishery still stands, rather than just relying on the soft cap of the PBR that would trigger consultation.

Ms. Culver moved and Mr. Lincoln seconded **Motion 2** that the Council recommend to NMFS that their permanent rulemaking for the DGN fishery include the provisions as described in the temporary rule published on May 22, 2014 that expires on August 5 (available in Agenda Item E.2.a, *Federal Register* Notice), and that this would include an observer requirement for fishing within the zone with DGN gear with a mesh size greater than or equal to 14 inches, and the coordinates (of the zone) and other requirements are as listed in the *FR*.

Ms. Culver stated that the NMFS report and Council discussion in March has provided the support for this motion, and there is a considerable amount of rationale and justification in the *FR* notice that indicate the DGN fishery needs to be properly monitored, especially when fishing in waters deeper than 1,100 fathoms to reduce the risk of additional negative sperm whale interactions. This action would be consistent with the Marine Mammal Protection Act and Endangered Species Act (ESA). Without the provisions in this rule, sperm whales would be at risk of unauthorized taking, which could potentially lead to injury and death, which is contrary to the public interest in protecting these marine mammals.

After some clarification, Mr. Helvey commented that implementing this motion would require new rulemaking under the MSA (which would not likely be in place by August 15).

In response to a question, Ms. Culver stated there wasn't a PBR in the temporary rule nor in her motion for the permanent rule. The temporary rule requires closure of the fishery if there is one serious injury or mortality of a sperm whale.

Mr. Crabbe and Ms. Yaremko expressed concern with the difference in the hard cap of 1 in Ms. Culver's motion compared to the old PBR of 1.5 and the new PBR of 3, and difference in the averaging technique from 5 to 12 years. They wondered what the justification was for a cap of one.

Ms. Culver stated that there is no linkage between the take cap of one in the temporary rule and the PBR. The take cap in the *FR* of one is to reduce the risk associated with the sperm whale population resulting from this fishery, and is a policy decision.

Ms. Yaremko moved and Mr. Crabbe seconded **Motion 3**, as a substitute motion, that the Council recommend to NMFS that their permanent rulemaking for the DGN fishery include the provisions in Agenda Item E.1.b, REVISED NMFS Report.

Ms. Yaremko stated her agreement with the intent of the previous motion. However, she did not think it was appropriate to take action on a hard cap under this agenda item. She would prefer to see that under Agenda Item E.2, when we had the benefit of some discussion with the advisors and guidance and evaluation of criteria on hard caps. She stated that it is important that the permanent rulemaking for VMS occurs now. There is a strong basis for that, and there should be no lapse. She supports the earlier discussion for maintaining increased observer coverage rates for this fishery at a rate of about 1 per 3 trips (30 to 37 percent), which is considerably higher than the prior levels. The discussion regarding hard caps needs to be considered in a comprehensive manner, and not just for sperm whales.

Mr. Wolford agreed with considering these issues under Agenda Item E.2.

Dr. McIsaac noted that this action may also have linkages to Agenda Item E.3 for the DGN EFP's or Agenda Item E.4 for DGN management measures. He offered that the Council could suspend this action to carry into later agenda items. However, he did not think notice issues prevented the Council from acting now if they so desired.

After some further consideration, the Council consensus was to suspend any further action on these issues. **Motions 2 and 3** were withdrawn with consent of the seconds.

Ms. Lowman moved and Mr. Lincoln seconded **Motion 4** to table further Council discussion and action on the regulatory portion of Agenda Item E.1 until later.

Motion 4 carried unanimously.

Dr. McIsaac noted that the U.S. Section to the Inter-American Tropical Tuna Commission (IATTC) and Northern Committee of the Western and Central Pacific Fisheries Commission (WCPFC) is expecting recommendations from the Council at their upcoming meetings on Pacific bluefin tuna catch reductions. The Highly Migratory Species Management Team (HMSMT), HMSAS, and public have provided their comments and recommendations for your consideration.

Council members expressed agreement with the HMSMT recommendations for graduated reductions in the bluefin tuna catch (page 2 of Agenda Item E.1.c, Supplemental HMSMT Report).

Ms. Culver moved and Mr. Lincoln seconded **Motion 5** that the Council recommend the HMSMT recommendations for Pacific bluefin tuna to the U.S. Delegation of the IATTC as contained in Agenda E.1.c, Supplemental HMSMT Report as follows:

- Support the NMFS proposal to limit the Commission-wide commercial catch to 3,000 mt in 2015 and to 2,500 mt in 2016.
- Support access by the U.S. Fleet to the Pacific bluefin tuna stock in order to maintain an economically viable commercial fishery.
- Reduce recreational fishing mortality domestically through the PFMC process (e.g., a reduction in bag limits).

Ms. Culver stated that her motion (the HMSMT recommendation) does not include a 500 mt minimum to the U.S. or to the countries with a record of historical catch. However, the second bullet recognizes the importance of bluefin tuna to the U.S. fleet, and supports continued access at as high a level as possible while reducing the overall catch. Specifying a 500 mt minimum for the U.S. might place the brunt of the reduction burden on other parties.

Mr. Brizendine was concerned that, since most of the bluefin in the eastern Pacific is taken in Mexico, they could take the whole 3,000 mt, and the U.S. fleet would be out of luck. He would like to preclude that if at all possible.

Ms. Culver responded that the second bullet recognizes that we need an economically viable fishery for the U.S. fleet. Toward that end, our representation to the IATTC would structure the

resolution adopted by the IATTC to ensure that there is sufficient catch for an economically viable U.S. fishery. She assumed the delegation would recognize Mr. Brizendine's comments that one fleet could potentially take the entire limit and would put in some mechanisms to ensure that doesn't happen. This would recognize the economic importance to the U.S. while allowing flexibility to the delegation.

Mr. Crabbe asked if there is a reason why you wouldn't put in a reservation for our fleet.

Mr. Myer commented that this is an international negotiation to significantly reduce the total catch. He couldn't imagine it working very well if we go in with a hard number that keeps our catch the same while requesting the other parties to reduce their catches.

Dr. McIsaac asked Mr. Helvey for the NMFS rationale for their proposal for a 500 mt allocation for the U.S. fishery.

Mr. Helvey stated that they had received a lot of comment from the industry for the need to maintain 500 mt to preserve the local purse seine fleet out of San Pedro. He noted that the way the fish move, a larger fleet operating out of Mexico is going to have first take at the harvest, and could preclude the U.S. fishery. Preserving 500 mt or some other amount is important, and 500 mt was selected as the starting point. He noted that the proposal is still in draft and will not be submitted until Sunday.

Mr. Brizendine stated that the opportunity for U.S. catches of bluefin in the southern California bight doesn't happen every year, and he would hate to preclude the industry from that opportunity on the rare chance that it happens. That's the justification for the 500 mt or something like that.

Mr. Wolford noted it is unclear to him from the information in the HMSMT that our historical U.S. catches have been 500 mt. The NMFS proposal states a minimum 500 mt catch limit. Is this a minimum or representative of our historical landings? Is there any analysis to determine the level at which we do not have an economical fishery?

Mr. Helvey stated he was not aware of any analysis. The purse seine fleet depends on whatever migrates into the U.S. zone. Some years that catch is zero, some years it's a little bit higher. It has not reached 500 mt for some years. The fishery is dependent on whatever can escape the Mexican gauntlet.

Mr. Brizendine suggested changing the wording from a minimum of 500 mt to a maximum of 500 mt.

Mr. Wolford thought identifying a maximum would be unneeded, as the motion already identifies doing the best we can to maintain an economically viable fishery.

Ms. Lowman stated that her reading of the motion doesn't prohibit NMFS from starting with a 500 mt minimum while still allowing flexibility in the negotiation.

Motion 5 carried unanimously.

The Council proceeded to consider recommendations to the regional fishery management organizations (RFMOs) concerning a precautionary management framework for albacore tuna.

Ms. Lowman thought the Council had received good discussions and input from the advisory bodies, and it is important to have a strong resolution to get both RMFOs to work together for our industry. She thought that we can blend the resolutions and draft some things for the precautionary framework and take the SSC advice to talk about the operating model and discuss the other elements with the other member nations.

Mr. Helvey added that the framework approach has important elements and principles for the precautionary management approach. At the international level, there had been some stalling of the discussions over reference points and decision rules which are part of what's in the Council document. There were different opinions from the other nations and the IATTC scientific staff. The purpose of the NMFS proposal is to evaluate the different proposals and to do a management strategy evaluation. There is an opportunity if that proposal goes forward to highlight the principles that are in the Council's management goals and objectives and the type of actions to consider. Something that could be useful would be to include a paragraph on those principles in the preamble to the resolution as a way to acknowledge that the NMFS proposal is just one aspect of what is required for a full precautionary framework approach. That will help other members understand that there is still more work to do once we get past identifying reference points that everyone can accept. He proposed that NMFS would add language in the preamble to the resolution to address Ms. Lowman's comments.

Mr. Wolford commented that the advisory bodies and public testimony identified the need for some consistency in the actions of the international bodies (i.e., the IATTC and WCPFC).

Mr. Helvey responded that the need for consistency is in the proposal. It talks about the IATTC scientific staff working with the albacore working group at the ISC. That begins to bridge those different scientific perspectives, at least on the eastern side. The next step would be to get the scientific committee to the WCPFC to be a part of that. That could happen at the Northern Committee in September. However, the current proposal is simply for the IATTC and staff to start working with the ISC albacore working group.

Ms. Culver asked how Mr. Helvey's proposal would be facilitated.

Mr. Helvey responded that there is a paragraph in the proposal that directs the director of the IATTC to communicate this resolution (if adopted) to the western side. Other elements would direct the bridge to the Northern Committee.

Dr. McIsaac clarified that whatever the Council agreed upon should be provided by the Council directly to the U.S. Section of both the IATTC and Northern Committee. The input from the Council would be more effective if it is in writing (a letter) to the RFMOs rather than just direction to the Council representatives to those bodies. He noted that the SSC had recommended some changes to the NMFS resolution proposal, and wondered if the Council wished to incorporate that input.

Mr. Pollard thought it would be appropriate to include in the letter any advisory body recommendations for reference points or numerical approaches to the precautionary framework.

Dr. McIsaac noted there were recommendations in the SSC Supplemental Report (Agenda Item E.1.c) with regard to the need to describe the process for development and review of the operating model for the MSE in the resolution and to be aware that it may be necessary to use other reference points and control rules to have a successful outcome.

Mr. Helvey asked for Council staff to work with him tomorrow to incorporate these elements into the resolution to meet the Sunday deadline.

Dr. Dahl commented that it may not be possible to accomplish all of the recommended actions on the current timeline. However, they could consider how to incorporate the SSC advice into the final resolution.

Ms. Culver returned to the issue of the DGN fishery and the products she desired from the advisors when the Council returned to the HMS agenda on Sunday.

Council members considered the issue raised by the HMSAS regarding the expansion of the Chinese albacore fleet and agreed to include this concern as a high priority in the letter to the U.S. Section to the RFMOs.

[Agenda Item E.1 was suspended at this point and reopened after Agenda Item E.4 on 6/23/2014 at 2:19 p.m. as follows below.]

Mr. Feder opened the discussion of the remaining considerations under Agenda Item E.1. He noted that this agenda item is on international activities and regulatory matters. He stated there is an item pending about making the notification and VMS requirements permanent for the DGN fishery. It is appropriate for final Council action or recommendations at this meeting so that NMFS may follow through with permanent rule-making to replace the current temporary rule.

Mr. Helvey provided some background on the take reduction issues, 48 hour notice requirement, and the need to modify the fishing configuration in the DGN fishery that arose last summer to address the negligible impact determination for sperm whales when the impacts exceed the PBR of four sperm whales. This action resulted in an emergency rule with restrictions recommended by the take reduction team to ensure protection of the whales. After the take reduction team met again in February and recommended making the restrictions in the emergency rule permanent, new information became available on the way the PBR is calculated, which indicated that the situation wasn't as dire as the agency believed. Consequently, NMFS is still holding internal discussions on how to treat the take reduction team's recommendation in view of the new information. There is still urgency in getting VMS in place and the 48 hour notification. This was a requirement under the biological opinion to be in place by 2015. The current intent for your consideration is to include the VMS and 48 hour notification in a permanent rule. The zone for sperm whales is still being discussed internally, and not proposed as a rule at this time.

Ms. Yaremko moved and Mr. Brizendine seconded **Motion 17** that the Council recommend NMFS publish a final rule to permanently implement the VMS requirement for the large mesh DGN fishery, and a 48 hour pre-trip notification requirement under MSA authority by late summer 2014, as described in REVISED Agenda Item E.1.b, NMFS Report.

Ms. Yaremko stated that Mr. Helvey has articulated the rationale for this motion quite well. She just wanted to state the importance of not having a lapse in the coverage.

Ms. Culver supported the motion. However, she thought this was the Council's only opportunity to provide any recommendations for other items we would like to see in the permanent rule. She moved to amend the motion as follows: that the Council recommend NMFS consider including hard caps for the following ESA-listed species: fin whale, humpback whale, sperm whale, leatherback turtle, loggerhead turtle, olive Ridley turtle, and green turtle in their final rulemaking for the 2014 – 2015 DGN fishery. Amendment 1 failed due to lack of second.

Motion 17 carried unanimously.

E.2 Drift Gillnet Fishery Transition Issues (6/22/2014; 12:59 p.m.)

E.2.a Agenda Item Overview

Dr. Kit Dahl presented the Agenda Item Overview and introduced Agenda Item E.2.a, Attachment 1, *Federal Register* Notice 79 FR 29377.

E.2.b Reports and Comments of Advisory Bodies and Management Entities

Mr. Mark Helvey presented Agenda Item E.2.b, NMFS WCR Report.

Mr. Mark Helvey and Ms. Marci Yaremko presented Agenda Item E.2.b, Supplemental NMFS-CDFW Report: Joint NMFS and CDFW Report on Federal Management of the Large Drift Gillnet Limited Entry California Swordfish Fishery: Issues and Solutions for Consideration.

Mr. Mark Helvey presented Agenda Item E.2.b, NMFS PRD Report.

[Recording 6-22-14pm2]

Mr. Craig Heberer presented Agenda Item E.2.b, HMSMT Report and Agenda Item E.2.b, Supplemental HMSMT Report.

Dr. Stephen Stohs presented Agenda Item E.2.b, Supplemental HMSMT PowerPoint: Comparing U.S. swordfish fisheries: Metrics for bycatch, economics, and commercial volume.

Mr. Doug Fricke presented Agenda Item E.2.b, Supplemental HMSAS Report.

E.2.c Public Comment (6/22/2014; 3:29 p.m.)

Agenda Item E.2.c, Public Comment (Full Document Electronic Only).

Agenda Item E.2.c, Supplemental Public Comment 2 (Full Document Electronic Only).

Agenda Item E.2.c, Supplemental Public Comment 4: Letter from Susan Feniger.

Mr. Geoff Shester, Oceana, San Francisco, California, presented Agenda Item E.2.c, Supplemental Public Comment PowerPoint 2: Transitioning from Drift Gillnets toward a Clean West Coast Swordfish Fishery.

Mr. Jonathan Gonzalez, Santa Barbara, California, presented Agenda Item E.2.c, Supplemental Public Comment PowerPoint (Gonzalez).

Ms. Theresa Labriola, Wild Oceans, Portland, Oregon.

Mr. Steve Scheiblaue, City of Monterey, Monterey, California.

Ms. Tara Brock, Pew Charitable Trusts, Portland, Oregon.

Mr. Gary Burke, CFSB, Santa Barbara, California.

Mr. Rod Moore, West Coast Seafood Processors Association, Portland, Oregon.

Mr. Donald Krebs, commercial fisherman, San Diego, California.

Ms. Carolyn Kraft, Los Angeles, California.

Ms. Melissa Stevens, The Nature Conservancy, Monterey, California.

Ms. Teri Osborne, teacher, Santa Ana, California.

Mr. Steve Fosmark, fisherman, Pebble Beach, California.

Ms. Kellie Geyer, citizen, Corona Del Mar, California.

Mr. Matthew Ko, Shark Warriors, Irvine, California.

Dr. Aaron Swanson, citizen, Long Beach, California.

[Mr. John Kinney, Laguna Niguel, California *did not speak*].

E.2.d Council Action: Consider Policy, Planning, and Logistical Issues Appropriate to Transitioning the Drift Gillnet Fishery to Full Magnuson-Stevens Act Authority and/or Alternative Swordfish Fishery Methods (6/22/2014; 5:01 p.m.)

Ms. Yaremko moved and Mr. Crabbe seconded **Motion 11** that the Council’s management direction for West Coast swordfish under MSA authority include the following elements for 2014 and beyond:

- Recommend that NMFS publish a final rule to permanently implement a VMS requirement for the DGN fishery and the 48-hour notification requirement under MSA authority by late-summer 2014, as described in Agenda Item E.1.b, REVISED NMFS Report.
- Under MSA authority, establish hard caps on marine mammals and ESA-listed bycatch based on NMFS’ most current estimate (below) of expected take levels in the DGN fishery per the incidental take statement and current observer coverage. If hard caps are exceeded during a fishing season, the fishery closes for the year. Hard caps shall be established for the species identified in Table 4 below, from Agenda Item K.5.b, HMSMT Report, March 2014, pg. 14:

Table 4. Amount of take expected to be documented by fishery observers over a 5-year period (from Table 13 in NMFS 2013).

	Observed take during 5-year period:*
Fin whale	1
Humpback	1
Sperm whale	up to 2
Leatherback turtle	up to 2
Loggerhead turtle	up to 2

Olive ridley turtle	1
Green turtle	1

* Includes animals that may be determined to have experienced either serious injury or mortality as a result of interaction with the fishing gear. NMFS shall report back to the Council when rulemaking commences if the agency has revised any estimate.

- Establish a control date of June 22, 2014, for purposes of possibly considering a future Federal DGN limited entry program under MSA authority.
- The Council shall stress to NMFS WCR and HQ that increasing observer coverage rates above 2013 levels for this fishery is a high priority for the west coast moving forward. Given that take of endangered species are rare events, implementation of hard caps on this fishery makes precise take estimates critical both for ensuring protection of these species and for fishery participants who make business decisions on participating in the fishery each season.
- Support for continued science, discussions and building of collaborations between our fishery communities, agencies, scientists and NGOs for alternative gear research with the intent to develop new fisheries, research to further minimize bycatch in the DGN fishery, and capacity reduction in the DGN fishery through buyouts or other incentives.
- Ask NMFS to report on potential regulatory amendments that would remove exemptions for un-observable vessels in the DGN fishery.
- Review of the fishery’s performance annually, to evaluate the fishery’s ability to operate within hard cap levels and successfully minimize bycatch.

Ms. Yaremko stated it was clear that NMFS intended to implement elements of the emergency regulations from the previous year to protect sperm whales in permanent form for VMS and the 48-hour notification requirement. The motion provides hard caps on marine mammals and ESA-listed bycatch that will move us forward with the management of this fishery under MSA authority. In other words, the DGN fishery will be more actively and directly managed under the hard caps, similar to how we manage other fisheries under our FMPs, rather than relying on consultations under the ESA and Marine Mammal Protection Act processes. The proposed caps are based on expected takes in the DGN fishery, which might mean the fishery would be closed inseason. Our expectation would be that the fleet must fish more cleanly to avoid an inseason closure by reaching a cap. The control date for considering a future limited entry (LE) program was established some time ago. It does not lead to a certainty of an LE program, but serves to keep the door open to use it. Low observer coverage can result in one event being expanded into unrealistic numbers. Because of this, and the fact that we are dealing with ESA species, increasing observer coverage is a high priority. Her motion supports the important collaborations and discussions that have begun among our fishery participants, the agencies, the scientists, the NGOs, those working on experimental gears, those working on predictive modeling, and others who are working on ways to avoid bycatch and decrease bycatch mortality or develop new fisheries. The motion also supports reviewing the fishery’s performance annually to ensure that the fishery is operating within the hard cap levels, to monitor the bycatch, and to ensure how effective this management tool may be. Finally, we should review observer coverage of the vessels to ensure adequate coverage.

Dr. Hanson confirmed that, under her motion, the capture of one humpback whale would shut the fishery down. He noted that the PBR is 11. Multiplying the incident of one whale by the observer coverage becomes three. The PBR is very conservative (e.g., NMFS estimates 300,000 California sea lions and the PBR calculation uses 150). Why go to one whale when the PBR is four times that?

Ms. Yaremko responded that this would be only for the DGN fishery.

Council members discussed further details of the motion for clarity and understanding, and several members expressed concern that the hard caps were too restrictive. Mr. Feder reminded the Council that this agenda item called for scoping, and not final action on any proposed regulations. It was also noted that this motion is based on the former emergency action, and things have changed since that regulation was implemented. Dr. McIsaac noted that this was a long and complex motion and it might be a good idea to provide it in print for members to review overnight. Several members agreed that the motion should express intent and a vision, not final action, and that it was premature to include the table with actual hard cap numbers. That needed more development and review. There were also suggestions to include reference to EM as well as observers, and that the goal of 100 percent observers might be too high.

[Council adjourned for the day]

[Recording 6-23-14am1]

Motion 11 was withdrawn with consent of the second.

Ms. Yaremko moved and Mr. Crabbe seconded **Motion 12** that the Council's management direction for West Coast swordfish under MSA authority include the following elements for 2014 and beyond:

- With the goal of reducing bycatch in the DGN fishery, direct the HMSMT to provide the Council with a range of alternatives for use in establishing hard caps on take of high-priority protected species under MSA authority. If hard caps are reached or exceeded during a fishing season, the fishery would be closed for the remainder of the season. The seven species for which hard caps shall be established include fin, humpback, and sperm whales, and leatherback, loggerhead, olive Ridley, and green turtles. The team should use current biological opinions, PBRs, and incidental take statements in developing this range of alternatives;
- Establish a control date of June 22, 2014, for purposes of possibly considering a future Federal DGN LE program under MSA authority;
- The Council shall stress to NMFS WCR and HQ that increasing observer coverage rates above 2013 levels for this fishery is a high priority for the West Coast moving forward. Given that take of endangered species are rare events, implementation of hard caps on this fishery makes precise take estimates critical both for ensuring protection of these species and for fishery participants who make business decisions on participating in the fishery each season;
- Support for continued science, discussions, and building of collaborations between our fishery communities, agencies, scientists, and NGOs for alternative gear research with the

intent to develop new fisheries, research to further minimize bycatch in the DGN fishery, maintain a viable domestic west coast HMS fishery, and capacity reduction in the DGN fishery through buyouts or other incentives;

- Ask NMFS to report on potential regulatory amendments that would remove exemptions for un-observable vessels in the DGN fishery; and
- Review of the fishery's performance routinely, to evaluate the fishery's ability to operate within hard cap levels and successfully minimize bycatch.

Ms. Yaremko stated that she believed the rationale provided yesterday was adequate as to the purpose and intent of this motion. This motion directs the team to work on a range of alternatives for the hard cap values and bring them back to the Council for later consideration. She removed the language with regard to the issues for VMS rulemaking, as that would need to have been considered under Agenda Item E.1. She also incorporated a few minor changes to the motion in response to yesterday's discussion.

Mr. Lincoln asked for clarification on the intent of the motion. Is it fair to say that your intent would be to define the process by which the team would work on the alternatives under Agenda Item E.4? He indicated he might have some amendments to the motion, depending on her intent.

Ms. Yaremko stated her intent was to give clear guidance to the team on what we would like them to analyze in terms of developing options regarding the hard cap levels and to consider the information in the biological opinion and incidental take statements as the basis for developing that range of alternatives.

Mr. Helvey wondered why the list of species in the motion was set rather than allowing some flexibility for the team to recommend the list of species.

Ms. Yaremko responded that her selection was based on the HMSMT discussion of high-priority species that are protected. Those species of turtles and whales are always on the watch list, and very low numbers of interactions could cause problems. She wasn't against considering other species later, but these were the ones that she felt were needed to get the process going.

Mr. Wolford thought that the motion did not preclude the team from including other species. He also thought the direction to NMFS to review the observer coverage rate was especially important.

Mr. Helvey thought it was important for the team to have flexibility to consider either adding or subtracting discarded species for which hard cap values would be established.

Mr. Lincoln moved and Ms. Culver seconded Amendment 1 to:

1. In the first bullet, replace "The seven species for which hard caps shall be established include fin, humpback, and sperm whales, and leatherback, loggerhead, olive Ridley, and green turtles" with "The alternatives for hard caps will include the following species: fin, humpback, and sperm whales, and leatherback, loggerhead, olive Ridley, and green turtles;" and add to the end of the paragraph: "Council further directs HMSMT to develop a range of bycatch reduction alternatives for other discard species."

2. Include as part of the third bullet that the Council's intent is that a requirement be established for 100 percent accountability via observers and/or EM no later than late summer 2016.
3. Add to the last bullet: "of other discard species according to bycatch performance standards to be adopted by the Council."

Mr. Lincoln stated that the first suggested change was to clarify that, while the listed species are important to us, there may be other species for the team to examine. Looking at a range of alternatives for other discard species comes under the intent of National Standard 9 to minimize bycatch and bycatch mortality of all species. The proposed requirement for 100 percent accountability considers the difficulty of documenting rare events and the public testimony on the importance of those events. This would be the target, and the motion provides some time to reach that goal.

Mr. Wolford wondered about the practicality of setting a date certain at this time by which to attain 100 percent accountability.

Mr. Lincoln commented that it was his intent to set that goal. However, the timeline would be discussed under a plan amendment process, and the final action would be guided by a further decision process.

Mr. Crabbe moved and Mr. Brizendine seconded Amendment 1a to: add a bullet as follows:

- To evaluate future access to Pacific Leatherback Conservation Area (PLCA) in light of full accountability and acceptable bycatch cap levels.

Mr. Crabbe stated that the intent of his amendment was so that after the fleet was fully accountable and meeting acceptable bycatch levels, it would be possible to consider expanding the fishery area. This could be done through the use of EFPs. The expansion would not necessarily include the entire PLCA.

Amendment 1a carried unanimously.

Mr. Lincoln clarified that the discard species in his amendment included marine mammals, reptiles, and other fin fish.

Mr. Helvey moved and Mr. Wolford seconded Amendment 1b to insert in the last sentence of the first bullet following incidental take statements: "as well as other bycatch reduction estimation tools" in developing this range of alternatives.

Mr. Helvey stated that the intent of his motion was just to allow some flexibility in the Council guidance to the team.

Amendment 1b carried unanimously. Amendment 1, as amended, carried unanimously.

Regarding a question about the control date, Mr. Feder stated that it is easier to process a control date through the system if the date is as contemporary as possible. However, there isn't an absolute rule on that.

Mr. Myer moved and Mr. Lincoln seconded Amendment 2 to change the control date from June 22, 2014 to June 23, 2014.

Amendment 2 carried unanimously.

Dr. Hanson noted that the motion uses the word "take," while the protected resources documents use the terms "serious injury" or "lethal take." He presumes that "take" in the motion is intended to only include "serious injury" or "lethal take," and not an animal that swims away unharmed.

Ms. Yaremko confirmed that her intent was to be consistent with how the interaction issues have previously been used.

Motion 12, as amended, carried unanimously.

[Council concluded this Agenda Item at 8:52 and Mr. Russ Dunn provided comments regarding National Recreational Fishing Policy (*Supplemental Informational Report 10: National Saltwater Recreational Fisheries Policy, DISCUSSION GUIDE*), after which the Council resumed with Agenda Item E.3.

E.3 Exempted Fishing Permit (EFP) Process (6/23/2014; 9:02 a.m.)

E.3.a Agenda Item Overview

Dr. Kit Dahl presented the Agenda Item Overview and introduced Agenda Item E.3.a, Attachment 1: Example EFP Solicitation Notice Letter.

E.3.b Reports and Comments of Advisory Bodies and Management Entities

Mr. Craig Heberer presented Agenda Item E.3.b, HMSMT Report and Agenda Item E.3.b, Supplemental HMSMT Report.

Dr. Kit Dahl read Agenda Item E.3.b, Supplemental HMSAS Report.

[Recording 6-23-14am2]

E.3.c Public Comment

Agenda Item E.3.c, Public Comment.

Ms. Tara Brock, Pew Charitable Trusts, Portland, Oregon.

Ms. Theresa Labriola, Wild Oceans, Portland, Oregon.

Mr. Geoff Shester, Oceana, San Francisco, California.

Ms. Melissa Stevens, The Nature Conservancy, Monterey, California.

E.3.d Council Action: Confirm Process, Intent, Schedule, and Evaluation Criteria for EFPs beginning in 2015 (6/23/2014; 9:58 a.m.)

Mr. Pollard moved and Mr. Lincoln seconded **Motion 13** that the Council confirm the intent to solicit EFPs to test alternative gear types or new approaches with DGN. Council staff should solicit EFPs in the same manner as was done for EM Groundfish EFPs as per E.3.a, Attachment 1, including evaluation criteria as per COP 20, together with the considerations detailed in both Agenda Item E.3.b, HMSMT Report, and Agenda Item E.3.b, Supplemental HMSMT Report. Schedule to comport with a September-November two-meeting process. EFPs should evaluate relevant questions compatible with the policy directives under Agenda Item E.2, with particular reference to the objectives of maintaining a commercially viable swordfish target fishery.

Mr. Pollard stated that his motion recognizes that we have fallen behind, and requires a September-November two-meeting process for the EFPs to be in place by the 2015 season. This addresses the issues of Council action listed under this agenda item, updated with the direction and Council action of the preceding agenda item and the discussion of the last two days. He clarified that the policy directives in Agenda Item E.2 that the motion refers to include reduction in take of protected species, improving accountability, and higher monitoring rates as provided in the final motion for E.2. He also indicated that he would not be opposed to changing his specification of swordfish as the target fishery to include all HMS species and to also note the goal of minimizing bycatch (though that might be redundant given the previous motion under E.2).

Mr. Buell noted that ODFW would not want to see the EFP process end up with a longline albacore target fishery. That issue is highlighted in the HMSMT report, and does not require any amendment of the motion.

Mr. Crabbe wondered if the motion would preclude a side-by-side comparison of an alternative gear with the drift gillnet gear.

Mr. Pollard stated that would be a detail of an EFP, and the motion does not prohibit it.

Ms. Culver moved and Mr. Lincoln seconded Amendment 1 to add: "Specify that 100 percent monitoring would be required for all EFPs and in the solicitation letter, indicate that applicants should note their willingness to test EM and their willingness and ability to pay for observer coverage.

Ms. Culver stated, because the purpose of the EFP is to gather information, 100 percent monitoring should be for the duration of the EFP. Since observers may be difficult to come by, she included the request regarding the applicant's willingness to test EM, as well as their willingness and ability to pay for observer coverage. She noted that she was asking for 100 percent monitoring, not 100 percent observers. The Council could review the EFP to determine if the proposed monitoring met the necessary standard. The monitoring would include VMS.

Amendment 1 carried unanimously.

Ms. Yaremko moved and Mr. Crabbe seconded Amendment 2 to replace: “particular reference to the objectives of maintaining a commercially viable swordfish target fishery” with “particular reference to the objectives of maintaining commercially viable West Coast HMS target fisheries and minimizing bycatch.”

Ms. Yaremko stated that she preferred to see a broader specification for the fishery, as many of the participants fish for multiple species, and that is how the DGN fishery works today. Regarding the objective of minimizing bycatch, she wanted to emphasize the importance of that issue, as noted in the presentation by Mr. Stohs.

Mr. Helvey was concerned that we already have a viable albacore target fishery, and it is not clear to him at this time how this broadening of the motion might affect it.

Mr. Wolford stated that he understood the concern, but this is a multi-species fishery with a much broader target than just swordfish.

Ms. Lowman proposed that it be made clear in the solicitation letter that this did not include the albacore fishery.

Ms. Yaremko stated that she wanted to keep it open, and not send a message that we were intending to preclude certain species.

Mr. Helvey reversed his objection.

Amendment 2 carried unanimously. **Motion 13**, as amended, carried unanimously.

E.4 Initial Scoping of Biennial Specifications and Management Measures (6/23/2014; 10:34 a.m.)

E.4.a Agenda Item Overview

Dr. Kit Dahl presented the Agenda Item Overview.

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

Ms. Cyreis Schmidt presented:

- Agenda Item E.4.b, HMSMT Report;
- Agenda Item E.4.b, Supplemental HMSMT Report; and
- Agenda Item E.4.b, Supplemental HMSMT PowerPoint: Pacific Bluefin Tuna Conservation.

Dr. Kit Dahl presented Agenda Item E.4.b, Supplemental HMSAS Report.

Mr. Brian Corrigan presented Agenda Item E.4.b, Supplemental EC Report.

E.4.c Public Comment

Agenda Item E.4.c, Public Comment (Full Document Electronic Only).

Agenda Item E.4.c, Supplemental Public Comment 2.

Mr. Steve Crooke, Irving, California.

Mr. Jamie Gibbon, Pew Charitable Trusts, Washington, DC.
Mr. Geoff Shester, Oceana, San Francisco, California.
Ms. Theresa Labriola, Wild Oceans, Portland, Oregon.
Ms. Karen Dupuy, Ocean Pacific Seafood, Tarzana, California.
Ms. Diana Dupuy, Ventura Fish Company and Ocean Pacific Seafood, Tarzana, California,
presented Agenda Item E.4.c, Supplemental Public Comment Video Presentation: Pete
Dupuy: Ventura Fish Company and Pacific Seafood.
Mr. Pete Dupuy and Mr. Svein Fougner, Ventura Fish Company and Ocean Pacific Seafood,
Tarzana, California.
Mr. Ken Franke, Sportfishing Association of California, San Diego, California.

[Recording 6/23/14pm1]

Mr. Markus Medak, Fisherman, Encinitas, California.
[Mr. Peter Flournoy, AFRF, WFOA, AAFA, San Diego, California *did not speak*]

**E.4.d Council Action: Identify Issues for Consideration in the Biennial Process,
Including Bluefin Tuna Bag Limits and Vessel Monitoring System
Enhancements (6/23/2014; 1:18 p.m.)**

Dr. McIsaac explained the six potential issues for consideration by the Council, which were provided on a worksheet as follows:

1. Bluefin Tuna--Advisory Body direction: evaluate alternatives to reduce the bluefin tuna mortality rate to _____, including bag limit changes of _____.
2. VMS Ping Rate--Advisory Body direction: evaluate alternatives for the DGN fishery only.
3. Shallow Set/Deep Set Long Line Fishery
 - Advisory Body direction: evaluate alternatives designed to achieve opportunity equity with Hawaii LL permit holders outside the EEZ.
 - Advisory Body direction: evaluate FMP Amendment alternatives for a fishery inside the EEZ.
4. DGN Hard Caps/Bycatch Reduction Targets
 - Advisory Body direction: evaluate alternatives as per the policy direction motion under E.2.
5. DGN Permit Transition to MSA Authority
 - Advisory Body direction: evaluate FMP Amendment alternatives to transition CA permits to MSA authority.
6. DGN Observer Requirements
 - Advisory Body direction: evaluate a 100 percent observer requirement or EM equivalent monitoring requirement.

Council members discussed how to approach the issues and what guidance to give to the advisors to consider and provide recommendations in September. The items in this agenda were for specific directions to include in this biennial cycle for assessment by the team and a final determination by the Council in November.

Ms. Culver moved and Mr. Lincoln seconded **Motion 14** that the Council move forward with an initial list for the 2015-2016 and 2016-2017 biennial cycle of bluefin tuna (item 1), VMS ping rate (item 2), DGN hard caps/bycatch reduction targets (item 4), and DGN observer requirements (item 6).

Ms. Culver stated that the motion provides a good list for getting initial feedback from the team with some alternatives, particularly for items 1 and 2. which are more of a routine nature. The motion under E.2 gave clear direction for items 4 and 6 to move toward hard caps and an evaluation of increased observer coverage in the DGN fishery in 2014 and beyond. The team can identify a potential range of alternatives to address those things. If, in September, it appears that there is more workload involved than they can complete for the biennial specifications, then we can determine the future schedule for those items.

Dr. McIsaac confirmed for Mr. Helvey that work on bluefin (item 1) would just be the development of draft language to try to spawn a discussion of what the Council would like to look at.

Ms. Yaremko moved and Mr. Crabbe seconded **Motion 15** (as a substitute to **Motion 14**) that the Council evaluate recommendation “b” in the HMSMT recommendations as identified in Agenda Item E.4.b, Supplemental HMSMT Report Page 4, for the biennial specifications.

Ms. Yaremko stated that the items in her motion are those that need to be considered for the biennial specification cycle, and she has concerns with adding plan amendments and regulatory actions into the biennial cycle that is only considered every two years.

Ms. Culver stated that the items she thought they would take up for the biennial specifications cycle were the bluefin tuna bag limit and VMS issues. In her motion, she picked the four that were regulatory changes that do not require an FMP amendment, and specifically excluded the two items that would require FMP amendment with the thought of addressing those under workload planning.

Council discussion concluded that the original motion did not preclude further work planning and action outside the biennial management cycle on these issues. Further, if issues are included here, there will be opportunity for team input. Given that, Ms. Yaremko withdrew **Motion 15** with consent of the second.

Mr. Crabbe moved and Mr. Brizendine seconded Amendment 1 (to **Motion 14**) to add items 3 (Shallow Set/Deep Set Longline Fishery) and 5 (DGN Permit Transition to MSA Authority) to the list.

Mr. Crabbe stated that his amendment was based on the Council’s recent discussion.

Amendment 1 carried (Ms. Culver, Mr. Buell, and Mr. Feldner voted no). **Motion 14** as amended, carried unanimously.

Ms. Culver noted that she did not want to lose sight of Ms. Yaremko's motion. She moved and Mr. Lincoln seconded **Motion 16** that as part of the HMSMT analysis and development of alternatives, they should evaluate more restrictive bluefin tuna bag limits that are less than 5 fish per day, as well as reductions in possession limits that would be at 10 bluefin or less. The analysis should include conservation benefits to the stock relative to the economic costs to the recreational fishery.

Ms. Culver noted that we will be getting more information after the IATTC meeting, which we will be able to take into account during the three-meeting biennial specifications process. She had some difficulty understanding the data and tables in the HMSMT report with its various caveats. However, of the modes included in the bag limit frequency analysis of Table 6, it looks like a bag limit of five or greater than five would have little effect on the overall catch. We initially gave direction to the IATTC to look ahead for stock-wide reductions in the catch of bluefin tuna, and we had some discussions about the commercial harvest, which has been limited to the 500 mt level for several years. It is concerning that the recreational harvest has been greater than that in the last few years. Therefore, she thinks it is prudent that the Council and states look at reducing bag limits to something less than five fish per day. She noted that the possession limits in the team's report are rather high, and it doesn't make sense if you reduce your bag limit to five that you keep your possession limit up at 15 or 30. She wanted this to include some alternatives and analysis of reductions in the possession limits as well.

Motion 16 carried (Roll Call vote: 7 yes, 6 no; Mr. Pollard, Mr. Wolford, Mr. Brizendine, Ms. Yaremko, Mr. Sones, and Mr. Crabbe voted no).

[Council reopened Agenda Item E.1 and completed their business under that item before moving to Agenda Item F.5]

F. Groundfish Management

F.1 National Marine Fisheries Service Report (6/21/2014; 8:04 a.m.)

F.1.a Agenda Item Overview

Ms. Kelly Ames presented the Agenda Item Overview.

F.1.b Regulatory Activities

Mr. Frank Lockhart presented Agenda Item F.1.b, FR Notices: *Federal Register* Notices Published since the Last Council Meeting and Agenda Item F.1.b, NMFS Report: Draft Rulemaking Plan for 2014: Groundfish and Halibut.

F.1.c Fisheries Science Center Activities

Dr. Michelle McClure and Mr. Dale Sweetnam presented Agenda Item F.1.c, FSC Report: National Marine Fisheries Service Report – Groundfish Science and Agenda Item F.1.c, Supplemental Fisheries Science Center PowerPoint: Groundfish EFH Tasking for September Council Meeting.

F.1.d Reports and Comments of Advisory Bodies and Management Entities

None.

F.1.e Public Comment

None.

F.1.f Council Discussion

Council members covered some questions and discussion regarding several issues including the status of the change to Pacific halibut individual bycatch quota for 2015, a correction to the Oregon/Washington state border in the NMFS regulations, how to deal with the issue of not being able to remove incidentally encountered derelict crab gear, and workload priorities.

F.2 Electronic Monitoring Regulatory Process (6/21/2014; 8:48 a.m.)

F.2.a Agenda Item Overview

Mr. Brett Wiedoff presented the Agenda Item Overview and discussed Agenda Item F.2.a, Supplemental Electronic Monitoring Regulatory Process Overview: PowerPoint. He also introduced the following attachments:

- Agenda Item F.2.a, Attachment 1: Draft Analysis of an Electronic Monitoring Program for the Pacific Coast Limited Entry Trawl Groundfish Fishery Catch Shares Program; and
- Agenda Item F.2.a, Supplemental Attachment 2: Letter from Representative Peter DeFazio regarding the regulatory framework for the use of Electronic Monitoring.

F.2.b Reports and Comments of Advisory Bodies and Management Entities

Mr. Brett Wiedoff presented Agenda Item F.2.b, GEMPAC Report: GEMPAC Report to Council and Agenda Item F.2.b, PSMFC Report: PSMFC Final 2013 Report.

Mr. Jim Seger presented Agenda Item F.2.b, NMFS Report: Net Revenue Analysis for Electronic Monitoring on the West Coast.

Mr. Shems Jud presented Agenda Item F.2.b, Supplemental GAP Report.

Mr. Dan Erickson presented Agenda Item F.2.b, Supplemental GMT Report.

Mr. Dayna Matthews presented Agenda Item F.2.b, Supplemental EC Report.

F.2.c Public Comment

Agenda Item F.2.c, Supplemental Public Comment: from Archipelago regarding the report on the 2004-2010 U.S. Shore-Based whiting EM Program (Full Version Electronic Only).

Mr. Brad Pettinger, Oregon Trawl Commission, Brookings, Oregon.

Ms. Stacey Hansen, Saltwater, Inc., Anchorage, Alaska.

Ms. Heather Mann, Midwater Trawler's Cooperative, Newport, Oregon and Mr. Brent Paine, United Catcher Boats, Seattle, Washington.

Mr. Michael Lake, Alaskan Observers, Seattle, Washington.

F.2.d Council Action: Consider Refining Alternatives and Adopting Preliminary Preferred Alternatives, as Appropriate, for Public Review (6/21/2014; 1:52 p.m.)

Mr. Myer expressed his interest to add an alternative for the mothership sector that would allow them to deduct from their allocation the amount that is a three-year average of the discards. Then their EM should just have to view the end of the codend to make sure it's not dumped and all of their information would be taken care of.

Mr. Wiedoff suggested that Mr. Myer's proposal would probably fit best as a discard option in Section 2.3.

Ms. Culver moved and Mr. Lincoln seconded **Motion 6** to add in Section 2.2.1 (Agenda Item F.2.a, Attachment 1) an option specific to the bottom trawl non-whiting fishery that vessels could use cameras in lieu of an observer if they were a member of a co-op, and retain the current language in that section as an option (i.e., any vessel could use cameras in lieu of an observer for all sectors under consideration, however, a bottom trawl, non-whiting vessel could only use cameras if they were part of a co-op).

Ms. Culver stated that there has been some discussion and testimony about how well the mothership whiting co-op functions. The co-op approach provides a mechanism to pool and share quota of target and bycatch species, and provides the ability to assess potential penalties and respond more quickly and effectively than we could through Federal regulations. Her motion responds to some of the issues in the GMT statement and a subsequent question from LCDR Casad about what you do with an unexpected bycatch event by requiring the connection to a co-op. In response to a question from Mr. Crabbe, Ms. Culver stated that there is a definition of a co-op in the IFQ sector. Her intent is that membership in a co-op would provide a mechanism to cover an overage or assess a penalty for an individual bottom trawl vessel.

Mr. Farrell noted the concern that some California ports might not be able to participate in a co-op, and hopefully the analysis would show which ports are most susceptible to not being able to participate and look at ways to accommodate this.

Ms. Kirchner expressed concern about the analysis workload this and other changes might create between now and the September meeting. That made her hesitant to support this motion now, without knowing what else might arise in the remaining discussion.

Dr. Hanson noted that it would be possible to reconsider this motion later if that was needed.

Ms. Culver noted how important it was to reduce the risk of one bottom trawl vessel creating a significant overage, and the need for a mechanism to assess a penalty as a disincentive to risky behavior.

Motion 6 carried unanimously.

The Council continued reviewing, asking clarifying questions, and providing guidance on each document section without making motions, unless some controversy arose.

For Section 2.2.2, Ms. Culver asked if the Council could choose option 2B (a subsample of the video), and also require a logbook that could be used to compare with the video estimate of discard.

Mr. Wiedoff stated it could be done as an Option C (subsample video with a logbook requirement).

Mr. Pollard noted that there were no objections to the inclusion of the additional Option C.

Mr. Myer moved and Mrs. Culver seconded **Motion 7** to add an alternative to Section 2.3, page 24, under Discard Accounting Option D: for the mothership whiting sector only to account for all discards of whiting by using as a proxy the average percentage of discard from 2011, 2012, 2013, 2014, and any additional averaging for future years. This percentage amount would be deducted preseason from the mothership co-op's allocation of whiting. Discard of bycatch species would be determined by pro-rating the observer data from the mothership processor.

Mr. Myer stated that this motion addresses the risk of exceeding the whiting allocation and is important for the mothership co-op sector to reduce the biggest cost of EM, which is reviewing the videos. The average annual discard would be determined and taken off the top of the allocation. This would allow us to just focus on the event of someone dumping the whole bag, which could easily be seen in a fast review of the video, and should greatly drop the monitoring costs. He picked the years 2011-2014 and any future years prior to the program implementation to include the latest data. As far as the determination of bycatch species (and numbers), that will be done the same as it is now from the observer data for the processors, which looks at 99.9 percent of the fish and can then be prorated to the (unsampled) discard.

Council members discussed what would trigger the video review (the need for threshold) and how the events would be treated with regard to accounting for the bycatch. Mr. Myer noted that the average annual discard might not always account for all discard if the video review revealed a significant event and that perhaps the word "all" should not be in the motion. He also noted that they would have observer sampling of all the bycatch on the mothership, and that would be used to estimate the species of the discards.

Mr. Feldner moved and Ms. Kirchner seconded Amendment 1 to **Motion 7** to replace "all" with "unintentional minor."

Mr. Feldner stated that his intent was that we not lock ourselves into the position with this option that we would be looking at any discard as being covered by the preseason proxy.

Ms. Culver spoke in support of the amendment. She noted that the Council Staff has listed the different types of discard on page 24. Under the motion, we would take the average discard (including all of the types listed on page 24) for those four years and then, if through the video review there was a pulled zipper or intentional discard, that would be in addition to what has already been subtracted.

Amendment 1 carried unanimously. **Motion 7**, as amended, carried unanimously.

Ms. Culver wished to provide guidance and a request for analysis of the options in Section 2.3. She thought it would be helpful to have a description of what the assumptions or proxies would be for discards for each sector and how that would be calculated. She suggested that we would use the WCGOP data for the approximate location and target strategy of when the event occurred, and assume that is what occurred when we can't review the video for the discard amount. As part of the analysis and potential options, she thought we should specify the penalties for large discard events or intentional discards. It would be helpful to pick up the risk assessment analyses proposed in the GMT report that could look at some of the what-if scenarios (e.g., what are the potential impacts of an individual event, found either through a video or log book review, exceeding the trawl allocation or harvest guideline). What are the implications and impacts to the rest of the trawl sector and to other sectors? Also, in the context of the GMT report, what is the general risk to the conservation of various groundfish species? She noted the GMT report near the bottom of page 1 stated it would be helpful to list the specific observations, measurements, and tasks that observers conduct, and to consider how those different measurements and tasks could be accomplished under EM versus portside, either by the catch monitor or state port sampler. She asked Mr. Lockhart if NMFS could provide that information.

Mr. Lockhart responded that it could be done and has been started.

Mr. Lincoln stated that in Options A and B (Section 2.5) there is a discard exception for trash, mud, and coral. He thought it would be useful for the Council to get more public input on modifying that exception for coral and sponges so that they could be discarded for those trips that have been observed. We have very little information on interactions with biogenic habitat, and retention for the unobserved trips could help to increase our knowledge. There could be safety exceptions for large pieces of the habitat.

Ms. Kirchner agreed that the biogenic information is important. However, she believes we are mixing scientific work with the observer catch monitoring program, and is not supportive of that. Ms. Lowman agreed.

Mr. Lincoln noted that these are not common events, and recognized the difference between scientific observations and catch monitoring. He does not need the requirement to be included in the preferred alternative, but would like to see public input on this, which is information the Council will need at some point. Mr. Pollard and Ms. Lowman agreed that the public could be noticed to comment on this issue.

Ms. Culver noted that the GMT report suggested having a species-level discard list option to address the species-specific level of risk. She noted the importance of having fish to sample, if fewer were available due to an extensive use of EM.

Mr. Pollard noted that we would still have the NMFS scientific biological sampling program.

Ms. Kirchner recommended removing Alternative 2 with regard to discard at will. She hasn't heard any recommendations from the advisors to retain this option, and it is likely not a viable alternative. Council members agreed.

Ms. Lowman proposed that maximized retention be adopted as the preliminary preferred alternative (PPA) for whiting. The Council agreed.

Ms. Culver stated that Option C (Section 2.6), the International Pacific Halibut Commission exemption to allow full (maximized) retention, should only be explored for midwater trawl, and not for the other sectors. Mr. Wiedoff noted that was already the current regulation, and that we could scrap the option.

Mr. Farrell stated that he would like to see some further analysis by the GMT on the application of the percentages outlined in Option A to our current bycatch estimates to see if it is constraining as we move forward.

Regarding a question on Section 2.7 (Discard Species List Adjustments), Mr. Wiedoff stated that this is to allow for the future expansion of the species list for more discards. It would identify the process for adding or subtracting discard species.

Ms. Culver would not favor Option 1 (NMFS makes an independent determination), and would prefer the process be through the Council only if there was an identified need to change (Option 3) and not be a regularly-scheduled agenda item, as seemed to be implied in Option 2.

Ms. Kirchner agreed with the removal of Option 1, and thought Option 2 would not require a scheduled agenda item, but just be a part of the specifications process. Mr. Seger concurred in her interpretation.

Mr. Farrell noted that under number 4 in Section 2.8.2 it mentioned civil penalties, but made no reference to criminal penalties. Mr. Wiedoff responded that they would add criminal penalties and work with enforcement on how to include it.

Ms. Culver requested cost estimates for the different items listed under Section 2.8.4. Mr. Seger responded that they intend to provide overall costs for the program in the next round, but the costs of individual items would come later, after the program is more developed.

Regarding Section 2.8.5, Dr. McIsaac noted that the EC recommended an annual expiration as the possible PPA.

Ms. Culver recommended removal of Option C, indefinite expiration (Section 2.8.5), and the Council agreed.

Regarding Section 2.8.6, Ms. Culver stated she would favor the option that your EM declaration would remain in effect until you declare you are no longer going to use EM. Mr. Wiedoff understood her intent, and believes it is already in the program and would not need a separate option.

Ms. Kirchner stated that they wanted to have more flexibility in declaring EM than just an annual declaration.

Council members discussed and asked questions of clarity concerning the equipment approval process for Section 2.9.1, the data custody protocol in Section 2.9.3, and video data and review processing in Section 2.9.4, especially in regard to the 10 percent review and what that would mean.

Regarding Section 2.10.1, Ms. Culver requested more detail in the status quo description to clearly identify what industry or NMFS is required to pay.

Ms. Kirchner recommended removing Section 2.12 (spatial variation for high bycatch areas) as proposed by the advisors. It would be very complicated, and we don't have sufficient information even on hot spot areas to know how to implement it, as well as the difficulty in tracking it. The at-sea whiting sector and most of the shoreside sector are using Seastate, which has been very successful for them, and she did not think we needed to put regulations on top of that.

Ms. Culver favored retaining Options B and C (for Section 2.12), particularly for the bottom trawl sector for the purpose of analysis. She noted that the British Columbia EM program only allows EM within a specified area, and only allows the landing of four or five groundfish species with trip limits on those species. Their program is very narrow in the allowance of EM, and otherwise an observer is required. She thought that is something we need to include in the analysis. Her concern is that we do not have the level of data for the bottom trawl fishery that we have for the whiting fishery. The risk of an individual exceeding the quota and shutting down the whole sector is too great. She is not thinking of hot spot areas, but rather using depth limitations. It would be similar to our VMS system, and not that hard to enforce.

The Council agreed to leave in the options for bottom trawl only for analysis, including enforcement costs.

Regarding Section 2.13, Ms. Culver recommended inclusion of an option to use EFPs to inform Council policy prior to regulatory development. It should include all sectors except midwater whiting trawl. The Council concurred and agreed that there was no need to go through any of the fishery-specific alternatives.

Regarding the fishery-specific alternatives, Ms. Culver asked for some additional analysis. She appreciated the cost information regarding ex-vessel revenue projections and thought it would be helpful to look at the total cost to buyers, receivers, management agencies, enforcement, observer providers, and companies that are affected by any of the proposed actions here.

Mr. Lockhart noted the statement from the GAP that it hasn't seen the necessary cost analysis and believes more is needed before selecting PPAs. He asked Council staff to ask the GAP what it was they wanted, and to explore providing that analysis for September. He also asked for some analysis on the observer program (from the GMT statement).

F.3 Omnibus Regulation Changes Part 1 (6/22/2014; 8:05 a.m.)

F.3.a Agenda Item Overview

Mr. Jim Seger and Ms. Kelly Ames presented the Agenda Item Overview and introduced the following attachments:

- Agenda Item F.3.a, Attachment 1: Trawl Rationalization Issue: Adaptive management Program QP Pass-through Council Discussion Document;
- Agenda Item F.3.a, Attachment 2: Initial Compilation of Possible Groundfish Management Measures for Council Consideration; and
- Agenda Item F.3.a, Attachment 3: Considerations for Prioritizing the List of Groundfish Management Measures.

F.3.b Reports and Comments of Advisory Bodies and Management Entities

Ms. Gway Kirchner presented Agenda Item F.3.b, Supplemental ODFW Report.

Ms. Heather Reed presented Agenda Item F.3.b, Supplemental GMT Report.

Mr. Dayna Matthews presented Agenda Item F.3.b, Supplemental EC Report.

Ms. Heather Mann presented Agenda Item F.3.b, Supplemental GAP Report.

F.3.c Public Comment

Agenda Item F.3.c, Public Comment.

Agenda Item F.3.c, Supplemental Public Comment: Letter from Michele Longo Eder regarding proposal of a rule change for 50 CFR 660, Subpart C, Section 660.12 (a) (11).

Mr. Jeff Lackey, F/V Miss Sue and F/V Seeker, Newport, Oregon.

Mr. Brent Paine, United Catcher Boats, Seattle, Washington.

Ms. Heather Mann, Midwater Trawlers Cooperative, Newport, Oregon.

Ms. Linda Buell, Garibaldi Charters, Cloverdale, Oregon.

Mr. Seth Atkinson, Natural Resources Defense Council, San Francisco, California.

Mr. Gerry Richter, read Mr. Jason Robinson's VMS Enhancement Plan letter into the record (part of Agenda Item F.3.c, Agenda Item F.3.c, Public Comment).

Mr. Gerry Richter, fisherman, Santa Barbara, California.

Mr. Ralph Brown, Brookings Fishermen's Marketing Association, Brookings, Oregon.

Mr. Brad Pettinger, Oregon Trawl Commission, Brookings, Oregon.

F.3.d Council Action: Adopt Final Preferred Alternative for Adaptive Management Program Pass-Through; Consider New Rule Clarifications, if any; Identify Initial List of Candidate New Management Measures for Trawl Catch Share Trailing Actions and Off-cycle New Groundfish Management Measures for Further Consideration under Agenda Item F.9. (6/22/2014; 10:04 a.m.)

Ms. Culver moved and Mr. Lincoln seconded **Motion 8** that the Council select as its final preferred alternative (FPA) for the adaptive management program (AMP):

- Action Alternative 1: The AMP QP allocation procedures will be considered as part of the five-year review and the pass-through procedure used since 2011 will be continued.
 - Sub-option B: until the implementation of regulations resulting from the five-year review (as recommended in Agenda Item F.3.b, Supplemental GMT Report).

Ms. Culver stated that there has been a need to do the AMP program for some time, especially with the expiration of the pass-through in 2015. She thought it appropriate to look at the QP procedures as part of the five-year review, and Sub-option B would allow the pass-through to continue until implementation of regulations resulting from the five-year review, so as to have a seamless transition.

Mr. Lockhart stated that this is an important program, and NMFS is still very interested in it. They have heard about some issues in the catch share program which the AMP may be able to address, contingent on what comes out of the five-year review.

Motion 8 carried unanimously.

Mr. Brizendine spoke to discontent with the VMS program. He thought that rather than just automatically increasing the ping rate, we ought to look at exploring better tools to do a better job.

Ms. Grebel raised concern about the workload issues resulting from this motion.

Mr. Lockhart responded that NMFS is adding some personnel, has some additional resources, and may be able to find some efficiencies under the new regional organization.

Dr. McIsaac reminded the Council that the action today was just to identify the list of tasks, and workload consideration would come in September when the Council prioritized the list.

Other Council members expressed general concerns and provided observations about identifying issues and managing workload.

Ms. Culver moved and Mr. Lincoln seconded **Motion 9** that the Council add to the initial list of management measures for further consideration under Agenda Item F.9 and potentially in September, the GMT recommendations, Agenda Item F.3.b, Supplemental GMT Report:

- That discard mortality rates currently used in the nearshore bycatch model and by the West Coast Groundfish Observer Program (WCGOP) in the annual groundfish mortality reports be added to the list in Section B, Immediate and Long-Term Commitments.
- Include the items listed on page 3 of Agenda Item F.3.b, Supplemental GMT Report, June 2014, under Section C “*Candidate Items for Prioritization in September*” be added to the list,
- Include the GAP Supplemental Report recommendations that begin on page 6 and 7, item #1, #4, and note Item #8 is the same as GMT item #2.

Ms. Culver stated that the GMT provides a good rationale for adding these items to the list. While many are specifications-related, they are new items that would require additional analysis beyond the specifications analysis. Relative to the items in the GAP list, she added the ones she is prepared to speak to, and is not purposely excluding those she did not list and is open to amendments to add them if others wish to speak to them. On item #1, there was some discussion in public testimony concerning paying the buy-back loans for catcher vessels in the mothership sector, and being able to transfer some of the equal share component quota pounds received from the buy-back program

to the co-op, as otherwise the extra fish go unharvested. These warrant further consideration. Regarding item #4, she supports the recommendation in the supplemental ODFW report. Deferring near shore management to the states of Oregon and Washington deserves further consideration.

Ms. Kirchner moved and Mr. Feldner seconded Amendment 1 to add items #5 and #6 from the Supplemental GAP Report (Agenda Item F.3.b) recommendations that begin on page 6.

Ms. Kirchner stated that she fully supports the main motion, but would like to add consideration for combining the LE daily trip limit (DTL) fishery and the tier fishery (#5). The DTL fishery has posed problems in the past several years and requires a lot of review though inseason action. Some members of the public and industry have talked about problems with the extreme variation in the trip limits. Combining the fisheries could remedy this problem, both for the Council and the industry. Regarding item #6, the states have expressed a lot of concern over derelict crab gear through the Dungeness Tri-State Committee. Much research has been done, and Oregon and Washington have put in permit programs to promote retrieval of derelict gear. One way to promote that is to allow people to remove that gear when they intercept it in their own daily business of fishing. To facilitate removal, we have to deal with the VMS issue of not being able to remove gear in the RCA. Also, crab gear does not meet Federal groundfish specifications, and the regulations prohibit having such gear on board a fishing vessel.

Ms. Culver expressed her support for the amendment.

Amendment 1 carried unanimously.

Ms. Grebel moved and Mr. Wolford seconded Amendment 2 to include items #2 and #3 from the Supplemental GAP Report on page 6.

Ms. Grebel stated that the 60 mile bank RCA lines issue is a new one that has just been identified and needs to be considered, as it has cowcod implications. Regarding the blackgill allocation, this is an issue CDFW has been discussing for a couple of years now. It is inaccurate and needs to be fixed.

Amendment 2 carried unanimously.

Mr. Crabbe moved and Mr. Brizendine seconded Amendment 3 to include item #7 from the GAP Supplemental Report on page 7 (exploration of flexible regulations that allow transfer of overfished species between sectors to prevent stranding target fish).

Mr. Crabbe stated that this item is similar to what the whiting fleet is looking at with regard to item #1. In public comment, we heard of cases where we are only harvesting 30 percent of our target species. This item would consider how not to leave so much stranded quota.

Ms. Culver was not certain of the implications of #7. She was concerned that, in the Council's deliberations on Amendment 20, there were considerations of how many sectors to include, and who should be in them, but mainly it was determined that there should be sectors and sector-specific allocation. We've explored some of this topic before in terms of set-asides and if there is

a way to access set-asides that go unused. Her understanding of the overfished species in the at-sea sectors are that they are set-asides, while they are individual quotas in the shoreside sector. She is not sure if #7 might be a broader issue, and asked for some clarification of this issue.

Ms. Ames responded that there are direct allocations to some of the at-sea sectors for overfished species (e.g., canary). So, there are direct allocations in the at-sea sectors.

Ms. Culver noted that the direct allocations are to the co-ops, rather than to the individual.

Ms. Grebel was confused about what #7 meant. She thought it was about transfers between non-trawl sectors. Perhaps the GAP could clarify what was meant.

Ms. Ames stated that this could be handled under Agenda Item F.9, and the GAP could clarify it then.

Ms. Culver requested that staff also report under F.9 on the complexity of transfers among different sectors.

[Before the vote it was determined that whether the amendment failed or passed would not preclude it from consideration under Agenda Item F.9.]

Amendment 3 passed (Ms. Culver and Mr. Myer voted no). **Motion 9**, as amended, carried unanimously.

Mr. Crabbe noted that he thought the Council's guidance to NMFS at this time on VMS equipment issues was sufficient.

F.4 Consideration of Inseason Adjustments (6/22/2014; 10:59 a.m.)

F.4.a Agenda Item Overview

Ms. Kelly Ames provided the Agenda Item Overview and introduced the following attachments:

- Agenda Item F.4.a, Attachment 1: NMFS Letter re: Council Recommendations for the Trawl Rockfish Conservation Area Configuration for 2013-2014 Groundfish Fisheries;
- Agenda Item F.4.a, Attachment 2: Final RCA Rule: *Federal Register* Notice 79FR21639; NOAA Fisheries announces the change to the Pacific coast groundfish trawl Rockfish Conservation Area boundaries, effective April 17, 2014;
- Agenda Item F.4.a, Attachment 3: RCA Rule Correction: *Federal Register* Notice 79FR28455 Correction to the 2013-2014 Pacific coast groundfish fishery harvest specifications and management measures, effective May 16, 2014; and
- Agenda Item F.4.a, Attachment 4: NMFS Letter re: Shorebased IFQ Surplus Carryover Decision for 2014.

F.4.b Reports and Comments of Advisory Bodies and Management Entities

Mr. Frank Lockhart presented Agenda Item F.4.b, Supplemental NMFS Report: Inseason Catch Report (June 2014).

Mr. Bob Leos presented Agenda Item F.4.b, Supplemental GMT Report.
Mr. Gerry Richter presented Agenda Item F.4.b, Supplemental GAP Report.

F.4.c Public Comment

Agenda item F.4.c, Public Comment from Mr. Bill James.
Agenda Item B.1.c, Robinson Open Comment Regarding Trip Limit Table 2 [referred from Agenda Item B].
Agenda Item B.1.c, Supplemental Aiello Open Comment Regarding Retrieval of Derelict Crab Pots in the RCA (VMS Rules) [referred from Agenda Item B].
Mr. Rod Moore, West Coast Seafood Processors Association, Portland, Oregon.
Mr. Seth Atkinson, Natural Resources Defense Council, San Francisco, California.

F.4.d Council Action: Adopt Inseason Adjustments to 2014 Groundfish Fisheries

Mr. Buell moved and Mr. Feldner seconded **Motion 10** that the Council adopt Alternative 1 from Agenda Item F.4.b, Supplemental GMT Report for inseason action for both the LE and open access fisheries north of 36° N. latitude.

Mr. Buell stated that Alternative 1 in the GMT Supplemental Report offers a low risk of exceeding the allocations under the revised limits, while offering some additional opportunity for both of the sectors. The GAP also supports Alternative 1. He has not offered any motions for the nearshore rockfish or open access lingcod due to the overfished species concerns expressed in both the GMT and GAP reports. The lingcod winter issue should be considered separately.

Motion 10 carried unanimously.

There was no Council discussion of the RCA boundary letter, and the Council moved to the surplus carryover issue.

Ms. Culver stated that she thought the Council had asked for an opportunity for input to the surplus carryover issue prior to a final NMFS decision to not issue any carryover. She expressed concern over the timing of the NMFS decision in May, when it seems like there could have been time for Council input at this meeting relative to the application of the court decision. On page 2 of the NMFS letter, there is a more detailed analysis for sablefish north of 36° N. latitude. She wondered if such an analysis was planned to be done for the other stocks that have an acceptable biological catch (ABC) equal to the annual catch limit (ACL). Many of the stocks for which NMFS chose not to issue carryover for had less than 25 percent of their trawl allocations and projected trawl allocations for 2015 harvested. It does not seem like there should have been a concern that their ABCs would be exceeded.

In response, Mr. Lockhart stated that it is possible to do the additional analyses, but it would be very time-consuming. The major guidance coming out of the court decision was in regard to no carryover for stocks in which the ABC and ACL were equal. He also noted the Council's desire to make the carryover decision earlier in the season.

Ms. Culver clarified that she did not want NMFS to delay their carryover decision on stocks with which they are comfortable issuing carryover for. However, for those stocks for which NMFS is not comfortable, perhaps they could withhold their final decision until after a discussion with the Council in June.

Ms. Grebel noted that the reason the ACL was set equal to the ABC for those stocks was that they were healthy stocks that did not need special concern, and had less uncertainty in the stock assessments. In 2015-2016 we are setting our ACLs differently, setting some with equal ABCs and ACLs. Do we or can we change them to allow carryover in the future?

Mr. Lockhart paraphrased the judge's comment, noting that there are some illogical aspects of the court's decision, but the law is clear (in relation to the equal ABCs and ACLs).

Mr. Wolford thought we either need to change our philosophy on how we use the harvest specifications or consider providing input to the MSA reauthorization to address this problem.

Mr. Lockhart noted that this is a fairly recent decision, and they have only been given initial guidance at this time. They have some of the same concerns as have been expressed here, and will continue to explore the guidance, and if additional clarification is obtained, they will provide it to the Council.

Mr. Buell noted that it seemed like it was a zero sum game. Mr. Lockhart agreed. Mr. Buell said he supported the comments of Mr. Wolford and Ms. Grebel, and it just seemed irrational to him, and that we needed to address this in the reauthorization of the MSA.

F.5 Final Exempted Fishing Permit (EFP) Approval for 2015-2016 (6/23/2014; 2:44 p.m.)

F.5.a Agenda Item Overview

[Recording 6/23/14pm2]

Mr. Brett Wiedoff provided the Agenda Item Overview and introduced the following attachments:

- Agenda Item F.5.a, Attachment 1: Leipzig Fishermen's Marketing Association EFP Application;
- Agenda Item F.5.a, Attachment 2: California Risk Pool EFP Application;
- Agenda Item F.5.a, Attachment 3: Mann/Paine Whiting EFP Application;
- Agenda Item F.5.a, Attachment 4: Eder et al. Fixed Gear EFP Application;
- Agenda Item F.5.a, Attachment 5: San Francisco Community Fishing Association EFP Application: Yellowtail Rockfish Jig Fishing off California; and
- Agenda Item F.5.a, Attachment 6: Table 1: Summary of EM EFP Applications.

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

Agenda Item F.5.b, Supplemental IPHC Report.

Ms. Meisha Key presented Agenda Item F.5.b, Supplemental SSC Report.

Ms. Lynn Mattes presented Agenda Item F.5.b, Supplemental GMT Report and Agenda Item F.5.b, Supplemental GMT PowerPoint: GMT Supplemental Report.

Mr. Shems Jud presented Agenda Item F.5.b, Supplemental GAP Report.
Mr. Brian Corrigan presented Agenda Item F.5.b, Supplemental EC Report.

F.5.c Public Comment (6/23/2014; 3:12 p.m.)

Ms. Michelle Norvell (California Risk Pool, Fort Bragg, California), Kate Labrum (Fort Bragg Groundfish Association), and Alexa Fredston-Hermann (Environmental Defense Fund) commented regarding Agenda Item F.5.a, Attachment 2: California Risk Pool EFP Application.

Ms. Heather Mann, Midwater Trawlers Cooperative, Siletz, Oregon, regarding Agenda Item F.5.a, Attachment 3: Mann/Paine Whiting EFP Application.

Mr. Peter Leipzig, Fishermen Marketing Association, McKinleyville, California regarding Agenda Item F.5.a, Leipzig Fishermen's Marketing Association EFP Application.

Mr. Michael Lake, Alaskan Observers, Seattle, Washington, presented Agenda Item F.5.c, Supplemental Public Comment: Letter from Alaskan Observers.

F.5.d Council Action: Adopt Final Recommendations for EFPs, Including Electronic Monitoring EFPs (6/23/2014; 4:15 p.m.)

[Recording 6/23/14pm3]

Mr. Lockhart reminded the Council that, in addition to the Council review and recommendations, NMFS would have to complete its own internal review of the EFPs for final approval. NMFS will also need flexibility to work with the applicants to allow any tweaks or small changes in the proposals.

Ms. Culver moved and Mr. Lincoln seconded **Motion 18** that the Council recommend approval of the four EFP applications for electronic monitoring (EM) submitted under Agenda Item F.5, with the following conditions:

For all EM EFPs:

1. Include the recommendations specified in the SSC and GMT reports.
2. Require vessels complete a logbook that includes all estimates of discards (including net bleeds, deck washes, drop offs, etc., including those that do not come aboard the vessel).
3. 100 percent video review of all EFP trips conducted by NMFS or PSMFC staff.
4. A minimum level of observer coverage to meet scientific data collection/biological sampling needs, as determined by the Northwest Fisheries Science Center (NWFS).
5. Increased VMS ping rate of four times per hour for all EFP trips, or sufficient data logging tool to accurately record location.
6. An Individual Vessel Monitoring Plan that includes adequate amounts and placement of video cameras and lighting to ensure any potential discard events are monitored.
7. A final report with a comparison summary of the logbook and video data that includes a description of discrepancies in discards between the two. These differences would include the species, if possible, and fish category (i.e., rockfish, flatfish) if not, the amounts, and geographic location of where the vessel was fishing when the difference occurred.
8. NMFS to provide a report to the Council that compares fishing locations and catch composition of EFP trips to WCGOP observer catch composition and bycatch rates of other (or the same) vessel fishing in a similar time and location.

For all EM EFPs, except the Mann/Paine midwater whiting EFP:

9. Include a minimum duration of two years (Note: This duration may be increased if an adequate sample size is not achieved that provides sufficient information on the feasibility of using EM for a particular sector.)

Ms. Culver stated that she thought the EFPs were all worthy and had the potential to provide the Council with very good information in evaluating the potential use of EM in lieu of on-board observers. The SSC and GMT had good recommendations in their reports, and having consistency in data collection and reporting procedures and collection of common data components (e.g., cost of equipment purchase, maintenance, and video review) would be good for comparisons among EFPs, and between EFP and non-EFP participants. Her motion includes items reflecting Council discussions on what discards are counted, what constitutes catch, and what should be noted in logbooks. She understands that some of the discards are going to be much easier to estimate than others. She believes it is important to have 100 percent video review of the EFP trips, as the end result may be used to develop regulations for the entire fleet and set the level of video review that we think is appropriate. Regarding the VMS ping rate, she thought that there may be data loggers that would be more accurate than the current VMS, and even more accurate than VMS with a 15 minute interval. Her point was that it is important to know the location of the vessels with more accuracy than that provided by VMS at a one-ping-per-hour rate. The individual vessel monitoring plan would include the number of cameras and the lighting. She is not specifying exactly how much is needed, as that is going to vary by vessel and could be worked out between the vessel and NMFS. Her motion requests a couple of reports that she believes would provide the Council with information they are looking for in terms of evaluating the effectiveness of EM and moving forward with EM regulations in the future.

Mr. Farrell asked for an explanation of item 3 in the motion and how that fit into the parameters which the Council discussed yesterday.

Ms. Culver responded that she is not proposing that we would require 100 percent video review in the regulations. She is requiring 100 percent review for the EFPs to learn the most possible from the video and logbook comparisons, to determine how much of a sample size may be adequate for future regulations and how well the camera is able to monitor discard events to guide any future changes in EFPs or in regulations.

Ms. Lowman noted the importance of cost versus the risks for different levels of review. She was concerned that we get that comparison by having different alternatives in the EFPs. Given that importance, she wondered if NMFS was willing to cover the cost of video review for the EFPs.

Mr. Lockhart stated that NMFS anticipated being able to cover the cost of the 100 percent review. This is not an open-ended commitment to cover the costs forever. However, NMFS agrees with the importance of the 100 percent review to maximize information from the EFPs.

Ms. Lowman asked if the motion constrained us from shortening the duration of a limit of two years if, after the first year of an EFP, enough information was obtained that the Council could make a final decision.

Ms. Culver responded that her motion focused on the EFPs, and not to how it would relate to the regulatory process. If, after one year, we are ready to move forward with regulations, she is open to that discussion. She is also open to any needed modifications in the EFPs after the first year. The reason she is excluding the Mann/Paine EFP is because we have sufficient information about the mid-water whiting fishery and a minimum time specification is not needed.

Ms. Lowman wanted to be sure that there was good and rapid feedback between the vessel and the monitors, and that whether NMFS or a third party did the review, that we had good cost information.

Regarding a question on the individual vessel monitoring plan, Ms. Culver clarified that NMFS would be the one to sign off on the plan.

Ms. Kirchner asked if there were any other elements of the EFPs that NMFS might be paying for.

Mr. Lockhart responded that there would be staff time for the video review and we may be paying for the equipment itself. They are committed to making the EFPs successful.

Motion 18 carried unanimously.

Mr. Farrell moved and Mr. Crabbe seconded **Motion 19** that the Council recommend approval of the California Yellowtail Rockfish EFP to NMFS.

Mr. Farrell stated that this EFP was endorsed by both the GAP and GMT, and the replication of this EFP for a couple more years will provide the data we need to see if it is a viable technique not only for California, but for the entire coast.

Motion 19 carried unanimously.

Mr. Lockhart closed this agenda item by providing an explanation of the actions NMFS would take in responding to the Council's recommendations for these EFPs.

[Recording 6-23-14am1]

F.6 Fixed Gear Sablefish Catch Share Program review, including Federal Electronic Fish Ticket for Open Access Sablefish Deliveries (6/23/2014; 8:10 a.m.)

F.6.a Agenda Item Overview

Mr. Jim Seger presented the Agenda Item Overview (Agenda Item F.6.a, Supplemental Agenda Item Overview: Sablefish Catch Share program review – Phase I) and introduced the following attachments:

- Agenda Item F.6.a, Attachment 1: Public Review Draft Pacific Coast Groundfish Limited Entry Fixed Gear Sablefish Permit Stacking (Catch Shares) Program Review; and
- Agenda Item F.6.a, Attachment 2: Action to the Fixed Gear Sablefish Fishery Managed under the Pacific Coast Groundfish Fishery management Plan, including Measures to: Implement electronic fish tickets for sablefish landings; and Modify the own/control limit

– Council Decision Document and Draft Environmental Assessment and Regulatory Impact Review.

Ms. Ariel Jacobs presented Agenda Item F.6.a, Supplemental Agenda Item Overview: Implementation of Electronic Fish Tickets for Sablefish Landings.

F.6.b Reports and Comments of Advisory Bodies and Management Entities

Ms. Ariel Jacobs presented:

- Agenda Item F.6.b, Supplemental NMFS PowerPoint: RE: Agenda Item F.6.b, NMFS Report 1: Implementation Issues Associated with Electronic Fish Tickets; and
- Agenda Item F.6.b. Supplemental NMFS PowerPoint Re: Agenda Item F.6.b, NMFS Report 2: Addendum to the Own/Control Limits Measure: A NMFS Proposed Alternative and Concerns Regarding the Existing Preliminary Preferred Alternatives (PPA).

Mr. Dayna Matthews presented Agenda Item F.6.b, Supplemental EC Report.

Mr. Bob Alverson presented Agenda Item F.6.b, Supplemental GAP Report.

Mr. Robert Jones presented Agenda Item F.6.b, Supplemental GMT Report.

Ms. Meisha Key presented Agenda Item F.6.b, Supplemental SSC Report.

F.6.c Public Comment (6/24/2014; 9:19 a.m.)

Agenda Item F.6.c, Supplemental Public Comment: Letter from Jeff Miles regarding changes to the Sablefish DTL Fishery.

Mr. Robert Alverson, Fishing Vessel Owner's Association, Seattle, Washington.

Mr. Paul Clappitt, F/B Augustine, Edmonds, Washington.

F.6.d Council Action: Approve Program Review Document, Adopt Phase I Final Preferred Alternatives on Own/Control Criteria and Electronic Fish Tickets; Scope Phase II Issues, as necessary (6/24/2014; 9:37 a.m.)

[Recording 6/24/14am2]

Ms. Culver moved and Mr. Lincoln seconded **Motion 21** that the Council: Approve the review document and adopt the recommendations of the GAP, GMT, EC, and SSC (Agenda Item F.6.b, Supplemental GAP Report, Agenda Item F.6.b, Supplemental GMT Report, Agenda Item F.6.b, Supplemental EC Report, and Agenda Item F.6.b, Supplemental SSC Report). The GAP recommendations also include the two items for the omnibus (Agenda Item F.9). The SSC Report would only include the collection of permit price on transfer of the permit. Schedule the next review for 7 years from now, consistent with the MSA.

Ms. Culver commended staff on the review document and coordination of meetings with the states. Moving forward with the modified own-and-control rule addresses a real problem for several individuals who fish their vessels in both the Alaska and West Coast sablefish fisheries. All of our advisory bodies raised some important items to note for inclusion in the review document, as well as the SSC recommendation for collecting permit price information when the permit is transferred. However, she did not feel we need to embark upon a new economic data collection program at this time. She clarified that the motion adopts the NMFS proposed alternative and Alternative 4.

In response to a question, Mr. Lockhart stated that motion includes the GAP recommendation on the ownership issue.

Mr. Buell moved and Mr. Feldner seconded Amendment 1 to: change the first sentence of the motion to read (change underlined): “Approve the review document and adopt the recommendations of the GAP, GMT, EC, and SSC (Agenda Item F.6.b, Supplemental GAP Report, Agenda Item F.6.b, Supplemental GMT Report, Agenda Item F.6.b, Supplemental EC Report, and Agenda Item F.6.b, Supplemental SSC Report), except the GAP recommendation to allow existing tier permits to be fished with either longline or pot gear.”

Mr. Buell stated he has had discussions with GAP members concerning conflicts with the existing gear switching program in the IFQ fishery and where some of the new participants in the pot sector have been dropping pots, going on another trip, coming back and picking up their pots, re-dropping their pots, and leaving them there while they make a delivery. This is creating some issues on the grounds with traditional participants. This will be looked at in the five-year IFQ program review, and he would like to wait until we see the results of that review of the current program before we expand the pot gear fishery further. Mr. Buell clarified that his amendment did not include removal of the part of the GAP recommendation that dealt with the examination of allowing pot gear to be fished shallower than existing fixed gear in the RCA.

Mr. Myer commented that the gear switching may cause problems, but he did not support the amendment. There were all-industry meetings this year to talk about rougheye rockfish. In those meetings, we pressed the longline fishery on what they could do to avoid rougheye rockfish. Their best idea for a solution was to allow them to use traps.

Ms. Culver added her similar concern for minimizing bycatch of rougheye and yelloweye rockfish, and the significant difference in bycatch between longline and pot gear. The Council inadvertently created a fairness issue when we allowed those with trawl permits to be able to use pot gear, but didn't allow those with LE sablefish-endorsed permits to use pot gear. We have consequently allowed 167 new entrants into the pot fishery, but do not allow those who have historically fished sablefish and who want to reduce their bycatch to switch. That seems like a huge disconnect from what we are trying to accomplish. All her motion does is add it to the other 70 items on the omnibus which we will then prioritize in September.

Amendment 1 failed (Mr. Sones, Mr. Feldner, Mr. Buell, Mr. Brizendine and Ms. Lowman voted yes).

Mr. Buell moved and Mr. Feldner seconded Amendment 2 to: Add to the end of the motion: “In addition, add to Section 6 of the Phase I and the omnibus a requirement to return pot gear to shore at the end of the fishing trip.

Mr. Buell stated that this amendment was to help address the conflicts with pot gear he spoke to earlier, and he also noted that the consideration for expanding pot fishing in the RCA, as included in the motion, might also help address that problem.

Mr. Crabbe raised a concern about situations in which a fisherman with a small vessel was fishing more pots than his boat could hold at one time.

Mr. Buell responded that it is his understanding that such was not the traditional way the trap gear is fished off Oregon. They do not fish more pots than their vessel can hold. By putting this proposed regulation out for public review, we can get industry input on how to solve this problem.

Mr. Farrell noted that off California the vessels are often smaller, and this type of restriction could give an unfair advantage to the larger vessels. More analysis is needed.

Other Council members expressed the need to explore this issue further and include it in the omnibus consideration.

Amendment 2 carried unanimously. **Motion 21**, as amended, carried unanimously.

F.7 Fisheries in 2015-2016 and Beyond: Harvest Specifications, Management Measures, and Amendment 24 (6/24/2014; 10:05 a.m.)

F.7.a Agenda Item Overview

Ms. Kelly Ames and Dr. Kit Dahl presented the Agenda Item Overview and introduced the following attachments:

- Agenda Item F.7.a, Attachment 1: Action Item Checklist;
- Agenda Item F.7.a, Attachment 2: Preferred 2015 and 2016 Harvest Specifications for Groundfish Stocks and Stock Complexes;
- Agenda Item F.7.a, Attachment 3: Executive Summary and Description of the Preferred Season Structures and Management Measures, An Excerpt from the Preliminary DEIS;
- Agenda Item F.7.a, Attachment 4: Preliminary Draft of “Groundfish Harvest Specifications and Management Measures and Amendment 24: Draft Environmental Impact Statement” (Electronic Only);
- Agenda Item F.7.a, Attachment 5: Appendix B to Proposed Harvest Specification and Management Measures for the 2015-2016 Pacific Coast Groundfish Fishery and Amendment 24 to the Pacific Groundfish Fishery Management Plan Preliminary Draft Environmental Impact Statement (Electronic Only);
- Agenda Item F.7.a, Attachment 6: Excerpted Portions of Appendix B of the Preliminary Draft 2015-2016 Groundfish Harvest Specifications and Management Measures Environmental Impact Statement Relevant to the Preferred Alternative;
- Agenda Item F.7.a, Attachment 7: Preliminary Draft of the 2014 Stock Assessment and Fishery Evaluation Document (Electronic Only);
- Agenda Item F.7.a, Attachment 8: Proposed Groundfish FMP Amendment Language for Default Harvest Control Rules and for Designation of Ecosystem Component Species under Amendment 24;
- Agenda Item F.7.a, Supplemental Attachment 9: Economic Impacts Under the Harvest Guideline Options for Minor Nearshore Rockfish North of 40° 10′ North Latitude;

- Agenda Item F.7.a, Supplemental Attachment 10: Supplemental Analyses for Appendix B of the Preliminary Draft 2015-2016 Groundfish Harvest Specifications and Management Measures;
- Agenda Item F.7.a, REVISED Supplemental Attachment 11: Updated version of Section 4.4 in Preliminary Draft of “Groundfish Harvest Specifications and Management Measures and Amendment 24: Draft Environmental Impact Statement;”
- Agenda Item F.7.a, Supplemental Attachment 12: Revised version of Section 4.8 of the Preliminary DEIS (Electronic Only);
- Agenda Item F.7.a, Supplemental Attachment 13: Recommended Clarification in Proposed Amendment 24 FMP Language Changes; and
- Agenda Item F.7.a, Supplemental Attachment 14: Trip Limit Tables.

F.7.b Reports and Comments of Advisory Bodies and Management Entities

Ms. Gway Kirchner and Ms. Michele Culver presented Agenda Item F.7.b, Supplemental WDFW/ODFW Report.

Ms. Joanna Grebel presented Agenda Item F.7.b, Supplemental CDFW Report 1 and Agenda Item F.7.b, REVISED Supplemental CDFW Report 2.

Mr. David Sones addressed Agenda Item F.7.b, Supplemental Tribal Report: Letter from Marc D. Slonim Re: Makah Treaty Groundfish Fisheries in 2015-2016 and Agenda Item F.7.b, Supplemental Tribal Report 2: Proposed 2015-2016 Tribal Management Measures.

Ms. Meisha Key presented Agenda Item F.7.b, Supplemental SSC Report.

Ms. Heather Reed presented Agenda Item F.7.b, Supplemental GMT Report 1.

Mr. Gerry Richter presented Agenda Item F.7.b, Supplemental GAP Report.

Mr. Corey Niles commented on the errors in Supplemental GMT Report 2.

[Recording 6/24/14pm1]

Mr. Corey Niles presented Agenda Item F.7.b, REVISED Supplemental GMT Report 2.

Mr. Dan Erickson presented Agenda Item F.7.b, Supplemental GMT Report 3.

F.7.c Public Comment (6/24/2014; 2:09 p.m.)

Agenda Item F.7.c, Public Comment.

Agenda Item F.7.c, Supplemental Public Comment 2.

Mr. Mike Okoniewski, Pacific Seafood, Woodland, Washington.

Mr. Jeff Lackey, F/V Seeker and F/V Miss Sue, Newport, Oregon.

Mr. Ralph Brown, Brookings, Oregon.

Mr. Marc Gorelnik, Coastside Fishing Club, El Cerrito, California.

Mr. Brad Pettinger (Oregon Trawlers Cooperative) and Mr. Dan Waldeck (Pacific Whiting Conservation Cooperative), Brookings and Portland, Oregon.

Mr. Ken Franke, SAC, San Diego, California with Agenda Item F.7.c, Supplemental Public Comment 3 (*Link to video Clip, part of Ken Franke Testimony, Electronic only*).

Ms. Jaime Diamond, Stardust Sportfishing, Santa Barbara, California.

Mr. Seth Atkinson, Natural Resources Defense Council, San Francisco, California.

Mr. Robert Ingles, Golden Gate Fisherman’s Association, Newark, California.

Mr. Gerry Richter, Santa Barbara, California.

[Council suspended this Agenda Item at 2:43 p.m. and resumed after Agenda Item C.2]

F.7.d Council Action: Confirm Final 2015-2016 Harvest Specifications; Adopt Final Management Measures; Adopt Final Preferred Alternatives for Amendment 25 Default Harvest Control Rules (6/24/2014; 4:46 p.m.)

[Recording 6/24/14pm3]

Mr. Sones moved and Mr. Pollard seconded **Motion 23** for the Council to adopt the set-asides as reflected in Tables 4-51 and 4-53 in the DEIS (Agenda Item F.7.a, Attachment 4), but update them based on the requests in the Makah Letter (Agenda Item F.7.b, Supplemental Tribal Report), and adopt the associated management measures reflected in Agenda Item F.7.b, Supplemental Tribal Report 2.

Mr. Sones stated that the tribes have worked hard to put this proposal together, and are pleased to see we are making some increases in the allocations, and our rebuilding programs for our protected species are working. This will be beneficial to the tribes.

Motion 23 carried unanimously.

Ms. Grebel moved and Ms. Kirchner seconded **Motion 24** that the Council confirm the SSC-recommended OFLs, including a revised 2016 cowcod OFL, confirm the P*s and ABCs, including a revised 2016 cowcod ABC of 62 mt, except for the following: for pacific cod, shortbelly, and yelloweye the P* would be 0.4. Confirm the FPA ACLs, except, for shortbelly rockfish, establish an ACL of 500 mt. Confirm a 4 mt ACT for cowcod, the rebuilding plan parameters, and establish a new T_{target} for cowcod of 2020.

Ms. Grebel indicated that this motion includes the OFLs based on the SSC Supplemental Report, and maintains the same approach for the P*s as was used in April, with the listed exceptions. The reason for the exceptions was highlighted in the GMT Report, which explained that a previous motion in April accidentally changed the P*s from 0.4 to 0.45. Her motion simply corrects this and is consistent with how we set the 2013-2014 P*s. The ACLs maintain those set in April, with the exception of the shortbelly ACL. We heard testimony today that the shortbelly ACL set in April could constrain harvest, and it can be increased to 500 mt without any biological concern. The 4 mt ACT for cowcod maintains a precautionary approach that provides for some limited research inside the Cowcod Conservation Area. This directed research is important to document the stock assessment. The intent is not to allow increased opportunity, but to allow for research. The T_{target} of 2020 for cowcod maintains the current approach and maintains the 50 percent probability for rebuilding.

Motion 24 carried unanimously.

Ms. Culver moved and Mr. Lincoln seconded **Motion 25** that the Council confirm our PPA ecosystem component species designations as our FPA, and confirm our FPA is to manage kelp

greenling coastwide, Washington cabezon, and leopard shark in the other fish complex. Confirm our PPA as our FPA for slope rockfish complexes, including sorting requirements for shortraker, roughey, and blackspotted rockfishes.

Ms. Culver noted that the GMT provided considerable analysis on ecosystem component species designations and the slope rockfish complex through our consideration of reconfiguring the complexes in preparation for the biennial specifications cycle. The GMT has also provided further enhanced analysis on the inclusion of Pacific grenadier. The slope rockfish PPA and the sorting requirement is consistent with the GAP recommendation, and she also noted and expressed appreciation for the public testimony concerning voluntary measures that the various sectors are taking to avoid roughey rockfish catches. She understands the illogical lumping of kelp greenling, cabezon, and leopard shark in the other fish complex. She recognizes that this is more of a default grouping after removing some fish. Whether we include leopard shark in the complex or manage it separately, in reality it is managed independently off of and by California. The same is true for Washington cabezon being separately managed.

Motion 25 carried unanimously.

Ms. Kirchner moved and Ms. Culver seconded **Motion 26** that the Council confirm the PPAs for items 9-12 (Agenda item F.7.a, Attachment 1) as the FPAs. For #9, that includes the tribal set-asides as adopted in the previous motion.

Ms. Kirchner stated that there hasn't been any new information provided for the PPAs for these items other than the previous tribal motion. Consequently, she is proposing that the PPAs be the FPAs.

Motion 26 carried unanimously.

Ms. Grebel moved and Ms. Kirchner seconded **Motion 27** that the Council confirm the PPAs as FPAs for the following 2-year cycle, within non-trawl HGs or within non-trawl shares for:

- Overfished species, including bocaccio, canary, and cowcod
- Black rockfish: 58 percent Oregon, 42 percent California
- Blue rockfish: 40-10 adjustment for California
- Blackgill south of 40°10' N. latitude: 40-10 adjustment; 60 percent LE and 40 percent open access fixed gears
- Sablefish south of 36° N. latitude: 55 percent LE; 45 percent open access fixed gear.

FPA also includes:

- Yelloweye: move 0.5 mt from non-nearshore to nearshore
- Establish 23.7 mt California nearshore rockfish HG between 40°10' and 42° N. latitude
- Adopt Option 2a for lingcod for LE and OA – in supplemental GMT Report 3, Table 3
- Adopt shoreward RCA of 30 fms between 40°10' and 42° N. latitude for the commercial FG fisheries.

Ms. Grebel stated that the first five bullets just confirm our PPA from the April meeting. We do not have any new information to indicate that those items need to be changed, and they were also in effect for the 2013-2014 specifications. For the new additions, moving 0.5 mt of yelloweye to

the nearshore fishery is based on the GMT analysis that indicated little risk of exceeding the yelloweye ACL by this action. The nearshore fishery has been constrained in the past due to yelloweye impacts. With the minor nearshore rockfish harvest guideline that has been contemplated recently, it has become even more imperative to find some opportunities to help the nearshore fishery. This action could provide access to some previously-fished depths that would allow for increased opportunities. As explained in Supplemental CDFW Report 1, California is supportive of establishing a Federal harvest guideline for minor nearshore rockfish north. This makes it easier to take inseason management actions. Option 2a for lingcod is the same option recommended in the Supplemental Revised CDFW Report and the supplemental GMT and GAP reports. The intent of Option 2a is to open up the winter months for a limited opportunity. It would maintain the closure south of 40°10' N. latitude for March and April to coincide with the closure for nearshore rockfish, but would allow a limited opportunity to retain lingcod while they are targeting other species. This option would also provide for a minimal increase in the summer trip limits. Given that we are moving some yelloweye into the nearshore fishery to allow increased lingcod opportunities, this would also provide the ability for the California nearshore commercial fishery between 40°10' and 42° N. latitude to move out to 30 fathoms. This fishery has been constrained since 2009 with a 20 fathom depth restriction due to yelloweye impacts. Fewer individuals are able to fish in this fishery, and they are not able to fish in another area due to the non-transferability of their permits.

Ms. Culver noted that there was some annual variability in the non-nearshore yelloweye catches. Given the 2.4 mt residual in the total projected impacts for yelloweye (Attachment 3, page 8), she asked if it mattered whether we moved the 0.5 mt from non-nearshore to nearshore, or could we just keep the allocations the same and take the 0.5 mt from the residual for the nearshore fishery to accomplish the same thing.

Ms. Ames clarified that the 2.4 mt residual in Attachment 3 resulted from projected fishery impacts from all sectors (not just the non-nearshore and nearshore sectors). If the allocations were considered, there would be no residual in the scorecard. Based on this explanation, Ms. Culver agreed with the proposed transfer of allocation in the motion. Ms. Grebel noted that moving the 0.5 mt would still leave a projected residual of 0.1 mt to provide some buffer.

Ms. Kirchner noted that these are just guidelines that could be adjusted inseason, and would not necessarily shut down any fishery.

Ms. Culver moved and Ms. Kirchner seconded Amendment 1 to approve the nearshore management approach described in Agenda Item F.7.b, Supplemental WDFW/ODFW Report.

Ms. Culver stated that the intent of the motion responded to the commitment by Washington Department of Fish and Wildlife (WDFW) and ODFW to coordinate inseason management among the states. We are proposing a commitment to contact the other two states if either one of our fisheries achieves 75 percent of our status quo harvest levels displayed in the report, and to try to our best ability to not exceed the nearshore rockfish complex ACL. She clarified that it is not a collective 75 percent between the two states, but rather 75 percent for each of the states individually. She also clarified that the 75 percent would be based on a projection to avoid the problem of lag time for actual landings data.

Amendment 1 carried unanimously. **Motion 27**, as amended, carried unanimously.

Ms. Kirchner moved and Mr. Feldner seconded **Motion 28** that the Council confirm the PPA as the FPA for the trawl RCA configuration in non-IFQ trip limits (TL), except identify the trawl RCA boundaries of 100 fathoms to 200 fathoms modified in the area of 40°10' to 45°46' N. latitude year-round.

Ms. Kirchner stated that there is no new information to indicate a change in trip limits is needed. While she believes that the right alternative for the seaward RCA boundary is 150 fathoms, NMFS has concluded that we do not have the information to support that choice at this time. Given that conclusion, the next best option is to have an RCA configuration of 100 fathoms on the shoreward side and the 200 fathoms modified line on the seaward side. The 200 fathom modification has been available and in place several times over the last decade, and the analysis provided in the EA shows that there has been much trawling in the area and in the petrale cutouts.

Motion 28 carried unanimously.

Ms. Culver moved and Mr. Lincoln seconded **Motion 29** that the Council confirm the non-trawl RCA seaward configuration in the PPA and confirm the PPA for sablefish trip limits north of 36° N. latitude; for south of 36° N. latitude for LE and open access, maintain the current trip limits and request that the GMT analyze trip limit options for slope rockfish north of 40°10' N. latitude that could apply inseason. For Washington recreational fishery, approve the PPA included in Attachment 3 as the FPA.

Ms. Culver stated her motion confirms the PPA for the non-trawl RCA and the trip limits for sablefish. Maintaining the current trip limits south of 36° N. latitude is consistent with the GAP recommendations. The GMT presented a good preliminary analysis for our consideration for slope rockfish north of 40° 10' N. latitude. However, she would like to see them do a little more analysis to explore some potential alternatives for inseason use.

Ms. Kirchner acknowledged the industry for the coordinated work they are doing to meet management intent.

Motion 29 carried unanimously.

Ms. Kirchner moved and Mr. Feldner seconded **Motion 30** that the Council confirm the PPA as FPA for Oregon bag limits, length limits, and area closures. Include the sub-bag limit for canary rockfish of one canary per angler.

Ms. Kirchner spoke mainly to the canary rockfish bag limit, as that is the new part of her motion. She noted that canary is in a better place than bocaccio was, with regard to depletion, when we allowed bocaccio retention in the sport fishery, and it is time to get some new information for stock assessments. This will help us with nearshore rockfish. There was concern expressed all week with changes in angler behavior to target or high-grade canary. However, 80 to 90 percent of the recreational fishery occurs in the summertime, when the fishery is restricted to nearshore waters

only. If you were going to target big canary, you would need to target them in the deeper water. In the near shore, there are smaller canary that are being caught incidentally. ODFW examined the lengths of fish seen at the docks from 2001 through 2013, which included the time period when retention was allowed, and even included the period when retention was allowed under a sub-bag limit, as well as including illegally-caught fish. When that data is compared to the observer information from our at-sea charter observer boats (2003 or 2005-2013), there is less than a one-inch difference. The GMT pointed out that, within the Oregon sport harvest guideline, we could accommodate that without the sub-bag limit. However, we would like to be conservative as we move into this. Therefore we are applying the one-fish bag limit that gives us a buffer between what we expect to take and our harvest guideline. We also have a good history of taking management action when needed and working with the other states and within the Council process to determine when to take action. The risk of a big disaster is pretty small, and our understanding is that it would not have an impact on the rebuilding plan.

Motion 30 carried unanimously.

Ms. Grebel moved and Mr. Brizendine seconded **Motion 31** that the Council adopt as the FPA the season structures and management measures for California as described in Agenda Item F.7.b, Supplemental CDFW Report 2.

Ms. Grebel stated that the priority for the California season structure was to increase season lengths whenever possible, but also to maintain a precautionary approach which respects the limits for canary and minor nearshore rockfish in the north. Compared to our current season, the proposed season structure would provide a modest increase in season length in the Mendocino area for two months. This has been our most constrained recreational season. The structure would provide a six-week increase for the San Francisco management area, a one-month increase for the central management area, and would maintain the same season length in the southern management area, but would increase the allowable fishing depths back out to 60 fathoms. The northern management area would remain at status quo seasons and depths.

Ms. Grebel continued by stating that the bag limits and size limits would remain at status quo under this option with the one exception of increasing the bag limit from two fish to three fish state-wide. This would provide some increased opportunity for anglers to achieve the lingcod ACL. The stock is healthy. There have been some concerns and more uncertainty for the southern stock assessment. However, the stock depletion back in 2009 was 75 percent and the ten-year projections are still way above 40 percent. We are fairly confident that the increase in projected impacts to the lingcod stock itself should not impose any undue risk to the stock or affect the overall stock status. We have heard considerable concerns about increasing the bag limit and impacts on other overfished species, particularly canary rockfish, that might end up closing down the fishery. We have carefully considered this input and thoroughly conducted a sensitivity analysis using the worst case scenarios of what could happen if impacts are way beyond those expected. The results were still within our harvest guidelines, which gives us confidence to increase the season lengths. We heard requests to have a differential bag limit between the various areas, and it isn't something our enforcement is comfortable with. In the past, there was a biological reason to have differential bag limits, but there is no biological reason now. This is a

maximum bag limit of three fish, and we see it as an opportunity that can be had without exceeding the impacts.

Motion 31 carried unanimously.

Ms. Grebel moved and Ms. Kirchner seconded **Motion 32** that the Council adopt the RCA boundary adjustments (for trawl and non-trawl) as analyzed in Attachment 6, including the 200 fathom modified line in Oregon and proposed changes in California. Adopt the GAP recommendations for bocaccio south of 34° 27' N. latitude and for shelf rockfish south of 34° 27' N. latitude.

Ms. Grebel stated that the proposed RCA boundary adjustments will better-align the actual RCA waypoints with the appropriate depths. In addition, the motion picks up the GAP recommendations for RCA changes that came from the GMT. One point in particular on page 12 of the GAP report is a change to the south of Del Mar 60 fathom RCA. Point #2 was misprinted in the code. If that has been corrected, one of these changes may not be needed. The trip limits for bocaccio are in alignment with those recommended by the GMT and GAP. This would provide a minimal increase to the LE and open access trip limits in that area to accommodate the increased encounters as the stock continues to rebuild. We are expecting bocaccio to be rebuilt quickly, so this does provide a little higher value, but is still less than the PPA to provide a level of precaution. This also provides an increase for shelf rockfish to help maintain the appropriate ratio to prevent discarding.

Mr. Crabbe moved and Mr. Brizendine seconded Amendment 1 to also adopt the RCA line changes as recommended by the GAP (Agenda Item F.7.c, Supplemental GAP Report – Recommendations on pages 11, 12, and 13).

Amendment 1 carried unanimously. **Motion 32**, as amended, carried unanimously.

Ms. Kirchner moved and Ms. Grebel seconded **Motion 33** that the Council confirm the PPAs as FPAs for non-trawl RCA shoreward configurations and trip limits as adjusted in previous motions.

Ms. Kirchner stated that there was no new information that warranted changes to the PPAs except for as covered in previous motions.

Motion 33 carried unanimously.

Ms. Culver noted the GMT analysis that has been thus far completed on the trawl RCA coordinates, and the preliminary impacts of having new trawl RCAs established at 300 and 350 fathoms. Her guidance was to keep the detailed analysis and coordinates in the draft EIS to be available for potential future implementation in a two-meeting process. She asked if NMFS had any conclusions they would like to offer at this time or any next steps regarding the analysis.

Mr. Lockhart agreed it was appropriate to leave the analysis in the EIS for future consideration. However, he was not certain as to what additional analysis might be necessary, should the Council desire to implement it in a two-meeting process.

Ms. Culver moved and Mr. Lincoln seconded **Motion 34** that the Council confirm Alternative 3 as our FPA for default harvest control rules as contained in Attachment 8 and adopt the FMP language to implement Amendment 24 as found in Agenda Item F.7.a, Supplemental Attachment 13.

Ms. Culver stated that her motion was consistent with the PPA in which our default harvest control rules would default to what was used in the previous biennium, and still maintains the flexibility for the Council to adjust the harvest control rules through the specifications cycle.

Mr. Lockhart moved and Mr. Lincoln seconded Amendment 1: to remove the word “actively” from the title of Table 3-1 in Attachment 8.

Mr. Lockhart stated that this was a minor tweak, which reflected that all of the species are not actively managed.

Amendment 1 carried unanimously. **Motion 34**, as amended, carried unanimously.

Ms. Culver offered some minor corrections. She noted that in both Table 1 in Attachment 2 and Table 2-2 in Attachment 4 (page 14) that the sablefish specifications do not note that there has been a “40-10” adjustment (the numbers have been adjusted, but are not noted as such).

Council members expressed their thanks to the staff, panels, and teams for the timely work on Amendment 24.

Mr. Lockhart commented that the goal is for implementation on January 1, and we are still working with Council staff to achieve that goal. If that does not appear possible, we will use an interim rule to keep from having a break in the regulations.

F.8 Initial Stock Assessment Plans and Terms of Reference (TOR) for Groundfish and Coastal Pelagic Species (6/25/2014; 8:08 a.m.)

[Recording 6-25-14am1]

F.8.a Agenda Item Overview

Mr. John DeVore presented the Agenda Item Overview and introduced the following attachments:

- Agenda Item F.8.a, Attachment 1: Available Age and Length Composition Data for the Nine Data-Moderate Stocks Assessed in 2013;
- Agenda Item F.8.a, Attachment 2: Draft Terms of Reference for the Groundfish and Coastal Pelagic Species Stock Assessment and Review Process for 2015-2016;
- Agenda Item F.8.a, Attachment 3: Draft Terms of Reference for the Groundfish Rebuilding Analysis for 2015-2016;
- Agenda Item F.8.a, Attachment 4: Draft Terms of Reference for the Methodology Review Process for Groundfish and Coastal Pelagic Species; and
- Agenda Item F.8.a, Attachment 5: Recommended Changes to the Groundfish/CPS Stock Assessments Terms of Reference, Reflecting Coastal Pelagic Species Management and Assessment Schedules.

F.8.b Reports and Comments of Advisory Bodies and Management Entities.

Dr. Jim Hastie presented Agenda Item F.8.b, NWFSC Report: Initial Stock Assessment Plans and TOR, Northwest Fisheries Science Center Report and agenda Item F.8.b, Supplemental NWFSC PowerPoint: Initial Stock Assessment Plans for 2015.

Ms. Meisha Key presented Agenda Item F.8.b, Supplemental SSC Report.

Mr. Bob Leos presented Agenda Item F.8.b, Supplemental GMT Report.

Mr. Gerry Richter presented Agenda Item F.8.b, Supplemental GAP Report.

Mr. John DeVore read Agenda Item F.8.b, Supplemental CPSMT Report.

Mr. Troy Buell presented Agenda Item F.8.b, ODFW Report: Stock Assessment Data Available for Kelp Greenling, and China, Copper and Quillback Rockfishes for the 2015-2016 Stock Assessment Cycle.

F.8.c Public Comment

None.

F.8.d Council Action: Adopt for Public Review a Preliminary List and Schedule of Stocks for Assessment in 2015, the Stock Assessment and Methodology Review TOR for Groundfish and Coastal Pelagic Species, and the Rebuilding TOR for Groundfish (6/25/2014; 9:04 a.m.)

Ms. Grebel read a paragraph from Agenda Item F.7.b, Supplemental CDFW Report 1 regarding a better process for vetting data issues for nearshore stock assessments:

“To prevent future confusion or delays in management and regulatory development, CDFW believes a broader discussion on nearshore species assessments and management needs to occur outside the stock assessment cycle before engaging in additional full or data moderate nearshore rockfish assessments. Addressing these complex issues during a stock assessment review or on the Council floor is not optimal. If this does not occur, the issues experienced during the 2013 assessment cycle (i.e., boundary issues) are likely to be repeated again especially as the Council is currently considering the use of data moderate assessments for nearshore stocks that have been previously assessed at state boundaries (e.g. blue and gopher rockfish). CDFW also believes that these discussions should be holistic and address the complex as a whole instead of focusing solely on a few individual species as is currently being done now.”

She emphasized that CDFW is a little cautious on moving forward with a lot of the nearshore rockfish assessments. There are a lot of complexities that need to be carefully and fully considered, and we need to consider them in a holistic manner.

Mr. Buell moved and Mr. Feldner seconded **Motion 35** for the Council to adopt as the preliminary list of stocks to be assessed in 2015:

- Full Assessments: black rockfish, bocaccio, canary rockfish, darkblotched rockfish, widow rockfish, China rockfish, cowcod, and kelp greenling.
- Update Assessments: petrale sole and sablefish.

Mr. Buell stated that the first five stocks in the list are recommended by all of our advisory bodies and the NWFSC for full assessments. During this meeting there have been a lot of discussions and agreement that have elevated China rockfish to a full assessment. Cowcod has been recommended in the GAP statement and also as a medium priority in the NWFSC list. Kelp greenling were recommended for a full assessment by the GAP, and were a medium priority for the NWFSC. A full assessment for kelp greenling is further supported when considering the concerns raised for the catch streams, and that the last full assessment of kelp greenling was in 2005. There is considerable new information since that time that could provide a much better quality assessment now. The update assessments in the motion were recommended by both the SSC and the GAP, and some good rationale is given in those statements.

Mr. Buell continued by noting that he didn't include a list for data moderate assessments, and left chilipepper off of the list. He thought that the 2007 assessments did include survey data and it could be used. However, it is based on an older model and there may be tradeoffs. He would like more information in September on what the tradeoffs are between workload and the constraints of an update assessment versus a data moderate assessment. We have time to consider those issues since there is no need for aging with these species. His candidates for data moderate assessments include arrowtooth flounder, chilipepper, and quillback. He doesn't disagree with Ms. Grebel's comments on data moderate assessments, and perhaps that could occur between now and September. He noted that the availability of blue rockfish is highly variable off Oregon, and could be a problematic species for a data moderate assessment. The data on blue rockfish is fairly stale, but he would look to blue rockfish as a priority of the next stock assessment cycle as a full assessment.

In response to a question concerning some complexity with black rockfish, Mr. Buell clarified that this is just a preliminary list and we were asked not to get too involved with the logistics and scheduling of the Stock Assessment Review (STAR) Panel review. He realized that some paring down may be necessary as the final list is developed. He also noted that he was looking for more information on kelp greenling before determining whether that assessment would apply only to Oregon or apply coastwide.

Ms. Culver moved and Mr. Lincoln seconded Amendment 1 as follows: Amend the motion to specify that the assessment for black rockfish would be in two areas; for kelp greenling it would be in Oregon, and for sablefish it could be a full or an update assessment.

Ms. Culver stated that she wanted to make sure there was a discussion on the number of STAR Panels and assessments that could be completed. Her motion is a placeholder for black rockfish being in two areas and kelp greenling to be specified in Oregon. She thought the SSC did not have consensus on sablefish. Some thought it should be a full assessment and noted that it should be an update if it did not receive a full assessment. The GMT recommended it as a full assessment, and she wanted to put that out as a potential option and get comment on that.

Mr. Buell moved and Mr. Feldner seconded Amendment 1a to make the following changes to Amendment 1 (in underline/strikeout): Specify that "black rockfish ~~would~~ may be in two areas;

for kelp greenling it ~~would~~ may be Oregon only, and for sablefish it could be a full or an update assessment.”

Mr. Buell stated that he thought there was a danger in pre-specifying the geographic scope for the assessment. He thought that needed to go through the whole STAR Panel process. The amendment speaks to the idea that it could possibly be a two-area assessment, and he wouldn't want to lock that in now.

Ms. Culver stated that information on black rockfish shows that there are genetic differences in the stock, age, and growth rates, north and south. That is why we have had two differing assessments. In support of that, WDFW has had a tagging program in place for over 20 years, and spent half a million dollars every year in support of that program because of that stock difference. She did not want to give the impression that WDFW is moving away from having the assessment based on the survey data that fishermen have been paying for. This amendment moves in the opposite direction and is contrary to the actions we have taken this week. She was also not supportive of a kelp greenling assessment in Washington and does not want to give a false impression of that.

Mr. Buell responded that there is some conflict in information about where the exact boundaries ought to be for black rockfish, including the genetic information. He noted that Oregon has also had a tagging program for a number of years and would expect that to be included in the assessment. He is not presupposing that it would be any different than the current system. He would just like to see that as a consideration as part of a STAR Panel process. Black rockfish were last assessed in 2007, and he didn't think that assessment took a hard look at where the boundary ought to be. There may be more than two areas, including splitting off the California stock. He didn't want to pre-suppose what the areas were going to be, and he thought we have given the indication that the management is very different between the states. However, that is different than saying this is the only area we are going to assess.

Mr. Lockhart commented that this decision was just going out for public comment with a final decision in September. He thought the amendment was appropriate for outlining the possible breadth of the assessments.

Amendment 1a carried under a roll call vote: 7 yes, 6 no (Mr. Pollard abstained, Ms. Culver, Mr. Lincoln, Mr. Crabbe, Mr. Wolford, Mr. Myer, and Ms. Grebel voted no).

Amendment 1, as amended, carried unanimously. **Motion 35**, as amended, carried unanimously.

The Council gave consensus for the SSC to consider this guidance and that of the other advisory bodies to further develop the Preliminary Terms of Reference for approval at the September meeting.

F.9 Omnibus Regulation Changes Part II (6/25/2014; 9:43 a.m.)

[Recording 6-25-14am2]

F.9.a Agenda Item Overview

Mr. Jim Seger and Ms. Kelly Ames provided the Agenda Item Overview and presented Agenda Item F.9.a, Supplemental Attachment 1: Updated Compilation of Possible Groundfish Management Measures for Council Consideration.

F.9.b Reports and Comments of Advisory Bodies and Management Entities.

Mr. Pollard summarized Agenda Item F.9.b, Supplemental GAP Report and Agenda Item F.9.b, Supplemental EC Report.

F.9.c Public Comment

None.

F.9.d Council Action: Identify Additional New Management Measure Candidates and Provide Guidance on Analysis Needed for Final Prioritization at the September Council Meeting (6/25/2014; 9:46 a.m.)

Ms. Ames noted that Agenda Item F.9.a, Supplemental Attachment 1 contained the complete list of items for consideration, including the list of items approved under F.3, as well as the information from the sablefish program review in Agenda Item F.6.

Ms. Grebel spoke in regard to item 68 (F.9.a, Supplemental Attachment 1)—Defer Nearshore Management to Oregon and Washington. She noted that some of California's comments have been similar to this, but she wondered if there was a way to incorporate the California comments in another item about further exploring state management of nearshore boundaries.

Mr. Lockhart suggested that since this is for public comment, a motion could be used to add the California desire to consider nearshore management as well.

Dr. McIsaac indicated that staff could take that as guidance for a further look in September.

Ms. Culver added that we could just list this item as Nearshore Management, which could include all three states and deferral to Oregon and Washington.

The Council concurred with that assessment.

G. Coastal Pelagic Species Management

G.1 National Marine Fisheries Service Report (6/23/2014; 4:50 p.m.)

G.1.a Agenda Item Overview

Mr. Kerry Griffin provided the Agenda Item Overview.

G.1.b Regulatory Activities

Mr. Mark Helvey presented Agenda Item G.1.b, NMFS Report.

G.1.c Fisheries Science Center Activities

Mr. Dale Sweetnam presented Agenda Item G.1.c, Supplemental SWFSC PowerPoint: Fisheries Science Center Activities.

G.1.d Reports and Comments of Advisory Bodies and Management Entities

None.

G.1.e Public Comments

None.

G.1.f Council Discussion

None.

G.2 Pacific Mackerel Harvest Specifications and Management Measures for 2014-2015 (6/23/2014; 5:08 p.m.)

G.2.a Agenda Item Overview

Mr. Kerry Griffin provided the Agenda Item Overview.

G.2.b Pacific Mackerel Biomass Projection

Agenda Item G.2.b, NMFS Report: Pacific Mackerel Biomass Projection Estimate for USA Management (2014-2015).

Dr. Kevin Hill provided Agenda Item G.2.b, Supplemental Pacific Mackerel Biomass Projection PowerPoint: Estimate for USA Management (2014-2015).

G.2.c Reports and Comments of Advisory Bodies and Management Entities

Ms. Meisha Key presented Agenda Item G.2.c, Supplemental SSC Report.

Ms. Cyreis Schmitt presented Agenda Item G.2.c, Supplemental CPSMT Report.

Ms. Diane Pleschner-Steele presented Agenda Item G.2.c, Supplemental CPSAS Report.

G.2.d Public Comments

Ms. Diane Pleschner-Steele, California Wetfish Producers Association, Buellton, California.

G.2.e Council Action: Adopt Biomass Projection, Annual Harvest Specifications and other Management Measures for Pacific Mackerel (6/23/2014; 5:45 p.m.)

Ms. Yaremko moved and Mr. Crabbe seconded **Motion 20** that the Council adopt the harvest and management specifications for use in the 2014-2015 fishing year, as described in Agenda Item G.2.c, Supplemental CPSMT Report:

1. Establish an overfishing limit (OFL) of 32,992 mt; a P* value of 0.45; and acceptable biological catch (ABC) and ACL equal to 30,138 mt; and a resulting harvest guideline (HG) of 29,170 mt. The CPSMT concurs with the CPSAS recommendation to have an incidental set-aside of 5,000 mt, resulting in an annual catch target (ACT) of 24,170 mt.

2. Should the directed fishery realize the ACT (24,170 mt), the CPSMT recommends that the National Marine Fisheries Service close the directed fishery and shift to the incidental fishery only, with a 45 percent incidental landing allowance when Pacific mackerel are landed with other coastal pelagic species (CPS), with the exception that up to 1 mt of Pacific mackerel could be landed without landing any other CPS.

Table 1. Pacific Mackerel Harvest Values	MT
Biomass	157,106
$OFL = \text{Biomass} * F_{msy} * \text{Distribution}$	32,992
$ABC_{0.45} = \text{Biomass} * \text{Buffer}_{0.45} * F_{msy} * \text{Dist.}$	30,138
ACL	30,138
$HG = (\text{Biomass} - \text{Cutoff}) * \text{Fraction} * \text{Dist.}$	29,170
ACT = (HG – incidental set aside)	24,170
Incidental set-aside	5,000

Ms. Yaremko stated that this motion follows the best available science as provided in the recommendations of the SSC and Coastal Pelagic Species Management Team (CPSMT). The P* value of 0.45 is consistent with that formerly used in our determinations of the probability of overfishing, and is appropriate for a catch-only update. The recommendation on ABC equal to the ACL is consistent with how we have been managing the fishery. The application of the harvest guideline is consistent with our formula. The resulting ACT is consistent with our mackerel fishery management, and our 45 percent incidental set-aside allows for other directed fisheries to continue operating while targeting other coastal CPS fisheries.

Mr. Buell noted that the CPSAS had one additional recommendation, which was for an in-season review of the fishery and the March 2015 Council meeting to consider releasing a portion of the incidental set-aside into the directed fishery.

Ms. Yaremko spoke in support of amending the motion to allow for the in-season review.

Mr. Buell moved and Mr. Feldner seconded Amendment 1 for the Council to add an in-season review of the 2014-2015 Pacific mackerel fishery at the March 2015 Council meeting, if needed, to consider releasing a portion of the incidental set-aside into the directed fishery (item #3, page 2 in Agenda Item G.2.c, Supplemental CPSAS Report).

Mr. Buell stated that the consideration was recommended by the CPSAS, supported by the industry, and is similar to the Council’s past practice.

Amendment 1 carried unanimously. **Motion 20**, as amended, carried unanimously.

H. Habitat

H.1 Current Habitat Issues (6/25/2014; 9:50 a.m.)

H.1.a Agenda Item Overview

Dr. Don McIsaac and Ms. Jennifer Gilden presented the Agenda Item Overview and introduced the following Attachments:

- Agenda Item H.1.a, Attachment 1: Letter to NOAA on fisheries specific habitat objectives;
- Agenda Item H.1.a, Attachment 2: Letter to Bureau of Ocean Energy Management;
- Agenda Item H.1.a, Supplemental Attachment 3: Letter Regarding the Bay/Delta Conservation Plan;
- Agenda Item H.1.a, Attachment 4: Draft Letter to Gulf of the Farallones National Marine Sanctuary;
- Agenda Item H.1.a, Attachment 5: Draft letter to the Northwest Power and Conservation Council on their Fish and Wildlife Program;
- Agenda Item H.1.a, Supplemental Attachment 6: DRAFT Letter from PFMC to DOI RE: Action Requested to Prevent Klamath River Fish Kill; and
- Agenda Item H.1.a, Supplemental Attachment 7: Sanctuary Nomination Process Flyer, summer 2014.

H.1.b Report of the Habitat Committee

Ms. Fran Recht presented Agenda Item H.1.b, Supplemental HC Report and Agenda Item H.1.b, Supplemental HC Report 2.

H.1.c Reports and Comments of Advisory Bodies and Management Entities

None.

H.1.d Public Comments

None.

H.1.e Council Action: Consider Habitat Committee Recommendations (6/25/2014; 10:18 a.m.)

Ms. Gilden reported that the letter in Agenda Item H.1.a, Attachment 1 was sent prior to the meeting.

Mr. Pollard received Council consensus to submit the letter on Klamath/Trinity River flows (Agenda Item H.1.a, Supplemental Attachment 6).

Mr. Pollard noted the majority of Council members approved sending the Bay/Delta letter in Supplemental Attachment 3 (Mr. Lockhart and Ms. Yaremko abstained from the guidance).

Mr. Pollard noted a majority of the Council approved the letter to the Northwest Power and Conservation Council on their Fish and Wildlife Program (Idaho abstained in deference to their comments being provided through their Governor's office). Dr. McIsaac noted that the Habitat

Committee had not supported the hatchery section, as that was not within their expertise. However, the Council was on record with its comments regarding Mitchell Act Hatcheries, and Council staff could reference those comments if the Council so desired.

Mr. Buell commented that there was a lot of discussion concerning the hatchery components that was state-specific. He would support only very generic comments by the staff in regard to supporting hatchery mitigation, but not covering specific recommendations.

Ms. Culver agreed and noted that she would be comfortable with the first sentence on page 2 of Attachment 5 under the hatchery section, which describes the support of the Council but doesn't address anything further.

Mr. Pollard noted support by the Council for the letter in Attachment 2 (Mr. Lockhart abstained from comment).

Regarding the Council's deep concern with regard to the proposed NMS expansion in Agenda Item C.2, Mr. Wolford stated that the draft letter in Attachment 4 should not be used, but in its place utilize the comments in Supplemental HC Report 2 as discussed in the advisory body comments. The Council concurred (Mr. Lockhart and Ms. Yaremko abstained from the guidance).

[The Council then proceeded to Agenda Items C.3, C.1, C.4, C.5, and C.6 before adjourning.]

ADJOURN

The Council adjourned on June 25, 2014 at 2:24 p.m.



Dorothy Lowman
Council Chair

March 12, 2015
Date