

MINUTES
225th Session of the
Pacific Fishery Management Council
September 12-17, 2014
 Doubletree Hotel Spokane City Center
 322 North Spokane Falls Court; Spokane, WA 99201

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A. Call to Order [Recording 9-12-14am1]

A.1 Opening Remarks [0:00:09]

Ms. Dorothy Lowman, Council Chair, called the 225th meeting of the Pacific Fishery Management Council (Council) to order at 9:02 a.m. on Friday, September 12, 2014. There was a closed session held before the regular session today to discuss litigation and personnel matters.

A.2 Roll Call [0:03:16]

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

Mr. Phil Anderson (State of Washington Official)
Mr. William L. "Buzz" Brizendine (At-Large)
LCDR Gregg Casad (U.S. Coast Guard, non-voting designee)
Mr. David Crabbe (California Obligatory)
Mr. Jeff Feldner (At-Large)
Dr. Dave Hanson, Parliamentarian (Pacific States Marine Fisheries Commission, non-voting designee)
Mr. Rich Lincoln (Washington Obligatory)
Ms. Dorothy Lowman, Chair (Oregon Obligatory)
Ms. Stefanie Moreland (State of Alaska Official, non-voting)
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)
Dr. Caren Braby (State of Oregon Official, designee)
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. Corey Niles (State of Washington Official, designee), Ms. Michele Culver (State of Washington Official, designee), Mr. Chris Kern (State of Oregon Official, designee), Mr. Troy Buell (State of Oregon Official, designee), Mr. Frank Lockhart NMFS, West Coast Region, designee), Mr. Mark Helvey (NMFS, West Coast Region, designee); Mr. Bob Farrell (State of California Official, designee), and Ms. Joanna Grebel (State of California Official, designee).

Dr. Steven Haeseker (U.S. Fish and Wildlife Service, non-voting designee) and Mr. Dave Hogan (U.S. State Department Official, non-voting) were absent from the meeting.

A.3 Executive Director's Report [0:04:26]

Dr. McIsaac directed the Council to the following informational reports:

- Informational Report 1: Regional Electronic Technologies Implementation Plan for Marine Fisheries in the West Coast Region

- Informational Report 2: Oceana Bycatch Response Letter dated July 14, 2014 to the 2014 Council Coordination Committee
- Informational Report 3: Pacific Halibut Bycatch in U.S. West Coast Groundfish Fisheries (2002-2013), Publication Date: August 2014
- Supplemental Informational Report 4: NOAA Announcement of proposed rule for Regulating Offshore Marine Aquaculture in the Gulf of Mexico
- Supplemental Informational Report 5: Letter dated August 27, 2014 from the Olympic Coast Intergovernmental Policy Council (IPC) to invite Stephen Gittings, NOAA's National Marine Sanctuary Program Science Director, to participate in a scientific technical working group off the Washington Coast
- Supplemental Informational Report 6: Revision of Seafood Watch Guidelines
- Supplemental Informational Report 7: NMFS Report – NMFS Response to Council's Questions Concerning the Effectiveness, Accuracy, and Completeness of Pacific Coast Groundfish EFH

Mr. Turner provided comments on the following Informational Reports:

- Supplemental Informational Report 8: Status Report of the 2014 Ocean Salmon Fisheries off Washington, Oregon and California
- Supplemental Informational Report 9: NMFS Letter regarding Release of the Columbia River Hatchery Final Environmental Impact Statement
- Supplemental Informational Report 10: West Coast Region Report on Salmon Related Management Items

Informational Reports received after the start of the Council meeting:

- Supplemental Informational Report 11: The White House, Office of The Press Secretary, announced appointment of Ms. Dorothy Lowman as U.S. Commissioner for the Commission for the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean. 2014 September 9
- Supplemental Informational Report 12: NMFS Letter from Regional Administrator Will Stelle regarding Amendment 18 to the Pacific Coast Salmon Fishery Management Plan (EFH)

Mr. Kris Kleinschmidt provided information regarding Dropbox service to access briefing book materials electronically.

Dr. McIsaac commented on Agenda Items I.2 and I.3. He reported that Agenda Item I.3 (Albatross Avoidance) is to be cancelled, as the speaker was not able to attend the meeting. Regarding Agenda Item I.2 concerning executive actions by the Office of the President, Dr. McIsaac reported that the open comment period for the consideration of expanding the National Monument in the South Pacific Region ended August 15, 2014. The comment deadlines for the matters of seafood fraud and illegal, unreported, and unregulated fishing have also recently passed. However, we have asked for an extension of the deadline on the latter issues and have not yet received a response. For that reason, I.2 should remain on the agenda and we may have a clearer determination about whether or not our comments would be moot by the time it is taken up by the Council.

A.4 Agenda

A.4.a Council Action: Approve Agenda [0:18:41]

Mr. David Crabbe moved (**Motion 1**, seconded by Mr. Buzz Brizendine) to adopt Agenda Item A.4, September 10-17, 2014 Council Meeting Agenda, with Agenda Item I.3 to be cancelled and Agenda item I.2 to be determined.

Motion 1 carried unanimously.

B. Open Comments [Recording 9-12-14am1]

B.1 Comments on Non-Agenda Items

B.1.a Agenda Item Overview [0:19:58]

Mr. Chuck Tracy provided the Agenda Item Overview.

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

None.

B.1.c Public Comment [0:21:04]

- Agenda Item B.1c, Public Comment 1: Tri-Marine Letter Regarding Squid Fleet Capacity
- Agenda Item B.1.c, Supplemental Public Comment 2: Letter from PCFFA in Support for a Petition for Review in *North Coast Rivers Alliance v. Westlands Water District*, Docket No. S220532

Ms. Anna Weinstein, Audubon California, discussed stock assessments for Anchovy (Agenda Item I.6.c, Supplemental Public Comment Letter, pages 4-9).

B.1.d Council Discussion of Comments as Appropriate

None.

C. Coastal Pelagic Species Management [Recording 9-12-14am1]

C.1 Pacific Sardine Harvest Fraction

C.1.a Agenda Item Overview [0:25:28]

Mr. Kerry Griffin provided the Agenda Item Overview and noted Agenda Item C.1.a, Attachment 1 and the supplemental public comment exhibits.

Ms. Lorna Wargo presented comments and Agenda Item C.1.b, Supplemental CPSMT PowerPoint regarding Agenda Item C.1.a, Attachment 1: Preliminary Draft Environmental Assessment for incorporating the best available science into harvest management control rules for Pacific sardine.

C.1.b Reports and Comments of Advisory Bodies and Management Entities [1:09:40]

Dr. William Satterthwaite presented Agenda Item C.1.b, Supplemental SSC Report.

Ms. Lorna Wargo presented Agenda Item C.1.b, Supplemental CPSMT Report.

Ms. Diane Pleschner-Steele and Mr. Mike Okoniewski presented Agenda Item C.1.b, Supplemental CPSAS Report.

C.1.c Public Comment [Begin Recording 9-12-14am2]

- Agenda Item C.1.c, Public Comment

Mr. Steve Marx, PEW Charitable Trusts, Portland, Oregon.

Mr. Geoff Shester, Oceana, San Francisco, California with Ms. Mariel Combs, Oceana, Portland, Oregon, presented Agenda Item C.1.c, Supplemental Public Comment 2 and Agenda Item C.1.c, Supplemental Public Comment 3 (Shester PowerPoint).

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

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

C.1.d Council Action: Adopt Preliminary Preferred Alternative for the Pacific Sardine Harvest Fraction Parameter [0:31:47]

Mr. Ortmann expressed a concern over the timeliness of increasing the harvest fraction. The industry has indicated sardine production in the ocean is not good right now and could be worse in several upcoming years.

Mr. Anderson stated that the Council has recognized upfront the tremendous forage value of sardines to a variety of species of fish, birds, and marine mammals. That is reflected in the Council's harvest policy. The state of Washington has taken further steps by restricting commercial harvest inside of 3 miles and having fairly tight trip limits on anchovies. He doesn't favor moving away from our past harvest policies and the recognition that the primary value of sardines to the ecosystem is their forage value. At the same time, he recognizes and supports a level of harvest on the proportion of the stock that is a qualitative estimation of the surplus to the forage value. That has allowed us to craft some important fisheries over time when there is higher abundance.

Mr. Anderson continued by saying that at this time we are in a period of decline and there are fewer sardines available for forage, let alone for fisheries. That fact demands we pay attention to the changes we make in our harvest policy to ensure the primary use is for forage. The Scientific and Statistical Committee (SSC) report called for a need to have an analysis (similar to that done in March) that gives us a clear interpretation of what is status quo versus the result of any of the alternatives. The information that indicates the stock is more productive than we thought in the past is a good thing. However, it is not a reason to have a more aggressive harvest policy. Some of the public testimony pointed out that sardines may be more productive than we thought, but we are still in a period of low productivity. His preference at this point would be to explore whether or not it's reasonable to assume that we could have the analysis suggested by the SSC in front of us for November. If that is possible, he would recommend that we not adopt a preliminary preferred alternative (PPA) for the harvest fraction issue until then. There have been conflicting perspectives on the results of the alternatives, and we would not lose anything by waiting until we have the analysis to make a more informed decision.

Mr. Brizendine and Mr. Wolford generally agreed with Mr. Anderson's suggestion of not identifying a PPA today. Mr. Wolford noted, however, that the distributions on all of the analyses have been very broad and we may not learn much from the additional information.

Dr. Braby stated that she was uncertain if the Council had affirmed the accuracy of the draft purpose and need statement. She referred to the sentence noted in Ms. Wargo's presentation concerning changing the temperature index for purposes of calculating the harvest fraction component while maintaining consistency with the Council's harvest policy approach. To her, this speaks to a desire to maintain our current harvest policy, as well as a desire to build in additional conservation. That is not consistent with the draft environmental assessment.

Dr. McIsaac noted that this is the first time the Council has seen the draft EA, and it is appropriate to consider the draft purpose and need statement.

Ms. Yaremko noted the Coastal Pelagic Species Management Team's (CPSMT) difficulty with identifying the change from status quo harvest policy given a change from the Scripps Institution of Oceanography (SIO) index to the California Cooperative Oceanic Fisheries Investigations (CALCOFI) index. If we were to truly stay with the current harvest policy we would need to stick with the SIO index. Once we change to the CALCOFI index we are essentially agreeing to revisit what the harvest fraction should be. She does not have a problem with doing that or getting more analysis, given the differing conclusions about the relationship of the harvest fraction under the various alternatives compared with status quo under the SIO index.

Regarding questions about the availability of the contractor to do more analysis for November, Mr. Griffin stated that it was uncertain at this time and he would need to be contacted.

Mr. Wolford stated that he would like to see some additional insights into how the analysis was conducted (e.g., whether the temperature trends were randomly selected or whether there was some correlation or auto correlation from one year to the next).

Ms. Yaremko noted some problems with understanding the differences at the low end based on the performance indicators. She suggested that would be an area for additional work, if possible, to clarify those differences.

Dr. Braby was unclear about how close we can get to status quo with any of the alternatives. She hoped that we could get an apples to apples comparison in any future analysis.

Dr. McIsaac noted that the CPSMT did understand that the Council wanted to know whether the alternatives were more or less conservative than status quo and to let them pursue that as they needed without any special constraints.

D. Salmon Management [Recording 9-12-14pm1]

D.1 Salmon Methodology Review

D.1.a Agenda Item Overview [0:00:16]

Mr. Mike Burner presented the Agenda Item Overview and introduced: Agenda Item D.1.a, Attachment 1: May 14, 2014 email to the agencies from Mike Burner regarding preliminary topic selection.

D.1.b Reports and Comments of Advisory Bodies and Management Entities [0:03:55]

Mr. Mike Burner read Agenda Item D.1.b, Supplemental MEW Report and Agenda item D.1.b, Supplemental STT Report.

Dr. William Satterthwaite presented Agenda Item D.1.b, Supplemental SSC Report.

D.1.c Public Comment

None.

D.1.d Council Action: Adopt Final Review Priorities [0:10:38]

Mr. Burner noted that on a parallel track, the SSC Economic Subcommittee is working on ways to estimate the economic impacts in salmon fisheries, and will report to the Council in November with their final recommendations on salmon economic modeling in the future.

Mr. Wolford supported all of the recommended methodology reviews as presented in the Salmon Technical Team (STT) and Model Evaluation Workgroup (MEW) statements. There is no need to set priorities as all of the reviews can be accommodated in the October meeting.

Mr. Anderson noted that the SSC report included the review of the fishery impact estimation methodology for the Cape Flattery Control Zone, which he had referenced earlier as needing to be added. He recommended approval of the seven items listed in Agenda Item D.1.b, Supplemental SSC Report for review by the SSC Salmon Subcommittee, STT, and MEW in October. The Council concurred.

D.2 Lower Columbia River Coho Harvest Matrix [Recording 9-12-14pm1]

D.2.a Agenda Item Overview [0:15:03]

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

- Agenda Item D.2.a, Attachment 1: Review of Allowable Fishery Impacts to Lower Columbia River Natural Coho.
- Agenda Item D.2.a, Supplemental Attachment 2: Lower Columbia River Natural Coho Model Runs highlighted during the September 3rd meeting of the Salmon Advisory Subpanel and the ad hoc Lower Columbia River Natural Coho Workgroup.

D.2.b Reports and Comments of Advisory Bodies and Management Entities [0:23:22]

Mr. Stuart Ellis presented Agenda Item D.2.a, LRC Workgroup Report and Agenda Item D.2.a, Supplemental LCR Workgroup PowerPoint.

Dr. William Satterthwaite presented Agenda Item D.2.b, Supplemental SSC Report.

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

D.2.c Public Comment

None.

D.2.d Council Action: Consider Alternatives for a Harvest Control Rule for Lower Columbia River Natural Coho and a Preliminary Preferred Alternative; Provide Additional Guidance as Necessary [1:12:29]

Mr. Kern moved (**Motion 2**, seconded by Mr. Feldner) to adopt the purpose statement as shown in Agenda Item D.2.b, LRC Workgroup Report (the text in italics between paragraphs 3 and 4 on page 1).

Mr. Kern stated that he thought the purpose statement met the intent that they have been working on for some time. In particular that includes the incorporation of new information instead of just a couple of populations, having the model and using a viability assessment to model the risk of various strategies on the evolutionarily significant unit, and ultimately using that information to build a harvest policy that meets all the goals.

Mr. Anderson asked if this language sufficiently addresses the need to coordinate with the state entities on their recovery plans.

Mr. Kern replied no, but thought that it would be good to capture that intent. He suggested inserting “consistent with recovery plans” somewhere in the statement.

Mr. Anderson moved and Mr. Lincoln seconded Amendment 1 to add “in coordination with applicable state and Federal recovery plans” following “tolerances” at the end of the purpose statement.

Mr. Anderson stated that there has been a lot of work done by the state and Federal governments on recovery plans. As we move forward with the potential adoption of a new matrix, we need to make sure this is coordinated with the other entities working to recover these stocks.

Amendment 1 carried unanimously. **Motion 2**, as amended, carried unanimously.

Mr. Kern stated that the evaluations of the alternatives based on using the model have resulted in fairly similar gross outcomes. What we don’t have is a good way to assess what the model doesn’t cover, leaving areas of uncertainty. Whether or not this is the best way to assess the abundance, it is what we have now. The recovery plan in Oregon has abundance targets related to the viability assessments. There is a desire to simplify and there is justification for that (some areas of the matrix are just not active). In proceeding with alternatives that don’t have seeding, it is an appropriate

alternative to show a range. There is a discussion of this in the Lower Columbia River Natural Coho (LRC) Workgroup Report (bottom of page 1) as well as comments the STT and SSC have brought up under seeding. Given that the LRC Workgroup and Salmon Advisory Subpanel have not recommended a specific alternative, it seems appropriate that we look at narrowing the list to a few things with which the Council is comfortable, capturing the range of opinion. He would like to see one alternative maintain a threshold for seeding.

Mr. Anderson referenced Agenda Item D.2.a, Supplemental Attachment 2, which has eight alternatives with a description of the alternatives. He thought this captures the main components and variations that Mr. Kern has been speaking to. Mr. Anderson acknowledged that he did not have the expertise to refine these more than they are. From his perspective and considering the variables we are looking at, these models represent a fair breadth of parameters to consider in making a decision. He wondered if others had this or a different perspective.

Mr. Kern was in a similar frame of mind as Mr. Anderson. To cover the range, he thought that either Models 4 or 5, one of the continuous models (he leans to the one that has 18 percent for discussion purposes), and Model 7 that includes a threshold for seeding, would be a place to start.

Mr. Wolford wondered what the equal signs meant at the beginning and end of the entries for Models 7 and 9 in the frequencies column in the table in Supplemental Attachment 2.

Mr. Kern stated that those are the two options that have a threshold for seeding. The top line where the equal sign is in front of the values indicates the relative frequency out of 100 that you expect the marine survival to land in a column. The second row (equal sign after the value) refers to the seeding categories to the right (0 and 0.3). In response to a question from Mr. Anderson regarding the desire for an effective exploitation rate of 18 percent or less, he stated that he did not think Model 9a tells us anything different than Model 7. That is why he excluded it.

Mr. Turner suggested including a three-year review in any motion, as recommended by the STT and MEW.

Mr. Kern stated that he had a short list of other items within the recommendations that the Council might want to consider. In addition to the three-year review, he included endorsing using all populations versus the Sandy and Clackamas populations, and any comments on the 8 percent versus 10 percent *de minimus* level rate or any of the other contents as ideas to provide guidance on as needed.

[Begin Recording 9-12-14pm2]

Mr. Kern moved (**Motion 3**, seconded by Mr. Anderson) to adopt as preliminary alternatives Models 4b, 5b, 6b, and 7.5b1 from Agenda item D.2.a, Supplemental Attachment 2. Include a preference to do a three-year review after implementation.

Mr. Kern stated that the suite of models in the motion covers a couple of the “one row” harvest control rules (a relatively low and relatively high level of resolution on the marine survival indexes), the continuous pattern as an alternative in comparison to the more stepped function, and

includes a low seeding threshold of abundance. The motion covers a broad swath while narrowing the list to aid in making comments.

Motion 3 carried unanimously.

E. Enforcement Issues [Recording 9-12-14pm2]

E.1 Tri-State Enforcement Report

E.1.a Agenda Item Overview [0:07:22]

Mr. Jim Seger provided the Agenda Item Overview.

E.1.b Tri-State Enforcement Report [0:07:45]

Sgt. Dan Chadwick, Capt. Robert Puccinelli, and LT Tim Schwartz presented Agenda Item E.1.b, Tri-State Enforcement Report (video).

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

None.

E.1.d Public Comment

None.

E.1.e Council Action: Discussion of Report and Provide Guidance, as Needed [0:35:00]

Council members expressed their thanks for the hard work of the enforcement entities and the informative presentation.

F. Habitat [Recording 9-12-14pm2]

F.1 Current Habitat Issues

F.1.a Agenda Item Overview [0:37:00]

Ms. Jennifer Gilden presented the Agenda Item Overview.

F.1.b Report of the Habitat Committee [0:38:26]

Ms. Fran Recht presented Agenda Item F.1.b, Supplemental HC Report.

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

None.

F.1.d Public Comments

None.

F.1.e Council Action: Consider Habitat Committee Recommendations [0:45:07]

Ms. Lowman noted that there were no recommendations for Council action in the HC report.

G. Highly Migratory Species Management [Begin Recording 9-13-14am1]

G.1 National Marine Fisheries Report

G.1.a Agenda Item Overview [0:00:50]

Dr. Kit Dahl presented the Agenda Item Overview.

G.1.b Regulatory Activities

Mr. Mark Helvey presented Agenda Item G.1.b, NMFS Regulatory Activities Report and Agenda Item G.1.b, Supplemental NMFS Report 2: NMFS Announces Commercial Pacific Bluefin Tuna Fishery Closure.

G.1.c Fisheries Science Center Activities

None.

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

None.

G.1.e Public Comment [0:08:05]

Mr. Ben Enticknap, Oceana, Portland, Oregon, presented Agenda Item G.1.e, Supplemental Public Comment (Oceana - Full Version Electronic Only).

G.1.f Council Discussion [0:14:53]

None.

G.2 International Activities

G.2.a Agenda Item Overview [0:15:29]

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

- Agenda Item G.2.a, Attachment 1: Japan and U.S.A. Proposals, Measures for the Conservation and Management of Pacific Bluefin Tuna in the Eastern Pacific Ocean.
- Agenda Item G.2.a, Attachment 2: Resolutions adopted by the IATTC at its 87th Meeting.
- Agenda Item G.2.a, Supplemental Attachment 3: Draft Conservation and Management Measure to Establish a Multi-Annual Rebuilding Plan for Pacific Bluefin Tuna.
- Agenda Item G.2.a, Supplemental Attachment 4: Precautionary Management Framework for North Pacific Albacore.

G.2.b Report of the National Marine Fisheries Service [0:23:43]

Mr. Mark Helvey presented Agenda Item G.2.b, NMFS Report on International Activities [Tuna] (WPFC-NC10-2014/DP-06-Rev.1).

G.2.c Fisheries Science Center Activities [0:55:05]

Dr. Cisco Werner presented Agenda Item G.2.c, Supplemental SWFSC PowerPoint.

G.2.d Reports and Comments of Advisory Bodies and Management Entities [1:22:24]

Mr. Doug Fricke presented Agenda Item G.2.d, Supplemental HMSAS Report.

Ms. Cyreis Schmitt presented Agenda Item G.2.d, Supplemental HMSMT Report.

G.2.e Public Comment [Recording 9-13-14am2 at 0:00:52]

- Agenda Item G.2.e, Supplemental Public Comment

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

Mr. August Felando, San Diego, California.

Mr. Gary Burke, Commercial Fisherman of Santa Barbara, Santa Barbara, California.

G.2.f Council Action: Consider Reports on the 87th Inter-American Tropical Tuna Commission (IATTC) and the 10th Regular Session of the Western and Central Pacific Fisheries Commission (WCPFC) Northern Committee and Adopt Recommendations for U.S. Delegations to the Extraordinary IATTC Meeting or 11th Regular Session of the WCPFC, as appropriate. [0:24:35]

Mr. Helvey began by clarifying that the regulation put in place based on the IATTC resolution for 2014 gave the U.S. fishery a 500 mt limit for Pacific bluefin tuna in the commercial fishery. NMFS implemented the fishery with a proposed and final rule which only addressed the directed fishery. Therefore, there is no provision in the current regulation to allow for incidental catch, and NMFS closed the fishery, as the quota appeared to be close to the limit. If there was an interest in the remaining 100 mt (approximately), then there would need to be a new rulemaking to reopen the fishery. Under the regular process, that could not be done in time [before the regular season ends]. An option would be an emergency rule. However, there may be some resistance to this since it is an overfished stock with efforts toward rebuilding. In response to questions from Mr. Crabbe, Mr. Helvey noted that under a reopening there would be no way to enforce a limit on the catch-per-vessel per delivery, and this would raise a concern over exceeding the 100 mt limit even if fishermen voluntarily agreed to limit their catch to no more than 1 mt per delivery. He noted that the attainment of the 400 mt catch was accomplished by four or five vessels and the purse seine fleet numbers about 64 vessels, an unknown number of which could switch to tuna gear.

Dr. Dahl stated that it was up to the Council whether or not they wanted to make any recommendations to forward to one or the other of the delegations for the upcoming meetings. The WCPFC will not meet until December, so the Council could wait to develop recommendations in November. However, the IATTC is having an extraordinary meeting in late October where they are scheduled to reach agreement on conservation measures for Pacific bluefin tuna. The key provisions include the existing 500 mt limit for U.S. commercial fisheries and the allowance for recreational fisheries. The HMSMT report noted the issue of the Northern Committee's multi-

annual rebuilding framework and whether the Council would like to provide its perspective on that.

Mr. Pollard and Mr. Brizendine noted that the recreational limits should be discussed under G.4.

Mr. Helvey noted that the U.S. position at the IATTC meeting in Lima was to keep the conversation on bluefin tuna to the commercial catch and advise that the recreational sector would be handled domestically.

Mr. Crabbe asked for NMFS to move forward with an emergency rule to reopen the commercial bluefin tuna for the remaining 100 mt. He noted the cooperation of the industry to limit their catches to avoid exceeding the remaining quota.

Ms. Yaremko wondered about the possibility of a bilateral process with Mexico in advance of, or in conjunction with, the extraordinary IATTC meeting to discuss aligning our thinking on the management of the recreational fishery in the eastern Pacific Ocean (EPO) for tuna. While the IATTC has not entered into regulating the recreational fishery, there does seem to be an interest there by several countries and it does have impacts. We need to send a signal that we intend to manage the fishery under precautionary measures. She was encouraged by the work on the stock assessments and science on bluefin tuna. She recommended the Council increase its involvement in those data and assessment issues. She noted the lack of standardization across nations as to how the catch data is reported and encouraged NMFS to work in this arena. She supports the approach the U.S. is taking to the IATTC for a ramp-down strategy with regard to the overall commercial quota in the EPO, which looks to a number of about 3,000 mt for 2015 and 2,700 mt for 2016. She also supports the concern of industry that we preserve the 500 mt commercial limit. Regarding the International Scientific Committee for Tuna and Tuna-like Species in the North Pacific Ocean's recommendation for a recreational cap, she supports the U.S. Delegation position which is to regulate those recreational fisheries domestically, and we should do it through the Council process. Rather than a cap, a reduction in bag limits may be more appropriate to limit catch.

Dr. Braby noted in particular the need for coordination between Mexico and the U.S. with regard to the recreational fishery issues.

Mr. Helvey noted that we have to go through the U.S. Department of State to meet with Mexico, and we do regularly have discussions to iron out issues prior to the full international meetings. He also agreed that a formal letter from the Council concerning the issues before the extraordinary session was not necessary, as he has noted on the Council's positions.

Mr. Anderson asked about the potential for reopening the commercial tuna fishery to take the remainder of the 500 mt cap of bluefin and the possibility of implementing a trip limit to address the concern for exceeding the cap.

Mr. Helvey responded that it would take a new rule to implement a trip limit type of provision, as the original rule did not contain that restriction. He noted that if the Council provided guidance for reopening the season with a trip limit it would be an option that could be considered and possibly implemented through an emergency rule.

Mr. Anderson noted that several Council members had expressed support for a reopening with the 1 mt trip limit recommended in the Highly Migratory Species Advisory Subpanel (HMSAS) report. He asked Mr. Helvey if he would act accordingly.

Mr. Helvey asked for clarity as to whether the Council member suggestions had been in relationship to the incidental or directed fishery.

Council discussion clarified that there was consensus for recommending NMFS reopen the fishery to allow incidental landings as recommended in Agenda Item G.2.d, Supplemental HMSAS Report (fishery to reopen with a 1 mt trip limit until the quota is met).

G.3 Preliminary Approval of Exempted Fishing Permits (EFP) for 2015 Fisheries [Recording 9-13-14am2]

G.3.a Agenda Item Overview [0:01:58]

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

- Agenda Item G.3.a, Attachment 1: July 2, 2014, Letter Soliciting Exempted Fishing Permits to Test Alternative Gears and/or New Approaches or Methods for the California Large Mesh Drift Net Fishery
- Agenda Item G.3.a, Attachment 2: Council Operating Procedure 20, Protocol for Consideration of Exempted Fishing Permits for Highly Migratory Species
- Agenda Item G.3.a, Attachment 3: HMSMT Report, June 2014
- Agenda Item G.3.a, Attachment 4: Preliminary Exempted Fishing Permit Application: Alternative Swordfish Target Fishing Gears and Methods, Submitted by The Alliance of communities for Sustainable Fisheries

G.3.b Reports and Comments of Advisory Bodies and Management Entities [1:04:42]

Ms. Meisha Key presented Agenda Item G.3.b, Supplemental SSC Report.

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

Mr. Doug Fricke presented Agenda Item G.3.b, Supplemental HMSAS Report.

Capt. Bob Puccinelli presented Agenda Item G.3.b, Supplemental EC Report.

G.3.c Public Comment [1:41:33]

- Agenda Item G.3.c, Supplemental Public Comment

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

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

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

G.3.d Council Action: Consider Preliminary Adoption of Exempted Fishing Permits; Provide Additional Guidance as Necessary [Begin Recording 9-13-14pm1]

Mr. Wolford expressed concern with only receiving one EFP proposal and believes that the Council may not have provided enough time for people to respond. He thought the Council should consider the possibility of reopening the submission period. He noted it was difficult to evaluate

the merits of the one EFP that was submitted, as it lacked sufficient detail. He favored requesting further development of the proposal to be able to see more details and determine whether or not to accept it. He commented further on the statements of the SSC and Highly Migratory Species Management Team (HMSMT) concerning the difficulty of the experimental design and side-by-side comparison issues to achieve the objectives of the EFP. He also expressed concern about setting caps for the EFP when the total numbers for the whole fishery were so small.

Mr. Myer expressed a desire for the new applicants to come back with a concrete funding mechanism for the observer program for this fishery. If we do go forward, he would like more clarification on how this might affect the funding of the observer portion.

Ms. Yaremko was also disappointed in receiving only one application. She suggested considering a revised timeline with a request for additional applications. The new timeline would likely be March and April of 2015, which might allow approval of permits by NMFS to commence permitted operations by August. She thought there was no need to put this topic on the November Council meeting agenda. To be effective, more time needs to be spent coordinating the proposals among the non-governmental organizations, industry, and fishing communities. She is aware of a lot of interest and good ideas for the EFPs that just need more time to be developed (e.g., alternative gear types, tests on modifications of buoy gear, and side-by-side gear comparisons). She also noted involvement by the scientific community (e.g., predictive modeling and means for avoiding particular habitats or certain species). She thought EFPs were very important to the future of the HMS fishery. Regarding the current EFP application, she thought it needed more justification and help with the development of the protocols. She would like to see an analysis of the observer data from Mr. Pete Dupuy's operations in the far offshore environment with deep-set longline gear targeting tuna. Regarding take caps, she would like to see the HMSMT wrestle with this issue to come up with a creative way to isolate the EFP from the drift gillnet (DGN) fishery. This may require a case-by-case basis.

Mr. Wolford noted that NMFS has a bycatch reduction program that might be able to help get these projects going by providing some funding.

Mr. Lincoln stated his support of the previous comments and extension of the timeline. He suggested that the EFPs might be best when kept simple and applied in an actual commercial fishing context rather than being so focused on experimental design. Also, he thought there was opportunity to test different fishing gear and ways of operating in the DGN fisheries even without an EFP.

Dr. Braby also supported the discussion and consensus about the EFP mechanism. She noted that the current EFP was very complex, and the advisors indicated that it was unrealistic to achieve. She thought we needed to give some pretty specific guidance to the applicant on how to improve it.

Mr. Crabbe supported a new timeline and the need for other applications. His idea of innovation was not just about alternative gear types, but rather alternative ways to use existing gears (e.g., fishing DGN gear differently).

Mr. Niles noted that in his experience the most successful EFPs were those supported by an agency, or non-governmental organization to help provide the necessary resources and help in clarifying the questions for testing.

Mr. Helvey reported on his staff's involvement in assisting with development of EFPs.

Mr. Wolford thought the requirement that all vessels under an EFP carry vessel monitoring systems (VMS) was not necessary, and there are other ways to determine a vessel's location.

LCDR Casad noted a willingness to work with applicants on those alternatives, and the need to do it early in the process.

Council member discussion clarified that using the March and April Council meetings for preliminary and final action could work for both the Council and NMFS to allow some operations by August. However, if new gears were involved that required Endangered Species Act (ESA) consultations, the operations might be delayed until fall.

Mr. Feldner noted the HMSMT offer to assist applicants with a proposal template.

Ms. Lowman summarized the Council guidance on this agenda item, including reissuing the call for EFP proposals with finalization by April, ensuring applicants can get assistance from the agencies in developing their proposals, and structuring of take caps by the HMSMT. Dr. McIsaac noted that the comments prepared for this meeting should serve as a reference to help direct applicants in their proposals. Mr. Pollard noted that the emphasis in the call for proposals could be more focused on determining the effects of the experimental gear, rather than the comparison of the current and alternative gears which requires a more complex experimental design.

G.4 New or Routine Management Measures [Begin Recording 9-14-14am1]

G.4.a Agenda Item Overview [0:02:03]

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

- Agenda Item G.4.a, Attachment 1: July 14, 2014 Notice from *Comisión Nacional de Acuacultura y Pesca*, Government of Mexico
- Agenda Item G.4.a, Attachment 2: Notice of Receipt of Rulemaking Petition to Prohibit Pacific Bluefin Tuna Fishing and Request for Comments (79 FR 43017, July 24, 2014)
- Agenda Item G.4.a, Attachment 3: Policy Guidelines for the Use of Emergency Rules
- Agenda Item G.4.a, Supplemental Attachment 4: *Federal Register* notice dated August 2, 2014: Taking of Threatened or Endangered Marine Mammals Incidental to Commercial Fishing Operations; Modification of Permit (draft amended Negligible Impact Determination)

G.4.b Reports and Comments of Advisory Bodies and Management Entities [0:18:18]

- Agenda Item G.4.b, Supplemental NMFS Report

Ms. Marci Yaremko presented Agenda Item G.4.b, California Fish and Game Commission Report.

Ms. Liz Hellmers and Ms. Michelle Horeczko presented Agenda Item G.4.b, Supplemental CDFW PowerPoint 1 (contains information on Agenda Item G.4.b, CDFW Report 1) and Agenda Item G.4.b, Supplemental CDFW PowerPoint 2 (contains information on Agenda Item G.4.b, CDFW Report 2 and Agenda Item G.4.b, CDFW Report 3).

Mr. Bob Farrell presented Agenda Item G.4.b, Supplemental CDFW Report 4.

Ms. Cyreis Schmitt and Ms. Liz Hellmers presented Agenda Item G.4.b, Supplemental HMSMT PowerPoint 1: Information from Agenda Item G.4.b, HMSMT Report 1, Agenda Item G.4.b, HMSMT Report 2 (Pacific Bluefin Tuna), and Agenda Item G.4.b, Supplemental HMSMT Report 4 (Management Options for Recreational Bluefin Tuna).

[Begin Recording 9-14-14am2]

Ms. Penny Ruvelas presented Agenda Item G.4.b, Supplemental NMFS PowerPoint 1.

Dr. Lisa Ballance and Dr. Jeff Moore presented Agenda Item G.4.b, Supplemental NMFS PowerPoint 2: Potential Biological Removal Management Framework under the Marine Mammal Protection Act.

[Begin Recording 9-14-14pm1]

Mr. Craig Heberer presented Agenda Item G.4.b, HMSMT Report 3 (DGN Hard Caps/Bycatch Reduction) and Agenda Item G.4.b, Supplemental HMSMT Report 5 (Protected Species Hard Caps).

Dr. Stephen Stohs presented Agenda Item G.4.b, Supplemental HMSMT PowerPoint 2: Bootstrap Analysis of Drift Gillnet Fishery Operation under Hard Caps.

Mr. Doug Fricke presented Agenda Item G.4.b, Supplemental HMSAS Report.

Capt. Bob Puccinelli presented Agenda Item G.4.b, REVISED Supplemental EC Report.

G.4.c Public Comment [1:07:05]

- Agenda Item G.4.c, Public Comment
- Agenda Item G.4.c, Supplemental Public Comment 2
- Agenda Item G.4.c, Supplemental Public Comment 4: Joint letter from Marina Del Rey Anglers, Tuna Club of Avalon and LA Rod & Reel

Ms. Alayna Siddall, Sportfishing Association of California, San Diego, California and Mr. Markus Medak, F/V Lo An, San Diego, California, presented Agenda Item G.4.c, Supplemental Public Comment 5: Letter from Markus Medak, F/V New Lo-An and Agenda Item G.4.c, Supplemental Public Comment 7: Letter from Sportfishing Association of California.

Mr. Ted Dunn, Shogun Sportfishing, San Diego, California.

[Begin Recording 9-14-14pm2]

Mr. Tim Engstrom, F/V Royal Star, San Diego, California.

Mr. Job Nelson, Port of San Diego, San Diego, California.

Mr. Tom Green.

Mr. Peter Flournoy, WFOA, San Diego, California.

Mr. Bob Osborn [* did not testify].

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

Mr. Mike Thompson [*did not testify].

Mr. Louis Zimm, representing Scott Sherman (Agenda Item G.4.c, Supplemental Public Comment 6: Letter from Councilmember Scott Sherman, City of San Diego).

Mr. Jonathan Gonzales, Santa Barbara, California presented Agenda Item G.4.c, Supplemental Public Comment 8: Gonzalez Letter and PowerPoint.

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

Ms. Teresa Labriola, Wild Oceans, Mosier, Oregon.

Mr. Geoff Shester, Oceana, San Diego and Mr. Ben Enticknap, Oceana, Portland, Oregon, presented Agenda Item G.4.c, Supplemental Public Comment 9: Oceana PowerPoint.

Mr. Jamie Gibbon, Pew Charitable Trust, Washington, DC, presented Agenda Item G.4.c, Supplemental Public Comment 3: Letter from PEW Charitable Trust.

G.4.d Council Action: Adopt a Range of Alternatives for Routine Management Measures for 2015-2016 Fisheries and Consider Further Process for Measures Outside of the Biennial Specifications Process [Begin Recording 9-14-14pm3]

Ms. Yaremko moved (**Motion 5**, seconded by Mr. Wolford) that the Council recommend not taking emergency action before the beginning of the next management period, but add to the range of alternatives an analysis on how to accomplish inseason management as a tool to manage bag limits for Pacific bluefin tuna.

Ms. Yaremko stated that in June it appeared there was a need to look at the recreational fishery activity in the summer of 2014 in light of the high catches that the HMSMT analyzed regarding the 2013 fishery. We have spent several meetings examining the bluefin catches and considering the appropriate catch level moving forward. We continue to hear concern from the international arena and meanwhile have had an overfishing determination from NMFS since 2012. The existing management framework does not allow for inseason action to adjust recreational bag limits. Therefore, we need to make adjustments to the Fishery Management Plan (FMP) to establish the flexibility to respond in a timely manner to changes in the stock status or other circumstances at the international level or bilaterally. It has been frustrating not to be able to act before now. However, rather than proceeding with emergency action at this point, she would like to focus our efforts on correcting the problem once and for all through adding flexibility in the FMP. Proceeding with emergency action now would take at least a month to implement and we expect fishing activity will already drop off in the fall, which would result in very little meaningful benefit to the emergency action in 2014.

Ms. Culver supported the need to have some inseason monitoring and control of the catches of bluefin tuna. In her reading of the HMS FMP, she thought it allowed for inseason management in terms of bag limit reduction or closure. However, the tools available to the Council in the FMP require that we set some sort of trigger pre-season, such as an annual catch target, and specify what the action would be (e.g., a specific reduction in the bag limit, or a season closure) so that the Council and NMFS could implement immediate inseason action to prevent exceeding that target. Those are the tools we have available. What we need now is to specify the alternative actions the Council is proposing so that they can be considered during public review. She was not sure if the motion was in line with that or if Ms. Yaremko had some other tools in mind that the HMSMT might come up with.

Ms. Yaremko stated that she would like to see those tools referred to by Ms. Culver, as well as other viable alternatives analyzed.

Mr. Helvey wondered if the range of alternatives in the motion would include triggers based on adjustments at the international level.

Ms. Yaremko thought that was a good example of a potential trigger and identified responses to actions by Mexico as an additional possibility. She clarified that her intent was to implement this action in the 2015-2016 season.

Mr. Wolford noted that the actions mentioned went beyond bag limits. He moved to amend the motion (Amendment 1, seconded by Mr. Crabbe) by striking “manage bag limits for” and replacing it with “manage.”

Mr. Wolford noted that this amendment conformed to the Council’s discussion of the original motion.

Council members discussed what data or information would need to be available and how it could be used to allow for timely inseason actions. Those are the things that need to be explored in the alternatives analyzed by the HMSMT.

Mr. Helvey supported the management and monitoring of catches and the ability for real-time analysis of the catches.

Amendment 1 to **Motion 5** carried unanimously. **Motion 5**, as amended, carried unanimously.

Ms. Yaremko moved (**Motion 6**, seconded by Mr. Helvey) that:

To further Pacific-wide efforts to rebuild Pacific bluefin tuna, the Council recommends that NOAA adopt a two-fish daily bag limit for recreationally-caught Pacific bluefin, which can be aggregated for up to three fishing days (i.e., up to six fish in possession) if supported by proper documentation (e.g., California declaration form, commercial passenger fishing vessel (CPFV) logbook records, or multi-day license). These limits apply to fishing vessels in the U.S. EEZ, even with respect to fish harvested outside the U.S. EEZ.

In order to ensure that the species of tuna can be identified at sea, and that the quality of tuna taken aboard a vessel can be determined at sea, new regulations governing filleting of tuna at sea are necessary. The Council further moves that the outcome of current discussions between Federal and state agency staff and members of the recreational fishing industry that achieves these two objectives, while continuing to allow processing of tuna at sea, is likely the preferred alternative included in a range of alternatives to manage filleting tuna at sea, which shall be available for final action at the Council’s November meeting.

Two additional alternatives that are not preferred would include A) a prohibition on filleting tuna at sea while allowing processing to remove organs and viscera (i.e., allowing only gilling and/or gutting), and B) a prohibition on any processing of tuna at sea.

Ms. Yaremko stated her motion reflects a difficult decision that has been widely debated and discussed from all sectors. However, we need to set an example and can't continue to expect that other nations will take the hit to conserve this overfished stock. All nations have an obligation consistent with the IATTC treaty to protect bluefin tuna. She has heard conflicting reports from the advisors as to the results of various alternatives to achieve the IATTC recommendation for a 50 percent reduction across all fisheries. Regarding the determination of what the right limit is, members of the conservation community have suggested a range of zero to as high as five fish. Industry has changed its recommendations in response to the newest information, with some sectors that recommended a five-fish bag limit thinking they need to do a little more. At this stage, a good portion of the CPFV industry, the primary industry affected by this, is recommending a three-fish limit with nine fish in possession. Looking at the recommendations for a one-fish bag, she believes that some of these were made prior to the current analysis of the impact of various reductions. The HMSMT analysis shows that a one-fish bag limit, looking across both the U.S. fishery and the fishery off Mexico, achieves in the neighborhood of a 50 percent or greater [51 to 54 percent] reduction. That goes beyond what is recommended at the international level. Given the uncertainty in some of the other fishery data, she believes that over a 50 percent reduction is too draconian a step for our initial action and too much of a sacrifice to ask of our industry. She believes that we need to achieve a meaningful reduction and thinks the two-fish daily bag limit with a possession limit of six suggests about a 30 percent reduction in any year. This is a reduction that is not triggered by a cap and held steady in the time series of the analysis. We also need to assure that the best available science is being used, and she believes the HMSMT analysis meets that standard and is not so sure about some of the other data.

Ms. Lowman and Dr. Dahl had questions regarding the relation of the motion to the selection of a PPA and needed to clarify the Council process at this point.

In response to the clarification about Council process, Ms. Yaremko withdrew **Motion 6** with the consent of the second.

[Begin Recording 9-15-14am1]

Ms. Yaremko moved (**Motion 7**, seconded by Mr. Helvey) that the Council adopt the full range of alternatives on PBF bag limits for public review (as identified in Agenda Item G.4.b, HMSMT Report 2, and Supplemental HMSMT Report 4). Direct the HMSMT to produce a draft EA for the November meeting to allow for final Council action. Within this range of alternatives, move that the Council designate as preliminary preferred alternative (a subset of Alternative 3, Agenda Item G.4.b, HMSMT Report 2):

A two-fish daily bag limit for recreationally-caught Pacific bluefin, which can be aggregated for up to three fishing days (i.e., up to six fish in possession) if supported by proper documentation (i.e., California declaration form, CPFV logbook records, or multi-day license). The possession limit would apply to fishing vessels in the

U.S. EEZ, even with respect to fish harvested outside the U.S. EEZ (Agenda Item G.4.d, Supplemental CDFW Motion in Writing, Motion 1).

Ms. Yaremko referenced the rationale she provided for her withdrawn motion with regard to the selection of the two-fish bag limit which still applies. This motion also provides a full range of alternatives for public review and directs the HMSMT to complete the draft EA for November.

Mr. Helvey noted that all of the member countries involved with bluefin are moving toward rebuilding. This motion gives a good signal that will assist in the negotiations at IATTC to establish firmer rebuilding efforts.

Mr. Brizendine moved (Amendment 1, seconded by Mr. Wolford) to adopt a preferred daily bag limit of three fish with a maximum of nine fish in possession.

Mr. Brizendine stated that public testimony indicates a local abundance of bluefin tuna. There are a variety of year classes (10 to over 80 pounds) in a variety of areas throughout the southern California bight. The more year classes, the better indication of the health of the stock. The southern California recreational industry shouldn't be penalized for the poor management practices in the Western Pacific. The tuna industry has voluntarily reduced bluefin tuna limits three times since 2008, going from 10 to recommending a limit of 5, and currently reducing that recommendation to a limit of 3 bluefin tuna. Recreational boats that have been fishing in Baja California have adhered to a limit of 5 bluefin tuna for many years. The industry would welcome the opportunity to collaborate with other EPO nations on the limit of 3 bluefin tuna in the future. Historically, the recreational industry has accounted for 1 to 5 percent of the annual bluefin tuna harvest in this region. The HMS species that visit California each season, such as bluefin tuna, fuel a large recreational fishing industry that is a major component of the local economy. National Standard 8 of the MSA talks about conservation and management measures taking into account the importance of fishing resources for fishing communities. For this reason, a reduction to below 3 bluefin tuna is not warranted at this time and would greatly harm the local economy without providing any meaningful relief to the stock of bluefin tuna.

Mr. Crabbe spoke in support of the amendment. He understood the rebuilding concerns and noted how industry has moved from a 10 to a 3-fish bag limit. Even though the data shows that a 3-fish bag limit would result in a 12 to 13 percent reduction, the drop from 10 to 3 fish has also taken away the potential of where the fishery could have gone in years such as 2012 and 2013, when the catch could have been greatly increased. This means a lot to the community of San Diego.

Ms. Culver asked Mr. Brizendine if he thought the industry would be willing to have a bag limit of 3 and then, if inseason monitoring showed a certain catch level, decreasing the bag limit to 2.

Mr. Brizendine thought some kind of sliding scale might be appropriate. The health of the stock is what is the priority.

Mr. Lincoln noted that he didn't think the amendment addressed the severity of the need to reduce the fishery. Even at a 2-fish bag limit, there are very few individuals that reach that level.

Mr. Wolford noted that we cannot solve this problem on our own, even if we went to zero. It must be addressed in the international fishery. The move to 3 fish is significant and will still allow us to lead the way. It is enough of a cut until the other nations step up and say they are willing to take some cuts, and then we might consider dropping to lower limits.

Mr. Helvey provided some observations about the bag limit and the anecdotal evidence (cited by Mr. Brizendine) for an abundance of fish on the eastern side of the Pacific. He noted that the anecdotal information is not making its way into the stock assessments. The stock assessment indicates the stock is down 4 to 6 percent of its virgin biomass. That means we need to take some critical action. Recently, we saw that the western side countries were willing to make a 50 percent reduction from their 2003/2004 catches. If we applied that same metric to the bag limit, a 3-fish or a 2-fish bag limit doesn't get us to that same point. To be serious about rebuilding the stock, we need to take some significant cuts. If our actions rebuild the stock within 10 years, the cut in bag limit will be an interim measure.

Dr. Braby, Mr. Feldner, and Mr. Ortmann noted that this is a hard decision with merits on both sides, but were generally in support of keeping significant cuts (2-fish bag limit) in the PPA that goes out to public review.

Amendment 1 failed (Ms. Yaremko, Mr. Pollard, Mr. Helvey, Mr. Lincoln, Mr. Ortmann, Mr. Sones, Ms. Culver, Dr. Braby and Mr. Myer voted no; 9 no, 4 yes).

Dr. McIsaac confirmed Ms. Culver's summary of what the HMSMT would analyze for November under the main motion.

Motion 7 carried unanimously.

Ms. Yaremko moved (**Motion 8**, seconded by Mr. Helvey) that the Council adopt the following range of alternatives on filleting of tuna at sea south of Point Conception for public review (as discussed in Agenda Item G.4.b, Supplemental HMSMT Report 4):

- a. Preliminary Preferred: Filleting of tuna at sea would be authorized in a manner that allows for both the species and the quantity of tuna taken aboard a vessel to be determined.
- b. Filleting of tuna at sea would be prohibited, while continuing to allow processing to remove organs and viscera (i.e., allowing only gilling and/or gutting).
- c. Prohibit any processing of tuna at sea.

Direct the HMSMT to include the analysis in the draft EA for the November meeting to allow for final Council action, including an analysis of economic impacts to industry.

Ms. Yaremko stated that, as identified in Supplemental CDFW Report 4 and the Supplemental EC Report, to make the bag reduction limits work, we must ensure the regulation is enforceable and that we can identify tuna by species and by number. Current regulations that authorize filleting at sea would not allow for adequate determination of the species or number of fish. The HMSMT and HMSAS identified the potential economic impacts of amending the filleting regulations. Filleting is a common practice at sea for trips targeting tuna, which keeps the quality of the fish and generates income for CPFV crewmen. There is an intent by the Sport Fishing Association of California to work with the agencies to develop protocols to allow processing at sea in a way that

will still allow the needed enforceability. There is potentially more impact from the loss of revenue for filleting of fish than there is from the reduction in the bag limit from 2 to 3 fish because we are talking about all tuna, not just bluefin. We need to analyze this, as we have heard in public testimony that the San Diego sportfishing charter fleet is potentially the largest in the world and is critically important to the regional economy. This regulation is specific to the area south of Point Conception. Recreational catch information indicates it is a relatively rare event to catch bluefin north of Point Conception. We do not want to unnecessarily subject those targeting albacore tuna to the same the prohibitions for filleting at sea. She hoped that the filleting issues could be worked out for the PPA, as that would be superior to the other two alternatives.

Mr. Myer expressed concern about the impact of the motion if there is any commercial processing of tuna currently occurring south of Point Conception. The motion is not specific to bluefin tuna or the recreational fishery. Mr. Wolford inquired if the motion was intended to cover both the commercial and recreational fisheries.

Ms. Yaremko responded that the motion is intended to be specific to the recreational fisheries.

Mr. Wolford provided some comments concerning the private recreational fleet which has some small boats which are restricted by the volume of fish they can take care of. He noted that simply removing the heads could partially address that issue to allow for quality handling. He wondered if heading had been considered.

Ms. Yaremko replied that heading had not been considered. It could be included in the range of alternatives, but might not allow for getting fish length information.

Mr. Wolford moved (Amendment 1, seconded by Mr. Brizendine) to make the following changes:

1. Add the words “in the recreation fishery” in front of “filleting” in the first sentence.
2. Add Option D [identical to Option B except it adds “heading” as partial processing]. Filleting of tuna at sea would be prohibited, while continuing to allow processing to remove head, organs, and viscera (i.e., allowing only gilling and/or gutting).

Mr. Wolford stated that his motion was intended to capture the previous Council discussion on this issue.

Amendment 1 carried unanimously. **Motion 8**, as amended, carried unanimously.

Mr. Wolford moved (**Motion 9**, seconded by Ms. Yaremko) as follows:

For the Drift Gillnet Fishery: Move the range of alternatives in the Management Team Report 3 (Agenda Item G.4.b, HMSMT Report 3) go out for public review; but to narrow the range of alternatives, focus the public’s attention, and focus the analysis, identify the following as our PPA:

Regarding hard caps,

Adopt for mammals: Table 1, page 4, HMSMT Report 3, for the species listed using the numbers in the first column – Annual take with the following changes:

Column title change to: “Annual Mortality/Serious Injury”

For Fin Whale, up to 2

For Olive Ridley turtle, up to 2

For Green turtle, up to 2

Regarding other mammals not covered in Table 1, adopt for public review Table 4, pg. 7 (HMSMT Report 3) as performance objectives, not hard caps, - but rather as annual catch targets that should not be exceeded – using the 10 year maximum column for Observed Mortality numbers for 2015 with the intent to achieve lower numbers in future years. This would then include the following species and annual performance objectives for 2015:

Short-finned pilot	2
Minke	0
Grey	1
Short Beaked Common Dolphin	9
Long Beaked Common Dolphin	5
Pacific White-sided Common Dolphin	3
Northern Right Whale Dolphin	3
Risso’s Dolphin	1
Bottlenose Dolphin	1
California Sea Lion	18
Northern Elephant Seal	1

Note this excludes the “unidentified” common dolphin.

Regarding Finfish - Alternative 3, on page 8 (HMSMT Report 3) as performance objectives, not hard caps, - but rather as annual catch targets that should not be exceeded as discard mortality for specific fish (from Agenda Item G.4.b, Supplemental HMSMT Report 5) page 1, using the annual average dead removals).

Blue sharks	143
Mola	68
Marlins *from Public comment*	28

For both non-ESA listed Mammals and finfish, include a one year only rollover option: number 4 on page 3 as described in Agenda Item G.4.b, Supplemental HMSMT Report 5, September 2014).

Regarding Observability, adopt

From Management Report 3: A blend of Alternatives found on pages 9 and 10 as follows:

Essentially alternative 3 but explicitly removing the unobservable exemption: by the 2018 fishing season: 100 percent monitored – at the current level of human observers, with electronic monitoring (EM) (for the purpose of catch and bycatch accounting) on all other vessels, removing the unobservable exemption.

Mr. Wolford stated that his objective has not been to eliminate the DGN fishery, but to ensure that we have a responsible fishery providing a good product that we can be proud of. He referred to Mr. Crabbe’s vision of the viable and vital fishery that this fishery could become. He challenged the fishermen to be creative to achieve the catch and bycatch that represents a good fishery. The hard caps for the ESA species in Table 1 show that the incidental take statements are a long ways

from the potential biological removal (PBR) numbers. That leaves room for maneuverability. When you look at the annual take and five-year take you can see that these really are rare events. Therefore, he thought it was safe to move to two for the fin whale, olive Ridley, and green turtles. That would be a very significant cap on mortality and would not come anywhere close to putting these animals at risk. The observed interactions for the other animals at an observer rate of about 20 percent or so are referenced in Table 4. When we keep these as observed interactions and mortalities with 100 percent monitoring, to use the numbers here really is a challenge in terms of reducing the number of interactions and mortalities. Therefore, as we go from the 20 percent to 100 percent observer rate, he wanted to make sure we use the mortality numbers, not the interaction numbers. The numbers you see in the motion are the observed mortalities for the 10 year maximum. The fishery has demonstrated that they could already live with the 10 year maximum. While these are going to be challenging and cause the fishery to look at what it does, he thought these are numbers that will cause the fishery to be strong and vital. The finfish issue for all the other fish caught in the nets has had a lot of good discussion (Agenda Item G.4.b, Supplemental HMSMT Report 5). He noted that while there are lots of encounters with blue shark, the mortalities are low. This led to the concept of catch targets rather than hard caps in this arena, but with a very low number on mortalities. Other fish are marketable and targets of this fishery, so he removed them from consideration. There was considerable discussion on marlins—public comment suggested 28, and that is the number he has used. The roll-over option (taking some unused impacts from one year to another) is a good concept that he picked up from Supplemental HMSMT Report 5. Having a 100 percent observer rate addresses the problem of expanding rare events at lower observer levels that will pay for itself in the long run and reduce public negativity. Along those lines, it was important to take away the unobservable exemption. He understands not all boats can take human observers, so the concept of EM is important, including location, and catch and bycatch accounting. He realizes EM needs further development to do this, which he hopes will be sufficient by 2018.

Mr. Crabbe provided supportive comments for the motion and the fishery. He thought we should focus on bringing the bycatch to acceptable levels so that the fishery can target the main areas where the target species are found, rather than on the fringe areas.

Mr. Wolford clarified the distinction between hard caps and performance objectives that should not be exceeded. When you hit a hard cap, the implication is that the fishery is closed for the remainder of the year. If you hit or exceed a performance objective, there would be a review of the cause to see if there was something to fix or a need to change the behavior on the water in the following year, or a change in the requirement. Basically, there would be a required consultation that could be followed-up with a closure of the fishery.

Ms. Culver moved (Amendment 1, seconded by Mr. Lincoln) to include the following in the main motion:

- Insert at the preamble of the motion “The range of methods and the corresponding basis for the potential hard caps described in HMSMT Report 3 would remain,”
- Add to the hard cap Preliminary Preferred Alternative section:
 - a. Applications of hard caps would be aligned with the fishing season (August 15-January 31) – PPA
 - b. Hard caps would apply to fishery mortality and or serious injury (M/SI) – PPA

- c. At a minimum, annual hard caps would be in place for high priority protected species (i.e., ESA-listed and those with an annual mortality or serious injury of greater than or equal to 10 percent PBR). Species: fin, humpback, short-finned pilot, and sperm whales; leatherback, loggerhead, olive Ridley, and green sea turtles – PPA
- d. Hard caps may also be considered for the other species listed in Table 4 in HMSMT Report 3, page 7.
- In the finfish section, replace the PPA with “Status quo – no action for finfish bycatch reduction measures – PPA
- In Fishery monitoring section, add: For fishing monitoring, analyze the following alternatives:
 - e. Maintain a minimum of 33 percent observer coverage level, remove the unobservable vessel exemption, and allow individual vessels the flexibility to contract with an approved observer provider company.
 - f. Maintain a minimum of 50 percent observer coverage level, remove the unobservable vessel exemption, and allow individual vessels the flexibility to contract with an approved observer provider company.
- Add: Provide guidance to the HMSMT to include the following in their analysis:
 - g. Using NMFS observer data for the last five seasons (2009-2010 through 2013-2014), and a monthly timeline on the X axis, expand the data to estimate when takes of the highly protected species listed above would have occurred with the corresponding targeted species (swordfish) catch and bycatch of common mola, sharks, and striped marlin (Note: These species would be listed on the Y axis).

Ms. Culver stated that the team has provided a good range of alternatives and have explored different methods for the potential rationale for some of the hard caps. Specific to item a, the team asked for guidance on whether hard caps would align with the fishing season or calendar year. Given that the season extends over two years, alignment with the fishing season would ease that consideration. Item b is consistent with the original motion in that hard caps reference mortality or serious injury. Item c is consistent with the Council action in June which stated our intent to have annual hard caps in place for high priority, protected species, and, at a minimum, included those species which were ESA-listed. This amendment adds short-finned pilot whale as the team report stated that, while not ESA-listed, short-finned pilot whale has a low PBR, and the fishery exceeded the PBR this past year. Item d makes it explicit that we could consider hard caps for any of the species listed in Table 4 in the team’s report. Regarding the finfish bycatch reduction measures, she is really not opposed to the main motion, however, she is not prepared to support it as a PPA at this time based on the information presented to us. That is why in the last part of the motion (item g) she is asking the team to estimate when the takes of the ESA-listed species would have occurred in the targeted fisheries based on data from the past five seasons. Moving on, the section on fishery monitoring doesn’t specify a PPA and adds two alternatives on which to focus the analysis—one with 33 percent (item e) and one with 50 percent (item f) observer coverage. These also include removing the unobservable vessel classification and an option for contracting with an approved observer provider company. She believes that option is currently unavailable and may be needed as we increase the requirement for observers. She further referenced item g to which she has previously spoken concerning the hind cast analysis of attaining the hard caps for

the ESA-listed species and what the corresponding targeted catch and bycatch would be at that point, which could indicate if caps for certain other bycatch species might be needed as well.

Council members discussed and sought clarification of various items and issues in the proposed amendment, including item c and the intent, purpose, and implementation of the 10-percent-of-PBR limitation, and the selection of status quo as the PPA for finfish bycatch reduction measures and the value of further analysis and public input.

Ms. Yaremko moved (Amendment 1a, seconded by Ms. Culver) to identify a PPA regarding finfish bycatch to establish performance objectives for finfish bycatch at a level to be selected from the range of alternatives identified by the HMSMT and additional public comment from this agenda item.

Ms. Yaremko thought that Council discussion has identified a need for more work on finfish bycatch performance objectives and the selection of a specific number that would help determine the right suite of numbers to consider.

Amendment 1a carried unanimously.

Ms. Yaremko, Mr. Sones, Mr. Crabbe, Mr. Wolford, and Mr. Helvey discussed several aspects of the main motion and proposed amendment. The discussion included support of the need for additional clarification offered by the proposed analyses as well as some support and opposition to hard caps based in part on the comments of the Protected Resource staff. Further, there were comments on the need to allow expansion of the fishing area while reducing bycatch, which included some consideration of different ways the hard caps might be implemented.

Mr. Helvey moved (Amendment 1b, seconded by Mr. Sones) to add “multiple-year hard caps and hard caps with rollover feature” under the hard cap PPA section part [item] c.

Mr. Helvey noted that this was going out for public review and the team has more analysis to do. He did not want to lose the consideration of some flexibility in the way hard caps might be used to address some of the comments which were in opposition to more broadly implemented hard caps.

Ms. Culver thought that this feature is in the main motion as written, while Ms. Yaremko and Mr. Wolford thought it would be inconsistent with the main motion which specified annual hard caps as the PPA, not multiple year hard caps and roll over features.

Amendment 1b failed (Mr. Pollard, Mr. Helvey, Mr. Sones, Mr. Crabbe, and Mr. Ortmann voted yes).

Mr. Wolford clarified that the consultation specified in the amendment and main motion would be within the Council family and might occur on the Council floor. The main point would be what we would ask of NMFS should the targets be exceeded. Under the most severe situation, the fishery would be closed. With less serious matters it could be discussed among the Council advisors, NMFS, and the Council to determine the appropriate action.

Amendment 1, as amended, carried (Mr. Sones voted no).

Dr. Braby stated that she wanted to reduce bycatch and bycatch waste, but she wanted to flag it for the record that we do so in other fisheries without the hard cap tool. She appreciates the intent of the motion to inspire innovation in the fishery and the need to demonstrate that it can operate in a way to be successful. One hundred percent observers would go a long way to limit take without the hard caps. She does intend to support the motion, but has a lot of concerns about the use of this tool and wants additional analysis to have confidence in the numbers that will inspire innovation without unnecessarily shutting down fisheries.

Mr. Pollard and Mr. Wolford commented in support of the motion and the need to use the hard caps wisely.

Motion 9, as amended, carried (Mr. Sones vote no).

Dr. McIsaac noted the remaining assignments for the Council.

Mr. Heberer clarified that it would be unlikely that the HMSMT could complete the analysis for the actions in the motion in time for the November Council meeting.

Mr. Helvey commented that the fishery opens August 15 and final action by the Council on this in March or April might allow implementation by August. Mr. Heberer stated that he thought the HMSMT could meet that schedule. Further discussion suggested bringing a preliminary HMSMT work product on the understanding of the motion to the November Council meeting for guidance and direction.

Mr. Crabbe moved (**Motion 10**, seconded by Mr. Wolford) that the Council offer the following guidance on further analysis, process, and schedule to address the List of Management Measure Issues Adopted at the June Council meeting as follows:

- Delete from future consideration – Enhanced VMS Ping Rates for Vessels in the DGN Fishery.
- Investigate other low cost technologies for vessel tracking including data loggers.
- Further consideration of providing for a Shallow Set Longline Fishery outside the EEZ to provide parity with Hawaiian Longline Fleet.
- Further consideration of Longline Fishing inside the EEZ should be restricted to the EFP process.
- Further consideration of transitioning the Current California Limited Entry Permit Program to a Federal Program under the HMS FMP.
- No Guidance relative to comments on Proposed MMPA Negligible Impact Determination (Agenda Item G.4.a, Attachment 4).
- Pertaining to consider providing comments on the petition for rulemaking to prohibit Pacific bluefin tuna fishing and establish specific reference points to determine if overfishing is occurring or the stock is overfished; Council intent has been specified in prior motions and guidance under G.4 and G.2.

Mr. Crabbe stated that after listening to public testimony and the advisory bodies, he is not convinced that enhanced VMS ping rates (first bullet) are the right tool or needed for the DGN fishery. fishing activity takes several hours to execute once the gear is being set. It does not seem too smart to use our limited time and effort on enhanced VMS. He would like to invest our time in exploring other low-cost technologies (second bullet) that could accomplish more of what we would like to see (e.g., vessel movement). The motion directs further consideration of providing a shallow-set longline fishery outside the EEZ (third bullet). This would help provide some parity for our fishermen, who, unlike the Hawaiian fleet, cannot fish and land fish from outside the EEZ in California. The fourth bullet limits longline fishing in the EEZ to the EFP process to enable us to have the data we need to know how to manage that fishery. The fifth bullet on transitioning the California limited entry permit program to a Federal program was supported in public comment, and we need to take a look at that. He heard no comments pertaining to the sixth bullet, and has referenced Council intent on rulemaking for bluefin tuna in earlier motions and guidance under G.4 and G.2 (seventh bullet).

Motion 10 carried unanimously.

Ms. Culver suggested that the Council discuss the need for current representation on the Pacific Offshore Cetacean Take Reduction Team during agenda planning and also in November.

H. Ecosystem-based Management [Recording 9-13-14pm1]

H.1 Unmanaged Forage Fish Protection Initiative

H.1.a Agenda Item Overview [0:42:07]

Mr. Mike Burner presented the Agenda Item Overview.

Ms. Yvonne deReynier presented Agenda Item H.1.a, Attachment 1: Comprehensive Ecosystem-Based Amendment 1: Protecting Unfished and Unmanaged Forage Fish Species.

H.1.b Reports and Comments of Advisory Bodies and Management Entities [1:03:46]

Ms. Yvonne deReynier presented Agenda Item H.1.b, Ecosystem Workgroup Report: Ecosystem Workgroup Summary Report on the Unmanaged Forage Fish Protection Initiative.

Dr. Paul Dye presented Agenda Item H.1.b, Supplemental EAS Report.

Mr. Mike Burner presented Agenda Item H.1.b, Supplemental STT Report.

Ms. Cyreis Schmitt presented Agenda Item H.1.b, Supplemental HMSMT Report and Agenda Item H.1.b, Supplemental CPSMT Report.

Ms. Diane Pleschner-Steele presented Agenda Item H.1.b, Supplemental CPSAS Report.

Mr. Rob Jones presented Agenda Item H.1.b, Supplemental GMT Report.

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

H.1.c Public Comment [1:25:36]

- Agenda Item H.1.c, Public Comment
- Agenda Item H.1.c, Supplemental Public Comment 2 (Full Version Electronic Only)
- Agenda Item H.1.c, Supplemental Public Comment 3
- Agenda Item H.1.c, Supplemental Public Comment 4: Letter from Wallace Kaufman

- Agenda Item H.1.c, Supplemental Public Comment 5

Ms. Mary Jokela, Spokane Audubon Society, Spokane, Washington, presented Agenda Item H.1.c, Supplemental Public Comment 6: Letter from Spokane Audubon Society.

Ms. Heather Mann, Midwater Trawlers Cooperative, Newport, Oregon, presented Agenda Item H.1.c, Supplemental Public Comment 7.

Mr. Steve Marx, PEW Charitable Trusts, Portland, Oregon.

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

Mr. Ben Enticknap, Oceana, Portland, Oregon.

Mr. Norm Ritchie, Association of NW Steelheaders, Portland, Oregon.

Mr. Dwayne Meadows, Trout Unlimited, Corvallis, Oregon.

Mr. August Felando, San Diego, California.

Mr. Greg Helms, Ocean Conservancy, Santa Barbara, California.

Ms. Teresa Labriola, Wild Oceans, Mosier, Oregon.

H.1.d Council Action: Adopt Preliminary Preferred Alternative and Public Review Draft Amendment Language for Incorporating Protection to Unmanaged Forage Fish in Council Fishery Management Plans [Begin Recording 9-13-14pm2]

Dr. Braby moved (**Motion 4**, seconded by Mr. Feldner) that the Council identify Alternative 2, as shown in Agenda Item H.1.a, Attachment 1, as the Preliminary Preferred Alternative. I also recommend the draft amendatory language, as written in Agenda Item H.1.a, Attachment 1, be forwarded for public review with the following changes:

- Incorporate changes suggested in
 - Supplemental STT Report
 - Supplemental HMSMT Report
 - Supplemental CPSMT Report
- Consistently use language in the “1.2 Purpose and Need” (Agenda Item H.1.a, Attachment 1, page 2) throughout the document rather than alternative language. For example, use “prohibit” rather than “restrict” in reference to new directed fisheries in the amendatory language of each FMP.

Dr. Braby noted the consensus and praise for the Council moving collectively forward on this issue, and expressed thanks to the workgroup for an excellent document that is consistent with the intent of the Council. She emphasized the point that the stated need is to prohibit new, directed commercial fishing on unmanaged, unfished forage fish species. Alternative 2 does that. Alternative 1 (status quo) is clearly not the intent of the Council. Alternative 3 (no retention allowed requiring discard at sea) is not feasible and there isn't a clear need for that. Alternative 2 is logistically feasible and meets the intent of the purpose and need statement. Going forward, we will need to consider monitoring needs and caps. She has not included these in this motion and has kept it simple with the understanding that there is great consensus among the states to do what we can to work towards the need to provide information for how the aggregate group is being accessed by these fisheries. The existing fish ticket system will provide information that can be utilized in reports (e.g., the state of the ecosystem report) to determine how the landings are changing over time and guide us in preventing the development of directed fisheries. We have also heard that timing is key and there is a great desire to get this basic prohibition in place quickly. Spending

more time to work out the monitoring and reporting challenges ahead of time would reverse the priority.

In response to a question on the incomplete portions of the document, Mr. Burner stated that the most important thing to get out quickly would be the amendatory language to the four FMPs to allow time for the public to review it prior to final action in March. Staff can do that. The EA document should also be more complete in time for the March briefing book.

In response to a question from Mr. Burner, Dr. Braby noted that it was an oversight that the motion left out one of the two changes in the EA recommended by the EAS which related to jack smelt in the CPS FMP.

Mr. Niles moved (Amendment 1 to **Motion 4**, seconded by Mr. Lincoln) to add the following to the motion:

Ask the Ecosystem Workgroup to discuss the following item with the aim of maintaining the target of final action in March:

- a. Investigate how the current fish ticket reporting rules could be altered to improve monitoring of landings for these species. The goal would be to produce estimates that would be adequate to support annual level reporting of the CEBA1 species in aggregate (i.e. not species level or necessarily species group level). We are interested in changes that would be readily implementable, handled at the state level, without new resources or redirecting current sampling resources.
- b. “Incidental retention allowed” – but how much? Are provisions needed to distinguish the CEBA1 species with any conflicting incidental catch provisions in the four FMPs. Likewise, do we need some regulatory definition of directed fishing, unacceptable incidental levels, or both for purposes of enforceability.
- c. Discuss what type of information EFPs could collect, what other info we might like before authorizing a full directed fishery and what type of research program it might take to collect it.
- d. Include all the comments of the advisory bodies relative to the FMP language.

Mr. Niles stated that the purpose of the amendment is to be specific on a few issues that need more attention of the working group and advisory bodies to focus their work between now and March. The first point addresses small changes in the monitoring to ensure it is done in a sufficient way, in the aggregate, to detect annual changes in the fisheries for these species. The intent of the second point is to address some ambiguity in the meaning of incidental retention, especially regarding expected behavior and enforcement. Item “c” addresses what information is required before we authorize directed fishing.

Council members discussed several specific aspects of the proposed amendment and had some problems with it, especially item b.

Mr. Myer moved (Amendment 1a, seconded by Mr. Crabbe) to delete part “b” from the amendment.

Mr. Myer stated that he believes the discussions intended by part “b” are acceptable for the work group to have. However, he is afraid of where that discussion might lead the work group and doesn’t believe it should be included in the motion.

Amendment 1a carried (Mr. Niles voted no and Ms. Yaremko abstained).

Mr. Niles stated that his main purpose was to have the Council discuss these issues for guidance to the work group. He felt that had been accomplished and withdrew Amendment 1 with the consent of the second.

Mr. Lincoln moved (Amendment 2 to **Motion 4**, seconded by Ms. Yaremko) to include Agenda Item H.1.b, Supplemental EAS Report in the list of changes to incorporate in the draft amendatory language (H.1.a, Attachment 1).

Mr. Lincoln stated the purpose for the amendment was to make the motion consistent with the intent of the Council from the previous discussion (primarily the correction noted by Mr. Burner and Dr. Braby).

Amendment 2 carried unanimously. **Motion 4**, as amended, carried unanimously.

I. Administrative Matters [Recording 9-15-14am2]

I.1 Legislative Matters

I.1.a Agenda Item Overview [0:00:30]

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

- Agenda Item I.1.a, Attachment 1: Second Senate Draft MSA Reauthorization Bill (Electronic Only)
- Agenda Item I.1.a, Attachment 2: Footnoted Version of MSA with House and Senate Changes (Electronic Only)
- Agenda Item I.1.a, Attachment 3: Staff Summary of Differences between House and Senate Draft Versions of MSA
- Agenda Item I.1.a, Attachment 4: Gulf Fishery Management Council letter commenting on the House Discussion Draft
- Agenda Item I.1.a, Attachment 5: Letter to Chairman Hastings and Senator Begich;
- Agenda Item I.1.a, Attachment 6: Summary of Advisory Body Comments on MSA Reauthorization
- Agenda Item I.1.a, Attachment 7: Staff Summary of Federal Legislation
- Agenda Item I.1.a, Attachment 8: S 2608, Improved National Monument Designation Process Act
- Agenda Item I.1.a, Attachment 9: Summary of Murkowski Bill
- Agenda Item I.1.a, Attachment 10: Request for Council Comment on Murkowski Bill

I.1.b Report of the Legislative Committee [0:03:24]

Ms. Jennifer Gilden read Agenda Item I.1.b, Supplemental Legislative Committee Report. Dr. Dave Hanson answered questions regarding the report.

I.1.c Reports and Comments of Advisory Bodies and Management Entities [0:10:12]

Mr. Gerry Richter presented Agenda Item I.1.c, Supplemental GAP Report.
Ms. Jennifer Gilden read Agenda Item I.1.c, Supplemental EAS Report.

I.1.d Public Comments

None.

I.1.e Council Action: Consider Legislative Committee Recommendations [0:14:26]

Dr. Hanson moved **Motion 11** (seconded by Mr. Crabbe) that the Council direct staff to develop a letter to respond to Senator Murkowski's request.

Dr. Hanson stated that while it was not explicitly stated in the Supplemental Legislative Committee (LC) Report, the intent was to forward the comments in that report to Senator Murkowski. Dr. Hanson noted that the comments were consistent with Council positions taken in the past. We do not want other acts to supersede the MSA.

Ms. Culver noted that the EAS and HMSAS both have reports that address this issue, but they are under Agenda Item I.2.

Ms. Culver noted the Council's comments on the MSA reauthorization in Attachment 5 in which the Council supported language in HR 4742 that the MSA have control in cases where there is any conflict with the National Marine Sanctuaries Act or the Antiquities Act. However, she did not believe it was appropriate for the Council to comment on legislation (e.g., S 2608) that has been proposed to revise the administration's authority to designate National Monuments. The National Marine Sanctuaries Act is vague in the designation of reserves and is in conflict with the Regional Fishery Management Councils under MSA. However, S 2608 is a different matter. In her state role she would not comment on an action by the legislature to limit the authority of the Washington State Governor, and she believes the Council is under the administration and shouldn't comment on bills proposed to reduce the administration authority.

Ms. Lowman stated that she had a little different take on this bill. She believes it has more to do with modifying the Antiquities Act and is not aimed just at this administration or the recent actions by the President. The Antiquities Act has primarily been used on a terrestrial basis, and the comments by the LC and this motion are aimed at ensuring that the regulation of fisheries stays mainly with the MSA in the future.

Mr. Wolford added that the LC was very cognizant of the issues Ms. Culver raised, and that is why the scope of the comments is very narrow, focused on ensuring that fishing regulations fall under the MSA.

Motion 11 carried (Ms. Culver voted no and Mr. Turner abstained).

I.2 Comments on Executive Actions (9/15/2014; 11:12 a.m.) [0:26:49]

I.2.a Agenda Item Overview

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

- Agenda Item I.2.a, Attachment 1: Fact Sheet: Leading at Home and Internationally to Protect our Oceans and Coasts
- Agenda Item I.2.a, Attachment 2: WPFMC Letter to President Obama
- Agenda Item I.2.a, Attachment 3: WPFMC Press Release
- Agenda Item I.2.a, Attachment 4: WPFMC Reaction
- Agenda Item I.2.a, Attachment 5: Letter from Marine Conservation Alliance on Proposed Monument Expansion
- Agenda Item I.2.a, Attachment 6: President Memorandum on Seafood Fraud Prevention
- Agenda Item I.2.a, Attachment 7: *Federal Register* Notice on Public Meetings and Request for Comment on Seafood Fraud
- Agenda Item I.2.a, Supplemental Attachment 8: Pacific Council Comments on Final Meeting with Presidential Task Force on IUU Fishing and Seafood Fraud
- Agenda Item I.2.a, Supplemental Attachment 9: WPFMC News Release dated September 10, 2014: At White House, Pacific Island Delegation Warns that the President's Proposed Marine Monument Expansion will Fail American Fisher

I.2.b Reports and Comments of Advisory Bodies and Management Entities [0:30:27]

Mr. Gerry Richter presented Agenda Item I.2.b, Supplemental GAP Report.

Ms. Jennifer Gilden read Agenda Item I.2.b, Supplemental EAS Report and Agenda Item I.2.b, Supplemental HMSAS Report.

I.2.c Public Comment [0:35:33]

- Agenda Item I.2.c, Supplemental Public Comment

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

I.2.d Council Action: Provide Comments on Executive Actions, including Consideration to Expand the National Monument in the South Pacific Region, Address Seafood Fraud, and Deter Illegal Fishing and Marketing. [0:39:25]

Mr. Pollard noted the expiration of the comment period deadlines, but believes it would still be important to support the Western Pacific Fishery Management Council (WPFMC) in their responses to the National Monument designation.

Mr. Farrell thought the more important issue was the engagement of the regional management councils in the process. He believes the Federal government has a lack of engagement with the states, and this is our forum to have input.

Ms. Lowman agreed that the process issue of having input in the decision rather than the specifics of this particular action was what was important.

Ms. Culver stated that if we are to send a signal on the need for consultation or advance notification for proposed actions, we also need to comment on the science and benefits rather than just the impacts on the stakeholders.

Ms. Moreland noted that commenting on the authorities that touch the Council and the science is important, but to ensure transparency and well-informed decisions also means engaging the public.

Mr. Pollard summarized the guidance that has been given regarding the staff developing a comment letter with particular emphasis on the process, science, and coordination with, and impacts on, the communities and stakeholders.

I.3 Albatross Avoidance Briefing

This Agenda Item was cancelled under Agenda Item A.4.

I.4 Fiscal Matters (9/17/2014; 12:30 p.m.) [Begin Recording 9-17-14pm1]

I.4.a Agenda Item Overview [0:00:20]

Mr. Chuck Tracy provided the Agenda Item Overview.

I.4.b Budget Committee Report [0:00:55]

Mr. Chuck Tracy read Agenda Item I.4.b, Supplemental Budget Committee Report.

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

None.

I.4.d Public Comment

None.

I.4.e Council Action: Consider Budget Committee Recommendations [0:04:10]

Since the Budget Committee had no recommendations for Council action, no actions were taken.

I.5 Membership Appointments and Council Operating Procedures [0:04:25]

I.5.a Agenda Item Overview [0:04:26]

Mr. Chuck Tracy provided the Agenda Item Overview and referenced the following documents:

- Agenda Item I.5.a, Attachment 1: Current COP 9
- Agenda Item I.5.a, Attachment 2: Staff Recommended Updates to COP 9
- Agenda Item I.5.a, Supplemental Attachment 3: Revised Staff Recommended Updates to COP 9

I.5.b Reports and Comments of Advisory Bodies and Management Entities [0:09:26]

Mr. Tracy read Agenda Item I.5.b, Supplemental SSC Report.

I.5.c Public Comment

None.

I.5.d Council Action: Consider Appointments to Advisory Bodies and Changes to Council Operating Procedures [0:11:15]

Ms. Yaremko moved (**Motion 24**, seconded by Mr. Brizendine) that the Council appoint Mr. Steve Crooke to the Sport/Charter seat on the Coastal Pelagic Species Advisory Subpanel (CPSAS) and Mr. Dave Rudie to the South of Cape Mendocino Processor seat on the HMSAS.

Motion 24 carried unanimously.

Ms. Lowman confirmed the elections of Ms. Lorna Wargo as Chair and Ms. Chelsea Protasio as Vice-Chair of the CPSMT; and of Sgt. Dan Chadwick to Chair of the Enforcement Consultants (EC).

Mr. Lincoln moved (**Motion 25**, seconded by Mr. Myer) that the Council appoint Ms. Jessi Doerpinghaus to the Washington Department of Fish and Wildlife (WDFW) seat on the Groundfish Management Team (GMT).

Motion 25 carried unanimously.

Mr. Pollard moved and Mr. Ortmann seconded **Motion 26** that the Council adopt the proposed changes to Council Operating Procedure 9 for the CPS management schedule as presented in Agenda Item I.5.a, Supplemental Attachment 3, Revised Staff Recommendations.

Motion 26 carried unanimously.

I.6 Future Council Meeting Agenda and Workload Planning [Recording 9-17-14pm1]

I.6.a Agenda Item Overview [0:15:14]

Dr. Don McIsaac presented the Agenda Item Overview and discussed: Agenda Item I.6.a, Supplemental Joint Council/NMFS Staff Report, with input from Mr. Frank Lockhart on the NMFS portion of the report.

Dr. McIsaac referenced the following attachments:

- Agenda Item I.6.a, Attachment 1: Pacific Council Workload Planning: Preliminary Year-at-a-Glance Summary
- Agenda Item I.6.a, Attachment 2: Draft Proposed Council Meeting Agenda, November 13-19, 2014 in Costa Mesa, California
- Agenda Item I.6.a, Supplemental Attachment 3: Pacific Council Workload Planning: Preliminary Year-at-a-Glance Summary

- Agenda Item I.6.a, Supplemental Attachment 4: Proposed Council Meeting Agenda, November 13-19, 2014 in Costa Mesa, California

I.6.b Reports and Comments of Advisory Bodies and Management Entities [0:52:43]

Mr. Chuck Tracy read Agenda Item I.6.b, Supplemental SAS Report.
 Mr. Mike Okoniewski presented Agenda Item I.6.b, Supplemental CPSAS Report.
 Mr. Chuck Tracy read Agenda Item I.6.b, Supplemental HMSAS Report.
 Mr. John Holloway presented Agenda Item I.6.b, Supplemental GAP Report.
 Mr. Brian Corrigan presented Agenda Item I.6.b, Supplemental EC Report.
 Mr. Chuck Tracy read Agenda Item I.6.b, Supplemental CPSMT Report.

I.6.c Public Comment [1:06:25]

- Agenda Item I.6.b, Supplemental Public Comment

Mr. Seth Atkinson, (Natural Resources Defense Council, San Francisco, California), Mr. Tom Libby and Mr. Shems Jud (Environmental Defense Fund) commenting on the EFH Collaborative Effort presented in Agenda Item I.6.c, Supplemental PowerPoint.
 Ms. Tara Brock, Pew Charitable Trusts, Portland, Oregon.
 Mr. Mike Okoniewski, Pacific Seafood, Clackamas, Oregon.
 Mr. Rod Moore, West Coast Seafood Processors Association, Portland, Oregon.
 Mr. John Holloway, Oregon Anglers/Oregon RFA, Portland, Oregon.

I.6.d Council Action: Provide Guidance on Future Meeting Agenda and Workload Planning, Including Finalizing the Groundfish Omnibus Regulation Change Process and Schedule as Necessary [1:44:02]

Dr. McIsaac discussed potential agenda options for November and beyond with the Council members. These included scheduling of the blackgill rockfish matter introduced by California, widow rockfish reallocation and divestiture, anchovy management, VMS, Pacific halibut management, Atlantis Model review, time needed for groundfish inseason management, Strategic Plan for the West Coast Region, timing of the Groundfish Advisory Subpanel (GAP) meeting, timing of HMS agenda items, and the essential fish habitat process.

Dr. McIsaac summarized the discussion for the November Council meeting and beyond. He stated that some initial anchovy information could be provided under the CPS NMFS report in November and more detailed information might be brought forward in June. The GAP meeting start could be at 1 p.m. on Saturday to allow comment on the Pacific halibut issues. He will move the international HMS agenda to earlier in the week. He will keep the Atlantis Model report in November and would look to getting a strong start on the widow rockfish reallocation and hearing about the divestiture issues rather than delaying it. He would expect an introduction to the blackgill issues with help from California. With respect to some other minor shifting of the schedule for November, he will try to optimize that in the near future and put in a spot for the West Coast Strategic Plan.

J. Groundfish Management [Recording 9-15-14am2]

J.1 Omnibus Regulation Change Priorities (9/15/2014; 11:36 a.m.) [0:50:25]

J.1.a Agenda Item Overview

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

- Agenda Item J.1.a, Attachment 1: Groundfish Management Measures for Council Consideration
- Agenda Item J.1.a, Attachment 2: Considerations for Identifying Groundfish Management Measure Priorities
- Agenda Item J.2.a, Supplemental Attachment 3: Revised References and Schedules for Items in Agenda Item J.1.a, Attachment 1, Sections A and B

J.1.b NMFS Report [0:58:31]

- Agenda Item J.1.b, Supplemental NMFS Letter: Letter to Representative Peter DeFazio.

Mr. Frank Lockhart presented information on the program updates and proposed rule for sorting requirements.

[Begin Recording 9-15-14pm1]

Ms. Jamie Goen presented Agenda Item J.1.b, Supplemental NMFS PowerPoint (Agenda Item J.1.b, NMFS Report 1: Rulemaking Plan for 2014 and Agenda Item J.1.b, NMFS Report 2: NMFS Groundfish Priorities).

Mr. Dayna Matthews presented Agenda Item J.1.b, NMFS OLE Report 1: OLE VMS/Incursion Violation Investigation Summary and Agenda Item J.1.b, NMFS OLE Report 2: VMS Unit Cost and Capabilities Survey Results – August 2014.

J.1.c Reports and Comments of Advisory Bodies and Management Entities [0:39:03]

Mr. Troy Buell presented Agenda Item J.1.c, ODFW Report: Oregon Department of Fish & Wildlife Report on Recovering Derelict Crab Gear during Groundfish Trips.

Ms. Michelle Culver presented Agenda Item J.1.c, WDFW Report: Washington Department of Fish & Wildlife Report on the Council's recommended 2015-2016 Sorting Requirements for Slope Rockfish.

Mr. Dayna Matthews presented Agenda Item J.1.c, Supplemental EC Report.

Mr. Tommy Ancona and Mr. Dan Erickson presented Agenda Item J.1.c, Supplemental GAP Report.

[Begin Recording 9-15-14pm2]

Ms. Heather Reed presented Agenda Item J.1.c, Supplemental GMT Report.

J.1.d Public Comment [0:38:25]

- Agenda Item J.1.d, Public Comment
- Agenda Item J.1.d, Supplemental Public Comment 2

Mr. Gerry Richter, Point Conception Groundfishermen's Association, Santa Barbara, California.
Mr. Brad Pettinger, Oregon Trawlers Cooperative, Brookings, Oregon.
Mr. Rod Moore, West Coast Seafood Processors Association, Portland, Oregon.
Mr. Seth Atkinson, Natural Resources Defense Council, San Francisco, California.
Mr. Pete Leipzig, Fisherman's Marketing Association. McKinleyville, California.
Mr. Ralph Brown, Brookings Fishing Marketing Association, Brookings, Oregon spoke to Agenda Item J.1.d, Supplemental Public Comment 3.
Ms. Donna Parker, Artic Storm, Seattle, Washington referenced letter in Agenda Item J.1.d, Supplemental Public Comment 2.
Mr. Bill James, Port San Luis Fisherman's Association, Salem, Oregon.
Mr. Paul Clampitt, F/V Augustine, Edmonds, Washington.
Mr. Steve Bodnar, Coos Bay Trawler's Association, Coos Bay, Oregon.
Ms. Heather Mann (Midwater Trawlers Cooperative, Newport, Oregon), Mr. Brent Paine (United Catcher Boats, Seattle, Washington) and Mr. Dan Waldeck (Pacific Whiting Cooperative, Portland, Oregon) commented on letter in Agenda Item J.1.d, Public Comment.
Mr. Daniel Platt, open access fisherman, Fort Bragg, California.
Mr. Mike Okoniewski and Ana Kujunte, Pacific Seafood, Clackamas, Oregon.
Mr. Tom Libby, Point Adams Packing and California Shellfish, Astoria, Oregon.
Ms. Michele Longo Eder, F/V Timmy Boy, Newport, Oregon.
Mr. James Mize, Phoenix Processor Limited Partnership, Seattle, Washington.
Ms. Sarah McTee, Environmental Defense Fund, Portland, Oregon.
Mr. Jeff Miles, open access fisherman, Port Orford, Oregon.

J.1.e Council Action: Identify Priority Management Measure Changes, Provide Initial Guidance on Process and Schedule, and Consider New Rule Clarifications, if Any (9/16/2014; 8:03 a.m.) [Begin Recording 9-16-14am1]

Mr. Lockhart noted there was a lot of frustration in the public testimony yesterday over getting things done. He shared that frustration and thought he had made it clear that NMFS has a limited capacity to accomplish all the things that stakeholders would like. He would like the Council to set their priorities so that we can accomplish the most important things while being realistic about the limits of the Council and NMFS workload capacities.

Ms. Culver asked about the timeline for the 2015-2016 specifications implementation.

Mr. Lockhart responded that the implementation is not going to be January 1. March 1 is highly likely. A rule will be published any day now that will provide authority to cover the interim period to issue quota. That rule will also provide long-term authority for future cases where the deadline is not met so additional rules will not be necessary. It is part of the AMP pass-through as well.

Mr. Myer indicated that while item 45 (flow scales) was recommended by the GAP to be removed from the priority list, he believes it is very important for it to remain on the list as a conservation concern. It is important to maintain our credibility as it tracks all the incidental fish and provides the weights that are kept on record. It would also remain consistent with the actions of the North Pacific Fishery Management Council.

Ms. Culver moved (**Motion 12**, seconded by Ms. Grebel) that the Council adopt the following Priorities (from Agenda Item J.1.b, NMFS Report 2, **changes are in bold**):

NMFS Priority 1 – “must do” list

1. Retain all items on the NMFS Priority 1.B. list, but modify the specific timelines for Items 25, 30, and 32 as described below:

B. Immediate and Long-Term Commitments			
25.	Trawl, Non-Trawl, Rec	Amendment 25: Comprehensive Ecosystem-Based Amendment (<u>If Necessary</u>)	<i>Lower Priority for Groundfish FMP; Conservation Measures Addressed Through Other FMPs</i>
30.	Trawl IFQ & MS	Electronic Monitoring Regulations (<u>TBD</u>)	Priority 1
32.	Trawl IFQ, MS & CP	Five Year Trawl Rationalization Program Review (<u>Start in Nov 2016</u>)	Priority 1 <i>Compliance with MSA</i>

2. Address the items in NMFS Priority 1 – C. Candidate Items for Prioritization in September as follows:
 - a. Request the Enforcement Consultants work with NMFS staff to develop a range of alternatives for Vessel Continuous Transit Monitoring that addresses Item 39 (VMS Ping Rates) and Item 70 (Provide for Retrieval of Derelict Crab Pots in RCAs) and report back to the Council with a proposed process and timeline.
 - b. Recommend NMFS move forward with notice and comment rulemaking on Item 45 (Revise Regulations on At-Sea and Shoreside Flow Scales) with similar language adopted in the Alaska Region without additional Council process.
 - c. Move Item 56 (Cost Recovery for the Permit Stacking Program) as being of lower immediate Council priority, but retain on an omnibus list for potential future consideration.
 - d. Remove Item 64 (Management Model Review and Refinement) from the list. This item is typically addressed through the biennial management process and is intended to be a placeholder if current management models significantly change.

NMFS Priority 2 – “should do” list

3. Remove Item 19 (Amendment 22 – Open Access License Limitation) from the list. This item is out of date and of low priority.
4. Modify the items in NMFS Priority 2 – C. Candidate Items for Prioritization in September to include the GAP priorities identified in priority order in Agenda Item J.1.c, Supplemental GAP Report, and add Items 35 and 67, with the implementation goal of 2017 for these items.

C. Candidate Items for Prioritization in September			
52.	Trawl IFQ	Widow Rockfish QS Reallocation	Priority 2
46.	Trawl IFQ	Gear Use – Multiple Gears Onboard and Use	Priority 2
47.	IFQ & LE Pot	Remove Certain Area-Management Restrictions	
48.	Trawl IFQ	Remove Certain Restrictions on Trawl Gear Configuration	
43.	Trawl IFQ & MS	Fishery Declaration Enhancements	Priority 2
44.	IFQ, MS & CP	<u>Elimination of Prohibition on At-Sea Processing S. of 42 degrees</u>	
60.	Recreational	Mid-water Sport Fishery (OR and CA)	Priority 2
66.	Trawl, Non-Trawl, Rec	Create 60-Mile Bank RCA Lines	Priority 2
35.	Trawl, Non-Trawl, Rec	Rebuilding Revision Rules (signal vs. noise)	Priority 2
67.	Trawl, Non-Trawl	Reconsider Blackgill Allocation	Priority 2

5. Concurrent with the Priority 2.C items listed above, move forward on the following priority items by developing alternatives through the different ad hoc committees as noted below. Ad hoc committees to report to the Council on proposed process and timeline to develop alternatives.

C. Candidate Items for Prioritization in September				Ad Hoc Committee
68.	Trawl, Non-Trawl, Rec	Evaluate Nearshore Management Approaches, Including Deferral	Priority 2	WA, OR, & CA (& NMFS)
69.	LE FG	Combine the Fixed Gear LE DTL Fishery and Tier Fishery	Priority 3	LE FG Sablefish Permit Holders
72.	LE FG	Require Permit Price Reporting for LE FG Permit Transfers		
74.	LE FG	<u>Combine Longline and Pot Sablefish Endorsements</u>		
76.	LE FG	<u>Pot Gear Retrieval Requirements</u>		

6. Maintain an omnibus list of the remaining items as Potential Future Priorities that may be considered once the items listed above are completed.

Ms. Culver explained the thinking behind her motion on an item by item basis. Regarding the Priority 1 – must do list, she stated that in item 25 she was stressing that the ecosystem-based amendment remain a high priority. However, the potential amendment of all four FMPs was a large workload and it could be a lower priority for the Groundfish FMP, as forage fish would be protected under any CPS amendment. She proposed revising the priority of Item 30, EM regulations, to a “to be determined” status. It should stay on the schedule, however, the

development of regulations may be on a different timeline depending on how we need to implement the regulations (e.g., regulations for all sectors or just sector-specific). This should be clarified by our action later today under Agenda Item J.3. Item 32, five-year trawl rationalization program review, is a requirement of the MSA. However, while that is important to do, there may be some higher priorities to start on before the five-year review.

Ms. Culver continued by addressing #2 items. She stated that there have been discussions of the ping rates and various other options. She would like the EC to work with NMFS staff to determine what would be the best approach and options, and to suggest a process and timeline to complete this task. She thought prior discussions of the flow scales have provided enough information for the West Coast Region to move ahead with the revision to the regulations similar to what was done in Alaska. She hasn't heard anything to indicate Item 56, cost recovery for the permit stacking program, is a high priority. It was approved by the Council some time ago and may need some minor consideration. Item 64, management model review and refinement, is typically addressed through the biennial management process and serves only as a placeholder.

Ms. Culver stated that the proposed Amendment 22 (open access license limitation) referred to in #3 should be removed from the priority list, as it was considered years ago, is out of date, and the information developed for it is stale and would require starting over if it were to be reconsidered.

Under #4 and #5, Ms. Culver has included the top five priorities developed by the GAP. She agrees with the GAP and public testimony on the importance of the trawl individual fishing quota (IFQ) items, which could potentially provide some additional access to the different trawl sectors, and has been one of the reasons we haven't seen the amount of catch and revenue we had hoped to see. With 100 percent monitoring we could allow some flexibility to the fleet without the old gear requirements. She believes that the fishery regulations (e.g., seasons, gear, and areas) should not wait for the trawl IFQ review and should move forward on a faster timeline. She encouraged industry members and advisory groups to work on the items that remain on the list and identify those that could be addressed through the specifications process. These could be worked on independently.

In response to questions of clarification, Ms. Culver noted that the GAP items are in priority order (first five items on the list). However, we should not wait to address the third item until items 1 and 2 are completed.

Regarding a question concerning the proposed removal of Amendment 22, Dr. McIsaac stated that the Council recommendation to develop a registry of open access vessels (adopted in March 2009) has not been transmitted at NMFS' request due to workload issues surrounding final action and implementation of the trawl IFQ program. If the Council chooses to drop Amendment 22, there would likely need to be a notice to the open access fishermen.

Ms. Culver noted that the Council took action on Amendment 22 and she thought we owed it to the public to transmit the recommendation to NMFS. She understood the reasons behind the original decision. However, she would not want to see this decision to not transmit a Council action set a precedent for the Council and public. She asked if there were a process to follow in considering this action.

Dr. McIsaac replied that the most efficient way to handle this might be to schedule a consideration of this action for the November Council meeting.

Ms. McCall agreed that there needs to be a noticed process either at the Council level to consider rescinding the recommendation or at the agency level to consider approval or disapproval.

Ms. Culver added that either way it is handled, she is recommending it be removed from the omnibus priority list.

Dr. McIsaac commented that the Council could consider this under agenda planning (Agenda Item I.6).

Ms. Grebel spoke in support of the motion. In particular, she noted support for the discussion between the EC and NMFS to identify the best options for EM monitoring. She noted that the allocation for blackgill rockfish was a high priority for California. Regarding the nearshore management approach, it is important for the states to work behind the scenes to help streamline this action and make it helpful to the states. The remaining items on the list are important and should remain on the list. Some of the modeling exercises (e.g., those done by the GMT) should also be going on in the background.

Mr. Lockhart noted that, regarding workload, NMFS is fully subscribed for the next six months and cannot begin work on these priorities until after that time. After that time they may be able to cover the priority 1 items and two or three of the priority 2 issues. However, it is all very uncertain at this time.

Mr. Buell added his support of the motion and highlighted the ecosystem-based amendment. He agreed with the limited priorities under part C. He was most interested in having a year-round whiting fishery and for the sport fishery to have access to some of the same stocks through the mid-water sport fishery. He made further comments in support of the rebuilding revision rules and nearshore management while noting the benefit of ongoing background work by the states. He noted some reservations about the longline fixed gear fishery for sablefish and the need to consider the cumulative impacts on the current participants. He agreed with having a committee determine the issues in this action and that it was in priority 3.

In response to a question, Ms. Culver confirmed that her intent was to use the descriptions in the GAP report to identify the specifics of those issues.

Ms. Grebel confirmed that the 60 mile bank RCA line item was important due to its potential impact on cowcod.

Motion 12 carried unanimously.

J.2 Stock Assessment Planning (9/16/2014; 9:22 a.m.) [Begin Recording 9-16-14am2]

J.2.a Agenda Item Overview [0:00:40]

Mr. John DeVore provided the Agenda Item Overview and noted the following reports:

- Agenda Item J.2.a, Attachment 1: Draft Terms of Reference for the Groundfish and Coastal Pelagic Species Stock Assessment and Review Process for 2015-2016
- Agenda Item J.2.a, Attachment 2: Draft Terms of Reference for the Groundfish Rebuilding Analysis for 2015-2016
- Agenda Item J.2.a, Attachment 3: Draft Terms of Reference for the Methodology Review Process for Groundfish and Coastal Pelagic Species

J.2.b Reports and Comments of Advisory Bodies and Management Entities [0:08:17]

Dr. Michelle McClure presented Agenda Item J.2.b, Supplemental NMFS PowerPoint 2: research Projects in the California RCA.

Dr. Jim Hastie presented Agenda Item J.2.b, Supplemental NMFS PowerPoint: 2015 Stock Assessment Planning: NMFS Recommendations includes (Agenda Item J.2.b, NMFS Report: National Marine Fisheries Service Suggestions for 2015 Groundfish Stock Assessments).

Ms. Michele Culver presented Agenda Item J.2.b, WDFW Report: Washington Department of Fish & Wildlife Report on Groundfish Stock Assessment Planning.

Ms. Meisha Key presented Agenda Item J.2.b, Supplemental SSC Report.

Mr. Tommy Ancona and Mr. Gerry Richter presented Agenda Item J.2.b, Supplemental GAP Report.

Mr. Colby Brady presented Agenda Item J.2.b, Supplemental GMT Report.

[Begin Recording 9-16-14am3]

Mr. Mike Okoniewski presented Agenda Item J.2.b, Supplemental CPSAS Report.

Mr. John DeVore read Agenda Item J.2.b, Supplemental CPSMT Report.

J.2.c Public Comment

None.

J.2.d Council Action: Adopt a Final List of Stock Assessments (Full, Updates, Data Moderate and Catch Reports), Related Terms of Reference Documents, and the Stock Assessment Review Panel Schedule for 2015-2016 Assessment Cycle (9/16/2014; 11:25 a.m.) [0:14:36]

Mr. Buell moved (**Motion 13**, seconded by Mr. Feldner) that the Council adopt the following:

- Terms of Reference for the Groundfish and Coastal Pelagic Species Stock Assessment and Review Process for 2015-2016 (Agenda Item J.2.a, Attachment 1); with modifications suggested by SSC (Agenda Item J.2.b, Supplemental SSC Report).
- The SSC Terms of Reference for Groundfish Rebuilding Analysis (Agenda Item J.2.a, Attachment 2).

- The Terms of Reference for the Methodology Review Process for Groundfish and Coastal Pelagic species (Agenda Item J.2.a, Attachment 3).
- Adopt the following lists of stocks to be assessed in 2015:
 - Full Assessments:
 - Black rockfish
 - Bocaccio
 - Canary rockfish
 - Darkblotched rockfish
 - Kelp Greenling (Oregon only)
 - Widow rockfish
 - Update Assessments:
 - Petrale sole
 - Sablefish
 - Chilipepper rockfish
 - Data moderate assessments:
 - Arrowtooth flounder using trawl survey index of abundance, extended simple stock synthesis; reviewed by the SSC Groundfish Subcommittee in June.
- Adopt the 2015 Groundfish stock Assessment Review Schedule (Panel dates only found in Agenda Item J.2.b, Supplemental NMFS PowerPoint).

Mr. Buell stated that the terms of reference (TOR) in the first bullet reflect good input by the SSC, CPSAS, and CPSMT. It doesn't include compositional data which he thought was not appropriate now, but might be something to consider the next time this comes up. The other two TOR documents are not modified from previous years. The stock assessment list is modified from June based on input from the NWFSC, West Coast Region, and the GAP. The reason for listing black rockfish has been pretty well laid out by the GAP. They are an important nearshore species that hasn't been assessed in some time. Bocaccio are in rebuilding status and expected to be rebuilt by 2015. Canary rockfish is an important overfished stock. Dark blotched rockfish are to be rebuilt by 2015. Widow rockfish is important due to the consideration of reallocation in the midwater fishery. The China rockfish data moderate assessment for the Oregon portion of the stock showed that overfishing might be occurring. That makes it important to see the complete picture. Regarding kelp greenling, he appreciated the viewpoint of the SSC for considering this in a coastwide rather than Oregon-only assessment. However, we have had a concerted effort to collect data for the Oregon-only portion of the stock and have worked with industry and researchers to inform a stock assessment. The 2005 assessment was highly uncertain as to the absolute biomass, but indicated there was depletion of about 50 percent. In discussions with the author of the assessment he indicated that about 5 to 10 more years of data were needed to have a good assessment. We now have five more years of data and would like to see the Oregon-only assessment move forward. Doing a coastwide assessment could negatively impact this effort. The update assessments are fairly clear. Petrale sole and sablefish are both very important stocks, and this would provide a confirmation on the rebuilt status of Petrale sole. For chilipepper, the science centers already have the data compiled and there would be very little workload required, as well as being recommended by the GAP. The data moderate assessment for arrowtooth flounder has been recommended by the GAP and SSC to avoid having an abundant stock become a constraining species due to a stale assessment.

Ms. Grebel noted that Mr. Buell's motion did not include the catch reports.

Mr. Buell stated it was an oversight.

Ms. Grebel moved (Amendment 1 to **Motion 13**, seconded by Mr. Wolford) to adopt the catch reports for Pacific ocean perch, yelloweye rockfish, and cowcod.

Ms. Grebel stated that this amendment reflected the GMT and GAP recommendations.

Amendment 1 carried unanimously.

Mr. Buell clarified that workload is only part of his consideration in recommending an Oregon-only kelp greenling assessment. The data availability supports the Oregon-only approach, we do have a data poor assessment for California that informs an OFL there, and his understanding is that the situation is not quite the same in Washington. Regarding the possibility of state-specific management for black and China rockfish, he clarified that it was his intention to follow the suggestion of having workshops to determine that before the STAR panel process.

Ms. Culver moved (Amendment 2 to **Motion 13**, seconded by Mr. Lincoln) that the assessments for black rockfish and China rockfish be modeled in a manner that would allow for continued "state-specific" management, unless there are significant conservation risks associated with a specific area-based approach.

Ms. Culver stated that she believes all of the data should be examined and we should follow the SSC advice to consider where area boundaries should be based on the biology of the stock. However, specific to the nearshore stocks and absent a biological determination for area-specific management or a significant conservation risk, she thinks that those stocks should continue to be managed on a state-specific basis. If there is a significant conservation risk or biological reason to recommend deviating from state boundaries for management of a nearshore stock, then she would expect that would be brought to the attention of the Council as soon as possible for further consideration.

Amendment 2 carried unanimously.

In response to a question from Mr. Wolford, Mr. Buell noted that the motion does not include a mop-up process which was a concern of the CPSMT and CPSAS. He was not sure what to propose in that regard, but felt it important to move forward with adopting the TOR at this point. Mr. Wolford agreed and thought it could possibly be handled after the motion was voted on.

Ms. Culver moved (Amendment 3 to **Motion 13**, seconded by Mr. Lincoln) to modify the Terms of Reference such that the SSC would consider whether data moderate assessments should be reviewed through a STAR process on a case-by-case basis.

Ms. Culver noted the GMT had recommended that data moderate assessments follow a STAR Panel process and asked that the TOR to be updated to reflect that. The GMT noted that there had

been some past data moderate assessments that have raised issues, such as geographic stratification, that would have benefited from a STAR Panel process. She was unable to find a specific consideration of this in the TOR. She didn't want to require this for all data moderate reviews, but wanted the SSC to consider that question for each case.

Amendment 3 carried unanimously. **Motion 13**, as amended, carried unanimously.

Mr. DeVore noted his understanding from Council guidance to plan for a data workshop as recommended by the GMT and SSC.

Regarding Mr. Wolford's concern for a mop-up process for the CPS assessment if the new assessment were deemed unacceptable, Ms. Key noted that a CPS assessment had never gone to a mop-up. However, if the new assessment were unacceptable, it is likely that the immediately preceding assessment would be used.

J.3 Electronic Monitoring Regulatory Process Final Preferred Alternatives and Next Steps (9/16/2014; 1:09 p.m.) [9-16-14pm1]

J.3.a Agenda Item Overview [0:00:42]

Mr. Brett Wiedoff presented the Agenda Item Overview (Agenda Item J.3.a, Supplemental PowerPoint) and introduced Agenda Item J.3.a, Attachment 1: Analysis of an Electronic Monitoring Program for the Pacific Coast Limited Entry Trawl Groundfish Fishery Catch Shares Program (Full Version Electronic Only).

J.3.b Reports and Comments of Advisory Bodies and Management Entities [0:37:11]

- Agenda Item J.3.b, NMFS Report: Net Revenue Analysis for Electronic Monitoring on the West Coast (Electronic Only)

Mr. Brett Wiedoff presented Agenda Item J.3.b, Supplemental GEMPAC Report.

Dr. Steve Freese presented Agenda Item J.3.b, Supplemental NMFS Report 2: NMFS Response to Ms. Heather Mann's Concerns Regarding NMFS' Approach and Capabilities Relative to Electronic Monitoring EFP and Regulatory Initiatives.

[Begin Recording 9-16-14pm2]

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

Mr. Tommy Ancona and Mr. Shems Jud presented Agenda Item J.3.b, Supplemental GAP Report.

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

J.3.c Public Comment [Begin Recording 9-16-14pm3]

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

Ms. Sarah McTee, Environmental Defense Fund, Portland, Oregon.

Mr. Tom Libby, California Shellfish, Astoria, Oregon.

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

J.3.d Council Action: Take Final Action on Alternatives for Electronic Monitoring Regulations in Groundfish Fishery Sectors Where Possible and Provide Direction on Next Steps for Other Sectors and Issues. [0:52:56]

Mr. Lockhart commented on some aspects of the work accomplished thus far and emphasized a few points that may not have been addressed to this point. Among those are an understanding of the impact to the current observer program and the need to keep the overall cost of the program within not only what the industry can afford, but also within what the Federal and state agencies can afford. The Council should also plan the timing of reports at Council meetings to keep everyone aware of the progress on the EFPs.

Council members discussed the best ways of providing and coordinating their guidance to NMFS on the development of the program as it proceeds. That would primarily include updates at future meetings. Concern was expressed to be precautionary and allow flexibility as the development proceeds.

[Recording 9-17am1; 0:2:06]

Ms. Lowman moved (**Motion 14**, seconded by Mr. Myer) that the Council select, as final preferred alternatives for EM for the whiting fishery, the recommendations of the Groundfish Electronic Monitoring Policy Advisory Committee (GEMPAC) found in Agenda Item J.3.b, Supplemental GEMPAC Report, September 2014 (pages 3-4) with the following changes:

- Step 1: Primary data source for discard estimates: Camera Recordings will be used (Alternative 2A with a logbook requirement added) unless audited logbooks produce reliable estimates more efficiently and at a reduced cost. (Alternative 3).
- 2.2.1 Video Review: 100 percent unless Alternative 3 meets the most cost-effective standard above in which case the percent review to be the minimum level determined to be necessary to ensure compliance (no less than 10 percent) with an escalation clause for non-compliance.
- 2.2.2 Discard Accounting: should be on an individual basis (Option A) for Shoreside, but for mothership sector Option D, deduct the aggregate accumulated unintentional minor discards (spillage) estimated to be less than 0.5 percent of the mothership allocation.
- Species composition would be calculated using status quo methods.
- 2.2.7.5 Mandatory Vessel Operational Plan Annual Renewal (B).
- 2.2.8.2 Shoreside Monitor (C) or Vessel Operator (D).
- 2.2.8.4 Certified Third party (D) once a certification process has been established, until then Government (A), NMFS or their agent (e.g., PSMFC).
- Council staff should also monitor EFP progress and at the earliest Council meeting following when information from the EFP which would impact the Council's final preferred alternative becomes available, NMFS would provide Council with this information and request the Council's input on refinements on either the EFPs and/or Council's final preferred alternative.
- Until these policy decisions are verified by EFP testing and confirmed by the Council, proposed rules and associated decision documents would not be deemed for transmittal.

Ms. Lowman noted that the whiting fishery has had several years of experience using cameras as well as studies by PSMFC. The motion includes the GEMPAC recommendations with a few changes. We want to make sure the estimates for discards are reliable and done in the most cost effective and efficient manner. If we use camera recordings we would have 100 percent video review. If the audited logbooks prove to be a better approach, there is some uncertainty about the level of review needed. However, as the EC have stated, we want to use the minimum level to ensure compliance and it may be something greater than 10 percent. Discard accounting for the shoreside sector should be on an individual basis, but she has incorporated the Dale Myer amendment for motherships, which would be a more effective way of estimating small amounts. Species composition estimates would not change. The mandatory vessel operational plan should be reviewed annually to determine efficiencies and allow for a good feedback process. With regard to the payment for scientific data collection, she went with the GEMPAC recommendation (government pays), because that data does help all sectors. However, as budget situations dictate, we may want to go with cost-sharing in future. While these are final preferred alternatives, we are also testing these initial policies, and she has included an early warning system by having Council staff monitor the EFP progress and report to the Council at the earliest possible moment to provide for needed changes. She hopes that we will have the answers we need to meet the performance standards and clear up the cost issues soon so that we might have the final proposed rule for the regulations to be in place for the 2016 whiting season. In response to a question, she clarified that her intent was to have consistency in the third party verification process as recommended by the EC.

Mr. Myer spoke in favor of the motion regarding the discard accounting for the mothership sector, and indicated that the EFP might provide information from which to help better discern the spillage amount and species composition and how to best monitor it.

Dr. McIsaac asked, regarding the intent on shoreside monitoring, if either of those should be in the draft regulations.

Ms. Lowman clarified that her intent on the shoreside monitoring was that both the shoreside monitor and the vessel operator would be identified as eligible in draft regulations.

Motion 14 carried unanimously.

Ms. Lowman moved (**Motion 15**, seconded by Mr. Buell) that the Council select, as final preferred alternatives for EM for the fixed gear fishery, the recommendations of the GEMPAC found in Agenda Item J.3.b, Supplemental GEMPAC Report, September 2014 (pages 6-7) with the following changes:

- 2.2.1 The percent review to be the minimum level determined to be necessary to ensure compliance (no less than 10 percent) with an escalation clause for non-compliance.
- 2.2.4 Optimized retention with allowable discarded species informed by EFPs and other field work by PSMFC (if no species are allowed to be discarded due to inability to speciate and accurately estimate discard amounts, then it would be equivalent to Maximized Retention).
- 2.2.7.5 Mandatory Vessel Operational Plan Account Renewal (B).

- 2.2.8.4 Certified Third party (D) once a certification process has been established, until then Government (A) – NMFS or their agent (e.g., PSMFC).
- Council staff should also monitor EFP progress and at the earliest Council meeting following when information from the EFP which would impact the Council’s final preferred alternative becomes available, NMFS would provide Council with this information and request the Council’s input on refinements on either the EFPs and/or Council’s final preferred alternative.
- Until these policy decisions are verified by EFP testing and confirmed by the Council, proposed rules and associated documents would not be deemed for transmittal.

Ms. Lowman stated that she has already stated her rationale for the parts of the motion that are the same as her motion for whiting. Regarding the optimized retention, she believes that makes the most economic sense and noted it would be informed by the PSMFC studies (e.g., discard chutes and speciation capabilities) and we might have additional information from the EFPs. If it proves that we cannot adequately identify species, then it will have to be maximized retention. She agrees with the GEMPAC recommendation for modifying the species list, and does not want to include it as a huge regulatory change process. Because there is no EM history for this fishery, it will likely take the first year to understand the EFPs, and she would look at 2017 as the target for implementation. She agreed that it might be possible to implement this mid-year if it were not ready at the beginning of the year.

Motion 15 carried unanimously.

Ms. Lowman moved (**Motion 16**, seconded by Mr. Crabbe) that the Council select, as final preferred alternatives for EM for the bottom trawl fishery, the recommendations of the GEMPAC found in Agenda Item J.3.b, Supplemental GEMPAC Report, September 2014 (pages 9-10) with the following changes:

- 2.2.1 The percent review to be the minimum level determined to be necessary to ensure compliance (no less than 10 percent) with an escalation clause for non-compliance.
- 2.2.4 Optimized with allowable discarded species informed by EFPs (if no species are allowed to be discarded due to inability to speciate and accurately estimate discard amounts then it would be equivalent to Maximized Retention).
- 2.2.7.5 Mandatory Vessel Operational Plan Account Renewal (B).
- 2.2.8.4 Certified Third party (D) once a certification process has been established, until then Government (A) – NMFS or their agent (e.g. PSMFC).
- Council staff should also monitor EFP progress and at the earliest Council meeting following when information from the EFP which would impact the Council’s final preferred alternative becomes available, NMFS would provide Council with this information and request the Council’s input on refinements on either the EFPs and/or Council’s final preferred alternative.
- Until these policy decisions are verified by EFP testing and confirmed by the Council, proposed rules and associated documents would not be deemed for transmittal.

Ms. Lowman noted this motion is nearly the same as the last one. The audited logbook was the recommendation of the GEMPAC as it is believed to be operationally the best way that will work for this fishery. Like the fixed gear fishery, there is no history for EM in this fishery, and it will

likely take longer than the whiting fishery to implement. She believes it is important to move this along as quickly as possible.

Motion 16 carried unanimously.

Ms. Culver moved (**Motion 17**, seconded by Mr. Lincoln) that the Council provide the following guidance to NMFS:

- In order to preserve the conservation and accountability aspects of the Program, the EM Program must accurately capture discard events (i.e., whether discard has occurred), amount of discard (i.e., volume in weight and size of individual fish), disposition of discard (i.e., if we are to consider providing survivability credit for the release of fish, such as halibut), and do so even for rare events (e.g., catch and discard of rebuilding rockfish, by species).
- In developing performance standards and accountability, recommend NMFS consider the economic incentives to misreport or underreport catches and mortalities of overfished rockfish and Pacific halibut. Individual accountabilities in the fisheries will hold only so far as monitoring programs are able to counteract these incentives. As such, having adequate enforcement to ensure compliance with the EM Program with strong consequences in place for violations are keys to success.
- Performance standards examples are listed below:
 1. Require recording of discards in logbooks with estimated weights given for each species for each haul or set.
 2. Require a minimum of 30 percent video review during times of gear retrieval and 30 percent of video review of the remainder of the trip; compare to logbook entries for logbook certification.
 3. Logbook certification is achieved if video review determines that logbook amounts are within 20 percent accuracy of video review, by species.
 4. If logbooks amount do not meet 20 percent accuracy standard, then a 100 percent video review is triggered at vessel account holder's expense, and vessel cannot commence another fishing trip until video has been reviewed and vessel account debited.
 5. If the 100 percent video review is triggered more than twice within a six-month time period, then 100 percent video review is in effect for all fishing trips for the six months following the commencement of fishing activity, again at the vessel account holder's expense.

Ms. Culver noted that an EM program appears to be technically feasible for all three sectors. However, whether it can be done in a cost-effective manner or in a way that results in savings to vessel operators is still an open question and could vary for each individual fisher. She thinks there is still ambiguity in the term "performance standards" and what the Council is considering in that regard. Her motion provides some specific examples for NMFS to consider for regulations. It also provides some incentives to vessel owners to avoid discrepancies. The specifications in the motion provide examples to consider, but do not limit NMFS from looking at other specifications. The examples in the first paragraph are not intended to indicate a level of precision beyond what we are currently able to do with human observers (i.e., not setting a higher standard than status quo).

Motion 17 carried unanimously.

J.4 Consideration of Inseason Actions (9/17/2014; 9:01 a.m.) [Recording 9-17-14am1; 0:57:12]

J.4.a Agenda Item Overview [0:57:33]

Ms. Kelly Ames presented the Agenda Item Overview.

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

Ms. Ames reported that neither the GAP nor the GMT are recommending any inseason actions at this meeting. She referenced the following reports which confirm this recommendation:

- Agenda Item J.4.b, NMFS Report: West Coast Groundfish, Shorebased IFQ Program September 2014 Catch Report
- Agenda Item J.4.b, Supplemental GAP Report
- Agenda Item J.4.b, Supplemental GMT Report
- Agenda Item J.4.b, Supplemental GMT Report 2

J.4.c Public Comment

- Agenda Item J.4.c, Public Comment

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

No adjustments were recommended.

K. Pacific Halibut Management [Recording 9-17-14am1; 1:00:27]

K.1 2015 Pacific Halibut Catch Sharing Plan and Regulations (9/17/2014; 9:04 a.m.)

K.1.a Agenda Item Overview [1:00:31]

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

- Agenda Item K.1.a, Attachment 1: 2014 Pacific Halibut Catch Sharing Plan for Area 2A
- Agenda Item K.1.a, Supplemental Attachment 2: Visual Representation of the 2014 Area 2A Catch Sharing Plan for Pacific Halibut

K.1.b Reports and Comments of Advisory Bodies and Management Entities [1:04:28]

- Agenda Item K.1.b, Tri-State Report: California, Oregon and Washington Report on Changes to the Pacific Halibut Catch Sharing Plan for 2015

Mr. Frank Lockhart presented Agenda Item K.1.b, NMFS Report: Report on the 2014 Pacific Halibut Fisheries in Area 2A, and Agenda Item K.1.b, NMFS Report 2: NMFS Proposed Changes to the Federal Regulations and 2015 Pacific Halibut Catch Sharing Plan for Area 2A.

Ms. Michele Culver presented Agenda Item K.1.b, WDFW Report: Washington Department of Fish and Wildlife Report on Proposed Changes to the Catch Sharing Plan and 2015 Annual Regulations.

Mr. Troy Buell presented Agenda Item K.1.b, ODFW Report: Oregon Department of Fish and Wildlife Report on Proposed Changes to the Pacific Halibut Catch Sharing Plan for the 2015 Fishery.

Ms. Marci Yaremko presented Agenda Item K.1.b, Supplemental CDFW Report.

[Begin Recording 9-17-14am2]

Ms. Kelly Ames read Agenda Item K.1.b, Supplemental IPHC Report and Agenda Item K.1.b, Supplemental SAS Report.

Mr. Mark Cedergreen presented Agenda Item K.1.b, Supplemental GAP Report.

Sgt. Dan Chadwick presented Agenda Item K.1.b, Supplemental EC Report.

K.1.c Public Comment

- Agenda Item K.1.c, Public Comment
- Agenda Item K.1.c, Supplemental Public Comment 2
- Agenda Item K.1.c, Supplemental Public Comment 3

No public testified at the meeting.

K.1.d Council Action: Adopt for Public Review Proposed Changes for the 2015 Pacific Halibut Catch Sharing Plan and Annual Fishing Regulations [0:25:59]

LCDR Casad commented that the recreational halibut fisheries tend to be derby-style fisheries, which raise safety issues that are a concern to the U.S. Coast Guard.

Ms. Culver moved (**Motion 18**, seconded by Mr. Lincoln) for the Council to adopt for public review the changes proposed in Agenda Item K.1.b, WDFW Report in reference to the Columbia River subarea.

Ms. Culver stated that she covered the intent of the proposed changes in her overview and noted that there would need to be some additional consultation between Oregon and Washington to work through these items. She also hopes to solicit additional public input on the consideration of the third item, as public turnout to the recent hearing was low.

Motion 18 carried unanimously.

Mr. Buell moved (**Motion 19**, seconded by Mr. Feldner) that the Council adopt for public review the changes to the Catch Sharing Plan (CSP) as shown in Agenda Item K.1.b, ODFW Report.

Mr. Buell stated that the intent of the motion was covered in his overview and, as noted by Ms. Culver, additional consultation would be needed between Oregon and Washington, as well as additional public input with regard to the Columbia River subarea.

Motion 19 carried unanimously.

Mr. Lockhart moved (**Motion 20**, seconded by Ms. Culver) for the Council to adopt for public review the Catch Sharing Plan changes as shown in Agenda Item K.1.b, NMFS Report 2.

Mr. Lockhart noted that the changes were very minor and involved amending the language for the directed commercial fishery to allow transfer of unused quota to the troll fishery and to update the references to the Northwest Region to the West Coast Region.

Motion 20 carried unanimously.

Before making his motion, Mr. Feldner called attention to the visual representation of the CSP in Agenda Item K.1.a, Supplemental Attachment 2 (page 2). He noted that this is a very difficult allocation and has required the participation and cooperation of the participants over a long period of time. The reallocation is even more difficult. His intention would be to send out a range of allocations that acknowledges the current CSP.

Mr. Feldner moved (**Motion 21**, seconded by Mr. Pollard) for the Council to adopt for public review the alternatives as found in Agenda Item K.1.b, Tri-State Report and Agenda Item K.1.c, Supplemental GAP Report.

Mr. Feldner stated his intent was to put out a range of alternatives (six in this case) for all sectors that included the existing Catch Share Plan. He appreciates that the Oregon recreational fishery has already given up quota to shift into the California subarea, which this range allows us to look at for a final choice. He believes that the commercial sector has been caught largely by surprise with this action, and that going forward we need to include their input. This range should help allow that opportunity.

Ms. Culver noted her support of the motion. In developing the Tri-State Report, they looked at all of the non-tribal sectors with catch histories and changes in the fisheries and how they have evolved to stay within the quotas. While she was trying to stay narrower in the Tri-State Report to help provide California with quota on a faster basis, she appreciates the broadness in the range within this motion.

Mr. Buell agreed with Ms. Culver's comments. He noted that in developing the Tri-State Report they did not solicit comments from either the recreational or commercial sectors, but rather intended that they could weigh in during the Council process.

Motion 21 carried unanimously.

The Council discussed the 2014 landings and the need for accurate catch estimates.

Ms. Culver moved (**Motion 22**, seconded by Mr. Lincoln) that the Council approve the following for public review:

- Two alternatives for season changes to the California subarea, in addition to status quo as follows:
 1. Revise the season length so that the fishery is open for one month during the May 1 through October 31 timeframe. Selection of the month would occur under final action.

2. Revise the season length so that the season is open for a 15 consecutive day period during May 1 through October 31 time period. Selection of the 15 day period would occur under final action.
- Modify the Catch Sharing Plan:
 - § (f)(1)(vii) California subarea--Last sentence be revised to say: “. . . inseason adjustments may be made, and estimates of actual catch will be made post-season.”
 - Provide guidance to NMFS: in establishing the California sport fixed season, recommend NMFS use a formula similar to the Puget Sound area, which is to calculate a projected catch per day and number of days to achieve the subarea quota.

Ms. Culver stated that 2014 is the seventh year of an overage in this fishery. Catches in the California fishery were 13,300 pounds in 2008, 34,800 pounds in 2009, 23,900 pounds in 2010, 13,600 pounds in 2011, and 25,400 pounds in 2012. She did not have a final estimate for 2013, but it appears the catch is already at 25,500 pounds for 2014. We have been in communication with the International Pacific Halibut Commission (IPHC) to work with the Council on the South of Humbug Policy Work Group. The IPHC have urged the Council to take action to keep the fishery within the quota. The California fishing seasons for the years since 2008 have been open for a six-month period, seven days per week. In 2014 the season was reduced to five months. In comparison, the recreational subareas in Washington have had very short seasons. The Puget Sound season is currently eight days and the Neah Bay/La Push and Westport subareas have a four-day season. Washington has made a tremendous effort to manage its coastal and Puget Sound fisheries within the allowable quotas. Those annual season reductions have been very painful and have had significant impact to the communities. It is difficult for her to contemplate going through an eighth season with a five month, seven day per week fishery in the California subarea without proposing any reductions to the season. Her motion provides a range of options for reducing the season that should be considered before final action is taken. The proposed modification to the CSP provides for taking inseason action (just as is done for Puget Sound) to keep the fishery within the quota. The California subarea is the only area that does not allow for inseason adjustments. She realizes how difficult it is for California to take inseason action, so her motion also would allow NMFS to take the action so that California could then take conforming action. The final guidance in the motion is to NMFS to use a process similar to that used for Puget Sound in which a fixed season is based on a projection of expected catch.

Ms. Yaremko asked what the Puget Sound area quota and catch was for 2013.

Mr. Lockhart (reporting from Agenda Item K.1.b, NMFS Report) responded that the quota was 57,393 pounds. Ms. Culver confirmed that the catch for 2013 was over 90,000 pounds. Due to that overage, WDFW reduced the 2014 season down to 8 days from the 14 days in 2013.

Mr. Buell spoke in support of the motion. Based on the previous motion outlining the possible alternative allocations to the California subarea, he believes it is likely that some inseason action could be required to avoid exceeding the quota. He noted that the proposed motion laid out a very broad range of quotas to consider, including the current season. Both Oregon and Washington had to apply considerable inseason constraints to limit the recreational catch each year.

Ms. Yaremko moved (**Motion 23** (substitute for **Motion 22**), seconded by Mr. Crabbe) for the Council to adopt for public review that California will manage a fixed season of May-July and September-October and will monitor inseason and take action through state processes to close the fishery if projections indicate early attainment of the California allocation.

Ms. Yaremko stated that California hasn't been doing inseason monitoring of the Pacific halibut catch to date because it has not been a high priority until recently. Now that inseason monitoring has become important to avoid jeopardizing achievement of area 2A total allowable catch. It has been California's view that the allocation to date has been neither fair nor equitable. Given that consideration, the language in the CSP providing a fixed season, and the difficulty in tracking and accurately projecting when an allocation of 6,000 pounds would be met with the rather crude methodologies available, CDFW has not been doing inseason tracking. Her motion would give the state the authority to make inseason regulations without going through a cumbersome regulatory process. It would be up to the California Fish and Wildlife Commission to consider and approve such a regulation. She agrees with the need to be able to take quick inseason action and would rather see that be the tool rather than severely constraining the options for what a season might be. In response to questions, she thought a Federal inseason action that was easy to implement, similar to salmon inseason action, could be appropriate.

Mr. Wolford moved (Amendment 1 to **Motion 23**, seconded by Mr. Brizendine) to insert "or NMFS" following "state" in the motion.

Mr. Wolford stated he believes the amendment captured the intent of the discussion of processes that could be used and would allow whichever process works best to be used.

Amendment 1 carried unanimously.

Ms. Culver expressed her opposition to the substitute motion as amended. She was confused as to how California could take timely inseason action, as she thought in the past it was about a six-month process. Looking at the current 2014 season, the catch estimate for May and June totaled 7,400 pounds, which is already over the quota. If the proposed motion were in place, would California have taken inseason action to close the fishery at the beginning of July?

Ms. Yaremko responded that, like in the case of some groundfish species, the state could take rapid inseason action if a Federal harvest guideline or allocation were established in the preseason state regulations (which may take about 6 months). Once that guideline is there, the CDFW could take quick action by notice. Because the 6,200 pound allocation was not viewed as fair, she doubts if the California Fish and Wildlife Commission would have allowed the state to close the fishery upon attainment of the quota. She appreciates that the range of options now proposed does cover quota levels that could be viewed as fair.

Mr. Buell noted the time lag in catch estimates and use of preliminary numbers. He wondered if CDFW would be comfortable taking action based on a preliminary projection.

Ms. Yaremko noted that information on total May fishing would not be available until about July. However, she indicated that CDFW would not wait until that estimate was available, but could use

projections from the first week of fishing to project the May total and take real-time action based on that projection.

Further Council discussion concerned the need to have more than one option for season structure go out for public review.

Substitute **Motion 23** failed in a roll call vote—5/7/1 (Mr. Feldner, Mr. Lincoln, Mr. Buell, Ms. Culver, Mr. Lockhart, Mr. Myer, and Mr. Sones voted no; Mr. Ortmann abstained).

In response to the need for public input to more than one option, Ms. Yaremko noted that the California public had been made aware of the need to avoid exceeding the quota, and their preferred alternative was the five-month season with inseason action if necessary to limit the fishery.

Motion 22 carried (Ms. Yaremko, Mr. Crabbe, Mr. Wolford, and Mr. Brizendine voted no; Mr. Ortmann abstained).

ADJOURN

The Council adjourned September 17, 2014 at 2:43 p.m.


Dorothy Lowman
Council Chair

April 16, 2015
Date