

**DRAFT MINUTES**  
**216th Session of the**  
**Pacific Fishery Management Council**  
**November 2-7, 2012**  
Hilton Orange County/Costa Mesa Hotel  
3050 Bristol Street; Costa Mesa, CA 92626

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## **A. Call to Order**

### **A.1 Opening Remarks (11/03/12; 8:04 a.m.)**

Mr. Dan Wolford, Chairman, called the 216<sup>th</sup> meeting of the Pacific Fishery Management Council (Council) to order at 8:04 a.m. on Saturday, November 3, 2012. A closed session was scheduled for later that day to discuss litigation and personnel matters. A second closed session was subsequently scheduled for Wednesday, November 7 to discuss personnel matters.

### **A.2 Roll Call**

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

Mr. William L. "Buzz" Brizendine (At-Large)  
LCDR Brian Chambers (U.S. Coast Guard (USCG), 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, Vice Chair (Oregon Obligatory)  
Mr. Dale Myer (At-Large)  
Mr. David Ortmann (Idaho State Official, designee)  
Mr. Pat Pattillo (Washington State Official, designee)  
Mr. Herb Pollard (Idaho Obligatory)  
Mr. Tim Roth (U.S. Fish and Wildlife Service (USFWS), non-voting designee)  
Mr. David Sones (Tribal Obligatory)  
Mr. Bob Turner (National Marine Fisheries Service (NMFS), Northwest Region, designee),  
Ms. Marija Vojkovich (State of California Official, designee)  
Mr. Gordon Williams (Alaska State Official, non-voting designee)  
Mr. Steve Williams (Oregon State Official, designee)  
Mr. Dan Wolford, Chair (At-Large)

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

Mr. Brian Corrigan (USCG, non-voting designee); Ms. Michele Culver (Washington State Official, designee); Ms. Joanna Grebel (California State Official, designee); Mr. Mark Helvey (NMFS, Southwest Region, designee); Ms. Gway Kirchner (Oregon State Official, designee); Mr. Frank Lockhart (NMFS, Northwest Region, designee); LCDR Brad Soule, (USCG, non-voting designee); and Ms. Marci Yaremko (California State Official, designee).

Mr. Dave Hogan (U.S. State Department, non-voting) was absent from the meeting.

### **A.3 Executive Director's Report**

Dr. Donald McIsaac introduced the following informational reports:

- Informational Report 1: *Federal Register* Notice Dated September 28, 2012, 90-day Finding on Petitions to List the Northeastern Pacific Ocean District Population of Great White Shark as Threatened or Endangered Under the ESA.
- Informational Report 2: DRAFT Terms of Reference for the Groundfish and Coastal Pelagic Species Stock Assessment Review Process for 2013-2014 (Dated October 2012).
- Informational Report 3: Pacific Whiting Conservation Cooperative Amendment 20 Catcher/Processor Cooperative Preliminary Annual Report 2012 (Dated October 2012).
- Informational Report 4: H.R. 2706, Billfish Conservation Act of 2012 (January 3, 2012).
- Supplemental Informational Report 5: Whiting Mothership Cooperative; an Amendment 20 Mothership Catcher Vessel Cooperative Preliminary Report on the 2012 Pacific Whiting Fishery.
- Supplemental Informational Report 6: Status Report of the 2012 Ocean Salmon Fisheries Off Washington, Oregon, and California.

Dr. McIsaac provided information regarding the cancellation of the Lenfest presentation, the adjustment to the agenda for cancellation of Agenda Item F.1, Approval of Council Meeting Minutes, and a change concerning the National Conference (Agenda Item A.3, Supplemental Attachment 1), with regard to the purpose statement and focus topics to be presented at the National Conference.

### **A.4 Agenda**

#### **A.4.a Council Action: Approve Agenda**

Mr. Crabbe moved Motion 1 to adopt the Council Agenda as shown in Agenda Item A.4, Proposed Agenda for the November 3-7, 2012 Council Meeting, with the change of canceling Agenda Item F.1, Approval of Council Meeting Minutes. Mr. Buzz Brizendine seconded the motion

Motion 1 carried unanimously.

## **B. Open Comment Period**

### **B.1 Comments on Non-Agenda Items (11/3/2012; 8:23 a.m.)**

#### **B.1.a Reports and Comments of Advisory Bodies and Management Entities**

None.

#### **B.1.b Public Comment**

Dr. Geoff Shester, Oceana, Monterey, California; provided a PowerPoint presentation (Agenda Item B.1, Supplemental Open Comment 5: The Swordfish Fishery and Our Blue Serengeti) and introduced Agenda Item B.1, Supplemental Open Comment 2: Highly Migratory Species, Proposed Drift Gillnet Expansion Letter from Oceana.



The following written materials were submitted for the Open Comment Period:

- Agenda Item B.1, Open Comment Period: Lenfest Ocean Program Presentation on Saturday, November 3, 2012 at 7:00 p.m. Balboa Bay 2 Room. (Lenfest Forage Fish Task Force) (CANCELLED).
- Agenda Item B.1, Supplemental Open Comment 3: Letters from American Cetacean Society Regarding Forage Fish.
- Agenda Item B.1, Supplemental Open Comment 4: Letter from J. Capozzelli Regarding California-Based Drift Gillnet Fishery.

#### **B.1.c Council Discussion**

None.

### **C. Salmon Management**

#### **C.1 National Marine Fisheries Service (NMFS) Report (11/3/2012; 8:34 a.m.)**

##### **C.1.a Agenda Item Overview**

Mr. Mike Burner presented the Agenda Item Overview.

##### **C.1.b Regulatory Activities**

Mr. Bob Turner presented:

- Agenda Item C.1.b, NMFS Report: Evaluating the Effects of Salmon Fisheries on Southern Resident Killer Whales: A Bilateral Workshop Process Co-Sponsored by NOAA Fisheries and Fisheries and Oceans Canada.
- Agenda Item C.1.b, Supplemental NMFS Report 2, 2012 West Coast Salmon GSI Sampling.

##### **C.1.c Reports and Comments of Advisory Bodies and Management Entities**

None.

##### **C.1.d Public Comment**

None.

##### **C.1.e Council Discussion and Guidance**

Mr. Burner introduced Supplemental Information Report 6: Status Report of the 2012 Ocean Salmon Fisheries off Washington, Oregon, and California, which contained preliminary effort and catch data for the ocean fishery through October 31. Council members discussed limited current information on the status of inriver returns of salmon.

#### **C.2 Preseason Salmon Management Schedule for 2013 (11/3/2012; 8:50 a.m.)**

##### **C.2.a Agenda Item Overview**

Mr. Mike Burner presented the Agenda Item Overview and Agenda Item C.2.a, Attachment 1: Pacific Fishery Management Council Schedule and Process for Developing 2013 Ocean Salmon Fishery Management Measures.

### **C.2.b Reports and Comments of Advisory Bodies and Management Entities**

Mr. Pattillo provided information regarding the issues of scheduling and coordination of our preseason management process with that of the Pacific Salmon Commission.

### **C.2.c Public Comment**

None.

### **C.2.d Council Action: Adopt a 2013 Preseason Management Schedule**

Mr. Williams noted he was encouraged with regard to dealing with the challenges of the April Council meeting and that his staff believes there is some time for additional state meetings in February under the proposed schedule.

Mr. Williams moved, and Mr. Feldner seconded, Motion 2 for the Council to adopt the Schedule and Process for Developing the 2013 Ocean Salmon Fishery Management Measures as shown in Agenda Item C.2.a, Attachment 1.

Motion 2 carried unanimously.

## **C.3 2012 Salmon Methodology Review (11/3/2012; 9:26 a.m.)**

### **C.3.a Agenda Item Overview**

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

- Agenda Item C.3.a, Attachment 1: Implementation and Assessment of proposed Bias-Correction Methods for Mark-Selective Fisheries into Fishery Regulation Assessment Model (FRAM) for Coho.
- Agenda Item C.3.a, Attachment 2: Impacts of Mark-Selective Ocean Recreational Fisheries on Washington Coast Coho Stocks.
- Agenda Item C.3.a, Attachment 3: Technical Revision to the Oregon Coastal Natural (OCN) Coho Work Group Harvest Matrix.
- Agenda Item C.3.a, Attachment 4: Comparison of Two Methods for Estimating Coho Salmon Encounters and Release Mortalities in the Ocean Mark-Selective Fishery.
- Agenda Item C.3.a, Attachment 5: Review of Modifications to Chinook FRAM Size Limit Algorithms Implemented to Allow Evaluation of Size Limit Changes.

### **C.3.b Reports and Comments of Advisory Bodies and Management Entities**

Mr. Mike Burner summarized Agenda Item C.3.b, STT Report.

Dr. Robert Kope presented Agenda Item C.3.b, Supplemental SSC Report.

Mr. Mike Burner presented Agenda Item C.3.b, Supplemental MEW Report.

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

Dr. Don McIsaac presented information from Agenda Item C.3.b, Supplemental PSMFC Report; Letter from Randy Fisher, Executive Director.

### **C.3.c Public Comment**

None.

### **C.3.d Council Action: Adopt Final Methodology Changes for 2013 (10:15 a.m.)**

Mr. Steve Williams referred to the Oregon coastal natural (OCN) coho marine survival index methodology established in Salmon Fishery Management Plan (FMP) Amendment 13 and the improved prediction achieved through the life cycle monitoring (LCM) site on Mill Creek in the Yaquina River drainage which traps all returning adults, including jacks. Based on that improvement, the stability of the LCM site, and ODFW's commitment to maintaining the site, he supports changing to that methodology for 2013. We will still have the current marine survival index as a back-up, and ODFW will continue to look for other stable lifecycle monitoring sites that could complement the Mill Creek site.

Mr. Steve Williams moved, and Mr. Pattillo seconded, Motion 3 to approve the new and modified methodologies for implementation in the 2013 salmon season, following the recommendations included in Agenda Item C.3.b, STT Report and Agenda Item C.3.b, Supplemental SSC Report.

Mr. Williams stated there has been a very thorough discussion of the proposed methodologies, and given the support of the Scientific and Statistical Committee (SSC), Salmon Technical Team (STT), Model Evaluation Workgroup (MEW), and Salmon Advisory Subpanel (SAS), we have a good basis and plan to help us be more effective in our strategies in March and April.

Mr. Pattillo wondered if the approved changes in methodology (e.g., for the Coho FRAM) would be in effect just for 2013, or until other alternatives were proposed. Dr. McIsaac confirmed any changes would be implemented until the Council approves other alternatives.

Mr. Williams clarified that his motion followed the recommendation of the SSC that the new methodology for OCN coho be implemented only for 2013. This methodology would be reviewed the following year and brought before the Council again to determine its future use.

Mr. Burner clarified that, of the approved changes, only the OCN coho change would be just for 2013. He also noted that his was not an FMP amendment, but an adjustment to the OCN coho workgroup matrix.

Motion 3 carried unanimously.

Dr. McIsaac asked NMFS for clarification regarding the Pacific States Marine Fisheries Commission (PSMFC) letter (Agenda Item C.3.b, Supplemental PSMFC Report) concerning a workshop to review the use of a constant 16 percent harvest rate on Endangered Species Act (ESA) listed California coastal Chinook in the Klamath River Fall Chinook Ocean Harvest Model. What is expected for 2013?

Mr. Helvey stated that the issue was about developing an abundance-based (rather than constant percentage) harvest rate, as they have done with the winter-run harvest level. The Southwest Region has been working with components of the Southwest Fisheries Science Center to gather data on this issue and the inland division of California Department of Fish and Game (CDFG) is doing likewise. However, to date, there hasn't been any coordination between the two agencies.

The proposal for the workshop would be one way to pull the rather sparse information together.

Ms. Vojkovich noted that the idea behind the letter was to have the workshop results enter the Council process, not necessarily to have the Council set up and implement the workshop. We need to determine how and when the data comes to the Council.

Mr. Wolford stated that he would like to have the Council work cooperatively on this, similar to the work on the tule abundance-based approach.

Dr. McIsaac said that the tule review used open technical work sessions as well as presentations to the Council to bring everybody along on the review process. If Council members would like similar updates on these methodology matters we could schedule those. If we want a more elaborate process with an outside workshop, that can be discussed now and the scheduling under Agenda Item F.4. We can at least have specific exposure at the three meetings in advance of next November, as the methodology item comes up on a routine basis.

Ms. Vojkovich stated that CDFG and NMFS could work together to present more specific information at the April 2013 meeting and include this in future agenda planning.

[Agenda item concluded at 10:36 a.m.]

## **D. Habitat**

### **D.1 Current Habitat Issues (11/3/2012; 10:36 a.m.)**

#### **D.1.a Agenda Item Overview**

Ms. Jennifer Gilden presented the Agenda Item Overview and introduced Agenda Item D.1.a, Attachment 1: Council Letter to the Gulf of the Farallones National Marine Sanctuary.

#### **D.1.b Report of the Habitat Committee**

Mr. Joel Kawahara presented Agenda Item D.1.b, Supplemental HC Report.

#### **D.1.c Reports and Comments of Advisory Bodies and Management Entities**

None.

#### **D.1.d Public Comments**

None.

#### **D.1.e Council Action: Consider Habitat Committee Recommendations**

None.

[Agenda item concluded at 10:48 a.m.; break until 11:05 a.m.]

## **E. Pacific Halibut Management**

### **E.1 2013 Pacific Halibut Regulations (11/3/2012; 11:05 a.m.)**

#### **E.1.a Agenda Item Overview**

Mr. Chuck Tracy presented the Agenda Item Overview and introduced the following attachments:

- Agenda Item E.1.a, Attachment 1: 2012 Pacific Halibut Catch Sharing Plan for Area 2A.
- Agenda Item E.1.a, Attachment 2: Fall 2012 Newsletter Excerpt.
- Agenda Item E.1.a, Supplemental Attachment 3: IPHC News Release, October 9, 2012, Changes to the IPHC Interim and Annual Meetings.
- Agenda Item E.1.a, Supplemental Attachment 4: IPHC Information Bulletin #70, New Format for IPHC Staff Harvest Advice.

#### **E.1.b Reports and Comments of Advisory Bodies and Management Entities**

Mr. Chuck Tracy noted Agenda Item E.1.b, NMFS Report: Report on the 2012 Pacific Halibut Fisheries in Area 2A (for informational purposes).

Mr. Pat Pattillo referred to Agenda Item E.1.b, WDFW Report: Washington Department of Fish and Wildlife Report on Proposed Changes to the Catch Sharing Plan and 2013 Annual Regulations (he deferred to the State of Oregon, since the WDFW Report was identical with respect to the Columbia River sub area proposal).

Ms. Gway Kirchner presented Agenda Item E.1.b, ODFW Report: Oregon Department of Fish and Wildlife Report on Proposed Changes to the Pacific Halibut Catch Sharing Plan for the 2013 Fishery.

Mr. Chuck Tracy summarized Agenda Item E.1.b, Supplemental IPHC Report 1: Pacific Halibut Management Catch Sharing Plan and Agenda Item E.1.b, Supplemental SAS Report.

Mr. John Holloway presented Agenda Item E.1.b, Supplemental GAP Report.

#### **E.1.c Public Comment**

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

#### **E.1.d Council Action: Adopt Final Proposed Changes to the 2013 Pacific Halibut Catch Sharing Plan and Annual Fishing Regulations (11/3/2012; 11:23 a.m.)**

Ms. Kirchner asked when the regulations to open the salmon troll and limited entry sablefish fishery to incidental halibut retention should be implemented to accommodate necessary licensing provisions and public notice. Mr. Tracy replied that only the salmon troll retention date change in the Catch Sharing Plan (CSP) was scheduled for action, but the process for setting landing restrictions in both fisheries normally requires a two-meeting process in March and April. Since that would preclude opening either fishery on April 1, 2013, and because there may be license application deadline issues for International Pacific Halibut Commission (IPHC), it may be advisable to delay implementation of an April 1 start date until 2014, and use the March and April 2013 process to set landing restrictions for April 2014. If it becomes apparent that the landing restrictions need to be modified after the 2014 IPHC annual meeting, the Council could recommend inseason action at its March 2014 meeting.

Ms. Vojkovich noted that California would not be able to take advantage of the earlier opening date, as commercial troll fisheries do not open before May 1.

Ms. Kirchner moved Motion 4 that the Council adopt changes to the CSP as found in Agenda Item E.1.b, ODFW Report. Mr. Feldner seconded the motion.

Ms. Kirchner stated the proposals would allow more access to the Columbia River subarea allocation and prolong the fishery in the Central Coast Subarea, particularly in the event of a reduced total allowable catch (TAC), as expected in 2013. The opening date for the salmon troll fishery allows utilization of halibut during open troll fisheries.

Motion 4 carried unanimously.

[Agenda item concluded at 11:35 a.m. The Council broke for lunch and reconvened for Closed Executive Session at 1:30 p.m. Open Session to continue the following morning]

### **Closed Executive Session (1:30 p.m.)**

[The Council held closed session to discuss personnel and litigation matters.]

## **F. Administrative Matters**

### **F.1 Approval of Council Meeting Minutes (Cancelled)**

### **F.2 Fiscal Matters (11/7/2012; 3:08 p.m.)**

#### **F.2.a Agenda Item Overview**

Mr. Chuck Tracy Presented the Agenda Item Overview.

#### **F.2.b Budget Committee Report**

Mr. Dave Ortmann presented Agenda Item F.2.b, Supplemental Budget Committee Report.

#### **F.2.c Reports and Comments of Advisory Bodies and Management Entities**

None.

#### **F.2.d Public Comment**

None.

#### **F.2.e Council Action: Consider Budget Committee Recommendations**

Ms. Lowman moved Motion 20 to approve the recommendations of the Budget Committee as shown in Agenda Item F.2.b, Supplemental Budget Committee Report. Ms. Kirchner seconded the motion.

Motion 20 passed unanimously.

### **F.3 Membership Appointments and Council Operating Procedures (11/7/2012; 3:16 p.m.)**

#### **F.3.a Agenda Item Overview**

Mr. Chuck Tracy presented the Agenda Item Overview and summarized the following attachments:

- Agenda Item F.3.a, Attachment 1: Letter from the Quinault Indian Nation requesting a tribal seat on the CPSMT and nominating Mr. Alan Sarich to fill that seat.
- Agenda Item F.3.a, Attachment 2: Complete Listing of Nominations for the 2013-2015 Advisory Body Term.
- Agenda Item F.3.a, Supplemental Attachment 3: Nominations or Support Letters for Advisory Body Members Received after Initial Deadline (10/11/12).

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

None.

#### **F.3.c Public Comment**

None.

#### **F.3.d Council Action: Consider Changes to Council Operating Procedures and Appointments to Advisory Bodies and Nominees for the 2013-2015 Term**

Mr. Wolford confirmed the appointment of Ms. Lorna Wargo as Vice-Chair of the CPSMT.

Ms. Vojkovich moved Motion 21 for Council staff to incorporate the changes from Council Action under Agenda Item G.2 for inclusion in the Council Operating Procedures (COPs) as Procedure 23. Mr. Crabbe seconded the motion.

Motion 21 carried unanimously.

Mr. Sones moved Motion 22 that the Council modify COP 3 to add a tribal seat to the Coastal Pelagic Species Management Team, and to appoint Mr. Alan Sarich to fill that seat. Mr. Pollard seconded the motion.

Motion 22 carried unanimously.

Ms. Vojkovich moved, and Mr. Brizendine seconded, Motion 23 that the Council appoint the following people to the Coastal Pelagic Species Advisory Subpanel for the 2013-2015 term:

*California Commercial:* Mr. David Haworth, Ms. Terry Hoinsky, and Mr. Nick Jurlin

*Oregon Commercial:* Mr. Eugene Law

*Washington Commercial:* Mr. Robert Zuanich

*California Processor:* Ms. Diane Pleschner-Steele

*Oregon Processor:* Mr. Mike Okoniewski

*Washington Processor:* Mr. Richard Carroll

*California Sport/Charter:* CPT Paul Strasser

*Conservation:* Ms. Sarah McTee

Motion 23 carried unanimously.

Ms. Kirchner moved, and Ms. Lowman seconded, Motion 24 that the Council appoint the following people to the Ecosystem Advisory Subpanel for the 2013-2015 term:

*California:* Ms. Kathy Fosmark, Mr. Donald Maruska, to leave the third seat vacant

*Oregon:* Mr. Ben Enticknap, Mr. Scott McMullen, and Mr. Frank Warrens

*Washington:* Mr. Paul Dye, Dr. Terrie Klinger, and Mr. Nate Stone.

Motion 24 carried unanimously.

Mr. Pollard moved, and Mr. Sones seconded, Motion 25 that the Council modify COP 2 to add a second at-large trawl seat to the Groundfish Advisory Subpanel.

Motion 25 carried unanimously.

Mr. Pollard moved, and Ms. Kirchner seconded, Motion 26 that the Council appoint the following people to the Groundfish Advisory Subpanel for the 2013-2015 term:

*Fixed Gear At-Large:* Mr. Bob Alverson, Ms. Michele Longo-Eder, and Mr. Gerry Richter

*Bottom Trawl:* Mr. Tommy Ancona

*Mid-Water Trawl:* Ms. Heather Mann

*Trawl At-Large:* Mr. Brent Paine and Mr. Kevin Dunn

*Open Access South of Cape Mendocino:* Mr. Daniel Platt

*Open Access North of Cape Mendocino:* Mr. Jeffery Miles

*Processors at-Large:* Ms. Susan Chambers and Mr. Tom Libby

*At-Sea Processor:* Mr. Dan Waldeck

*California Charter South of Point Conception:* Mr. Louis Zimm

*California Charter North of Point Conception:* Mr. Bob Ingles

*Oregon Charter:* Mr. Wayne Butler

*Washington Charter:* Mr. Mark Cedergreen

*Sport Fisheries at-Large:* Mr. John Holloway, Mr. Dave Seiler, and Mr. Tom Marking

*Conservation:* Mr. Shems Jud

*Tribal:* Mr. Steve Joner

Motion 26 carried unanimously.

Ms. Vojkovich moved, and Mr. Brizendine seconded, Motion 27 that the Council appoint the following people to the Highly Migratory Species Advisory Subpanel for the 2013-2015 term:

*Commercial Troll:* Mr. Wayne Heikkila

*Commercial Purse Seine:* Mr. August Felando

*Commercial Gillnet:* Mr. Steve Fosmark

*Commercial Fisheries at-Large:* Mr. Pete Dupuy, Mr. Doug Fricke, and Mr. William Sutton

*Processor South of Cape Mendocino:* Mr. Steve Foltz



*Processor North of Cape Mendocino:* Mr. Pierre Marchand  
*California Charter:* Mr. Mike Thompson  
*Washington/Oregon Charter:* Ms. Linda Buell  
*Private Sport:* Mr. Bob Osborne  
*Conservation:* Mr. Charles Farwell  
*Public At-Large:* Ms. Pamela Tom

Motion 27 carried unanimously.

Mr. Myer moved, and Mr. Feldner seconded, Motion 28 that the Council appoint the following people to the Salmon Advisory Subpanel for the 2013-2015 term:

*California Troll:* Mr. Aaron Newman  
*Oregon Troll:* Mr. Paul Heikkila  
*Washington Troll:* Mr. Jim Olson  
*Commercial Gillnet:* Mr. Kent Martin  
*Processor:* Mr. Gerald Reinholdt  
*California Charter:* Mr. Craig Stone  
*Oregon Charter:* Mr. Mike Sorenson  
*Washington Charter:* Mr. Butch Smith  
*California Sport:* Mr. Marc Gorelnik  
*Oregon Sport:* Mr. Richard Heap  
*Washington Sport:* Mr. Steve Watrous  
*Idaho Sport:* Dr. Richard Scully  
*Washington Coast Tribal:* Vacant  
*California Tribal:* Mr. Dave Hillemeier  
*Conservation:* Mr. Jim Hie

Motion 28 carried unanimously.

Ms. Kirchner moved, and Mr. Feldner seconded, Motion 29 that the Council appoint the following people to the Habitat Committee for the 2013-2015 term:

*Commercial Fishery:* Mr. Joel Kawahara  
*Sport Fishery:* Ms. Liz Hamilton  
*Conservation:* Dr. Doug DeHart  
*Northwest or Columbia River Tribal:* Vacant  
*California Tribal:* Mr. Mike Orcutt  
*Public At-Large:* Mr. Steve Scheiblaue

Motion 29 carried unanimously.

Mr. Lockhart moved, and Ms. Lowman seconded, Motion 30 that the Council appoint the following people to the Scientific and Statistical Committee At-Large seats for the 2013-2015 term:

Dr. Vladlena Gertseva, Dr. Selina Heppell, Dr. Daniel Huppert, Mr. Tom Jagielo, Dr. Todd Lee, Dr. André Punt, and Dr. William Satterthwaite.

Motion 30 carried unanimously.

#### **F.4 Future Council Meeting Agenda and Workload Planning (11/7/2012; 3:39 p.m.)**

##### **F.4.a Agenda Item Overview**

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

- Agenda Item F.4.a, Attachment 1: Pacific Council Workload Planning: Preliminary Year-at-a-Glance Summary.
- Agenda Item F.4.a, Attachment 2: Preliminary Proposed Council Meeting Agenda, March 5-11, 2013 in Tacoma, Washington,
- Agenda Item F.4.a, Supplemental Attachment 3: Pacific Council Workload Planning: Year-at-a-Glance Summary.
- Agenda Item F.4.a, Supplemental Attachment 4: Proposed Council Meeting Agenda, March 5-11, 2013 in Tacoma, Washington, with updates reflective of the action taken under Agenda Item I.5.

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

Mr. Chuck Tracy read the following reports into the record:

- Agenda Item F.4.b, CPSMT Report: Workshop to Re-Evaluate Parameters of the Harvest Control Rule for Pacific Sardine.
- Agenda Item F.4.b, Supplemental SSC Report.
- Agenda Item F.4.b, Supplemental CPSMT Report 2.
- Agenda Item F.4.b, Supplemental CPSAS Report.
- Agenda Item F.4.b, Supplemental GMT Report.

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

##### **F.4.c Public Comment**

Mr. Ben Enticknap, Oceana, Portland, Oregon; presented Agenda Item F.4.c, Public Comment.

Mr. Steve Marx, PEW Environmental Group, Portland, Oregon; presented Agenda Item F.4.c, Public Comment 2: PEW Environmental Group.

##### **F.4.d Council Action: Council Discussion and Guidance on Future Meeting Agenda and Workload Planning (11/7/2012; 4:39 p.m.)**

Dr. McIsaac provided information for the planning of agenda items for 2013.

Ms. Vojkovich asked if a change in the COP was necessary to change the sardine and mackerel stock assessment schedule. Dr. McIsaac replied the COPs would not require changing, but the terms of reference for the sardine stock assessment was just approved by the Council as part of a three-meeting process, and they would need to be revised to change the 2013 sardine assessment from an update to a full assessment by June 2013.

Mr. Crabbe asked if additional information from the sardine harvest parameter workshop could be incorporated into a full assessment in 2013. Dr. McIsaac replied the workshop is focused on the harvest control rule and not the stock assessment, so it is unlikely the workshop would affect

the assessment. Mr. Josh Lindsay confirmed that the environmental parameters that come into play for the  $F_{MSY}$  calculations do not affect the stock assessment.

Mr. Lockhart asked if the groundfish barotrauma item in March could be switched for another topic in April. Dr. McIsaac replied that the Data Moderate Stock Assessment item was a possibility.

Ms. Vojkovich recommended a Coastal Pelagic Species Methodology Review Planning agenda item in March or April, similar to the salmon and groundfish processes.

Ms. Vojkovich supported a full sardine stock assessment in 2013. Mr. Crabbe responded that he would also support a full assessment, but only if additional necessary information is available.

Dr. McIsaac suggested three approaches to the sardine workshop and management issues. The first was a two-year process involving a full management strategy evaluation (MSE) and could include other CPS like mackerel. The second would only deal with the temperature parameter, as recommended by the CPSMT, that could be accomplished quickly. The third would review the temperature parameter and also take a hard look at cut-offs and set-asides.

Mr. Crabbe supported a step-wise approach, as proposed by the SSC, so subsequent issues can build off the previous results. Ms. Vojkovich replied that the entirety of the harvest control rule should be examined as part of the workshop process.

Ms. Vojkovich suggested the SSC issues should be addressed in whatever time frame was necessary, but there were some immediate priorities to be addressed in the workshop. Dr. McIsaac suggested the Council staff initiate the workshop terms of reference process and include the temperature parameter issue and as much of the other control rule issues as possible. The rest of the SSC issues would follow on the results of the workshop process. The Council concurred.

Ms. Vojkovich recommended the Council plan on addressing the limited entry fixed gear ownership-and-control issue, reviewing the sablefish tier system, and possibly instituting a similar tier program for the Limited Entry daily trip limit (DTL) and open access fisheries. Ms. Kirchner agreed with Ms. Vojkovich and recommended adding gear switching, and putting those issues on the agenda of the Groundfish Allocation Committee.

Mr. Tracy asked if electronic monitoring would be assigned to the Groundfish Management Team (GMT). Ms. Vojkovich replied no, that a workshop would be tasked with that issue.

## **G. Coastal Pelagic Species Management**

### **G.1 National Marine Fisheries Report (11/4/2012; 8:07 a.m.)**

#### **G.1.a Agenda Item Overview**

Mr. Kerry Griffin provided the Agenda Item Overview.

### **G.1.b Regulatory Activities**

Mr. Mark Helvey provided information on the regulatory activities and presented Agenda Item G.1.b, Supplemental NMFS Report: NFMS Report on Coastal Pelagic Species Regulatory Activities.

### **G.1.c Fisheries Science Center Activities**

Dr. Russ Vetter presented Agenda Item G.1.b, Supplemental SWFSC PowerPoint.

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

None.

### **G.1.e Public Comment**

None.

### **G.1.f Council Discussion (11/4/2012; 8:55 a.m.)**

Ms. Culver commented on the Southwest Fisheries Science Center (SWFSC) report and their suggestion for a workshop to discuss the stock assessments. She would like to hear from the Coastal Pelagic Species Management Team (CPSMT) and SSC regarding workshops they are suggesting. Regarding the right survey tools, she is not convinced the acoustic survey is the best tool we should be using for sardine and hake, and we need to determine the role of the aerial survey. We need to determine the management needs and have the science center work with us to determine the best practices.

Mr. Steve Williams commented that, concerning the limitations of the acoustic survey, there is technology out there that may help us in the future. He had thought a few years ago that the aerial survey was good, and now we are hearing that it may not be. We need to take time to sort these issues out.

Ms. Yaremko stated that the commitment of NMFS for fishery independent data with numerous sampling efforts is extremely commendable, and we need to be supportive of the science and defer to NMFS recommendations about ways to be more efficient, e.g., the combined hake and sardine assessment. We encourage NMFS to look into as many new methodologies as possible. However, we do have concern about moving away too quickly from current information and data sources that have served us. It is appropriate to use our staff and Stock Assessment Review (STAR) process to guide us in new paths, but she would encourage the emphasis be on the collection of the data.

Mr. Helvey noted that the aerial survey was different this year, and the window that industry had to get the survey completed for use in the stock assessment updates was very small.

Ms. Culver asked for information about survey plans for 2013, and when that planning occurs and the decisions are made.

Dr. Werner responded that there will be a couple of sessions to plan the joint survey and the first

session would be at the end of this month. We are meeting in Seattle with industry, science centers, and the ship's crew to review information learned from the first survey and to get more improvements for the next survey.

## **G.2 Exempted Fishing Permit (EFP) Process (11/4/2012; 9:13 a.m.)**

### **G.2.a Agenda Item Overview**

Mr. Kerry Griffin provided the Agenda Item Overview and introduced Agenda Item G.2.a, Attachment 1: Draft Council Operating Procedure 23.

[Break from 9:16 a.m. to 9:35 a.m.]

### **G.2.b Reports and Comments of Advisory Bodies and Management Entities**

Dr. Owen Hamel presented Agenda Item G.2.b, Supplemental SSC Report.

Ms. Lorna Wargo presented Agenda Item G.2.b, Supplemental CPMST Report.

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

### **G.2.c Public Comment**

None.

### **G.2.d Council Action: Adopt Final EFP Process (Council Operating Procedure 23) (11/4/2012; 9:50 a.m.)**

Ms. Culver moved, and Mr. Lincoln seconded, Motion 5 to approve the draft COP 23 as described in Agenda Item G.2.b, Supplemental CPSMT Report, with the changes noted by the CPSMT and the following change:

Under November Council meeting, add another bullet:

- Recurring EFP proposals should be evaluated by the CPSMT to ensure they are substantially similar to the previous year's research and reviewed for content by the SSC every few years to determine whether the information produced by the projects prove useful in long-term improvement of fishery management.

Ms. Culver referenced the changes proposed in the CPSMT and SSC reports. She stated her belief that it is prudent to have the scientific review for management.

Ms. Yaremko commented in regard to the review of substantially similar proposals. She did not want to get into the process details of how many meetings the review should be, but rather that the review should focus on the content and if there is any disagreement that the proposals are not substantially similar, we would give it a full review and longer process time.

Mr. Wolford expressed support for the motion, but had concerns about increasing the workload for those submitting a recurring EFP. He suggested that rather than requiring a letter of intent and proposal, that we operate under the letter of intent and not have a proposal.

Ms. Culver said the requirement for a recurring proposal is simply a letter of intent with a copy

of the previous year's EFP attached so we can see what was approved in the prior year. If the proposal is exactly the same of the prior year, then it should be a matter of changing the dates.

Mr. Wolford said that as he reads it, for November, they are to submit a letter of intent and then the final version in April. The final in April is what we take action on.

Ms. Yaremko said she thought the process would be to receive the final application for new EFPs or a letter of intent with the same final EFP at the November meeting. Then, the final review would be at the March meeting, unless there was need for further information from public review. In that case, the final action would be taken in April.

Mr. Wolford moved, and Mr. Crabbe seconded, to amend (Amendment 1) Motion 5 by inserting the following italicized phrase in the paragraph under "March Council Meeting" in Agenda G.2.b, Supplemental CPSMT Report:

*Proponents of both new and recurring EFP, if requested by the Council following its review of the letter of intent, submit final versions of their proposals.*

Mr. Wolford said the intent of his motion is to have the Council review the submitted materials in November to determine the content of the EFP and to see if we need to see the final version in March.

Mr. Williams said he believes the Council needs to see the final information in March to be able to make its recommendation to NMFS.

Mr. Wolford said he believes enough detail would be available in March for the Council to make a decision and we would not necessarily need to look at all the final detail that goes to NMFS for the fisheries science centers to review.

Ms. Culver said she agrees on streamlining the Council process and review as much as possible. However, if changes are recommended in November, she wants to make sure we see that they are incorporated in the final version for review in March. She believes that should be automatic rather than the Council having to request an action. She also believes it is useful for the public to have something they can see in the briefing book. Finally, if the concern is streamlining the Council review where possible, that could be accomplished by inserting Mr. Wolford's language in the last bullet under the "March Meeting. The main thing is that she wants a final version available if the Council or public want to review it.

Mr. Helvey stated that he would like to have the same document approved by NMFS that is recommended by the Council.

Amendment 1 failed (Mr. Sones, Mr. Ortmann, Mr. Pollard, Mr. Myer, Mr. Lincoln, Ms. Culver, Mr. Feldner, Mr. S. Williams, Ms. Yaremko, Mr. Brizendine, and Mr. Helvey voted no).

Motion 5 carried (Mr. Pollard and Mr. Ortmann voted no.)

[Agenda item concluded at 10:27 a.m.]

### **G.3 Pacific Sardine Stock Assessment Management 2013, Including Preliminary EFP Proposals and Tribal Set-Aside (11/4/2012; 10:27 a.m.)**

#### **G.3.a Agenda Item Overview**

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

- Agenda Item G.3.a, Attachment 1: Letter from Ed Johnstone, Quinault Fisheries Policy Spokesperson, regarding the Quinault Indian Nation's intent to establish a tribal allocation and to participate in the 2013 Pacific sardine Fishery.
- Agenda Item G.3.a, Attachment 2: Notice of Intent to conduct EFP research, from Northwest Sardine Survey, LLC.
- Agenda Item G.3.a, Attachment 3: Final EFP proposal for 2012 Activities, from Northwest Sardine Survey.
- Agenda Item G.3.a, Attachment 4: West Coast Vancouver Island (WCVI) Swept Area Trawl Survey Methodology.
- Agenda Item G.3.a, Attachment 5: WCVI Methodology Review Panel Report.
- Agenda Item G.3.a, Attachment 6: Northwest Sardine Survey – Sampling Results in 2012.

#### **G.3.b Survey and Assessment Report**

Dr. Kevin Hill presented Agenda Item G.3.b, Supplemental SWFSC PowerPoint, which summarized the following documents:

- Agenda Item G.3.b, Assessment Report: *Executive Summary, Assessment of the Pacific Sardine Resource in 2012 for U.S. Management in 2013.*
- Agenda Item G.3.b, Supplemental Assessment Report 2: *Assessment of the Pacific Sardine Resource in 2012 for U.S. Management in 2013.*

#### **G.3.c Reports and Comments of Advisory Bodies and Management Entities**

Dr. Owen Hamel presented Agenda Item G.3.c, Supplemental SSC Report.

Ms. Lorna Wargo presented Agenda Item G.3.c, Supplemental CPSMT Report.

Mr. Mike Okoniewski presented Agenda Item G.3.c, Supplemental CPSAS Report.

#### **G.3.d Public Comment**

Mr. Geoff Shester, Oceana, Monterey, California; presented Agenda Item G.3.d, Supplemental Public Comment 4 (PowerPoint) and pointed the Council to Oceana's written comment in Agenda Item G.3.d, Supplemental Public Comment 2.

Mr. Mike Okoniewski, Northwest Sardine Survey (NWSS), Woodland, Washington.

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

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

Agenda Item G.3.d, Public Comment.

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

Agenda Item G.3.d, Supplemental Public Comment 3.

[Break from 2:00 p.m. to 2:18 p.m.]

**G.3.e Council Action: Approve West Coast Vancouver Island Survey for use in Future Stock Assessments; Review any Preliminary Proposal or Notice of Intent for EFPs in 2013; Adopt Final Pacific Sardine Stock Assessment and 2013 Management Measures (11/4/2012; 2:18 p.m.)**

Ms. Yaremko moved, and Mr. Brizendine seconded, Motion 6 that the Council approve the stock assessment and overfishing limit (OFL) presented in the stock assessment report (Agenda Item G.3.b, Assessment Report 1 and Supplemental Assessment Report 2) and OFL limit as depicted in Agenda Item G.3.c, Supplemental CPSMT Report in Table 1, with the OFL shown under the “harvest formula” at 103,284 mt.

Ms. Yaremko stated her opinion that the authors of the update assessment had appropriately evaluated the data and made sure the parameters were updated correctly. They brought some information to light and noted that, overall, the indices are trending downward for this resource. There are not a lot of new fish coming into the population, and the uptick we saw in 2011 is not available in this assessment.

Motion 6 carried unanimously.

Ms. Yaremko moved, and Mr. Crabbe seconded, Motion 7 that the Council select a P\* of 0.4 to correspond to an acceptable biological catch (ABC) of 94,281 mt as identified in Agenda Item G.3.c, Supplemental CPSMT Report (Table 1).

Ms. Yaremko stated that the previous full assessment had used a P\* of 0.4 and she did not see any rationale to indicate this update assessment is more or less risky for us in terms of overfishing. The trends are down, but the time and place to consider a change in P\* is after another full assessment when we can better gauge our certainty about risk. Additionally, the SSC view is that the biomass estimate is biased toward the low end which provides a built in caution for our estimate.

Motion 7 carried unanimously.

Ms. Yaremko moved, and Mr. Crabbe seconded, Motion 8 to establish an ACL equal to the ABC of 94,281 mt, as shown in Table 1 of Agenda Item G.3.b, Supplemental CPSMT Report; and to use the set-aside requests as shown in Table 2 of the CPSMT Report (Agenda Item G.3.b, Supplemental CPSMT Report) to reflect a tribal set-aside (9,000 mt) and an EFP set-aside (3,000 mt), recognizing that tribal negotiations will determine the final number. If the final number for the tribal set-aside is different, the allocations to be distributed as outlined in Table 2 of G.3.b, Supplemental CPSMT Report.

Mr. Griffin asked if the intent is to set the harvest guideline (HG) and acceptable catch target (ACT). Ms. Yaremko stated it was the intent that the ACT shall be equal to the HG of 66,495 mt.

Ms. Yaremko stated that the teams have done a lot of work to establish the final numbers for the tribal fishery, and it has worked well. She noted the HG and ACT are more precautionary



guidelines and will be looked at in the future. She is comfortable that, for this period, the HG is precautionary and is risk-adverse.

Mr. S. Williams spoke in support of the motion, stating that the scientists have indicated the biomass estimates are biased low and are within the acceptable levels. The HG is conservative and will have an impact on the industry by reducing harvest.

Ms. Culver spoke in support of the motion, but noted that use of the HG/ACT rather than an ABC/ACL was different than with other stocks, and it was not as clear to her in ascertaining the level of scientific uncertainty and risk to the stock. She would like to discuss this further in the workshops. She is not looking for a decision table to determine it, but it would be helpful if we had a decision table in the future to capture the management uncertainty that goes into that HG and a discussion on how it could relate to the ABC.

Mr. Wolford spoke in support of the motion. He noted that the discussion and varying opinions, relative to the stock assessment and, in particular, the comments by Mr. Shester and Mr. Atkinson, have certainly been heard by the SSC and the CPSMT, and do support the motion that we are making here.

Mr. Sones said the Quinault Nation has indicated that they will reduce their number down from 9,000 mt and establishment of the ACT and HG will help them to determine what that number should be.

Motion 8 carried unanimously.

Ms. Yaremko moved Motion 9 that the Council adopt the incidental allowance of 40 percent as shown in Agenda Item G.3.b, Supplemental CPSAS Report; and the incidental set-asides (1,000 mt) shown in Table 2 of Agenda Item G.3.b, Supplemental CPSMT Report.

Mr. Crabbe asked, prior to the second, if this includes the rollover provision.

Mr. Griffin clarified that inclusive in the overall motions are the same inseason rollover provisions as enacted in 2012.

Motion 9 was seconded by Mr. Brizendine.

Ms. Yaremko said these measures have worked well for management for some time and have kept harvest within the allocation limits.

Ms. Culver expressed concern about the 40 percent per incidental landing allowance. She thought industry had requested a 30 percent rate to help ensure the 1,000 mt incidental set-aside isn't taken too quickly, and didn't know if that had been adequately discussed.

Mr. Crabbe appreciated her concern, but indicated that the CPSAS had discussed the issue and were comfortable with the 40 percent.

Motion 9 carried unanimously.

Ms. Yaremko moved, and Mr. Crabbe seconded, Motion 10 for the Council to approve the West Coast Vancouver Island Survey (WCVIS) for use in future stock assessments.

Ms. Yaremko said she appreciated the report provided by the CPSMT and the encouraging words for potential use of the WCVIS in management. She did not want to put additional constraints on the use of the survey, and noted the SSC said it would need more data before it could be included. In the past, the Stock Assessment Team (STAT) has done a good job of evaluating when the index can appropriately be included in the assessment. They should have the flexibility to determine its use.

Ms. Culver and Mr. S. Williams noted that the SSC statement recommended the survey be evaluated further by the STAT and STAR Panel to determine if it should be used.

Ms. Yaremko clarified that her motion was not meant to require the use of the WCVIS, but to allow the opportunity to use it, if so indicated by the STAT and STAR Panel reviews.

Dr. Hanson moved, and Mr. Ortmann seconded, to amend Motion 10 (Amendment 1) to change the wording by inserting “as described in the Supplemental SSC Report” after the word “assessment.”

Ms. Yaremko noted that the SSC report, at the end of the third paragraph on page 2, stated that a time series derived from several more years of standardized survey methodology is necessary before the survey may be useful for management. That indicates the SSC is not endorsing inclusion of the WCVIS until more data may make it appropriate, and that brings up a question of timing regarding the next assessment. She noted that there weren't a fixed number of years included in the SSC statement.

Mr. Griffin noted the CPS Terms of Reference states that the Council needs to approve a new methodology before it can be used for assessment.

In response to questions concerning the SSC statement, Dr. Owen Hamel, SSC Chair, stated the STAT and STAR Panel could include use of the WCVIS before more years of data are gathered, if they believed it to be appropriate. That determination would be subject to SSC review, and Dr. Hamel did not think the SSC would be likely to approve it until there are several more years of data.

Mr. S. Williams noted the language in the Supplemental SSC Report referenced by the proposed amendment states that after several more years of data, the survey “may” be useful for management. This seems like it provides flexibility to use or not use the WCVIS in the next assessment cycle, whenever that occurs.

Ms. Yaremko said she believes the amendment changed her intent to allow consideration and use of the WCVIS in the next assessment if the STAT and STAR Panel find it relevant with fewer than four or more years of data.

Dr. Hanson reminded the Council that the amendment does not give a specific number of years, and isn't prescriptive. The SSC said it is unlikely, but if something changes, nothing prevents its consideration and use.

Amendment 1 to Motion 10 carried (Ms. Yaremko voted no).

Motion 10, as amended, carried unanimously.

In response to a question, Dr. McIsaac stated that this agenda item does not include action on determining the next assessment cycle for sardine, and that issue should be planned for in Agenda Item F.4 for future agenda planning. The current terms of reference speaks to an update assessment.

[Break from 3:17 p.m. to 3:26 p.m.]

## **H. Enforcement Issues**

### **H.1 Current Enforcement Issues (11/4/2012; 3:26 p.m.)**

#### **H.1.a Agenda Item Overview**

Mr. Jim Seger presented the Agenda Item Overview and introduced Agenda Item H.1.a, Attachment 1: December 14, 2011 letter to OLE from Executive Director Don McIsaac on Enforcement Priorities for 2012.

#### **H.1.b Federal Fishery Enforcement Priorities Report**

Ms. Martina Sagapolu and Mr. Bill Giles presented Agenda Item H.1.b, NMFS Report.

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

Lt. Dave Anderson presented Agenda Item H.1.c, Supplemental EC Report. There were extensive questions about the vessel monitoring system (VMS) declaration issue identified in the report. The issue will be taken up under work planning.

Mr. Tim Roth presented Agenda item H.1.c, Supplemental HC Report.

Mr. John Holloway presented Agenda Item H.1.c, Supplemental GAP Report.

Mr. Mike Okoniewski presented Agenda Item H.1.c, Supplemental CPSAS Report.

#### **H.1.d Public Comment**

None.

#### **H.1.e Council Action: Provide Comments on Regional Enforcement Priorities and Guidance, as needed (11/4/2012; 3:50 p.m.)**

Mr. Steve Williams agreed with the Enforcement Consultant's (EC) recommendations to refresh and resubmit the letter used last year. The issue of the uniform patrol officer covered in last year's letter will require some adjustments, as a response to that has already been made. Mr. Williams commented further on the importance of the state-Federal working relationship for

successful enforcement efforts. This requires coordination, communication, and adequate funding. Funding is a high priority, and without adequate enforcement we don't have a reasonable management strategy.

Ms. Culver concurred with Mr. Williams. She stressed the importance of the work that state enforcement does in support of Council-managed fisheries. This work ensures the regulations are successful and accomplish the intended objectives. Reliance on the Joint Enforcement Agreement (JEA) has only increased over time as the state and Federal budgets have been reduced. The Washington Department of Fish and Wildlife (WDFW) enforcement force is a fraction of what it was 20 years ago. They are trying to rebuild their enforcement capacity while regulations are becoming more complex, as a result of efforts to maximize fishing opportunity. She is frequently reminded that closed fisheries are easier to enforce. We rely on enforcement heavily and rely on JEA's to remain in place with the federal funding.

Mr. Roth agreed with refreshing the letter, and commented that the letter addresses the comments of the Habitat Committee.

## **I. Groundfish Management**

### **I.1 National Marine Fisheries Service Report (11/4/2012; 3:56 p.m.)**

#### **I.1.a Agenda Item Overview**

Ms. Kelly Ames provided the Agenda Item Overview.

#### **I.1.b Regulatory Activities**

Mr. Frank Lockhart presented:

- Agenda Item I.1.b, Attachment 1: Federal Register Notices Published since the Last Council Meeting (electronic notices are provided on the Region's website and through email subscription).
- Agenda Item I.1.b, Attachment 2: Estimated Discard and Catch of Groundfish Species in the 2011 US West Coast Fisheries.

Mr. Lockhart said renewal notices for limited entry permits, quota share accounts, and vessel accounts have been mailed. Renewals must be completed by November 30.

Mr. Lockhart said NMFS reapportioned 28,000 mt of tribal Pacific whiting to the non-tribal sectors on October 4. It took some time to populate the individual accounts with the reapportioned fish because additional programming was required. Mr. Lockhart said this reapportionment was the largest ever done by the agency and no further reapportionments are anticipated this year.

Mr. Dale Myer thanked Mr. Lockhart and the agency for ensuring the reapportionment was done in a timely manner. Mr. Lockhart acknowledged the contributions of the Fishery Science Center and the Region.

Mr. Lockhart noted that the 2013-2014 proposed rule has not been published, but it is anticipated

shortly. The regulations should be in place on January 1, but there are no guarantees.

Mr. Lockhart updated the Council on the progress of the groundfish fishery consultation on endangered species being conducted by the USFWS (seabirds, otters, and bull trout) and the NMFS Protected Resources Division (marine mammals, sea turtles, green sturgeon, and eulachon). He anticipates both consultations will be completed by the end of the year. Mr. Lockhart noted that one of the reasonable-and-prudent measures from the USFWS requires streamer lines for fixed-gear vessels larger than 55 feet in length. This matter is on the Council's year-at-a-glance schedule for 2013. In order to have a smooth transition to the new requirement, a grant has been secured with PSMFC to manufacture and distribute streamer lines free of charge to the industry. The agency is working with Washington Sea Grant on outreach. The consultation is also exploring a similar requirement for vessels less than 55 feet in length. The Northwest Fisheries Science Center is working with Washington Sea Grant to design streamer lines for the smaller vessels.

Mr. Lockhart said there is another reasonable and prudent measure in the consultations that involves establishing a Pacific Coast Groundfish Endangered Species Workgroup responsible to monitor interactions with listed species and help the agency determine whether consultations should be reinitiated. The workgroup could also conduct analysis and make recommendations. In September, the Council discussed whether to make the workgroup an official Council committee. Mr. Lockhart said an official Council committee would not be subject to the Federal Advisory Committee Act restrictions, which could provide efficiencies.

Dr. Don McIsaac asked Mr. Lockhart to speak to the scientific research permit (SRP) that was issued in California. Mr. Lockhart explained the difference between an SRP and an exempted fishing permit (EFP). The Council has an established process for reviewing and recommending EFPs. EFPs exempt the applicants, which are typically fishermen or non-governmental organizations, from specific regulations. An SRP is a different permit issued by the Regions for conducting scientific research directed by NMFS with vessels that carry NMFS employees or contractors. There is no Council process associated with issuing SRPs. During the harvest specifications and management measures process, the Regions estimate research impacts, which are deducted from the annual catch limits (ACL). Mr. Lockhart said when an application for an SRP is received, the agency evaluates the research impacts relative to the amounts anticipated during the harvest specifications process. If the sum of all research activities does not exceed the set-aside amounts anticipated, and the project is consistent with the Endangered Species Act provisions, etc., the SRP is issued. Generally, there are 8-10 SRPs issued each year.

Mr. Lockhart said the SRP of particular interest was issued to Dr. Sogard, Dr. Field, and Dr. Starr for rockfish research in the rockfish conservation areas (RCA) in central California. A California Sea Grant article may have given the impression that the project was larger than it actually is. There are several collaborators in the project and five vessels. They are comparing catches inside and outside the RCA, similar to the work done by the CDFG in the 1980s and 1990s. Mr. Lockhart said the researchers are also examining the differences in fecundity between the two areas. So far, the research vessels have caught a couple thousand fish, mostly yellowtail and chilipepper rockfish. There have been a few other species captured. To date, the overfished species count is: 2 yelloweye, 161 canary, 61 widow, 1 cowcod, and 19 bocaccio.

All overfished species have been released using descending devices, and presumably some of those fish will survive. Mr. Lockhart concluded that the SRP is impacting a small number of fish, including overfished species, and it is within the preseason deductions.

Mr. Lockhart said this SRP did raise a few issues, which the Region will address the next time the SRPs are issued. First, the agency will coordinate with the Office of Law Enforcement both at the state and Federal level. He said the Region will also request that the individuals responsible for the SRP notify enforcement when the vessels are actively conducting research. The agency has also recognized the need to communicate with the states when new SRPs are issued, such that any potential conflicts can be identified and addressed.

Ms. Dorothy Lowman commented that the SRP in southern California sounds informative. She asked Mr. Lockhart to further clarify the timeline and process for issuing SRPs. Mr. Lockhart said the Region tries to anticipate research projects; however, some new projects emerge during the year. The Region does their best to accommodate the research projects within the existing constraints. Ms. Lowman also requested that the agency inform the Council of the SRPs. Mr. Lockhart said that all SRPs report the impacts to the Regions and he thought it would be possible to summarize that information to the Council.

Ms. Marci Yaremko thanked Mr. Lockhart for the SRP information and asked if the California project was continuing in 2013-2014 and if the impacts were included in the ACL deductions. Mr. Lockhart said we will evaluate the project when/if we receive the research permit renewal. At this time, he cannot say whether the impacts could be accommodated within the proposed 2013-2014 ACL deductions.

Ms. Yaremko asked if the agency would limit the researchers to the level of impacts experienced in 2012. Mr. Lockhart said some research should not be held to caps because the research is so valuable. For example, in some years, canary rockfish impacts in the Fishery Science Center's bottom trawl survey have resulted in adjustments to fishery management measures. The agency does request that the applicants contact the agency if the impacts are greater than anticipated. The agency can also rescind the SRP if problems arise. Mr. Lockhart said that he is not opposed to working with the researchers to see if there is a way to minimize impacts without sacrificing the study results.

Ms. Yaremko asked about the target species, noting that the majority of the catch was yellowtail and chilipepper (midwater species), yet the intent appears to be bottom fish. Mr. Lockhart said he is unaware of this project detail.

### **I.1.c Fisheries Science Center Activities**

Dr. McIsaac said that at the September Council meeting there was an assignment to Council staff to create a data moderate workgroup responsible for developing materials for Council consideration in April 2013, well before the data moderate assessments come to the Council. The members of the workgroup include Dr. Jim Hastie, Dr. Owen Hamel, Dr. Vladlena Gertseva, Dr. Jason Cope, Dr. EJ Dick, Dr. Alec McCall, Dr. Martin Dorn, Dr. Andre Punt, Ms. Kelly Ames, and Mr. John DeVore. There has not yet been a recommendation from the Northwest Region and the states.

Dr. John Stein and Dr. Michelle McClure presented Agenda Item I.1.c, Supplemental NWFSC PowerPoint.

#### **I.1.d Reports and Comments of Advisory Bodies and Management Entities**

Dr. Owen Hamel presented Agenda Item I.1.c, Supplemental SSC Report.

#### **I.1.e Public Comment**

Mr. Bob Alverson, Fishing Vessel Owners Association, Seattle, Washington.

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

Mr. Bob Ingles, CCFA, Newark, California.

Mr. Wayne Butler, Prowler Charters, Bandon, Oregon.

#### **I.1.f Council Discussion.**

Ms. Michele Culver asked if Mr. Alverson's request to explore the ownership and control language for the limited entry sablefish tier program could be done under Agenda Item F.4, Future Meeting Planning. Mr. Lockhart said yes.

Regarding the 2011 Groundfish Mortality Report, Ms. Yaremko wants to ensure stock assessors begin their analysis with this report instead of landing databases, etc. She thanked Mr. Ingles for his testimony on the SRPs and recommended that NMFS keep the Council informed about the research projects goals and objectives. She hopes that the Council will have the opportunity to provide feedback on the project design, which should improve the efficiency of the work in the future.

Dr. McIsaac asked Ms. Yaremko to clarify her comments on the 2011 Groundfish Mortality Report. He noted that the report uses the higher discard mortality rate for longnose skate and dogfish, instead of the rates recommended by the SSC. The PowerPoint presentation by the Science Center showed both rates. Dr. McIsaac asked which rates should be used in future analysis and stock assessments. Ms. Yaremko would like the differences resolved.

Dr. McIsaac asked if there are any objections to implementing the discard mortality rate recommendations outlined in the SSC report.

Mr. Lockhart requested leaving this agenda item open until the morning so he could have some further internal discussions.

[Council adjourned at 5:09 p.m. and resumed with this agenda item at 8:10 a.m.]

Mr. Lockhart said the agency supports the use of best available science and will develop a plan to resolve this outside of the Council meeting.

Ms. Vojkovich asked if NMFS could provide the list of scientific research projects, descriptions, and impacts by project during the biennial cycle when the set-aside amounts are decided. This would be an improvement over the current process where one number is forwarded by the

agency, which represents multiple projects. Mr. Lockhart concurred.

Ms. Culver asked whether NMFS could put in a deadline for SRP applications; noting that applications received after the deadline may not be accommodated. Mr. Lockhart said he was leery of a deadline approach. He would like to have further discussions with the Science Centers to understand how imposing a deadline would affect their work. He noted that SRPs are not issued if the applications arrive later in the process and there are insufficient impacts to accommodate the research. Mr. Lockhart said that he will work to make the process more transparent, including the possibility of an annual report, as recommended by the Council previously.

Ms. Culver asked the Fishery Science Center to review slide 19 regarding the revised discard mortality rate for spiny dogfish. The slide appears to indicate that the revised rate was applied to the Other Fish Complex, of which dogfish is a component. She asked when the revised 2011 Groundfish Mortality Report would be available.

Mr. Lockhart said that he will work with the Science Center on the revision and the timing, but anticipates that something could be done by the end of the year.

[Council concluded this agenda item at 8:15 a.m.]

## **I.2 Amendment 24 (Improvements to the Groundfish Management Process) (11/5/2012; 10:49 a.m.)**

### **I.2.a Agenda Item Overview**

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

- Agenda Item I.2.a, Supplemental Staff Overview PowerPoint.
- Agenda Item I.2.a, Attachment 1: Amendment 24 Workgroup Report on Proposed Changes to the Groundfish Biennial Harvest Specifications and Management Measures Process.

Ms. Kelly Ames provided some additional background information to the Council.

### **I.2.b Reports and Comments of Advisory Bodies and Management Entities**

Mr. Corey Niles presented Agenda Item I.2.b, Supplemental GMT Report.

Dr. Owen Hamel presented Agenda Item I.2.b, Supplemental SSC Report.

Mr. Tommy Ancona presented Agenda Item I.2.b, Supplemental GAP Report.

### **I.2.c Public Comment**

Mr. Seth Atkinson, Natural Resources Defense Council, San Francisco, California; introduced Agenda Item I.2.c, Supplemental Public Comment.

Mr. Pete Leipzig, Fisherman's Marketing Association, Eureka, California.

### **I.2.d Council Action: Adopt Range of Alternatives and Preliminary Preferred Alternative for Public Review (11/5/2012; 2:39 p.m.)**

Dr. Dahl summarized the decisions needed at this meeting from the Council.



Dr. McIsaac elaborated on Dr. Dahl's summary. He emphasized the need for the Council to take final action on this at the March 2013 meeting.

Ms. Culver moved, and Ms. Kirchner seconded, Motion 11:

- Adopt the recommendations on page 4 of Agenda Item I.2.b, Supplemental GMT Report, and the recommendation at the top of page 2 of Agenda Item I.2.b, Supplemental GAP Report, with respect to the default procedures for setting ACLs.
- Direct the SSC to develop a range of alternatives and recommendations on how the Council should adjust overfished species rebuilding plans based on new stock assessment information; specifically, establishing appropriate mechanisms to accommodate changes in rebuilding parameters and the appropriate rebuilding parameter the Council should consider adjusting (e.g.,  $T_{TARGET}$ , SPR harvest rate).

Ms. Culver voiced appreciation for the Amendment 24 Workgroup Report. She thought the Council would benefit from further workgroup input to develop the preliminary preferred alternative. She did not support the workgroup recommendation on establishing default policies and procedures for adjusting ACLs (by specifying a default  $P^*$  value, for example), because this would take a lot of time and reduce the Council's flexibility to respond to new information. She also did not support the workgroup's concept with respect to the circumstances for revising rebuilding plans. Instead, the Council should ask the SSC for recommended procedures.

Ms. Vojkovich asked if the motion supports the concept of developing a tier 1 NEPA document as outlined by the workgroup but rejects the idea of default procedures to streamline decision-making. Ms. Culver concurred with this assessment.

In response to a question from Mr. Wolford about the timeframe for developing the tier 1 document, Ms. Culver said that is the subject of a subsequent motion.

Ms. Vojkovich asked if Ms. Culver's recommendation included the revision of COP 9. Ms. Culver responded that the COP would need to be revised in any circumstance where the Council made procedural changes, but the larger question is whether these changes would necessitate an FMP amendment. That question will have to be determined later.

Mr. Crabbe asked if the motion is adopted, would it preclude Council final action in March 2013. Ms. Culver responded no.

Motion 11 carried unanimously.

Ms. Culver moved, and Ms. Kirchner seconded, Motion 12:

- Schedule this issue on the March 2013 Council agenda with the answers to the questions described in the previous motion in hand, giving the Council the ability to take final action in March so that the new process would be available for the Council to follow for the 2015-16 biennial management cycle.

Ms. Culver said these changes should streamline the biennial management process, although

there are some outstanding questions, such as whether the changes can be implemented by a revised COP or an FMP amendment, and the amount of work involved to have the process in place for use in the 2015-16 management cycle. However, even if all elements are not complete, she sees the ability to follow the recommended changes as the best course for the next management cycle.

Ms. Vojkovich asked if the Council would follow the process used for the 2013-14 management cycle if the proposed changes were not implemented.

Mr. Lockhart thought the answer to Ms. Vojkovich's question was probably yes. No matter the process, NMFS and the Council will have to consider the NEPA requirements associated with every action. Thus, it may be necessary to prepare another EIS as was done for the 2013-14 cycle, but that decision will be made at the time. He then noted that the tier 1 document will take a lot of work, but this should simplify addressing NEPA in the future.

Ms. McCall agreed and noted the assistance from the NWR NEPA Coordinator. There are some aspects of NEPA that are agency decisions, such as what constitutes a significant impact for the purpose of NEPA. Therefore, addressing NEPA is not solely under the Council's purview. However, she looks forward to developing a common understanding of the criteria guiding such findings under NEPA.

Ms. Culver asked if Mr. Lockhart's comments conflicted with the intention that the Council will follow the process outlined in the Amendment 24 Workgroup Report for the 2015-16 management cycle. Mr. Lockhart said he wasn't disagreeing with the intent to follow that process, but just cautioning that it will take some time and thought to prepare the tier 1 NEPA document and that NMFS will be involved in that. Ms. Culver noted that the motions put forward did not specify a tier 1 NEPA document covering harvest specifications for 10 years and the Council would certainly like to hear any alternative approaches NMFS might propose.

Motion 12 carried unanimously.

Ms. Culver noted that in public comment there was a request for a workshop on stock rebuilding control rules. She thought that could be incorporated into the direction in Motion 11 for the SSC to develop recommendations on rebuilding plan revision rules.

Ms. Lowman ruminated on the timing of a potential SSC meeting in relation to Council action in March. She emphasized that the Council needs sufficient time to take in any recommendations developed by the SSC. Mr. Wolford noted that the question of the need for an FMP amendment will also depend on the recommendations coming forward.

Dr. Dahl and Dr. McIsaac noted that staff will make every effort to prepare for a Council decision in March 2013.

### **I.3 Progress Report on Using Descending Devices to Mitigate Barotrauma in Recreational Fisheries (11/5/2012; 3:14 p.m.)**

#### **I.3.a Agenda Item Overview**

Mr. John DeVore presented the Agenda Item Overview.

#### **I.3.b Reports and Comments of Advisory Bodies and Management Entities**

Ms. Heather Reed, Ms. Lynn Mattes, and Mr. John Budrick presented Agenda Item I.3.b, Supplemental GMT PowerPoint (Agenda Item I.3.b, GMT Report: Groundfish Management Team Progress Report on Developing Mortality Rates for Rockfish Released Using Descending Devices).

Dr. Owen Hamel presented Agenda Item I.3.b, Supplemental SSC Report.

Ms. Heather Reed presented Agenda Item I.3.b, Supplemental GMT Report 2.

Mr. Tommy Ancona presented Agenda Item I.3.b, Supplemental GAP Report.

Agenda Item I.3.b, Supplemental RecFIN Technical Committee Letter: Regarding the GMT Progress on Descending Devices for Rockfish Discards.

#### **I.3.c Public Comment**

None.

#### **I.3.d Council Action: Provide Guidance on Further Development and Refinement of Information Necessary to Establish Allowable Credits (11/5/2012; 4:31 p.m.)**

Ms. Vojkovich moved, and Mr. Crabbe seconded, Motion 13 to adopt the recommendations of the GMT as shown in Agenda Item I.3.b, Supplemental GMT Report 2. Those recommendations are:

1. Have the GMT and an SSC sub-group meet to discuss refinement of the mortality rate estimates at the January GMT meeting.
2. Task the GMT with development of mortality rates for canary rockfish for review at the March Council meeting.
3. Have the states provide a description of their proposed methods for accounting for the proportion of anglers using descending devices for review by the GMT and SSC in time for comments to be included in the March Briefing Book.
4. If mortality rates and methods for applying them are approved, state by state implementation would begin when each state is prepared to do so rather than waiting for all three to be prepared before moving forward.

In addition, ask the GMT to consider buffers as referenced in the SSC Report. One alternative for analysis is to stratify depths as follows: 0-30 fm, 31-59 fm, and greater than 59 fm. Relative to buffers, one option is to use 15 percent for the 0-30 fm depth bin and 30 percent for the 31-59 fm depth bin.

Ms. Vojkovich explained that an SSC-GMT collaborative effort early next year should provide useful results. The GAP and GMT both recommended the inclusion of canary in this initiative, and the GMT remarked there is enough data to determine appropriate mortality rates for canary. The alternative to aggregate depth bins is responsive to the data and provides a simpler

framework for accounting for discard mortality.

Mr. Wolford asked if pooling of information referred to aggregating information for all species or specific species. Ms. Vojkovich explained she was recommending aggregation of depth-based information to determine mortality rates. Mr. Wolford thought there is some reasonably good data on yelloweye, cowcod, and canary. Aggregating data for all species studied does not seem appropriate.

Ms. Culver asked for clarification on the tight timeline between the January GMT meeting and the briefing book deadline for the March Council meeting. She asked if the intent of the motion was to move this timeline. Ms. Vojkovich said the motion did not address a timeline. Ms. Culver thought the first recommendation to have the GMT and the SSC meet in January was a good first step, but she wasn't sure how the process should unfold after that. Ms. Vojkovich thought we should address next steps during the future agenda planning item on Wednesday. Dr. McIsaac responded that was an appropriate process.

Mr. Lincoln asked for clarification on the motion and whether there was intent to offer specific guidance to restrict the analysis to a simplified alternative. Ms. Vojkovich said the intent of the motion was to provide guidance and not be prescriptive.

Motion 13 carried unanimously.

Ms. Vojkovich encouraged continued outreach by the states for anglers to routinely use descending devices. She also encouraged continued research on these species, particularly cowcod.

Ms. Culver agreed that we should encourage the use of descending devices to reduce bycatch mortality, and apply the appropriate mortality rate when accounting for mortalities. She does not like the term "survival credit," and urged the Council to be sensitive to how this is described in future Council meetings so folks will not expect there will necessarily be credits and increased fishing opportunities.

[Council concluded this agenda item at 4:56 p.m. and adjourned for the day.]

#### **I.4 Consideration of Inseason Adjustments (11/6/2012; 8:09 a.m.)**

##### **I.4.a Agenda Item Overview**

Ms. Kelly Ames provided the Agenda Item Overview.

##### **I.4.b Reports and Comments of Advisory Bodies and Management Entities.**

Mr. Frank Lockhart presented Agenda Item I.4.b, Supplemental NMFS Report. He said that on October 11, 2012 the agency issued the 2011 surplus carryover for sablefish (north and south) into the 2012 shorebased individual quota fishery (see [Public Notice NMFS-SEA-12-15](#)). He also noted that the set-aside of minor slope rockfish for the at-sea Pacific whiting fishery (mothership and catcher-processor) has been exceeded. The majority of the catch was comprised of rougheye rockfish. NMFS is not asking the Council to take inseason action, this is just for

information.

Ms. Michele Culver presented information from Agenda Item I.4.b, WDFW Report: Washington Department of Fish and Wildlife Report on Inseason Adjustments for 2013.

Ms. Gway Kirchner presented information in Agenda Item I.4.b, ODFW Report: Oregon Department of Fish and Wildlife Report on Inseason Recreational Fishery Yelloweye Rockfish Impacts.

Dr. Sean Matson presented Agenda Item I.4.b, Supplemental GMT Report.

Mr. Gerry Richter presented Agenda Item I.4.b, Supplemental GAP Report.

#### **I.4.c Public Comment**

None.

#### **I.4.d Council Action: Adopt Final Recommendations for Adjustments to 2012 and 2013 Groundfish Fisheries (11/6/2012; 8:46 a.m.)**

Ms. Culver moved, and Ms. Kirchner seconded, Motion 14 that the Council adopt the following 2013 inseason adjustments as found in Agenda Item I.4.b, Supplemental GAP Report and Agenda Item I.4.b, WDFW Report:

- Open Access Fixed Gear North of 36° N. Latitude:
  - Alternative 1: Periods 1 through 5: 300 lb. per day, or 1 landing per week of up to 700 lb., not to exceed 1,400 lb per 2 months; Period 6: 300 lb. per day, or 1 landing per week of up to 300 lb., not to exceed 600 lb. per 2 months.
- Limited Entry Fixed Gear North of 36° N. Latitude:
  - Alternative 1 (Low price): 1 landing per week of up to 950 lb, not to exceed 2,850 lb per 2 months.
- The recommended inseason adjustments for the Washington recreational fishery, as shown in the WDFW report, in Marine Areas 3 and 4.

Motion 14 carried unanimously.

[Council concluded this agenda item at 8:49 a.m. and went on break until 9:00 a.m.]

### **I.5 Trawl Rationalization Trailing Actions and Updates (11/6/2012; 4:08 p.m.)**

#### **I.5.a Agenda Item Overview**

Mr. Jim Seger presented the Agenda Item Overview and introduced the following:

- Agenda Item I.5.a, Attachment 1: Trailing Actions, Status of Trailing Actions and Calendar.
- Agenda Item I.5.a, Attachment 2: Chafing Gear ES, Chafing Gear Draft Environmental Assessment Executive Summary.
- Agenda Item I.5.a, Attachment 3: Chafing Gear EA, Trawl Rationalization Trailing Actions: Chafing Gear Draft Environmental Assessment.
- Agenda Item I.5.a, Attachment 4: Gear Workshop, Trawl Gear Regulation change Proposals Developed at Trawl Fishery Gear Workshop.
- Agenda Item I.5.a, Attachment 5: Lender Issues, Trawl Rationalization Trailing Actions Issues: Lenders *Draft* Council Decision Analysis Document.

- Agenda Item I.5.a, Attachment 6: Whiting Season, Trawl Rationalization Trailing Actions Issue: Whiting Season and Southern Allocation, *Draft Council Decision Analysis Document*.
- Agenda Item I.5.a, Attachment 7: Widow Reallocation: Trawl Rationalization Trailing Actions Issue: Widow Rockfish QS Reallocation, *Draft Council Decision Analysis Document*.
- Agenda Item I.5.a, Attachment 8: Whiting Carryover. Pacific Whiting Carryover Implementation.
- Agenda Item I.5.a, Attachment 9: Electronic Monitoring, Possible Regulation Amendment Process for Consideration of Electronic Monitoring as a Replacement for the 100% Observer Coverage Requirement.
- Agenda Item I.5.a, Supplemental Attachment 11: Excerpts from the 2006 Biological Opinion on Salmon Regarding the Pacific Fisheries Management Council's Groundfish Management Plan.

Ms. Ames provided information regarding the following documents:

- Agenda Item I.5.b, Supplemental Workshop Report: Summary of the Pacific Whiting Carryover Workshop.
- Agenda Item I.5.b, Supplemental US Advisory Panel Draft Minutes: US Canada Whiting Treaty.
- Agenda Item I.5.a, Supplemental Attachment 10: Shorebased Whiting Carryover Workshop, PowerPoint Slides.

### **I.5.b Reports and Comments of Advisory Bodies and Management Entities**

Mr. Frank Lockhart provided information on cost recovery, electronic monitoring, and Agenda Item I.5.b, Supplemental NMFS Report, Summary of Adaptive Management Program.

[Council adjourned for the day and reconvened at 8:02 a.m. on 11/07/2012.]

Mr. Colby Brady provided information on computational vision-based monitoring.

Mr. Lockhart provided additional information of electronic monitoring and updated the availability of NMFS to do follow-up work on current and planned trailing actions.

Ms. Michele Culver provided the Washington perspective on the agenda issues.

Ms. Gway Kirchner provided an Oregon perspective.

Ms. Joanna Grebel offered comments from the California perspective.

Mr. David Sones asked questions regarding Chafing Gear.

Mr. Corey Niles presented Agenda Item I.5.b, Supplemental GMT Report.

Mr. Tommy Ancona presented Agenda Item I.5.b, Supplemental GAP Report.

Agenda Item I.5.b, Supplemental PSMFC Report: Electronic Monitoring Update.

### **I.5.c Public Comment (11/7/2012; 10:22 a.m.)**

Mr. Jake Postlewait, Oregon Coast Bank, Newport, Oregon; referred to the letter in Agenda Item I.5.c, Public Comment.

Mr. Paul Kujala, Trawler, Warrenton, Oregon.

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

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

Ms. Kate Quigley & Mr. Michael Bell, Nature Conservancy, Morro Bay, California.  
Mr. Rod Moore, West Coast Seafood Processors Association, Portland, Oregon.  
Omar Allinson, Fisherman, Bellingham, Washington.  
Mr. Ralph Brown, Trawler, Brookings, Oregon.  
Mr. Ben Enticknap, Oceana, Portland Oregon; introduced Agenda Item I.5.c, Supplemental Public Comment 3: Letter from Oceana re. Chafing Gear.  
Mr. Brent Paine, United Catcher Boats, Seattle, Washington.  
Ms. Phoebe Higgins, California Fisheries Fund, San Francisco, California.  
Ms. Heather Mann, Midwater Trawlers Cooperative, Newport, Oregon.  
Mr. David Jincks, Midwater Trawlers Cooperative, Newport, Oregon.  
Ms. Sarah McTee, Environmental Defense Fund, San Francisco, California.  
Mr. James Mize, Phoenix Processor Limited Partnership, Seattle, Washington; introduced Agenda Item I.5.c, Supplemental Public Comment 4: Letter from Phoenix Processor Limited Partnership.  
Mr. Pete Leipzig, Fisherman's Marketing Association.  
Mr. Kevin Dunn, Oregon Trawl, Astoria, Oregon.  
Mr. Tommy Ancona, Fisherman's Marketing Association, Fort Bragg, California.  
Agenda Item I.5.c, Public Comment.  
Agenda Item I.5.c, Supplemental Public Comment 2.

**I.5.d Council Action: Adopt Final Alternatives for Chafing Gear, Lenders, and Whiting Season Opening Date; Adopt Range of Alternatives for Analysis of Widow Reallocation; Provide Guidance for Carry-over, Electronic Monitoring, and Cost Recovery; and Consider Update on Adaptive Management (11/7/2012; 2:34 p.m.)**

Mr. Lockhart asserted NMFS' determination to complete the actions moved forward by the Council. He emphasized the need to think about the goals of electronic monitoring. He noted that the option of hiring additional employees at the region was traded off in order to fund the observer reimbursement program. Dr. McIsaac expressed appreciation for Mr. Lockhart's comments and noted that the Pacific Dawn case was an unplanned demand on human resources.

Ms. Kirchner moved, and Mr. Feldner seconded, Motion 17 for the Council to adopt the following final preferred alternatives:

- Chaffing gear: alternative 1, modifying the language as recommended in the GAP statement (Agenda Item 1.5.b, November 2012).
- Safe harbors for lenders:
  - Lending entities qualifying for an exemption: alternative 1 (PPA).
  - Scope of exception provided: alternative 2 as modified in the GAP statement (Agenda Item 1.5.b, November 2012).
- Whiting season start date: May 15 for all sectors; removal of California early season (PPA).
- Council extend the transferability of widow rockfish quota share until reallocation of widow rockfish quota share is completed.

Ms. Kirchner referred to the supportive public testimony and the slides provided by Mr. Jincks to

help the Council better understand chafing gear. She noted that the chafing gear practices are currently in operation on the water and there is no appreciable impact from selecting her proposed option. She wants to move ahead with Final Preferred Alternatives on the other two issues to eliminate any delay when NMFS is ready to start work on them. She noted that the public statements from lenders indicated her proposed option would work for them. Regarding the whiting season start date, she believes individual fishery quota (IFQ) management should allow fishermen the opportunity to fish when they need to. The biological opinion shows that this change should not impact salmon. GAP and industry testimony indicated the Council should prioritize electronic monitoring over widow rockfish reallocation. We should still be prohibiting transferability of quota shares until we can get widow rockfish reallocation implemented.

Mr. Lockhart moved, and Ms. Vojkovich seconded, an amendment to Motion 17 (Amendment 1) to insert “prohibition on” in front of “transferability” (in the last bullet of the motion).

Amendment 1 carried unanimously.

Mr. Myer supported the motion. There is a debate about how the current chafing gear regulations came into place and whether they are the result of an error or oversight. It is uncertain how this regulation got to be applied to pelagic gear in the first place. He had reviewed his own company’s tow-by-tow data and reported almost no impact on forage fish.

Mr. Myer provided the following comments on behalf of Ms. Culver, who had to leave the meeting: It would be the preference of the State of Washington to delay any changes to the whiting season start date until there is a better analysis of the impact to non-IFQ species and on dogfish in particular. There is a commercial dogfish fishery off the State of Washington, and the proposed opening is in the timeframe that the dogfish are highly aggregated (“balled-up”). It would be better to have an IFQ program in place for dogfish prior to changing the start date for the whiting fishery.

Mr. Lockhart noted he will be abstaining on this vote.

Motion 17, as amended, carried (Mr. Lockhart abstained).

Responding to a request for guidance by the GMT, Ms. Vojkovich recommended that the GMT not move forward with work on trailing actions unless the Council asks about specific trailing actions.

Ms. Lowman moved, and Ms. Kirchner seconded, Motion 18 for the Council to begin initial scoping of an electronic monitoring regulatory amendment, including a discussion of the Council’s monitoring goals and objectives at the March or April Council meetings. In preparation for this meeting, consider a workshop that includes relevant industry and agency stakeholders that would help inform the Council’s thinking on goals and objectives as well as enforcement, management, science, and industry considerations.

Ms. Lowman referenced the very strong statements from the GAP which said that trying to look at ways to reduce program costs is a high priority. We have also heard that studies are underway



in the field. However, the Council's precise goals and monitoring objectives have not been clear.

Ms. Lowman said that in March we will receive results of the first year of field work. As researchers think about the second year of that work, assuming there is funding, it will be important for them to know our goals, objectives, and key considerations from all stakeholders, including government and industry. Preparation for the workshop should entail work with respective industry, enforcement, and science folks to initiate some groundwork to make the workshop most productive. The workshop would be composed of a select small group representing all needed elements. Between now and next spring other resources will be coming on that will help the workshop, including some national initiatives. She did not expect that this will be fast-tracked because there are a number of complex issues; however, a start is needed. Observer reimbursement will be running out and we need to think of some ways to give the industry options for a more efficient program. Work needs to be done on how to design an amendment to take advantage of the technology available now and still provide flexibility for future advancements.

Mr. Wolford spoke in support, noting the importance of developing details, e.g., frame rates and processing requirements. The workshop should also consider which segments of the rationalization program might gain the greatest benefit for a given cost.

Motion 18 passed unanimously.

Mr. Crabbe, noting comments received by the Council on the lack of ability to get observers in some of our smaller ports, expressed concern about these small communities and what they are going through in trying to get observers.

Mr. Lockhart responded that he had a conversation with Mr. Ancona on the issue and would follow-up further with him and with observer providers.

Ms. Lowman commented on the need to go through a prioritization process on trailing actions.

Mr. Wolford mentioned that there were observer issues with respect to Half Moon Bay as well.

Mr. Myer provided guidance on the whiting surplus quota share carryover issue by recommending suspension of the carryover for whiting until the five-year review. He noted that at the workshop, and through discussions continuing during the week, people seem to have come to a common thought that the carryover is more important to the treaty process and to suspend it for the individual quota share holders.

Mr. Seger asked if the guidance was to formally suspend the carryover or to do essentially what happened in 2012, which was that the carryover didn't occur. If we formally suspend it, we have to take a regulatory action.

Mr. Myer stated that it would be to do as we did in 2012.

Dr. Hanson noted that Silver Spring provided a lot of assistance to get the trawl rationalization

program into place and asked whether there was willingness to provide the additional assistance needed to make the program work. Mr. Lockhart responded that he thought there would be some willingness to provide more resources to the region.

Ms. Vojkovich moved, and Mr. Brizendine seconded, Motion 19 for the Council to send a letter to NMFS Headquarters describing the importance of the program, the support we needed from them to get it into place, and that now we need additional support to make the critical parts of the program functional.

Ms. Lowman supported the motion, stating that we have some definite challenges that threaten the success of the program if we don't have the resources to handle them.

Motion 19 carried (Mr. Lockhart abstained).

## **J. Highly Migratory Species Management**

### **J.1 Council Recommendations on International Highly Migratory Species Management (11/5/2012; 8:16 a.m.)**

#### **J.1.a Agenda Item Overview**

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

- Agenda Item J.1.a, Attachment 1: Inter-American Tropical Tuna Commission 84<sup>th</sup> Meeting (Extraordinary), La Jolla, California (USA) 24-25 October 2012; Provisional Agenda.
- Agenda Item J.1.a, Attachment 2: Review of the Implementation and Effectiveness of CMM 2008-01, WCPFC-SC8-2012/ SC8-WCPFC8-01.
- Agenda Item J.1.a, Attachment 3: Conservation and Management Measure for Bigeye, Yellowfin and Skipjack Tuna in the Western and Central Pacific Ocean; Paper prepared by the WCPFC Chair and WCPFC Vice-Chair.
- Agenda Item J.1.a, Attachment 4: Excerpt from Report of the Twelfth Meeting of the International Science Committee for Tuna and Tuna-Like Species in the North Pacific Ocean Plenary Session 18-23 July 2012, Sapporo, Hokkaido, Japan.
- Agenda Item J.1.a, Attachment 5: Draft Conservation and Management Measure for Pacific Bluefin Tuna (Northern Committee Eight Regular Session, September 3-6, 2012).
- Agenda Item J.1.a, Supplemental Attachment 6: WCPFC Ninth Regular Session, Provisional Agenda (2-6 December 2012, Manila Philippines); and Agenda Item J.1.a, Supplemental Attachment 7: WCPFC Overlap Area considerations by IATTC.

Dr. Donald McIsaac presented information regarding the Permanent Advisory Committee (PAC) meeting held in October.

Ms. Marija Vojkovich presented information from the PAC meeting held in October.

#### **J.1.b Reports and Comments of Advisory Bodies and Management Entities**

Mr. Mark Helvey presented information regarding the status of the U.S.-Canada Albacore Treaty.

Mr. Kirt Hughes presented Agenda Item J.1.b, Supplemental HMSMT Report.

Mr. Doug Fricke presented Agenda Item J.1.b, Supplemental HMSAS Report.

**J.1.c Public Comment (11/5/2012; 9:22 a.m.)**

Agenda Item J.1.c, Public Comment: Letter from the American Albacore Fishing Association.

Agenda Item J.1.c, Public Comment 2: Letter from the American Albacore fishing Association #2.

Agenda Item J.1.c, Public Comment 3: Letter from the Western Fishboat Owners Association.

Mr. Jack Webster, F/V Billie Jean, Bonita, California.

Mr. Chip Bissell, American Albacore Fishing Association, Bonita, California.

Mr. Wayne Heikkila, Western Fishboat Owner's Association, Redding, California.

Mr. Pierre Marchand, Jessie's Ilwaco Fish, Ilwaco, Washington.

Mr. Peter Flournoy, American Fishermen's Research Foundation, San Diego, California.

**J.1.d Council Action: Consider International Management Recommendations Including the U.S.-Canada Albacore Treaty and Recommendations to the U.S. Delegation to the Ninth Regular Session of the Western and Central Pacific Fisheries Commission (11/5/2012; 10:36 a.m.)**

Ms. Vojkovich recommended providing guidance to Council staff on drafting a letter containing Council recommendations on Western and Central Pacific Fisheries Commission 9 and the U.S.-Canada Albacore Treaty, based on the Highly Migratory Species Advisory Subpanel (HMSAS) and Highly Migratory Species Management Team (HMSMT) reports and public comment.

With respect to the U.S.-Canada Albacore Treaty, Ms. Vojkovich identified the following issues to focus on: attribution of catch by foreign vessels in the respective EEZs, the change in Canadian fishing effort in the U.S. EEZ prior to 1998 and its subsequent increase, and port access issues (principally access to Canadian ports by U.S. vessels). She noted that port access is not just governed by the Treaty but is still relevant to the conduct of the fishery.

Ms. Vojkovich described recommendations for the negotiation of a fishing regime for 2013 pursuant to the Treaty. She identified the provision of results from the bi-national Data and Economic Working Groups to support negotiations and the impact of the free trade agreement being negotiated between Canada and the European Union as key issues. Any fishing regime should support a "level playing field" for U.S. harvesters in relation to economic opportunities.

Mr. Helvey asked if Ms. Vojkovich meant to include fishing effort attribution as an issue subject to negotiations. Ms. Vojkovich responded that it could be included as long as it is something that can be addressed pursuant to the terms of the treaty. Mr. Helvey also recommended that letters containing Council recommendations be sent to both the State Department and NMFS.

Dr. McIsaac noted that the Council will work with Mr. Helvey so that any bilateral meetings are scheduled to optimize Council engagement relative to the March and April 2013 Council meetings.

Ms. Culver concurred with the points Ms. Vojkovich put forward for Council recommendations. She went on to emphasize the need to negotiate a fishing regime for 2013, if possible. While she appreciates the views expressed by harvesters relative to improved conditions in 2012 (with Canadian vessels absent from the U.S. EEZ), the Council needs to consider the potential effects

of not having the fishing regime in 2013 on ports and fishing communities. She thought that in 2012 the demand for albacore by processors was greater than what U.S. harvesters alone were able to meet.

Ms. Lowman restated the Council's intent to send a letter to NMFS and the State Department with Council recommendations.

Ms. Vojkovich then turned to Council recommendations for the WCPFC Ninth Regular Session. She referenced sections of the HMSAS and HMSMT reports that could form the basis of a Council recommendation. She then summarized proposed Council recommendations. Noting the small fleet of U.S. pole-and-line and troll vessels that fish for South Pacific albacore, any new conservation and management measure should take into account the tradeoff between placing restrictions on this small fleet and resulting benefits in terms of stock recovery. The U.S. should support a measure that reduces fishing mortality on juvenile Pacific bluefin tuna. Any measure related to fish aggregation device (FAD) monitoring and management should avoid inadvertent impacts to the U.S. albacore fleet. A measure for the tropical tunas should take into account the apparent range contraction of skipjack tuna. (This could cause the Japanese pole-and-line fleet to focus effort more heavily on North Pacific albacore.) She referenced the recommendations in the HMSMT Report on North Pacific albacore, oceanic whitetip shark, and FADs.

Ms. Lowman noted Council consensus on these recommendations.

## **K. Ecosystem-Based Management**

### **K.1 Fishery Ecosystem Plan (FEP) (11/6/2012; 9:04 a.m.)**

#### **K.1.a Agenda Item Overview**

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

- Agenda Item K.1.a, Attachment 1: Draft Pacific Coast Fishery Ecosystem Plan.
- Agenda Item K.1.a, Supplemental Attachment 2: Supplemental REVISED Final Council Action.

#### **K.1.b Report of the Ecosystem Plan Development Team**

Ms. Yvonne deReynier presented Agenda Item K.1.b, Supplemental EPDT Presentation.

#### **K.1.c Reports and Comments of Advisory Bodies and Management Entities**

Mr. Don Maruska presented Agenda Item K.1.c, Supplemental EAS Presentation and Agenda Item K.1.c, Supplemental EAS Report.

Dr. Owen Hamel presented Agenda Item K.1.c, Supplemental SSC Report.

Mr. Mike Burner read Agenda Item K.1.c, Supplemental SAS Report into the record.

Mr. Tim Roth presented Agenda Item K.1.c, Supplemental HC Report.

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

Mr. Rob Jones presented Agenda Item K.1.c, Supplemental GMT Report.

Mr. John Holloway presented Agenda Item K.1.c, Supplemental GAP Report.  
Mr. Mike Okoniewski presented Agenda Item K.1.c, Supplemental CPSAS Report.

#### **K.1.d Public Comment**

Mr. Norman Ritchie, Association of Northwest Steelheaders, Portland, Oregon; discussed Agenda Item K.1.d, Supplemental Public Comment 4: Letter from Association of Northwest Steelheaders.

Mr. Ken Hinman, National Coalition for Marine Conservation, Leesburg, Virginia.

Mr. Ralph Brown, Brookings, Oregon.

Mr. Ben Enticknap, Oceana, Portland, Oregon.

Mr. Steve Marx, PEW Environment Group, Portland, Oregon.

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

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

Ms. Anna Weinstein, Audubon California, Emeryville, California.

Agenda Item K.1.d, Public Comment.

Agenda Item K.1.d, Supplemental Public Comment 2.

Agenda Item K.1.d, Supplemental Public Comment 3.

#### **K.1.e Council Action: Adopt Preliminary FEP for Public Review (11/6/2012; 11:24 a.m.)**

The Council discussed when the comments provided at this meeting might be incorporated in a review draft for the Council and public. Staff indicated the March briefing book deadline would be the latest and could not be sure if something could be provided earlier than that.

Mr. Lockhart stated he would like to have the Ecosystem Plan Development Team (EPDT) consider all the comments in regard to Council intent rather than incorporate all of them and bring that information back to the Council at some point.

Ms. Culver indicated that her motion would specify certain things to include, some things the EPDT could consider, and some things she would not want included.

Mr. Ortmann stated he would like to ensure the forage fish list is included for consideration in the motion.

Ms. Vojkovich was concerned with the lack of clarity on how this document interacts with the next two agenda items and how it can be used in the Council process. This needs to be made clear at some point.

Ms. Culver moved, and Ms. Vojkovich seconded, Motion 15 for the Council to adopt the preliminary draft FEP (Agenda Item K.1.a, Attachment 1) for public review with the following changes:

1. The following statement would be added to the "Purpose and Need" section:  
The FEP is meant to be an informational document. It is not meant to be prescriptive relative to Council fisheries management. Information in the FEP, results of the Integrated Ecosystem Assessment (IEA), and the Annual State of the California

Ecosystem Report would be available for consideration during the routine management process for fisheries managed in each FMP. How exactly these items will affect fishery management decisions is at the discretion of the Council.

2. Section 6.2 would be removed from the FEP and added to the Council's broader Research and Data Needs document.
3. Chapter 7 would be removed from the FEP and become a stand-alone document. The following statement would be added to the top of this stand-alone initiatives document:

The Council has had considerable discussion regarding FEP Initiative 1, so a process to move forward with this proposal has been fleshed out and included in this draft. However, the other draft examples are presented in a conceptual manner. The Council seeks feedback on all of these initiatives, including comments on the concepts, suggested priorities and rationale, and ideas for additional initiatives for Council consideration.
4. FEP Initiative 1 should reference the preliminary draft list of forage fish species that the EPDT developed with an explanation that this draft would be available as a starting point for the ad hoc committee tasked with completing this initiative, and the draft list should be appended to this stand-alone initiatives document.
5. The following proposals would be added to the initiatives document:
  - a. The Amendment 24 initiative described in Agenda Item K.1.c, Supplemental GMT Report (Last paragraph on page 1).
  - b. An initiative to develop a list of core ecosystem indicators that could be tracked through the Annual Report. The intent would be to have a discreet set of indicators that would be useful for Council routine management; additional indicators may be brought forward and tracked in the Annual Report at the discretion of the NMFS Science Centers.

These draft documents would be made available on the Council's website and their availability would be announced to the Council's e-mail notification listserv as soon as the changes above are made.

6. For the March briefing book, the Ecosystem Plan Development Team would review and consider the comments made by the Council's advisory bodies and incorporate changes, as appropriate, except for the changes suggested in the Supplemental HMSAS Report, and the changes suggested by the Habitat Committee to Section 4.3.1.1 and the request for an additional section addressing the framework for FEP integration.

Ms. Culver stated that the addition to the proposed purpose and need statement in Item 1 is intended to add specificity to deal with concerns voiced about how and when we use the information in the FEP. The intent is not to create a new process or review of fishery management actions, but to utilize it in our regularly scheduled, existing fishery management processes on an annual basis. The FEP would not prescribe how the Council would use the information for harvest levels or fishery regulations as she wanted to allow Council flexibility on a case-by-case basis.

Regarding Item 2, Ms. Culver stated that all of the items in Section 6.2 are research and data needs for the different FMPs, and since there is a regularly updated Council research and data needs document, it would seem better to add an ecosystem section to that document rather than have it buried in this FEP.

For Item 3, Ms. Culver stated that she has had questions about how the FEP could be revised in the future. Would it require a plan amendment process? The FEP says it is to be a living, adapting document. However, the Council has had very little discussion on most of the cross-FMP initiatives that are in Chapter 7 – whether they have the right concepts and priorities or what may have been missed. She didn't want Chapter 7 to go out as part of the larger plan since it may give the public the wrong idea on these initiatives. For those reasons, she wanted to have Chapter 7 as a stand-alone document that may be easier to update and modify in the future.

Regarding Item 4, Ms. Culver said we have had considerable discussion on FEP Initiative 1 and requests to have the draft list of forage species included in the FEP. It seems to be efficient to do so, adding the caveat that this is a draft starting point for the ad hoc committee to consider as we move forward.

Concerning Item 5, Ms. Culver said she has added a couple of initiatives, starting with the Amendment 24 initiative that concerns how the NEPA and IEA process may fit together (as contained in the GMT report). The public has also commented on the need for core ecosystem indicators. She agrees with that, but didn't want to be too prescriptive with a list of indicators and would like the flexibility for the science centers to have those indicators change from year to year as we move forward and get improved data on the indicators.

Mr. Culver's intention in Item 6 is to have these draft documents go out as soon as possible rather than wait for the March briefing book deadline. This will facilitate an early public review of the documents and have a revised draft by the March briefing book deadline that would incorporate some of the specific language changes in the committee reports which shouldn't have an effect on the early public review draft.

Regarding the items she excluded, Ms. Culver said she appreciated that the HMSAS did not have much time to discuss the issues and felt their comments were driven by a lack of information and would not be helpful or productive to the EPDT. The changes recommended in the Habitat Committee report concerned having a time series of maps of the trawl footprints. This needs more consideration in several regards, and has been in the current groundfish EFH document and will be updated in the new groundfish EFH update. She wasn't sure of what was meant by the framework FEP integration and so did not include it at this time.

Mr. Roth asked if the intent under Item 5, regarding the initiatives that become part of the stand-alone document, was to have the ability to make changes more frequently and if that document could be considered an appendix to the FEP.

Ms. Culver said her thought in making it be a stand-alone document was due to more time needed for us to flesh out ideas in it. This document will fall under the umbrella of the FEP, and the initiatives could become appended to the document or be referenced in the document.

Mr. Burner asked, regarding the second to last paragraph, if the documents referred to were the research and data needs document and the stand-alone initiatives document?

Ms. Culver clarified that she was referring to the FEP (chapters 1-6) and the stand-alone document (former Chapter 7 with the additional initiatives she had proposed).

Mr. Burner presumed that the public review draft that is to be posted as soon as possible would not reflect the comments of the advisory bodies.

Ms. Vojkovich said she believes Ms. Culver has addressed most of the key comments in her motion and the rationale for pulling the initiatives chapter seems appropriate as it is more of a working document. The addition of the two initiatives in a conceptual manner seems like all we can do at this point. She asked if the list of core ecosystem indicators might include something like was mentioned in several public comments about a forage index. Is that what you were contemplating as a kind of an indicator that might be developed for use?

Ms. Culver responded yes.

Regarding the research needs priorities (Item 2), Mr. Burner confirmed with Ms. Culver that she would like to have proposals of the EAS added to the bulleted list in the research and data needs document.

Ms. Kirchner asked what would link the stand-alone initiatives document with the FEP.

Ms. Culver stated that we could have that discussion in March when there would be feedback on the document and how it would fall under the umbrella of the FEP and added as an appendix or be referred to in the FEP document.

Mr. Lockhart spoke in favor of the motion and the separation of the initiatives to make it easier to change in the future. He believes the initiative process should be part of the FEP, but it is appropriate to determine that in March, when we have comments from the public.

Ms. Kirchner moved, and Mr. Feldner seconded, to amend Motion 15 (Amendment 1) by adding a new chapter 7 that defines a process linking the stand-alone initiatives document to the FEP.

Ms. Kirchner thought it would be good for the EPDT to put together some sort of draft process so there would be something to comment on in March as we are adopting a final FEP. She is not sure of what that process may be, so has left it open to allow the EPDT flexibility.

Ms. Vojkovich asked if the intent was to clearly expose the concepts of initiatives and to get an idea of how one may develop an initiative, add it to the list, and know how the Council could consider it in relation to the FEP?

Ms. Kirchner responded affirmatively. Mr. Roth agreed that the amendment would help clarify how we make the stand-alone initiatives document fall under the umbrella of the FEP.

Mr. Wolford was not supportive of adding a new Chapter 7. We had asked the EPDT for thoughts on how the FEP and stand-alone document were related, but he did not support assigning the EPDT to write a new chapter and include it in the draft FEP before it goes out for



review.

Ms. Culver said she didn't view this as a whole new chapter, but that it could be as little as a page. The direction is to have the EPDT draft a process by which the Council would consider revisions to the initiatives document.

Ms. Kirchner agreed that is correct, and by doing so, we would bring the list of initiatives under the umbrella of the FEP.

Concern was raised that the amendment called for a new chapter.

Ms. Culver moved, and Mr. Wolford seconded, as a substitute amendment (Amendment 2), to change the prior amendment to strike *add a new chapter 7.0* and insert *direct the EPDT to include language in the FEP that links the stand alone initiatives document to the FEP and specifies a draft process by which the Council would consider modifying the initiatives document.*

Amendment 2 passed unanimously.

In response to a question by Dr. McIsaac about the ad hoc committee referred to under item 2, Ms. Culver stated that would be a new committee to be established in the future.

Mr. Burner asked if the EPDT could have some latitude for naming the document something other than the "stand-alone document."

Ms. Culver added it can be changed.

Ms. Kirchner supported the motion, stating that it gives clear guidance to the EPDT and makes sure the forage fish issue is visible.

Motion 15, as amended, carried unanimously.

Ms. Culver moved, and Ms. Kirchner seconded, Motion 16 that the Council request input from the Council advisory bodies, states, tribes, and the public on the proposed revisions to the Federal List of Fisheries and Gears in advance of FEP completion; and specifically, for the states to provide updates relative to state-managed fisheries as well as changes to the Federal fisheries in time for the March Briefing Book draft.

Ms. Culver said she thinks this request is an important first step in looking at the forage fish issue and updating the list of fisheries with particular regard to providing state input. One of the things that WDFW will focus on will be geographic specification as to where the fisheries occur and where the gear types are legal, similar to what was done for salmon in the first draft of the FEP. She wants to have this information included in the document that goes in the March briefing book. The Council action in March could include approving and/or revising the list of fisheries to ensure its accuracy.

Ms. Vojkovich stated it appears to her that the initiatives document is about the forage issue, and we have a process laid out for fixing the list. Therefore, the states wouldn't necessarily have to have it all nailed down for the action on the FEP in March.

Ms. Culver responded yes, but noted her understanding that NMFS is trying to update the list of fisheries by the end of the year and to have a revised list that would be separate from the Council process.

Mr. Lockhart agreed. Ms. Vojkovich then concluded that the initiatives could be adaptations to the list, but it would not be inclusive.

Further discussion by the Council clarified that the list of fisheries contains both Federal and state fisheries, and Ms. Culver's motion speaks to the list in the draft FEP and should be handled under that agenda item at the March meeting.

Mr. Burner had concern regarding the workload for the EPDT. The June motion instructed them to provide a progress report on the list of fisheries in March. It would be a tall order for the team to complete the FEP and provide a near final list of fisheries for March rather than a progress report for input and further development.

Dr. McIsaac stated that, if the motion passes, this is an idea that is a suggestion and balancing the workload would occur under Agenda item F.4.

Motion 16 carried unanimously.

## **K.2 Integrated Ecosystem Assessment Implementation Report (11/6/2012; 1:40 p.m.)**

### **K.2.a Agenda Item Overview**

Mr. Michael Burner presented the Agenda Item Overview.

### **K.2.b Fisheries Science Centers' Report**

Dr. John Stein and Dr. Cisco Werner presented Agenda Item K.2.b, NWFSC and SWFSC Report.

### **K.2.c Reports and Comments of Advisory Bodies and Management Entities**

Mr. Mike Burner read Agenda Item K.2.c, Supplemental SSC Report into the record.

Mr. Paul Dye presented Agenda Item K.2.c, Supplemental EAS Report.

Mr. Tim Roth presented Agenda Item K.2.c, Supplemental HC Report.

Mr. Mike Okoniewski presented Agenda Item K.2.c, Supplemental CPSAS Report.

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

Mr. Rob Jones presented Agenda Item K.2.c, Supplemental GMT Report.

### **K.2.d Public Comment**

Mr. Ralph Brown, Brookings, Oregon.

### **K.2.e Council Action: Council Discussion (11/6/2012; 2:32 p.m.)**

Ms. Culver had questions about the timing of a Council review of the Atlantis Model to deem it as best available science to guide ecosystem decisions. Dr. Levin indicated that there were questions about how the model might be useful in management decisions, and the degree of expertise needed to evaluate the model, which is very complex. Ms. Culver concluded that the first step would be to schedule a workshop to look at the products the Atlantis Model could produce and then, if it is deemed useful, to schedule a review of the technical basis of the model.

Ms. Culver said that, while she does not fully understand its capabilities, it appears to her that the Integrated Ecosystem Assessment (IEA) may be a useful tool for the Council to use in ecological considerations within the Council process. She was excited that they intend to have something on the web in mid-December to aid the understanding that might be geared to the general public. That would be useful for the Council and advisory bodies. She would fully support Council engagement in a workshop. Due to the very technical nature of this, we should clearly identify those we want to attend to make sure the workshop is productive and the Council and IEA team get what we need from it. It may be prudent for the Council to narrow the list or ask the advisory bodies to provide a list of attendees.

Ms. Lowman suggested we ask the staff to work with the IEA workshop conveners to make the appropriate recommendations for attendees.

### **K.3 California Current Ecosystem Report (11/6/2012; 2:57 p.m.)**

#### **K.3.a Agenda Item Overview**

Mr. Michael Burner presented the Agenda Item Overview and introduced Agenda Item K.3.a, Supplemental Attachment 1: Annual State of the California Current Report.

#### **K.3.b Report of the Ecosystem Plan Development Team**

Ms. Yvonne deReynier presented Agenda Item K.3.a, Supplemental EPDT Presentation.

#### **K.3.c Reports and Comments of Advisory Bodies and Management Entities**

Mr. Mike Burner read Agenda Item K.3.c, Supplemental SSC Report into the record.

Dr. Jason Cope presented Agenda Item K.3.c, Supplemental GMT Report.

Mr. Mike Okoniewski presented Agenda Item K.3.c, Supplemental CPSAS Report.

Mr. Paul Dye presented Agenda Item K.3.c, Supplemental EAS Report.

#### **K.3.d Public Comment**

Mr. Steve Marx, PEW Environment Group; Portland, Oregon.

Mr. Ralph Brown, Brookings, Oregon.

#### **K.3.e Council Action: Council Discussion**

Dr. McIsaac talked about expectations for the ecosystem report. He noted one thing that caught the Council's interest in last year's ecosystem report was the krill graph. It showed high abundance which predicted a high abundance of jacks in the Sacramento River. He wondered

what this year's report would say about that. This report came as a supplemental document, so Council members have not had much opportunity to explore it. He asked the presenters if they could give the top four nuggets that Council members might appreciate knowing as they finish this meeting and prepare for the March Council meeting.

Dr. Brian Wells stated that the take home message of the report was that the large scale base environmental conditions in the California Current should promote increased local and regional productivity. This is supported by the upwelling data on a regional basis as well. The krill values are good this year, and salmon should be in good condition. For the CPS groups, we are showing an increase, or at least average or slightly above-average values. The longer-aged species, as we move forward, should experience increased productivity as well. We don't include highly migratory species yet, and are working on how to incorporate them in the future.

Dr. Phil Levin referred to two figures with information on mean trophic levels. He noted that looking at a single species is not adequate to give you the full story on where the species may be headed. We need to approach with an ecosystem-based management for species that includes how predators may prevent them from coming back. He also noted a new index, the fisheries diversification index, which indicates that we are at the lowest level of diversification in the fleet in the last 30 years. The higher the level of diversification, the less bouncing around of economic values that occur.

Mr. Lockhart said we need to fight the urge to make the report longer. It needs to be a concise list of indicators that could become more and more useful. This is a good first start, and I would like to continue at this time without making any changes. However, over the next six months, as we complete the FEP and move ahead with the IEA, there may be some better things emerging that we may want to incorporate in this report.

Mr. Roth agreed with Mr. Lockhart's comments. He noted that trying to meet the twenty-page limit is something worth considering, but some of the advisory bodies thought there should be a little more depth on some indices and a bit more expansion of the report. He referenced some of the comments concerning the report card of the North Pacific Council and timelines for some of the indices.

Ms. Culver stated that the report was very readable and didn't note anything that she wanted added to the report. It certainly addressed the key factors she wanted in the report. She would like to keep it to 20 pages or less. Regarding the future, she did not see the creation of a new ecosystem advisory team resulting from this, but rather saw it as a short-term project. She recommended that the very same team that produced this report do the future reports. She would request the science center to be the ones who synthesize and summarize the information most useful to the Council and perhaps rely on an ad hoc group, including NMFS and state representatives, to review and interpret the science in plain English for approval by the Council.

Ms. Vojkovich was supportive of an iterative process and knows we will see enhancements as we go along and become more informed about what would increase the usefulness of the document. She is not sure if the IEA process encompasses all the information that we may want to include in a report, but that looks like the way to start for now.

Mr. Lockhart noted that the EAS report made an important point of the need for additional effort to establish an indicator for sustainable fishing communities.

Dr. Wells responded that we are beginning a large effort to develop socio-economic indicators of fishing and coastal communities and as those are developed and reviewed they would be included in the document. He also noted that the advisory body comments they have received this week have pointed them in a lot of good directions to go, which will improve the document over time.

[Council concluded this agenda item at 3:53 p.m.]

[At the request of Ms. Culver, the Council scheduled another brief closed session to discuss advisory body appointments for the following (Wednesday) morning.]

### **ADJOURN**

The Council adjourned November 7, 2012 at 5:06 p.m.

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Dan Wolford  
Council Chairman

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Date









31-59 fm, and greater than 59 fm.; relative to buffers, one option to use 15 percent for the 0-30 fm, 30 percent for 31-59 fm.

Moved by: Marija Vojkovich                      Seconded by: David Crabbe  
Motion 13 carried unanimously.

- Motion 14:** Council approves the 2013 inseason adjustments for:
- Open Access Fixed Gear North of 36° N. Latitude:
    - Alternative 1: Periods 1 through 5: 300 lb. per day, or 1 landing per week of up to 700 lb., not to exceed 1,400 lb per 2 months; Period 6: 300 lb. per day, or 1 landing per week of up to 300 lb., not to exceed 600 lb. per 2 months. (Agenda Item I.4.b, Supplemental GAP Report)
  - Limited Entry Fixed Gear North of 36° N. Latitude:
    - Alternative 1 (Low price): 1 landing per week of up to 950 lb., not to exceed 2,850 lb. per 2 months.
  - The recommended inseason change as shown in WDFW recreational fishery report (Marine areas 3 and 4).

Moved by: Michele Culver                      Seconded by: Gway Kirchner  
Motion 14 carried unanimously.

- Motion 15:** Council adopts the preliminary draft Fishery Ecosystem Plan (FEP) (Agenda Item K.1.a, Attachment 1) for public review with the following changes:
1. The following statement would be added to the “Purpose and Need” section:  
The FEP is meant to be an informational document. It is not meant to be prescriptive relative to Council fisheries management. Information in the FEP, results of the Integrated Ecosystem Assessment (IEA), and the Annual State of the California Ecosystem Report would be available for consideration during the routine management process for fisheries managed in each FMP. How exactly these items will affect fishery management decisions is at the discretion of the Council.
  2. Section 6.2 would be removed from the FEP and added to the Council’s broader Research and Data Needs document.
  3. Chapter 7 would be removed from the FEP and become a stand-alone document. The following statement would be added to the top of this stand-alone initiatives document:  
The Council has had considerable discussion regarding FEP Initiative 1, so a process to move forward with this proposal has been fleshed out and included in this draft. However, the other draft examples are presented as a conceptual manner. The Council seeks feedback on all of these initiatives, including comments on the concepts, suggested priorities and rationale, and ideas for additional initiatives for Council consideration.
  4. FEP Initiative 1 should reference the preliminary draft list of forage fish species that the EPDT developed with an explanation that this draft would be available as a starting point for the ad hoc committee tasked with completing

this initiative, and the draft list should be appended to this stand-alone Initiatives document.

5. The following proposals would be added to the Initiatives document:
  - a. The Amendment 24 initiative described in Agenda Item K.1.c, Supplemental GMT Report (Last paragraph on page 1).
  - b. An initiative to develop a list of core ecosystem indicators that could be tracked through the Annual Report. The intent would be to have a discreet set of indicators that would be useful for Council routine management; additional indicators may be brought forward and tracked in the Annual Report at the discretion of the NMFS Science Centers.

These draft documents would be made available on the Council's website and their availability would be announced to the Council's e-mail notification listserv as soon as the changes above are made.

6. In addition, for the March briefing book, the Ecosystem Plan Development Team would review and consider the comments made by the Council's advisory bodies and incorporate changes, as appropriate, except for the changes suggested in the Supplemental HMSAS Report, and the changes suggested by the Habitat Committee to Section 4.3.1.1, and the request for an additional section addressing the framework for FEP integration.

Moved by: Michele Culver

Seconded by: Marija Vojkovich

**Amndmnt 1:** A new chapter 7.0 linking the stand-alone initiatives document to the FEP.

Moved By: Gway Kirchner

Seconded by: Jeff Feldner

Amendment 1 was not voted on.

**Amndmnt 2:** Change the prior amendment to strike *add a new chapter 7.0* and insert *direct the EPDT to include language in the FEP that links the stand alone initiatives document to the FEP and specifies a draft process by which the council would consider modifying the initiatives document.*

Moved By: Michele Culver

Seconded by: Dan Wolford

Amendment 2 carried unanimously.

Motion 15, as amended, carried unanimously.

**Motion 16:** Request input from Council advisory bodies, states, tribes, and the public on the proposed revisions to the Federal List of Fisheries and Gears in advance of FEP Completion; and have States provide "state input" (in time for the March Briefing Book draft).

Moved by: Michele Culver

Seconded by: Gway Kirchner

Motion 16 carried unanimously.

**Motion 17:** Adopt the following final preferred alternatives:

- Chaffing gear: alternative 1, modifying the language as recommended in the GAP statement (Agenda Item 1.5.b, November 2012).
- Safe harbors for lenders:
  - § Lending entities qualifying for an exemption: alternative 1 (PPA).
  - § Scope of exception provided: alternative 2 as modified in the GAP statement (Agenda Item 1.5.b, November 2012).
- Whiting season start date: May 15 for all sectors; removal of California early season (PPA).
- Council considers extending the transferability of widow rockfish quota share until reallocation of widow rockfish quota share is completed.

Moved by: Gway Kirchner

Seconded by: Jeff Feldner

**Amndmnt 1:** Insert after “extending the” the words “prohibition on”, in the prior motion.

Moved By: Frank Lockhart

Seconded by: Marija Vojkovich

Amendment 1 carried unanimously.

Motion 17 carried (Mr. Lockhart abstained).

**Motion 18:** Council to begin initial scoping of an EM regulatory amendment, including a discussion of the Council’s monitoring goals and objectives at the March/April Council meetings. In preparation for this meeting, we encourage a workshop that includes relevant industry and agency stakeholders that would help inform the Council’s thinking on goals and objectives as well as enforcement, management, science, and industry considerations.

Moved by: Dorothy Lowman

Seconded by: Gway Kirchner

Motion 18 carried unanimously.

**Motion 19:** Council sends a letter to NMFS Headquarters describing the importance of the program and support we need from them to get it into place and get the critical parts of the program fully functional.

Moved by: Marija Vojkovich

Seconded by: Buzz Brizendine

Motion 19 carried (Lockhart abstained).

**Motion 20:** Approve the recommendations of the Budget Committee as shown in Agenda Item F.2.b, Supplemental Budget Committee Report.

Moved by: Dorothy Lowman

Seconded by: Gway Kirchner

Motion 20 carried unanimously.

**Motion 21:** Council staff to incorporate the changes from Council Action under Agenda Item G.2 for inclusion in the Council Operating Procedures as Procedure 23.

Moved by: Marija Vojkovich

Seconded by: David Crabbe

Motion 21 carried unanimously.





*Conservation: Mr. Jim Hie*

Moved by: Dale Myer  
Motion 28 carried unanimously.

Seconded by: Jeff Feldner

**Motion 29:** Appoint the following people to the Habitat Committee for the 2013-2015 term:

*Commercial Fishery: Mr. Joel Kawahara*

*Sport Fishery: Ms. Liz Hamilton*

*Conservation: Dr. Doug DeHart*

*Northwest or Columbia River Tribal: Vacant*

*California Tribal: Mr. Mike Orcutt*

*Public At-Large: Mr. Steve Scheiblaue*

Moved by: Gway Kirchner  
Motion 29 carried unanimously.

Seconded by: Jeff Feldner

**Motion 30:** Appoint the following people to the Scientific and Statistical Committee At-Large seats for the 2013-2015 term:

Dr. Vladena Gertseva

Dr. Selina Heppell

Dr. Daniel Huppert

Mr. Tom Jagielo

Dr. Todd Lee

Dr. Andre` Punt

Dr. William Satterthwaite

Moved by: Frank Lockhart  
Motion 30 carried unanimously.

Seconded by: Dorothy Lowman