

DRAFT MINUTES
217th Session of the
Pacific Fishery Management Council
March 7-11, 2013
Hotel Murano
1320 Broadway Plaza; Tacoma, WA 98402

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A. Call to Order

A.1 Opening Remarks

Mr. Dan Wolford, Chairman, called the 217th meeting of the Pacific Fishery Management Council (Council) to order at 8:07 a.m. on Thursday, March 7, 2013. There will be a closed session held after the regular business concludes Saturday afternoon to discuss litigation and personnel matters.

A.2 Roll Call

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

Mr. Phil Anderson (Washington State Official);
Mr. William L. “Buzz” Brizendine (At-Large)
Mr. Brian Corrigan (U.S. Coast Guard (USCG), non-voting designee)
Mr. David Crabbe (California Obligatory)
Mr. Kevin Duffy (National Marine Fisheries Service (NMFS), Northwest Region, designee)
Mr. Jeff Feldner (At-Large)
Dr. Dave Hanson, Parliamentarian (Pacific States Marine Fisheries Commission, non-voting designee)
Ms. Gway Kirchner (Oregon State Official, 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. Herb Pollard (Idaho Obligatory)
Mr. Tim Roth (U.S. Fish and Wildlife Service (USFWS), non-voting designee)
Mr. David Sones (Tribal Obligatory)
Mr. Gordon Williams (Alaska State Official, non-voting designee)
Mr. Dan Wolford, Chairman (At-Large)
Ms. Marci Yaremko (California State Official, designee).

During the week the following people were present in their designated seats for portions of the meeting: LCDR Brian Chambers (USCG, non-voting designee); Ms. Michele Culver (Washington State Official, designee); Dr. Peter Dygert (NMFS, Northwest Region, designee); Ms. Joanna Grebel (California State Official, designee); Mr. Mark Helvey (NMFS, Southwest Region, designee); Mr. Dave Hogan (U.S. State Department, non-voting); Mr. Frank Lockhart (NMFS), Northwest Region, designee); LCDR Brad Soule (USCG, non-voting designee); RADM Keith Taylor (USCG, non-voting); Mr. Bob Turner (NMFS, Northwest Region, designee); and Mr. Steve Williams (Oregon State Official, designee).

A.3 Executive Director’s Report

Dr. Donald McIsaac stated he would present information on three items to the Council: a brief summary of some issues covered at the Council Coordination Committee Meeting in February;

the Council staff retreat in January relative to suggested Council meeting improvements developed at the retreat; and planning to deal with the late timing of the *Federal Register* (FR) notice for this meeting.

Referring to Agenda Item A.3, Supplemental Attachment 1: February 2013 Council Coordination Committee Agenda, Dr. McIsaac summarized information about expectations for the FY 2013 NMFS budget and long-term financial outlook for the Regional Councils. He reported that the expectation is for about a five percent reduction from 2012 in Council funding. This level of reduction has already been anticipated in the Council's provisional budget approved last November. He also noted that NMFS introduced a new formalized National Environmental Policy Act (NEPA) procedure that is being reviewed by the councils and will be discussed further in May. He referenced an interim report of the Inspector General's recent review which identified some administrative issues the Regional Councils and NMFS will have to respond to. He also noted final planning for the Managing Our Nation's Fisheries (MONF) 3 Conference that our Council is facilitating. Regarding proposed Council meeting improvements develop at the Council staff retreat, he stated that those would be provided at the June meeting.

Dr. McIsaac noted that the FR notice for the March 2013 meeting was filed late due to an inadvertent omission. To address this problem, based on guidance from General Counsel, all Council action at the March 2013 meeting will need to be finalized at the April 2013 Council meeting, except for Agenda Items C.6 and C.7, which were noticed earlier in a separate FR notice associated with finalizing Amendment 17 to the Salmon Fishery Management Plan.

Dr. McIsaac introduced the Supplemental Informational Report: California Fish and Game Commission Notice of Findings – White Shark.

A.4 Agenda

A.4.a Council Action: Approve Agenda

Ms. Lowman moved and Ms. Kirchner seconded Motion 1 to adopt the proposed agenda as the working agenda (Agenda Item A.4: March 2013 Council Meeting Agenda) for this meeting, with the proviso that all decisions made at this meeting, with the exception of C.6, Adoption of 2013 Management Alternatives for Public Review and C.7, Salmon Hearings Officers, be considered "Preliminary Selections" to be formalized under a specific agenda item at the April 2013 Council Meeting.

Ms. Lowman stated that this is consistent with the advice from legal counsel, and the Council can conduct the business at this meeting in the normal manner.

In response to a question about inseason actions for groundfish, Mr. Kevin Duffy stated that any action at this meeting would have to be confirmed at the April meeting, and the earliest an action could be implemented would be about April 20.

Motion 1 carried unanimously.

Council Informational Session (3/7/2013; 8:29 a.m.)

This informal working session consisted of a staff briefing to help with understanding various issues and objectives in developing a new management process for groundfish fisheries in Amendment 24. Dr. Kit Dahl presented the Overview and Informational Briefing.

B. Open Comments (3/7/2013; 9:55 a.m.)

B.1 Comments on Non-Agenda Items

B.1.a Advisory Body and Management Entity Comments

None.

B.1.b Public Comment

Mr. Bob Alverson, Mr. Ben Clampitt, Mr. Kevin Sathor, and Mr. Paul Clampitt, Fishing Vessel Owners Association, Seattle, Washington.

Mr. Bill James, PSLCFA, Salem, Oregon.

Mr. Jeff Lackey, F/V Miss Sue, Newport, Oregon; presented Agenda Item B.1.b, Supplemental Open Public Comment: Letter from Jeff Lackey.

Ms. Heather Mann, Midwater Trawlers Cooperative, Newport, Oregon; presented Agenda Item B.1.b, Supplemental Open Public Comment 2: Letter from Midwater Trawlers Cooperative.

Mr. Ralph Brown, FMA, Brookings, Oregon.

Mr. Steve Bodnar, Coos Bay Trawlers, Coos Bay, Oregon.

B.1.c Council Discussion and Comments as appropriate

Council members commented on the need to change the regulations to separate the boat ownership requirement from the control of sablefish tiered permits. It was confirmed that this is likely a two Council meeting process and it will be considered in the workload agenda item at the end of the meeting.

Responding to the issue of opening rockfish conservation areas (RCAs), Council members noted that there needed to be an initial consideration of what that might mean and to consider partial openings as well as a complete removal of the RCAs. It was also noted that the Council may be considering a request for some very minor RCA changes under the inseason management agenda item on Saturday.

In questions about the problems and costs incurred by the industry and NMFS as a result of the delays in considering and implementing trawl individual quota (IQ) trailing actions, the cost of observers and delays in implementing electronic monitoring, as well as an example of time and fuel spent due to the current declaration process, were identified.

C. Salmon Management

C.1 Review of 2012 Fisheries and Summary of 2013 Stock Abundance Forecasts (3/7/2013; 11:02 a.m.)

C.1.a Agenda Item Overview

Mr. Mike Burner presented the Agenda Item Overview and introduced Agenda Item C.1.a, Attachment 1: Excerpts from Chapter 3 of the Pacific Coast Salmon Fishery Management Plan Updated through Amendment 17.

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

Dr. Robert Kope presented a summary of the *Review of 2012 Ocean Salmon Fisheries*, and *Preseason Report 1: Stock Abundance Analysis and Environmental Assessment Part 1 for 2013 Ocean Salmon Fishery Regulations*.

Regarding the 2012 fisheries, Dr. Kope focused primarily on escapements and conservation objectives. He noted that all Chinook stocks met their conservation objectives, and the Sacramento fall Chinook stock is now rebuilt. No Chinook stocks are in an overfished condition. For coho stocks, the impact on Oregon coastal natural (OCN) coho exceeded the exploitation rate goal by about three percent. However, that was primarily due to impacts of the inside fisheries. No coho stocks were subject to overfishing.

Regarding stock projections for 2013, Dr. Kope noted that Chinook forecasts are generally similar to or somewhat down from 2012. The constraint on fisheries due to Sacramento winter Chinook will be more critical this year than in 2012. For coho, the Oregon production index (OPI) is up from last year by about 100,000 as a result of an increase in hatchery coho and a decrease in OCN coho. Washington coastal and Puget Sound stocks are similar to the previous year. No stocks are approaching an overfished condition.

Mr. Bob Conrad presented Agenda Item C.1.b, Supplemental SSC Report.

C.1.c Public Comment

None.

C.1.d Council Action: Review and Discuss Relevant Fishery Information and Act on Relevant Status Determinations, 2013 Abundance Forecasts, and Annual Catch Limits as Necessary (11:50 a.m.)

Mr. Turner confirmed that Sacramento River fall Chinook are now considered rebuilt and no further action is required of the Council at this time.

Mr. Anderson moved and Mr. Steve Williams seconded Motion 2 that the Council adopt the 2013 stock abundance forecasts, acceptable biological catches (ABCs), and annual catch limits (ACLs) as shown in Supplemental Preseason Report 1, February 2013; with the addition that Grays Harbor wild Chinook be listed at a value of 20,636 and Grays Harbor hatchery Chinook be listed at 3,632.

Mr. Anderson noted that the motion is based on the Salmon Technical Team (STT) and Scientific and Statistical Committee (SSC) reports, and that these values represent the best scientific information for managing the 2013 salmon fisheries.

Motion 2 carried unanimously.

C.2 Identification of Management Objectives and Preliminary Definition of 2013 Salmon Management Alternatives (3/7/2013; 1:04 p.m.)

C.2.a Agenda Item Overview

Mr. Mike Burner presented the Agenda Item Overview. The following attachments are in reference to this agenda item:

- Agenda Item C.2.a, Attachment 1: Guidance for Alternative Development and Assessment.
- Agenda Item C.2.a, Attachment 2: Emergency Changes to the Salmon FMP.
- Agenda Item C.2.a, Attachment 3: FR 97-22094: Policy Guidelines for the Use of Emergency Rules.
- Agenda Item C.2.c, Supplemental SAS Report: Proposed Initial Salmon Management Alternatives for 2013 Non-Indian Ocean Fisheries.

C.2.b Report of the Pacific Salmon Commission

Mr. Gordy Williams reported on the 2012-13 Pacific Salmon Commission (PSC) Meetings. He also noted that while it could not be accommodated this year, the PSC is aware of the Council's desire to receive PSC input earlier in the preseason process to make for more efficient development of management alternatives and final regulations.

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

Mr. Peter Dygert presented Agenda Item C.2.c, Supplemental NMFS Report.

Mr. Steve Williams and Mr. Anderson provided some updated information on the Columbia River Fisheries Management and Reform Plan (Plan) which is not yet in place. An injunction is currently staying any action by Oregon. Washington is moving forward, but a lawsuit seeking an injunction has recently been filed as well. The Plan would do several things, primarily directing more emphasis on recreational fishing over commercial fishing in the Columbia River to take place between 2013 and 2017. It is not likely to cause any significant changes in the allocation of outside and inside fisheries.

Mr. Anderson presented Agenda Item C.2.c, Supplemental WDFW/Tribal Recommendations.

Mr. Bruce Jim, Mr. Wilbur Slockish, Mr. Herb Jackson, and Mr. Chris Williams represented Columbia River Treaty Tribes and presented their proposed options for public review.

Mr. David Sones presented Agenda Item C.2.c, Supplemental Coastal Tribal Recommendations.

Mr. Butch Smith introduced Agenda Item C.2.c, Supplemental SAS Report: SAS Proposed Initial Salmon Management Alternatives for 2013 Non-Indian Ocean Fisheries. Mr. Jim Olson, Mr. Aaron Newman and Mr. Paul Heikkila presented the commercial fisheries alternatives; Mr. Steve Watrous, Mr. Mike Sorenson, and Mr. Marc Gorelnik presented the recreational fisheries alternatives.

C.2.d Public Comment

Mr. Joel Kawahara, Salmon Troller/Coastal Trollers Association, Quilcene, Washington. Read a letter from the Coastal Trollers Association concerning the 2013 commercial options north of Cape Falcon.

C.2.e Council Action: Adopt Council Recommendations for Initial Alternatives for Salmon Technical Team Collation and Description (3:54 p.m.)

Mr. Anderson said he was not going to propose any changes to the Salmon Advisory Subpanel (SAS) report at this time and as far as he was concerned they are ready for STT collation. When the modeling results for these options come back, he will likely propose an alternative without an early mark-selective Chinook fishery. He was quite confident that Alternative I is likely out-of-bounds due to the need to stay within the 41 percent rate for lower river fish, and we will need to make adjustments.

Mr. Williams agreed with Mr. Anderson for the fisheries north of Cape Falcon. For the Oregon fisheries south of Cape Falcon and for the Klamath Management Zone (KMZ), he noted that, as Mr. Heikkila mentioned in the presentation, there would need to be some work on the language for the “vessel landing week” on page 7 under C.1. With those adjustments and corrections made during the presentations, he believed the alternatives were ready for collation.

Mr. Sones noted that the coastal tribal alternatives, as presented, were ready for collation without change.

Referring to the recreational alternatives on page 15 of the SAS report, Ms. Yaremko proposed the alternatives be modified as follows for collation by the STT.

- Alternative I, Point Arena to Pigeon Point—April 6 through May 30, 7 days per week, 24 inch size limit; June 1 through July 31, 5 days per week, closed Monday and Tuesday, 24 inch size limit; August 1 through November 10, 7 days per week, 24 inch size limit.
- Alternative I, Pigeon Point to the U.S./Mexico Border—April 6 through May 30, 7 days per week, 24 inch size limit; June 1 through July 31, 5 days per week, closed Monday & Tuesday, 24 inch size limit; August 1 through October 6, open 7 days per week, 24 inch size limit.
- Alternative II, Pigeon Point to U.S./Mexico Border—April 6 through April 30, 24 inch size limit; May 1 through July 31, 26 inch size limit; August 1 through October 6, 20 inch size limit.
- Alternative III, Pigeon Point to U.S./Mexico Border—Chinook minimum size limit of 24 inches through July 31, 20 inches thereafter.

Dr. Kope reported that the STT had the information they needed to begin the collation. He noted that there could be an issue regarding the short open periods. This works under the quota management north of Cape Falcon, but has not been projected successfully with the model for time-and-area management without quotas to control the total harvest. In the past, the Klamath Ocean Harvest Model (KOHM) has consistently underestimated impacts in this situation, and he thought Council policy was to avoid this problem.

Dr. McIsaac indicated staff could look at the history for the policy and report back.

C.3 National Marine Fisheries Service Report (3/8/2013; 3:10 p.m.)

C.3.a Agenda Item Overview

Mr. Chuck Tracy presented the Agenda Item Overview.

C.3.b Regulatory Activities

Mr. Bob Turner presented:

- Agenda Item C.3.b, Attachment 1: December 11, 2012 letter from NMFS Regional Administrator Barry Thom regarding long-term salmon and steelhead recovery in the Columbia Basin.
- Agenda Item C.3.b, Attachment 2: February 5, 2013 letter from NMFS Regional Administrator William W. Stelle, Jr., to Council Chair Dan Wolford approving Amendment 17 to the Pacific Coast Salmon Fishery Management Plan.
- Agenda Item C.3.b, Supplemental Attachment 3: California Coastal Chinook Salmon: Status, Data, and Feasibility of Alternative Fishery Management Strategies.
- Agenda Item C.3.b, Supplemental Attachment 4: Letter to Mr. Dan Wolford regarding the Sacramento River fall Chinook Salmon.

C.3.c Fisheries Science Center Activities

Mr. Pete Lawson presented Agenda Item C.3.c, Supplemental NWFSC PowerPoint (Lawson).

Mr. Kurt Fresh presented Agenda Item C.3.c, Supplemental NWFSC PowerPoint 2 (Fresh).

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

Ms. Irene Martin presented Agenda Item C.3.d, Supplemental SAS Report.

Mr. Joel Kawahara presented Agenda Item C.3.c, Supplemental HC Report.

C.3.e Public Comment

None.

C.3.f Council Discussion

Mr. Steve Williams said he would like to have the briefing at the April Council Meeting by Mr. Barry Thom on the Columbia Basin Assessment that Mr. Turner offered in his report.

Mr. Wolford, referring to the report by Dr. Kurt Fresh, noted that he would like to see more information on and development of forecasting for multiple years.

Mr. Gordon Williams commented on the need to carefully assess the development and use of other marking technologies as we consider further use of coded-wire tags and the implications that may have for future monitoring programs.

Dr. McIsaac agreed with the benefit of having a report on the Columbia Basin Assessment in April, and will include it in the consideration of agenda topics at the end of this meeting.

C.4 Identification of Management Objectives and Preliminary Definition of 2013 Salmon Management Alternatives (3/8/2013; 4:29 p.m.)

C.4.a Agenda Item Overview

Mr. Mike Burner presented the Agenda Item Overview.

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

Dr. Robert Kope presented Agenda Item C.4.b, Supplemental STT Report: Collation of Preliminary Salmon Management Alternatives for 2013 Ocean Fisheries. Among other items, he again cautioned the Council about the estimation problems with the short openings off California and the estimation capabilities of the KOHM.

C.4.c Public Comment

None.

C.4.d Council Direction to Salmon Technical Team and Salmon Advisory Subpanel on Alternative Development and Analysis (3/8/2013; 5:06 p.m.)

The following discussion references proposed changes to Agenda Item C.4.b, Supplemental STT Report.

Mr. Anderson, referencing page 21, noted that Alternative I for Columbia lower river tules was over the maximum exploitation rate. However, he is not recommending any change, since this is based on last year's abundance estimates and will change when the PSC updates those numbers.

Mr. Anderson was concerned about coho impacts as displayed on page 22. To address potentially high impacts on the interior Frasier/Thompson coho and Lower Columbia River natural (LCN) coho, he recommended reducing the total allowable nontreaty catch (TAC) in Alternative I to 95,000 coho. The other change concerns page 17 under the definitions. He proposed the following language change:

C.3 Gear Definitions:

a. Recreational fishing gear defined: ~~Angling tackle consisting of a line with no more than one artificial lure and /or natural bait attached.~~ Off Oregon and Washington, angling tackle consisting of a single line that ~~the line~~ must be attached to a rod and reel held by hand or closely attended; the rod and reel must be held by hand while playing a hooked fish. . . .

Mr. Steve Williams proposed minor modifications to fisheries on page 3 (Cape Falcon to Humbug Mt.) and page 4 (Humbug Mt. to Oregon border) which were subsequently reflected in Agenda Item C.5.b, Supplemental STT Report. On page 7, he recommended a change in the language under C.1 so that it reads as follows:

Compliance with minimum size or other special restrictions: All salmon on board a vessel must meet the minimum size, landing/possession limit, or other special requirements for the area being fished and the area in which they are landed if the area is open or has been closed less than 96 hours for that species of salmon. Salmon may be landed in an area that has been closed for a species of salmon for more than 96 hours only.

Mr. Williams asked staff to provide appropriate language for the incidental halibut season to reflect those date changes for 2014 and the language to reference the application deadline as discussed under Agenda Item G.3.

Ms. Yaremko recommended changes on page 5 concerning quota numbers to match those in the Oregon zone of the KMZ and other changes as subsequently reflected in Agenda Item C.5.b, Supplemental STT Report.

Mr. Turner advised the Council that discussions were ongoing on some language to allow impact-neutral transfers of unused quota in the treaty troll fishery (as has been done for the non-treaty fishery), and that option may appear by the end of the week.

C.5 Further Council Direction for 2013 Management Alternatives (3/9/2013; 1:04 p.m.)

C.5.a Agenda Item Overview

Mr. Mike Burner presented the Agenda Item Overview.

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

Dr. Robert Kope presented Agenda Item C.5.b, Supplemental STT Report (March 9, 2013) and noted the changes from the previous report (Agenda Item C.4). He noted a correction on page 5 for the area Humbug Mt. to Oregon/California border—the September dates should be changed in Alternative III to September 16 through 30.

C.5.c Public Comment

None.

C.5.d Council Guidance and Direction

As subsequently reflected in Agenda Item C.6.b, Supplemental STT Report, Mr. Anderson made various adjustments in the proposed management measures concerning North of Cape Falcon fisheries.

Mr. Sones stated that there were no changes from the tribes at this time and he believed things would be worked out in the North of Falcon process.

Mr. Steve Williams did not offer any changes and supported the changes made by Mr. Anderson for their shared areas.

Ms. Yaremko made several changes for California fisheries which were subsequently reflected in Agenda Item C.6.b, Supplemental STT Report.

C.6 Adoption of 2013 Management Alternatives for Public Review (3/11/2013; 4:19 p.m.)

C.6.a Agenda Item Overview

Mr. Mike Burner presented the Agenda Item Overview.

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

Dr. Robert Kope presented Agenda item C.6.b, Supplemental STT Report: Analysis of Preliminary Salmon Management Alternatives for the 2013 Ocean Fisheries.

C.6.c Public Comment

Mr. Paul Heikkila, Coquille, Oregon.
Mr. Dave Bitts, McKinleyville, California.

C.6.d Council Action: Adopt Management Alternatives for Public Review

Referencing Agenda Item C.6.b, Supplemental Tribal Report, Mr. David Sones moved and Mr. Lincoln seconded Motion 22 to adopt for the 2013 Treaty Ocean Troll Salmon Season, three alternatives for public review as they are presented in Table 3 of Agenda Item C.6.b, Supplemental STT Report, on pages 19-20:

- | | |
|------------|---|
| Option I | quota levels of 55,000 Chinook, and 50,000 coho |
| Option II | quota levels of 47,500 Chinook, and 47,500 coho |
| Option III | quota levels of 40,000 Chinook, and 40,000 coho |

The salmon season will consist of a May/June Chinook directed fishery and a July/August/September all-species fishery. The Chinook harvest will be split between the two periods with the following sub-quotes:

Option I: 33,000; **Option II:** 23,750; **Option III:** 20,000 for the May/June Chinook directed fishery and the remainder Chinook in each alternative for the July/August/September all species fishery.

The Treaty troll tribes are talking among themselves to possibly include a rollover opportunity of any remaining Chinook from the May-June to be transferred to the July-September time period on a fishery impact equivalent basis.

I would also like to state for the record, that the tribes and state are just beginning the North of Falcon planning process in which we will evaluate the total impacts of all proposed fisheries on Puget Sound and Columbia River stocks.

Motion 22 carried unanimously.

Mr. Anderson moved and Mr. Lincoln seconded Motion 23 that the Council adopt for public review the alternatives for non-Indian commercial and recreational fisheries north of Cape Falcon as presented in Agenda Item C.6.b, Supplemental STT Report (March 11, 2013) with one change: in Alternative I, the overall non-Indian TAC for coho would be 90,000 marked coho with a healed adipose fin clip.

Mr. Anderson stated that the reduction in the coho quota was in recognition of the need to reduce LCN coho impacts (slightly over 12 percent) until additional actions were worked out through the North of Falcon Process. He asked if Mr. Turner wanted to address the need for amending the language under C.5 on page 18.

Mr. Turner reported that they encountered significant problems in 2012 in the inseason conversion of a nonretention of unmarked coho to the retention of marked coho in north of Falcon fisheries at a time when the reported encounter rate was much different than modeled in the preseason Fishery Regulation Assessment Model. The action was taken, but was controversial. He would like to propose language that can be reviewed and adopted that will clarify any similar action that may need to be taken in 2013.

Mr. Turner moved and Mr. Anderson seconded Amendment 1 to Motion 23 to modify part “d” under C.5 on page 18 as follows:

C.5. Inseason Management:

...

- d. Fishery managers may consider inseason action ~~permitting the retention of unmarked coho~~ modifying regulations restricting retention of unmarked coho. To ensure that preseason projected impacts of the fishery are not exceeded, any inseason action shall consider, if significant, the difference between observed and preseason forecasted mark rates. Such a consideration may also include a change in bag limit of two salmon, no more than one of which may be a coho. ~~If retention of unmarked coho is permitted by inseason action, the allowable coho quota will be adjusted to ensure preseason projected impacts on all stocks is not exceeded.~~

Mr. Turner said the purpose of this amendment is to get public and agency reaction and input to this change to ensure that we understand the potential impacts of these types of inseason changes and ensure they are handled appropriately.

Mr. S. Williams agreed with the importance of ensuring that our guidance on inseason changes modifying retention of marked and unmarked fish do not have unintended consequences.

Mr. Burner asked if it would apply to all alternatives.

Mr. Turner recommended it appear in just one alternative to encourage discussion. He asked General Counsel if this would give us the ability to modify it further in April.

Ms. Lynch responded that the Council has the flexibility to modify it if it is within the general scope and context of the management alternatives.

Amendment 1 carried unanimously. Motion 23, as amended, carried unanimously.

Mr. Williams moved and Mr. Feldner seconded Motion 24 as follows:

Adopt for public review the alternatives for non-Indian commercial and recreational fisheries between Cape Falcon and the Oregon/California border presented in Agenda Item C.6.b, Supplemental STT Report (March 11, 2013), with two exceptions: 1) on page 13 under Alternative I, Cape Falcon to Humbug Mt – change the non-mark-selective coho fishery quota to 16,000 and 2) request the STT model an inseason rollover of 12,000 coho from the July mark-selective recreational fishery into the September non-mark-selective fishery in Alternative I on a LCN coho impact neutral basis.

Mr. Williams stated that his reduction to 16,000 coho is designed to address the LCN impact issues. The purpose of modeling the impact-neutral inseason rollover is to determine the results on OCN coho and also to see what flexibility it provides to address potential inseason actions in August.

Motion 24 carried unanimously.

Ms. Yaremko moved and Mr. Crabbe seconded Motion 25 to adopt for public review the alternatives for non-Indian commercial and recreational fisheries south of the Oregon/California border as presented in Agenda Item C.6.b, Supplemental STT Report (March 11, 2013), with the following changes:

- Fort Bragg Area Commercial (Page 5)
 - Alternative I - modify July to read “July 10-31.”
 - § Add a 2014 commercial season for April 16-30, for all salmon except coho with a 27 inch minimum Chinook size limit; same gear restrictions as in 2013. All fish caught in the area must be landed in the area.
 - Alt II:
 - § Modify June to read “June 1-8 and June 23-30.”
 - § Add a 2014 commercial season for April 16-30, for all salmon except coho with a 27 inch minimum Chinook size limit; same gear restrictions as in 2013. All fish caught in the area must be landed in the area.
 - Alt III:
 - § Modify June to read “June 1-5, 14-18, 24-30. Amend July to read “July 6-31. Add a 2014 commercial season for April 16-30, for all salmon except coho with a 27 inch minimum Chinook size limit; same gear restrictions as in 2013. All fish caught in the area must be landed in the area.
- San Francisco Area Commercial (Page 6)
 - Alt I: Change dates in July to “July 10-31.”
 - Alt II: Change June to “June 1-8 and 23-30.”
 - Alt III: Change June to “June 1-5, 14-18, 24-30.” Change July to “July 6-31.”

- Monterey South Area Commercial—reflect same dates as now described in San Francisco Area for each Alternative.
- Pt. Arena to Pigeon Pt (San Francisco Area) Recreational (Page 15).
 - Alt I: April 6-November 10—change to read “open 5 days per week, Wed-Sun June 1-July 9.”
- Monterey Area Recreational (Page 15)
 - Alt I: Amend to read “April 6-October 6; open 5 days per week Wednesday through Sunday June 1-July 9.”
 - Alt II: Amend to read 7 days per week all salmon “thru May 31; 26 inch total length limit July 1-31; 20 inches thereafter.”

Ms. Yaremko stated her changes are a slight shaping and shaving of times and days to accomplish conservation objectives for both Klamath fall Chinook and Sacramento winter run salmon. The changes for the recreational fishery increased the closed days from 9 to 12, and for the commercial fishery, one additional closed day in the Fort Bragg area and a day in each of the other two areas.

Mr. Crabbe moved and Mr. Brizendine seconded Amendment 1 to Motion 25 to change Recreational Alternative II in the Monterey Area to read “June 1 through July 31” (for the 26 inch total length limit).

Amendment 1 carried unanimously. Motion 25, as amended, carried unanimously.

C.7 Salmon Hearings Officers (3/11/2013; 5:17 p.m.)

C.7.a Agenda Item Overview

Mr. Mike Burner presented the Agenda Item Overview and Introduced Agenda Item C.7.a, Attachment 1: Schedule of Salmon Fishery Management Alternative Hearings.

C.7.b Appoint Hearings Officers

The Council appointed the following personnel to attend the salmon management measure hearings:

- Westport: Hearings Officer - Mr. Rich Lincoln; STT Member - Mr. Doug Milward; NMFS representative - Mr. Bob Turner; Council staff - Mr. Chuck Tracy.
- Coos Bay: Hearings Officer - Mr. Jeff Feldner; STT member - Mr. Craig Foster; NMFS Representative - Ms. Peggy Mundy; Council staff - Mr. Mike Burner.
- Eureka: Hearings Officer - Mr. David Crabbe; STT member - Ms. Melodie Palmer-Zwahlen; NMFS Representative - Ms. Heidi Taylor; Council staff - Mr. Mike Burner.

LCDR Brian Chambers said he would provide the staff with information regarding the Coast Guard personnel at the hearings.

[Council concluded this agenda item on 3/11/2013; 5:21 p.m.]

D. Coastal Pelagic Species Management

D.1 Exempted Fishing Permits (EFP) for 2013 (3/8/2013; 8:06 a.m.)

D.1.a Agenda Item Overview

Mr. Kerry Griffin presented the Agenda Item Overview and introduced the following attachments for this agenda item:

- Agenda Item D.1.a, Attachment 1: Notice of Intent to Conduct EFP Activities.
- Agenda Item D.1.a, Attachment 2: West Coast Aerial Sardine Survey 2012 Application for Exempted Fishing Permit.
- Agenda Item D.1.a, Attachment 3: Addendum to West Coast Aerial Sardine Survey 2012 Application for Exempted Fishing Permit.
- Agenda Item D.1.a, Supplemental Attachment 4: Additional Tables for the Northwest Aerial Sardine Survey.

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

Mr. Bob Conrad presented Agenda Item D.1.b, Supplemental SSC Report.

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

Mr. Mike Okoniewski presented Agenda Item D.1.b, Supplemental CPSAS Report.

D.1.c Public Comment

Mr. Jerry Thon and Mr. Mike Okoniewski, Northwest Sardine Survey, Astoria, Oregon.

Mr. Ryan Kapp, Bellingham, Washington.

D.1.d Council Action: Adopt Final EFP Recommendations for 2013

Regarding a question about changing the sardine fishery start date, Mr. Griffin responded that this is tentatively on the April Agenda and the Coastal Pelagic Species Management Team (CPSMT) is writing a white paper to describe the process.

Ms. Culver asked about the feasibility of a Star Panel review prior to November and for consideration of an EFP application for next year.

Dr. McIsaac responded that it involved several entities and would depend on balancing the workload planning and assessing the collection of talents and the costs associated with that. It can be considered under agenda planning at the end of the meeting.

Mr. Steve Williams moved and Ms. Culver seconded Motion 3 to forward approval of the Northwest Sardine Survey 2013 application (Agenda Item D.1.a, Attachment 2: West Coast Aerial Sardine Survey 2012 Application for Exempted Fishing Permit).

Mr. Williams said he believes that with the improvements and process discussed here, the use of this tool greatly benefits the fishery and our management well into the future. He was concerned that while we have the right to make improvements, we need to recognize that the industry funds the research.

Ms. Yaremko agreed with Mr. Williams and was also appreciative of the comments regarding the possibility of reducing the point sets and the set-aside, which could help reduce future costs. She acknowledged the industry for providing the set-asides that fund and are critical to the research. She hoped that the methodology review could be more broadly focused and consider the use of the aerial survey on a larger scale for the sardine assessment.

Ms. Culver stated that, as a point of clarification, the motion referenced Attachment 2, and there is also an Attachment 3 which is an addendum to the application. She moved (seconded by Mr. Myer) to amend the motion (Amendment 1) to include Attachment 3 in the motion.

Amendment 1 passed unanimously. Motion 3, as amended, passed unanimously.

In summary, Mr. Griffin stated that the Council will develop a transmittal letter for the EFP and discussion on the review workshop can continue under Agenda Item F.4.

E. Habitat

E.1 Current Habitat Issues (3/8/2013; 9:31 a.m.)

E.1.a Agenda Item Overview

Ms. Jennifer Gilden presented the Agenda Item Overview.

E.1.b Report of the Habitat Committee

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

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

Mr. Mike Orcutt, reporting for tribal entities, included information on the flows that occurred in the Klamath River Basin last fall to protect what was expected to be a record run of fall Chinook. The Bureau of Reclamation (BOR) made a commitment to release up to 92,000 acre-ft of water to protect the fish by maintaining a certain flow during the return period. In mid-August, BOR began releasing a block of 48,000 acre-ft. Based on the monitoring program in place, that was apparently sufficient to prevent any mortalities, and no more additional releases were made.

E.1.d Public Comment

None.

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

Ms. Lowman stated that the Habitat Committee (HC) report appeared to be primarily informational. The HC did indicate they would provide a draft letter for Council consideration at the April Council meeting concerning flows in the Klamath River. She asked for any Council discussion or guidance for the HC.

Several Council members encouraged the HC to follow through in a timely manner with the proposed letter on Klamath flows, especially in regard to retaining the monitoring infrastructure that appeared to work successfully in 2012. Ms. Yaremko suggested the draft be circulated as much prior to the meeting as possible to expedite approval on the Council floor.

Ms. Culver noted the HC has been tracking the potential offshore energy development activities for the three coastal states. In the appendix which begins on page 2 of the HC report, there is reference to development off Washington being prevented by the Olympic Coast National Marine Sanctuary. However, development in the sanctuary could occur under the sanctuary's permit process. She also noted that just south of Grays Harbor there is a transmission line that has spurred interest in developing offshore energy in that area.

F. Administrative Matters

F.1 Research Planning (3/8/2013; 10:00 a.m.)

F.1.a Agenda Item Overview

Mr. Mike Burner presented the Agenda Item overview and introduced the Agenda Item F.1.a, Attachment 1: Research and Data Needs, Public Review Draft, 2013.

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

Mr. Pete Lawson presented Agenda Item F.1.b, Supplemental SSC Report.

Mr. Colby Brady presented agenda Item F.1.b, Supplemental GMT Report.

Mr. Tommy Ancona presented Agenda Item F.1.b, Supplemental GAP Report.

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

F.1.c Public Comment

Mr. Ken Hinman, National Coalition for Marine Conservation's Wild Oceans, Leesburg, Virginia.

F.1.d Council Action: Approve Final Five-Year Research Plan

Council members questioned NMFS regarding the timing and use of the Council research needs document in the National Oceanic and Atmospheric Association (NOAA) national research planning effort.

Dr. John Stein indicated that the five-year research plan for NOAA is undergoing internal review right now and suggested the Council might want to forward its key research recommendations immediately and then follow up with the final document. He noted that each region develops a five-year plan which is reviewed for guidance on a yearly basis and that they can include input from the Council in that planning. With regard to allocating research ship time, Dr. Stein reported that it is allocated through a body called the Fleet Council (which includes entities across NOAA). The Fleet Council outlines the available days at sea and the allocation to different projects.

Ms. Culver moved and Mr. Lincoln seconded Motion 4 for the Council to adopt, as the final five-year research and data needs plan, Agenda Item F.1.a, Attachment 1, with changes as indicated in Agenda Item F.1.b, Supplemental SSC Report, categorizing the ecosystem-based fisheries section as “based on potential benefits”; Agenda Item F.1.b, Supplemental GMT Report, to include the additional research and data needs identified on the bottom of page 1 and continuing on page 2; the changes in F.1.b, Supplemental GAP Report relative to the priorities listed on the bottom of page 1 (the 2 bullets on the bottom of page 1 prioritizing the reading of otoliths and an annual hake acoustic survey), including a request that the Northwest Fisheries Science Center (NWFSC) explore the use of hook-and-line-surveys in untrawlable areas.

Ms. Culver said she believed her motion was in line with the specific changes recommended by the advisory bodies that were consistent with previous discussion and public testimony, and that could be incorporated in the final document in fairly short order. She did not disregard comments such as those by the HC, but did not include those changes because they would take a considerable amount of time to complete. She did not want to task staff with having to prioritize all of the items from the ecosystem plan. Following the consideration of this motion, she asked that the Council consider the future research review and prioritization process.

Ms. Yaremko noted that there is a third bullet in the GAP report recommending a hook-and-line survey in the Cowcod Conservation Area (CCA). Was it Ms. Culver’s intent to exclude the third bullet?

Ms. Culver responded that she had excluded the recommendation referencing the CCA as written in the GAP statement, but broadened the recommendation with her request for the NWFSC to explore hook-and-line surveys in untrawlable areas. She felt that there needed to be more information on the need for surveying untrawlable areas before it was made a priority for the CCA.

In response to a question by Mr. Feldner, Ms. Culver clarified her intent in including recommendations from both the GMT and GAP reports was for the sake of adding the issues and not intended to set any priority. Mr. Ancona also clarified that the items in the GAP report were not prioritized. In response to a question from Ms. Yaremko, Mr. Ancona also clarified that the GAP discussion of hook-and-line surveys in untrawlable areas included the entire west coast, but that a survey within the CCA was a priority.

Ms. Yaremko moved and Mr. Brizendine seconded to amend Motion 4 (Amendment 1) by striking the reference to the first two bullets in the GAP Report and replacing it with a reference to the three bullets of the GAP Report on pages 1-2.

Ms. Culver noted that the third bullet references the need for hook-and-line surveys in both the CCA and untrawlable areas in general. Her focus, with regard to the term “untrawlable,” was on highly rocky areas where a trawl is unusable rather than where regulations prohibit trawl use such as the CCA. Her concern with specifying the CCA was over the need to reserve a set-aside off the top for the research which would reduce the available harvest and access to other species. She wasn’t sure that was the priority of California or the Council for the use of cowcod.

In response, Ms. Yaremko referred to the remarks from Mr. Ancona and stated that the CCA is a vast area of multiple habitats and depths accounting for a large swath of southern California fishing area. Hook-and-line surveys there could provide lots of information and we have a process in setting our research set-aside to evaluate the projected impacts to the overfished species, including cowcod. NMFS would evaluate the impacts before the survey is conducted. She defers to the recommendations of the GAP, which state it is priority research.

Mr. Wolford noted that with the use of barotrauma mitigation techniques, the impacts should be quite low.

Ms. Kirchner thought that the GAP statement seemed to recommend exploring the conduct of surveys in the CCA and to prioritize surveys in untrawlable areas. She wondered if Ms. Yaremko was intending that surveys in the CCA be a priority.

Ms. Yaremko responded that the GAP discussed the CCA as a priority and she defers to them as to how they decided to draft the bullet. However, she thought Mr. Ancona stated that the CCA initiated the discussion and the intent was not to exclude the evaluation of other areas.

Amendment 1 passed unanimously.

Mr. Duffy asked for clarification regarding the GAP recommendation for the use of hook-and-line surveys. He presumed that was not meant to preclude the opportunities they have to use other surveying methods such as automated underwater vehicles.

Ms. Culver responded in the affirmative.

Motion 4, as amended, passed unanimously.

Speaking to the process for this agenda item, Ms. Culver would like to have the advisory bodies prioritize the research and data needs in future reviews. The approach this time seemed inconsistent with some advisors providing some priorities and others not. If a complete prioritization is too difficult, then at least prioritizing the top five items for each fishery would be valuable.

Mr. Burner replied that it might be helpful to review and add some clarity to COP 12 that sets this process before the next research review. As it works now, the SSC generally takes the lead at prioritizing the needs in each chapter before it is sent out to the other advisory bodies. However, each chapter is a little different, as well as the advisory body approach to their specific issues.

F.2 Approval of Council Meeting Minutes (3/11/2013; 3:00 p.m.)

F.2.a Council Action: Approve Previous Council Meeting Minutes

Mr. Ortmann moved and Mr. Pollard seconded Motion 15 that the Council approve the final minutes as provided in Agenda Item F.2.a, Attachment 1: Draft Minutes: 214th Session of the Pacific Fishery Management Council (June 2012); and Agenda Item F.2.a, Attachment 2: Draft Minutes: 215th Session of the Pacific Fishery Management Council (September 2012).

Motion 15 carried unanimously.

F.3 Membership Appointments and Council Operating Procedures (3/11/2013; 3:02 p.m.)

F.3.a Agenda Item Overview

Mr. Chuck Tracy presented the Agenda Item Overview and introduced Agenda Item F.3.a, Attachment 1: IPHC Management Strategy Evaluation Framework.

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

Mr. Anderson moved and Mr. Myer seconded Motion 16 to appoint Sergeant Dan Chadwick to the Washington Department of Fish and Wildlife seat on the Enforcement Consultants.

Motion 16 carried unanimously.

Mr. Ortmann moved and Mr. Pollard seconded Motion 17 appoint Mr. Scott Grunder to the Idaho Department of Fish and Game seat on the Habitat Committee.

Motion 17 carried unanimously.

Mr. Sones moved and Mr. Pollard seconded Motion 18 to appoint Mr. Calvin Frank to the Washington Coast Tribal Fisher seat on the SAS.

Motion 18 carried unanimously.

Mr. Lockhart moved and Ms. Kirchner seconded Motion 19 to appoint Mr. Steve Copps to a new NWR seat on the EFHRC Committee.

Motion 19 carried unanimously.

Ms. Yaremko moved and Mr. Brizendine seconded Motion 20 for the Council to solicit nominations for the vacant California seat on the Ecosystem Advisory Subpanel, to be filled at the June 2013 Council meeting.

Motion 20 carried unanimously.

Ms. Kirchner moved and Mr. Feldner seconded Motion 21 that the Council nominate Ms. Michele Culver to the International Pacific Halibut Commission (IPHC) Management Strategy Advisory Board Fishery Manager Position.

Motion 21 carried unanimously.

In response to a request earlier in the meeting regarding workload and financial efficiency for Amendment 24, Dr. McIsaac reviewed information on the formation and original purpose of the Amendment 24 Workgroup as established in a motion in March 2012. The Workgroup was tasked with developing a range of groundfish management alternatives for Council decisions at the November 2012 meeting—which it did. He explained that the current Amendment 24 process would rely primarily on the Council staff with help from the Northwest Region (NWR) staff, Groundfish Management Team (GMT), and others, including help on the ecosystem aspects from the science centers. Along the way, the Council staff will be bringing forth concepts and proposals that could go not only to the Workgroup, but to the Council and advisory bodies as well. In that regard, he thought it would not be necessary to plan for convening a Workgroup meeting nor appoint any new members at this time.

Ms. Kirchner said the goal for using the Workgroup was to assist the staff in considering the issues that would come up over the next 10 years that we haven't had to consider before, like ecosystem analysis, and to help focus the products that would be brought to the Council and advisory bodies for review. She appreciated that Dr. McIsaac was keeping people in the wings to be available when needed.

[Prior to adjournment, the Council Chair confirmed the following advisory body officer appointments:

Groundfish Management Team – Mr. Daniel Erickson Chair and Ms. Heather Reed Vice Chair.
Groundfish Advisory Subpanel – Mr. Tommy Ancona Chair and Mr. John Holloway Vice Chair.]

F.4 Future Council Meeting Agenda and Workload Planning (3/11/2013; 3:19 p.m.)

F.4.a Agenda Item Overview

Dr. McIsaac presented the Agenda Item Overview and referenced the following attachments, including noting any changes from the previous documents:

- Agenda Item F.4.a, Supplemental Attachment 3: Pacific Council Workload Planning: Preliminary Year-at-a-Glance Summary.

- Agenda Item F.4.a, Supplemental Attachment 4: Preliminary Proposed Council Meeting Agenda, April 5-11, 2013 in Portland, Oregon.

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

Mr. Chuck Tracy read Agenda Item F.4.b, Supplemental SSC Report into the record.

Dr. Robert Kope presented Agenda Item F.4.b, Supplemental STT Report.

Ms. Kelly Ames read Agenda Item F.4.b, Supplemental GMT Report into the record.

Ms. Susan Chambers presented Agenda Item F.4.b, Supplemental GAP Report.

F.4.c Public Comment

Mr. Bob Alverson, Fishing Vessel Owners Association, Bothell, Washington; submitted Agenda Item F.4.c, Supplemental Public Comment (Alverson); asking to include the ownership and control rule in the agenda planner.

F.4.d Council Discussion and Guidance on Future Meeting Agenda and Workload Planning

Dr. McIsaac began his discussion with the April Council meeting, since the FR notice will need to be submitted later today. He identified changes from the previous draft agenda.

Ms. Yaremko, referencing the discussion on stock complexes, recommended we change that agenda item in April (adoption of a range of alternatives) to leave open the possibility of taking final action in June.

Dr. McIsaac asked for Council recommendations concerning the year-at-a-glance planner.

Mr. Anderson requested information from NMFS on the workload implications of responding to Mr. Alverson's request for action on the sablefish permit and vessel ownership issue. After some discussion, it appeared that some work has already begun on this issue and the workload might not be too large. It would take work on an analysis by either Council or NWR staff, and a two-meeting process. Mr. Anderson suggested the Council look at a two-meeting process for a final decision in November 2013, with regulations in place by 2015. Mr. Lockhart thought if the regulations were fairly straightforward that it might be in place by 2014. Mr. Anderson proposed it be put on the June and September Agendas, with the understanding that final action might have to be delayed.

Ms. Kirchner expressed her opinion that there was a lot of work ahead on the stock complexes and with the specification work going on at the same time, she felt it was not wise to expect to shorten the timeline and do final action in June. After further discussion, the Council agreed that the option for final action in June should be available. However, since it could take until September, a placeholder for final action should be kept there as well. Legal advice indicated that it was not required to adopt a preliminary preferred alternative prior to final action.

Mr. Lockhart requested a possible agenda item for the Adaptive Management Program in September, as it expires at the end of 2014.

Mr. Lincoln noted that, based on the GMT report, their suggested priorities looked realistic. Mr. Myer thought there was not much to cover for the Pacific whiting fishery and Mr. Steve Williams suggested that the Fishery Ecosystem Plan was a higher priority than the groundfish essential fish habitat synthesis report.

[Council concluded this agenda item on 3/11/2013; 4:19 p.m.]

G. Pacific Halibut Management

G.1 Report on the International Pacific Halibut Commission Meeting (3/8/2013; 11:12 a.m.)

G.1.a Agenda Item Overview

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

- Agenda Item G.1.a, Attachment 1: IPHC News Release.
- Agenda Item G.1.a, Attachment 2: 2013 Area 2A Pacific Halibut Allocations.

G.1.b Meeting Summary

Ms. Gway Kirchner presented Agenda Item G.1.b, IPHC Meeting Summary: Report on the 2013 International Pacific Halibut Commission Annual Meeting.

Mr. Bruce Leaman, Mr. Gregg Williams, and Mr. Claude Dykstra from the IPHC presented Agenda Item G.1.c, Supplemental IPHC PowerPoint.

G.1.c Reports and Comments of Advisory Bodies and Management Entities (3/8/2013; 1:04 p.m.)

None.

G.1.d Public Comments

None.

G.1.e Council Discussion

Ms. Marci Yaremko acknowledged the efforts of the IPHC with regard to the extension of the setline survey into northern California, and she looks forward to the results. The California Department of Fish and Wildlife will coordinate with the IPHC regarding permits.

G.2 Pacific Halibut Management South of Humbug Mountain

G.2.a Agenda Item Overview

Ms. Kelly Ames presented the Agenda Item Overview and introduced Agenda Item G.2.a, Attachment 1: Summary of the South of Humbug Pacific Halibut Policy Committee Meeting.

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

None.

G.2.c Public Comments

Mr. Tom Marking, McKinleyville, California.

Mr. Mark Cedergreen, Westport Charterboat Association, Westport, Washington and Mr. Bob Alverson, Fishing Vessel Owner's Association, Seattle, Washington.

Mr. Jim Yarnall, Humboldt Area Saltwater Anglers; Eureka, California.

G.2.d Council Action: Provide Direction on Selecting Management Changes to Implement in the 2014 Recreational Fishery South of Humbug Mountain

Ms. Michele Culver noted that the first paragraph in the situation summary references adjustments to the 2A Catch Sharing Plan (CSP) allocations. Further, the third paragraph states that the Policy Committee was charged with addressing allocation issues. Ms. Culver said that at the September 2012 Council meeting, her motion, which passed, explicitly said that CSP allocations were not to be discussed by the Policy Committee and by the Council as part of these South of Humbug discussions. If the Council were to consider changes to the CPS allocations, then it would be done under a separate agenda item and involve discussions with all fishery sectors. She requested clarification on the terminology used in the situation summary.

Ms. Ames clarified that the situation summary refers to the allocation between southern Oregon and California within the existing CSP allocation for the area South of Humbug Mountain.

Ms. Marci Yaremko said that California Fish and Wildlife Commissioners are very interested in this issue and were disappointed they could not participate in the December 2012 Policy Committee meeting in Portland, Oregon. The Commission is interested in providing an allocation for our area that is equitable, scientifically based, and a result of a deliberative process. She did not feel that the meeting location provided for sufficient participation for California stakeholders. She noted that Mr. Jim Yarnall and Mr. Tim Klassen were the only two members of the public that participated, and they traveled from Eureka. Ms. Yaremko requests the May 2013 meeting, proposed in the Policy Committee report, be held in Sacramento, California. She believes the proposed location would provide for greater participation by California Commissioners, representatives, and stakeholders.

Ms. Yaremko said she supported the range of management measures, for analysis, presented in the Policy Committee Report on page 2. She also supported the recommendation that the Workgroup bring forward any additional measures to reduce Pacific halibut catch. She has some measures to add to the list, once it is time for Council action.

Mr. Steve Williams appreciated the opportunity to discuss this issue at the Policy Committee meeting and again today. The historical catch data indicates there is a need to implement measures to stay within the South of Humbug allocation as well as the Area 2A total allowable catch. Mr. Williams appreciated the input from the public who attended the Policy Committee meeting. He believes more work needs to be done to understand how the proposed measures

will reduce catch and relate to the broader goals of halibut management. He was also surprised by the allocation references in the situation summary and agreed with the points raised by Ms. Culver. He appreciates the clarification on the issue. Mr. Williams supports the range of management measures for analysis in the Policy Committee Report as the starting point and also has a couple of new management measures to add to the list.

Mr. Williams moved and Mr. Jeff Feldner seconded Motion 5 to task the South of Humbug Mountain Workgroup with analyzing the impacts of moving the central Oregon subarea boundary down to the Oregon/California border.

Mr. Williams said the intent of the motion is to eliminate the southern Oregon component of the South of Humbug area and make it part of the central Oregon subarea (i.e., subsume it). The area would then be managed as one unit. Mr. Williams said this motion is in addition to the management measures recommended for analysis in the Policy Committee Report on page 2.

Mr. Williams said the motion is not necessarily the final recommended approach. We have to recognize that Oregon and California have substantial differences in terms of management and data gathering which have caused some issues. Subsuming the southern Oregon component of the South of Humbug area into the central Oregon subarea, given the traditional catch in this area, could probably occur without too much impact. He would like the Workgroup to analyze this further and see if there are any unintended consequences.

Ms. Yaremko supports analyzing the measure described in the motion. There may be benefits that have yet to be evaluated by staff in terms of management consequences. She said it might be easier for the state of Oregon to manage catch in Oregon, especially given the different tools and sampling designs available.

Mr. Dan Wolford noted that the motion implies there would be a California halibut area south of the Oregon/California border.

Mr. Williams confirmed Mr. Wolford's interpretation of the motion. He agreed with Ms. Yaremko's comments and noted that there are large differences between Oregon and California with regard to inseason management. In Oregon, there is flexibility to address issues as they arise; however, California does not have that ability. He said this can be a problem when Oregon and California are responsible for managing an area together.

Ms. Culver moved and Ms. Yaremko seconded to amend the motion (Amendment 1) to add the four bulleted recommendations of the South of Humbug Policy Committee (Agenda Item G.2.a, Attachment 1: Summary of the South of Humbug Pacific Halibut Policy Committee Meeting) on page 2.

Ms. Yaremko noted that the first bullet says "Prohibiting targeting of Pacific halibut on salmon and groundfish trips." She clarified that the intent is to examine mixed trips given the composition of the landed catch. She thought the outcome of the analysis might lead to "prohibiting possession of halibut" on salmon and groundfish trips.

Dr. Dave Hanson moved and Ms. Culver seconded a motion to amend the amendment (Amendment 1a) to change the wording in the first bullet from “targeting” to “retention.”

Amendment 1a passed unanimously. Amendment 1, as amended, passed unanimously.

Ms. Culver asked if the expectation is for the Workgroup to analyze the four management measures contained in bullets for the two areas – i.e., the status quo South of Humbug Mountain area (includes southern Oregon and California) and the second option provided by Mr. Williams in the main motion, which would have the Oregon portion of the South of Humbug area subsumed into the central Oregon subarea and then a California-only area.

Mr. Williams said yes. He also supports providing the Workgroup with the flexibility to address other solutions, if necessary.

Ms. Yaremko said the Policy Committee also supported exploration of time-based periods.

Ms. Culver agreed with both Mr. Williams and Ms. Yaremko regarding the Workgroup flexibility. She reiterated that the Workgroup should analyze the impacts by using two data sets: one with southern Oregon and California together and another with just California.

Mr. Wolford confirmed Ms. Culver’s interpretation. He also noted that the current motion contains a prohibition for halibut retention on both salmon and groundfish trips. He noted that public comment indicated a desire to restrict retention on salmon trips only. He asked if that option was precluded given the wording of the motion.

Dr. Hanson said the Council provided the Workgroup flexibility to explore additional solutions, so he believed the option of prohibiting retention of halibut on salmon-only trips was available for analysis.

Ms. Yaremko moved and Mr. David Crabbe seconded to amend Motion 5 (Amendment 2) to add an additional measure for analysis which would be to open May-June, close July-August, and then open again from September-October. Further, the Workgroup should evaluate and, if possible, quantify the catch savings resulting from new marine protected areas (MPAs) off the north coast of California that were effective in 2012.

Ms. Yaremko said these measures were discussed at the Policy Committee meeting, but it was an oversight that the measures were not included in the report. The July/August time period is the peak season and she would like to evaluate the impacts of closing during this time. The second request is in response to the implementation of the north coast MPAs, which, according to constituents, may have closed prime fishing grounds. To the extent the data are sufficient to quantify the savings, she is interested to see the results of the analysis.

Mr. Williams asked whether the expansion of the IPHC survey into northern California would inform the proposed MPA analysis.

Ms. Yaremko said no, the IPHC survey will be conducted outside the MPAs. She is requesting the Workgroup explore past recreational data from this area to inform the impact analysis.

Ms. Culver asked for further clarification on the MPA closures. It sounds like these MPAs were not in place in 2010 and 2011, but were implemented and would have been in place during the halibut fishery in 2012.

Ms. Yaremko said yes, she believes the MPAs were implemented in November 2012, after the halibut season closed.

Dr. Hanson asked whether the Amendment 2, to analyze opening during May/June, closing July/August, and then opening again from September/October, was to be done for the status quo South of Humbug area (Oregon and California) and the new area configuration described in Mr. William's motion (Oregon subarea and then a California-only area).

Dr. McIsaac said this is an amendment to the main motion. So if the amendment passes, it would be included in the main motion.

Mr. Wolford agreed with Dr. McIsaac and asked for the analysis to cover both areas.

Mr. Williams also agreed and expects the season date analysis to cover the proposal in southern Oregon as well; however, the MPA analysis would apply only to California. He said there is no reason not to analyze the season dates for both areas.

Amendment 2 passed unanimously.

Ms. Yaremko wanted to clarify that these alternatives are for analysis and possible use in 2014. There was a discussion at the Policy Committee meeting about the number that applies south of Humbug. She will continue to review the history as she believes the 0.62 percent provided to this area does not reflect an allocation but instead an expectation of catch. She will continue to pursue examination of that issue in light of the bigger discussion, and hopes that there is additional information to inform the stock distribution throughout the west coast.

Motion 5, as amended, passed unanimously.

Mr. Wolford noted the offer from California to host the upcoming Policy Committee meeting in Sacramento.

Ms. Ames said a Workgroup meeting will also be scheduled to discuss Council action at this meeting and determine the type of analysis required. It is anticipated that the meeting will be held via webinar.

G.3 Incidental Catch Recommendations for the Salmon Troll and Fixed Gear Sablefish Fisheries (3/8/2013; 2:05 p.m.)

G.3.a Agenda Item Overview

Ms. Kelly Ames presented the Agenda Item Overview and introduced Agenda Item G.3.a, Attachment 1: Summary of Pacific Halibut Incidental Catch Management.

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

Ms. Ames presented an overview of Agenda Item G.3.b, NMFS Report: National Marine Fisheries Report on Changes to Incidental Halibut Retention in the Salmon Troll and Sablefish Primary Fisheries.

Mr. Phil Anderson presented information from Agenda Item G.3.b, WDFW Report: Washington Department of Fish and Wildlife Report on Incidental Catch Recommendations for the Fixed Gear Sablefish Fisheries.

Mr. John Holloway presented Agenda Item G.3.b, Supplemental GAP Report.

Mr. Paul Heikkila and Mr. Jim Olson presented Agenda Item G.3.b, Supplemental SAS Report.

G.3.c Public Comments

Mr. Joel Kawahara, Salmon Troller, Quilcene, Washington.

G.3.d Council Action: Adopt Public Options for 2013 and April 2014

Ms. Marci Yaremko asked for clarification regarding the timeliness of data processing and tracking relative to the salmon troll allocation overage that occurred in 2012 (Agenda Item G.3.a, Attachment 1, March 2013).

Mr. Anderson said he is unaware of the specifics, however, he understands that the Washington and Oregon fish tickets were submitted to NMFS in a timely manner. Apparently there was a power outage at NMFS that created a backlog of fish tickets, which resulted in the overage.

Ms. Sarah Williams confirmed Mr. Anderson's statement regarding the events. She said it was a confluence of unfortunate events. The power outage occurred on the Friday before the 4th of July weekend, which resulted in a delay getting the fishery closed.

Mr. Anderson asked whether the Council could make a recommendation to reduce the halibut landing limits in March 2014, in the event the halibut TAC is lower. Ms. Ames said yes.

Mr. Williams moved and Mr. Anderson seconded Motion 6 to adopt the range of landing restrictions in the salmon troll fishery as shown in Agenda Item G.3.b, Supplemental SAS Report for public review.

Mr. Williams said, for clarification, the motion includes the reference in the SAS report regarding the 2014 regulations, which may be modified through inseason action.

Mr. Anderson said he appreciated the GAP's rationale for their range of options. Specifically, that no options were included which were more liberal than in 2012, given the overage. He noted that when asked, the GAP indicated they were unaware of the high likelihood for a smaller Chinook quota in 2013. This is one of the reasons that Mr. Anderson supports the options in the SAS report. Mr. Anderson asked General Counsel if, under final action in April, the Council will have the ability to mix and match within the range of options adopted now.

Ms. Shelia Lynch responded yes.

Ms. Yaremko moved and Mr. David Crabbe seconded to amend Motion 6 (Amendment 1) by adding Option 4:

Beginning May 1, 2013, license holders may land no more than one Pacific halibut per each ten Chinook, except one Pacific halibut may be landed without meeting the ratio requirement, and no more than 5 halibut landed per trip.

Ms. Yaremko stressed this fishery is intended as an incidental fishery to the salmon troll fishery and proposed changes include moving up the opening date to April, lengthening the time for harvest. She reviewed the history in the KMZ and noted that California has a halibut resource, but the California salmon troll fishery has been precluded from participating in this incidental fishery. She would like to see an option that includes a higher ratio requirement and a lower trip limit, to allow for a longer season. This allocation is not provided for any one state. She said the KMZ generally does not open until September; however, the incidental fishery is generally closed before that time. In most years, the number of days where the KMZ was open and retention was allowed is zero. Therefore, there hasn't been an opportunity for California to take advantage of this sector allocation. Also, she said, her motion recognizes the overage in 2012 and the delay in inseason action, which resulted in an overage of nearly 5,000 pounds. If those 5,000 pounds were caught in roughly a week, that seems like a pretty high catch rate. Ms. Yaremko said having a higher ratio requirement might slow catch down so we can track more effectively. There is an interest that all sectors in Area 2A stick to their allocation.

Mr. Anderson appreciated Ms. Yaremko's comments. He said the Council debated the incidental nature of this allocation previously and came to the conclusion that we needed to structure the retention limits in such a manner that provides the opportunity to attain the allocation provided to the salmon troll sector in the CSP. There were also discussions about setting the landing limits in a manner that would spread the harvest over a longer period of time. Mr. Anderson said the current CSP calls for a focus of this bycatch to occur in the April to June timeframe. In Mr. Anderson's view, if we are dealing with catch restrictions that run the risk of ending prior to June, then we would be doing something inconsistent with the current CSP. When we add the additional month of April, we will need to consider the impacts when we select the landing limits. Mr. Anderson believes the proposed Amendment is too restrictive and goes beyond what is needed. He said this is confirmed by reviewing the historical allocations, landing limits, and resulting catch back to 1995 (Attachment 1). This table demonstrates, even with the addition of April, the Amendment goes beyond the intent of the CSP.

Mr. Williams referenced Attachment 1 and noted that historically there were some very similar ratios as what is contained in the main motion. Mr. Williams said that in the early days the allocation was not attained. He said Oregon has expressed some concern regarding moving away from the incidental nature of the fishery. He is not opposed to spreading out the opportunity; however, he agrees with Mr. Anderson that the amendment goes too far and runs the risk of not being able to attain the allocation provided in the CSP. Mr. Williams reviewed the range provided by the SAS and he believes the season will be spread out, given the range.

Mr. Crabbe was confused about the purpose of the allocation. He said the term incidental doesn't reflect a need to be harvested; it's more of an allowance that only occurs for a portion of the fishery. He would like more clarification on the term incidental.

Mr. Dale Myer said he was also initially hung up on the word incidental until he read the CSP. The CSP defines an allocation to the salmon troll fishery and we should provide the opportunity to harvest that allocation.

Mr. Anderson said this is a fair debate for Council consideration; however, if we are going to change our approach in an attempt to spread the fishery out over a longer period of time, we need to do so by changing the CSP. The current CSP, which was approved by the Council, spells out the purpose and priority for retention during a certain time of year for this fishery. Mr. Anderson said if the Council wants to change those provisions, we should do so upfront in the design of the CSP and not by manipulating the ratios and limits.

Amendment 1 failed (Ms. Yaremko, Mr. Crabbe, Mr. Brizendine, and Mr. Pollard voted in favor).

Motion 6 passed unanimously.

Mr. Anderson moved and Mr. Steve Williams seconded Motion 7 that the Council adopt for public review the range of landing restrictions for halibut caught incidentally in the primary sablefish fishery north of Point Chehalis for 2013 and 2014, as represented in Agenda Item G.3.b, Supplemental GAP Report.

Mr. Anderson spoke to his motion, noting the catch history displayed in Attachment 1. He said, given the halibut allocation of 21,410 pounds, the range of alternatives in the GAP report will provide the Council sufficient latitude to select an option that will provide a high degree of certainty the sector will be able to catch their allocation but stay within the quota.

Motion 7 passed unanimously.

Mr. Anderson moved and Mr. Steve Williams seconded Motion 8 to adopt for public review season dates for the incidental halibut harvest in the commercial sablefish fishery north of Point Chehalis, Washington for 2014 and beyond of April 1 through October 31 and a second option of status quo, which is May 1 through October 31.

Mr. Anderson said his motion will provide the opportunity for further public comment relative to adding the month of April. The motion also allows us to assess the potential impacts associated with the range of limits adopted in the previous motion, given the added month.

Motion 8 passed unanimously.

Ms. Ames asked, relative to Council action number #4, if the Council was comfortable with the various changes recommended under the NMFS Report to accommodate the earlier start date for April 1.

Mr. Anderson said he understands there are a few ways to modify the incidental landing limits for the start of the year. He prefers the option where the Council, at the March meeting, reviews the current halibut TAC and subsequent allocations, and then makes adjustments to the landing limits, if necessary. Mr. Anderson supports a process where the Council is directly involved in establishing the limits instead of a process that delegates that responsibility to managers.

Mr. Williams agrees with Mr. Anderson's approach. Mr. Williams asked if his motion, which included the SAS recommendation to adopt the 2013 limits in 2014, unless modified by inseason action, complicates the approach favored by Mr. Anderson.

Ms. Ames said given that the previous motion was to adopt options for review, she does not believe there is a conflict. In April, the Council is scheduled to adopt the final limits and can specify the preferred approach at that time.

H. Groundfish Management

H.1 National Marine Fisheries Service Report (3/9/2013; 8:10 AM)

H.1.a Agenda Item Overview

Ms. Kelly Ames presented the Agenda Item Overview.

H.1.b Regulatory Activities

Mr. Frank Lockhart presented:

- Agenda Item H.1.b, Attachment 1: *Federal Register* Notices Published since the Last Council Meeting.
- Agenda Item H.1.b, Supplemental Attachment 2: *Federal Register*/Vol. 78, No. 43/Tuesday, March 5, 2013/Proposed Rules.

H.1.c Fisheries Science Center Activities

Dr. John Stein, Dr. Allan Hicks, and Dr. Jon McVeigh presented Agenda Item H.1.c, Supplemental NMFS Science Center PowerPoint.

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

None.

H.1.e Public Comment

Ms. Heather Mann, Oregon Trawl Commission & Midwater Trawlers Cooperative, Newport, Oregon.

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

H.1.f Council Discussion

Mr. Lockhart, addressing the public testimony, said the last time retroactive fees were discussed by the Council was quite a while ago. At that time, the schedule indicated the rule would be in place right now or a month or two later. Under those circumstances, there was potential for the fees to be retroactive. However, he did not anticipate the fee will be retroactive at this time; the proposed rule indicates it will not be retroactive, and he believes the Council has already indicated that they do not wish the fees to be retroactive.

Ms. Gway Kirchner asked Mr. Lockhart to detail the process for issuing additional Pacific halibut individual bycatch quota pounds to the shorebased individual fishing quota program.

Mr. Lockhart said a calculation is done based on the final rule that implements the Pacific halibut TAC. The final rule has not yet been published, but once it is, the quota will be issued to the accounts based on their individual percentage. The NWR coordinates with the Science Center staff responsible for the necessary programming.

Ms. Kirchner said that earlier in the year the agency issued additional Pacific whiting quota pounds, based on concerns from the fleet, since the start of the year allocation was too low. Is that process a possibility for Pacific halibut?

Mr. Lockhart said the agency will explore that possibility, given the existing workload. The agency does not want to cause any undue hardship to the fleet.

Ms. Culver asked about the basis for the initial allocation of Pacific halibut at the start of the year.

Mr. Lockhart said the agency uses the lower end of the TAC range from the analysis.

Mr. Dale Myer stated that the cost recovery rule is coming out much later than anticipated. After listening to the public testimony, he understands the burden that would occur if the fees are retroactive. He said there could be large problems for both the harvester as well as the processors, who are responsible for collecting the fees, if they are retroactive.

Ms. Culver asked about the status of the final rule for data confidentiality standards under the Magnuson-Stevens Act.

Mr. Lockhart stated the final rule is in process, but he does not know when it will be published. He will update the Council at a subsequent meeting.

Ms. Culver said that at the state level they are using the proposed rule as guidance. Recently, the state approved a policy for data that would be exempt under state rule or Magnuson-Stevens Act (MSA). She said the west coast states typically get the same requests for Federal data, for example logbook data. The states, along with the Pacific Fishery Information Network, coordinate on the ability for such data to be released and the acceptable format. She said NMFS should also be involved, particularly with regard to the MSA and the proposed rule.

Mr. Lockhart agreed.

Ms. Lowman noted that Mr. Lockhart referenced the agency priorities earlier and that those measures that resulted in agency efficiencies were prioritized. She wants to emphasize that MSA requires cost recovery; however, in order for the fees to be paid by industry, they must have a successful program. Ms. Lowman said we need to prioritize the trailing actions that will also provide greater access to target species, and thus, income. The agency, through cost recovery, would then benefit.

H.2 Status Determination Criteria for Data-Moderate Stocks (3/9/2013; 9:32 a.m.)

H.2.a Agenda Item Overview

Mr. John DeVore provided the agenda item overview and briefly summarized the data-moderate status determination workgroup recommendations contained in Agenda Item H.2.a, Attachment 1: Draft Summary Minutes of the Data-Moderate Status Determination Webinar. He also clarified that there is a two-stage review process for these assessments. If an assessment is not endorsed by the Stock Assessment Review (STAR) Panel followed by the SSC, the status cannot be determined and it is not judged to be adequate for management decision-making.

Ms. Culver noted there was quite a bit of discussion during the data-moderate assessment webinar regarding policy consistency; however, there appears to be a disconnect in the recommendations captured in Figure 1 of Attachment 1 on whether the status is used depending on whether the stock is healthy, in the precautionary zone, or overfished. Further, is the process of data evaluation going to be robust enough to decide whether the data informing a data-moderate assessment is adequate for determining status? Mr. DeVore explained the webinar participants are recommending the status be used regardless of estimated status. Only in the case where a stock is presumably overfished yet there is adequate compositional data to do a full assessment, is the group recommending deferring a status determination until the full assessment is conducted in the next cycle. The reason for this recommendation is because there is a NMFS policy that once a stock is managed under a rebuilding plan, the rebuilding plan cannot be abandoned until the biomass target is achieved. The webinar participants also discussed the assessment standards used nationally to determine stock status as captured in the NMFS Stock Assessment Improvement Plan. Assessments that use catch statistics combined with at least one informative index of abundance meets the minimum standard for determining status and the proposed data-moderate assessments meet that standard. There are concerns regarding the quality of data informing these assessments, and the SSC took the first step at this meeting by reviewing the methods used to construct proposed indices of abundance. The SSC report under

this agenda item provides their recommendations. Further data evaluation will occur at the data-moderate STAR panel and the subsequent SSC review of these assessments in June.

Ms. Kirchner asked NOAA General Counsel if the process recommended in Figure 1 of Attachment 1 is consistent with NMFS policies and legal standards and Ms. McCall deferred the answer to Dr. Jim Hastie's presentation under the NMFS report.

Ms. Grebel asked about similar assessments used in other regions and the quality of data informing those assessments. Mr. DeVore explained there have been about 30-40 assessments done in other regions used to determine statuses that are similar in nature to the data-moderate assessments. He deferred to Dr. Hastie regarding details, such as the quality of data informing those assessments.

Dr. McIsaac asked about the NMFS policy that rebuilding must continue until the rebuilding target is achieved. Using widow rockfish as an example, the stock was declared overfished and a rebuilding plan was developed and implemented. However, a subsequent assessment indicated the stock was never overfished, yet the rebuilding plan was maintained until the stock was rebuilt. He asked whether this is a written NMFS policy, a Council policy, codified in the FMP, codified in the MSA, or in Federal regulations. Mr. DeVore explained this is an unwritten NMFS policy and is not in the National Standard 1 guidelines. He deferred to NOAA General Counsel on whether this policy is codified anywhere. Ms. McCall said it was also her understanding that this is an unwritten NMFS policy. Mr. Lockhart confirmed that the policy is to maintain the rebuilding plan until the target is achieved, regardless of subsequent science indicating the stock was never overfished. This is to prevent a whipsaw effect where a series of assessments varies between a stock being above and below the minimum stock size threshold (MSST). Also, the policy infers one needs to err on the side of conservation.

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

Dr. Jim Hastie provided Agenda Item H.2.b, Supplemental NWFSC PowerPoint.

Ms. Grebel asked if a rebuilding analysis can be prepared using results of a data-moderate assessment. Dr. Hastie replied there are two modeling platforms recommended for data-moderate assessments. The Ex-SS platform can be used to prepare a rebuilding analysis. Results from the alternative platform (Ex-DBSRA) can be modified to be used in the rebuilding program to prepare a rebuilding analysis. Ms. Grebel asked when those details would be decided and Dr. Hastie said those discussions would occur with the SSC Groundfish Subcommittee at the June meeting.

Ms. Culver asked NOAA General Counsel if the two alternative processes proposed by Dr. Hastie would require an additional step to codify policy (e.g., an FMP amendment) to be implemented. Ms. McCall said further investigation is necessary to decide if an FMP amendment would be needed to codify this policy. Her thought was that an FMP amendment would be beneficial to codify such a process or policy for determining status.

Ms. Lowman asked when the Council might consider the possibility of an out-of-cycle assessment under the NMFS Alternative 1 process and Dr. Hastie thought that decision could be made in June. This would depend on the SSC making an initial determination of the adequacy of available compositional data to do a full assessment in June. NMFS could also advise the SSC in June whether there was difficulty in ageing structures or evaluating available data.

Ms. Lowman asked if the addition of two out-of-cycle full assessments in the process could be accommodated. Dr. Hastie said it would be a challenge, but is possible to do over the winter. NMFS would commit the necessary resources to do this if needed. Ms. Lowman asked what tasks would be compromised if out-of-cycle assessments were conducted. Dr. Hastie said the plan was to further evaluate methods and data that would reduce uncertainty of data-moderate assessments.

Ms. Lowman asked about the additional workload associated with doing the specifications analyses necessary to do the alternative NMFS processes for doing a full assessment. Dr. Hastie said that would entail additional work, and NMFS Alternative 2 would likely be the less intensive work process.

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

Mr. Lockhart asked if there were any circumstances where the diagnostic tools that would be used in the STAR Panel to evaluate assessment performance could be used to gauge the uncertainty of a stock status estimate and allow folks to make an early determination that a full assessment will not reduce that uncertainty. Dr. Hamel said, in most cases where a data-moderate assessment is approved, the status estimate may be refined but will not likely change significantly. However, there will be exceptions to that.

Ms. Lowman asked if the SSC discussed the NMFS Alternative 2 process and Dr. Hamel said no.

In response to questions from Ms. Culver, Dr. Hamel replied that data-moderate assessments are an improvement over the data-poor methods used to inform an overfishing limit (OFL). Clearly, a full assessment is always preferred to determine status, but there are inadequate resources to do this for all stocks where a full assessment can be conducted. This tradeoff led to the recommendation to use data-moderate assessments to re-assess English sole and yellowtail rockfish, both of which had past-full assessments that are now outdated.

Ms. Culver asked if there is some tolerance around our reference points (e.g., B_{MSY} and $MSST$) to trigger additional review. Dr. Hamel answered that there is less concern when a data-moderate assessment result indicates a stock is healthy and above target biomass than when a stock is below target biomass, regardless of whether the result indicates the stock is overfished or in the precautionary zone.

Mr. Lincoln asked whether the SSC has any reservations about the ability to adequately diagnose the reliability of a data-moderate assessment. Dr. Hamel said there will be cases where an

assessment appears to be reliable yet is really not. However, in general, the SSC has confidence the diagnostic tools developed will be able to screen unreliable assessments.

Mr. Rob Jones and Dr. Jason Cope presented Agenda Item H.2.b, Supplemental GMT Report.

Ms. Grebel asked about the GMT recommendation to take the full two years allowed in statutes to develop a rebuilding plan and asked for clarification on which NMFS Alternative process is recommended. Mr. Jones said that this recommendation is consistent with the NMFS Alternative 2.

Ms. Grebel asked about the additional workload burden there would be with an out-of-cycle assessment and Mr. Jones said this is a concern and explained the disruption that a similar assessment done out of cycle (i.e., 2006 yelloweye) created.

Mr. Tommy Ancona presented Agenda Item H.2.b, Supplemental GAP Report. He noted the industry is concerned with the potential disruption of fisheries using a more uncertain data-moderate assessment without a more thorough evaluation of stock status.

H.2.c Public Comment (3/9/2013; 1:28 p.m.)

Mr. Ralph Brown, Brookings, Oregon.

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

Mr. Bill James, Salem, Oregon.

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

H.2.d Council Action: Approve Status Determination Criteria for Data-Moderate Stocks

Mr. Lockhart said the core of NMFS concerns is that a data-moderate assessment result needs to be used consistently regardless of stock status. Some interesting ideas have been discussed and the comments and the ideas presented are worthy of exploration.

Ms. Grebel asked for an explanation of the process for evaluating competing models at the STAR panel with the goal of determining a base case model for decision-making. Mr. DeVore said the Terms of Reference (ToR) requires the determination of a preferred base case model. The ToR mandates the SSC determine an OFL using the best available science but does not mandate how this be done. There have been cases where the SSC recommended two competing models as equally plausible and integrating the results of both models to determine harvest specifications and stock status.

Ms. Culver asked for the best way to codify a process for determining status of data-moderate assessments and whether this requires an FMP amendment or a change to Council Operating Procedure (COP) 9. She thinks this action could be folded into Amendment 24, if needed. She also wants consideration for a prescribed timeline for doing follow-up assessments, either full or updates, and an explanation of how to codify this. Ms. McCall responded that it depended on the details of the recommended process and how the issues raised by Dr. Hastie and the public are addressed. She noted that the Council cannot take action at this meeting. Ms. Culver stated her

goal is to get as much done today as possible and not revisit this action in April. We have three alternatives in front of us and the alternative provided in Attachment 1 can be done without an FMP amendment. We need to determine if a process is codified in COP 9. The other alternatives presented by Dr. Hastie require considerations for scheduling subsequent assessments and may require an FMP amendment. She believes the SSC and GMT recommendations are valid and, if we need to do a plan amendment, we could fold it into Amendment 24. One thing missing from this document, based on the discussion, is prescribed timing for data-moderate updates. The process for determining what we do after the SSC assesses the feasibility to conduct a full assessment needs to be independent of the stock status result of a data-moderate assessment.

Ms. Grebel asked about the implications of cancelling data-moderate assessments. Mr. Lockhart said it is not impossible but needs to be fully considered. Scheduling a data-moderate assessment review for later in the year creates some problems. Dr. McIsaac said it is true that it is not impossible but there are problems trying to delay the process until later in this cycle. It would be more orderly to delay data-moderate assessments until the next assessment cycle if there is good rationale.

Ms. Grebel agreed with the utility of a data-moderate approach, but she was concerned with the larger implications and policy issues that need resolution before a Council process is implemented. She would rather start from square one and delay this until the next cycle. The science centers can explore/evaluate the data informing an assessment for these species before proceeding with the data-moderate assessment process. This delay has nothing to do with perceived status – she is concerned with both false positives and false negatives.

Ms. Kirchner said we were thinking of a better way to inform stock assessment priorities last year. Figure 1 in Attachment 1 does just this. It prioritizes stock assessments and the quality of information used to inform status. This is not ignoring the estimated status; the recommendation is to evaluate stock status as soon as possible. Maybe this data-moderate tool should not be considered an assessment, but a tool to better explore stock status.

Mr. Wolford referred to Figure 1 in Attachment 1 and said there should be no illusion of impropriety in the process. In every case, there is an SSC data evaluation step to determine whether a full assessment can be done. He offered an alternative process where the data evaluation step is done when deciding stock assessment priorities, and an assessment plan is developed accordingly (**Figure 1**).

Mr. Lockhart asked what the applied precaution rules for a data-moderate stock mean. Mr. Wolford explained this is an application of the appropriate 40-10 or 25-5 rule.

Mr. Crabbe asked if the implication of this proposed process is that the data evaluation occurs first and Mr. Wolford said yes.

Ms. Culver asked Mr. DeVore for the rationale for documenting the composition data after the data-moderate assessment review, rather than in advance when the assessment plan was first

considered. Mr. DeVore explained that the compositional data availability was not thoroughly explored in advance because the rules for a data-moderate assessment do not allow incorporation of these data. Regardless, we knew last year that some of the stocks proposed for a data-moderate assessment had adequate compositional data (e.g., English sole and yellowtail rockfish), but were still proposed for a data-moderate assessment since the old assessments were out of date.

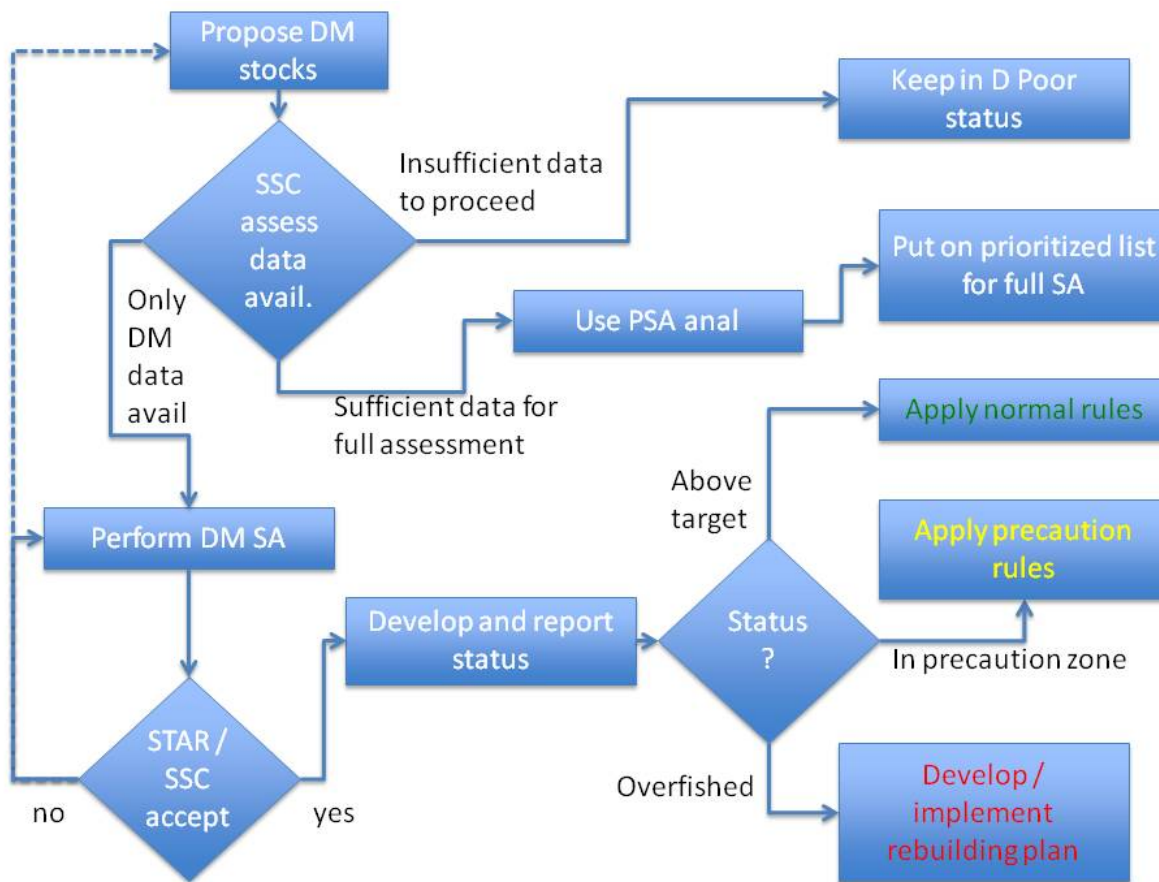


Figure 1. Alternative process for determining status of data-moderate stocks offered by Chairman Dan Wolford at the March 2013 Pacific Fishery Management Council meeting.

Ms. Culver asked why it is recommended to evaluate the availability of compositional data for healthy stocks as indicated in Figure 1 of Attachment 1. Mr. DeVore explained this evaluation does inform the process of establishing stock assessment priorities for subsequent cycles. It was thought it would be more efficient to do a systematic evaluation of data availability for all data-moderate stocks.

Mr. Lockhart added that one of the reasons for doing data-moderate assessments is that more assessments can be done and reviewed with fewer resources.

Ms. Culver said she appreciated Chairman Wolford’s flow chart and his concerns about the perception of having more concern about overfished stocks than healthy ones. We should be equally concerned about false positives and false negatives. She liked the NMFS alternatives in that they are definitive that status estimates will be used regardless of status.

Ms. Culver moved and Ms. Kirchner seconded Motion 9 to adopt a process for determining status of data-moderate stocks as depicted in **Figure 2**.

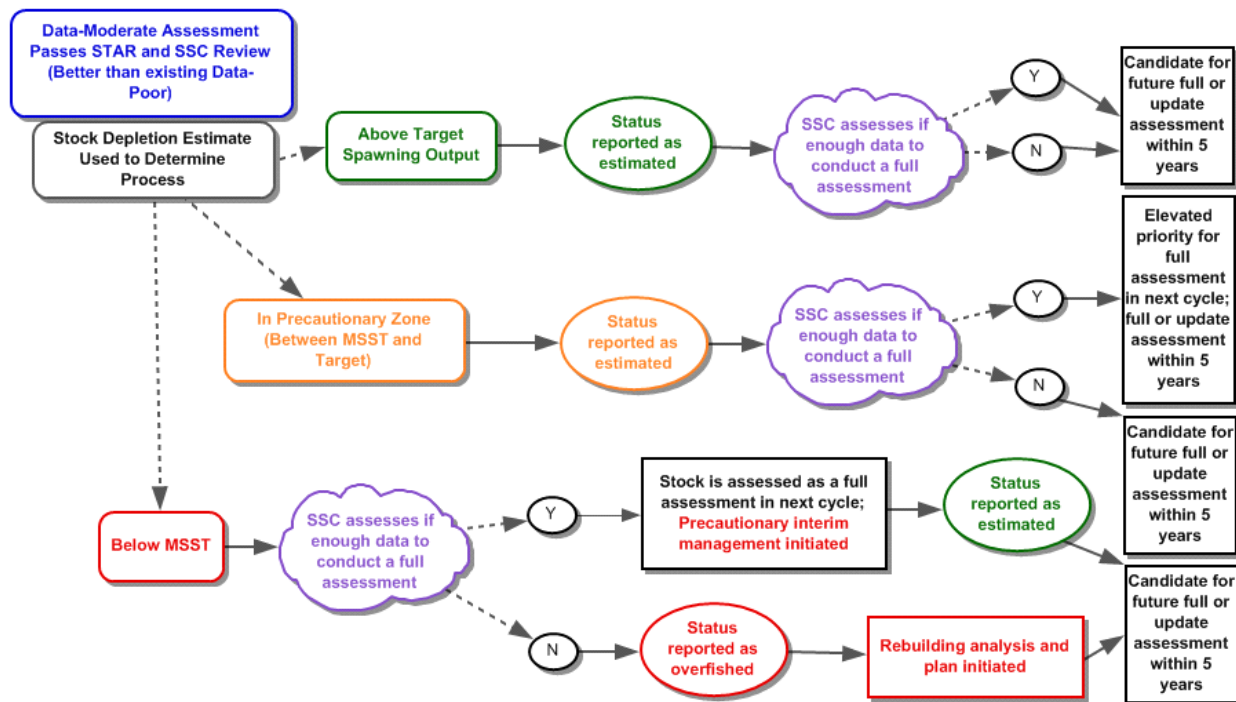


Figure 2. Proposed process for determining status of data-moderate stocks under Motion 9 at the March 2013 Pacific Fishery Management Council meeting.

There was some discussion clarifying the motion.

Ms. Culver stated that the motion includes the adoption of the recommendations in Agenda Item H.2.b, Supplemental SSC Report and Agenda Item H.2.b, Supplemental GMT Report.

Mr. Lockhart asked if the motion contemplates this process going forward with data-moderate assessments in the current cycle and Ms. Culver replied yes.

Mr. Lockhart asked if the motion contemplates preparation of a rebuilding plan within two years if a data-moderate stock was declared overfished and would there be a full assessment within two years if it is judged possible to have one. Ms. Culver said yes.

Ms. Grebel asked for clarification on the inclusion of the SSC recommendations. Ms. Culver responded that the motion includes the four bulleted recommendations on page 1 of the Supplemental SSC Report.

Ms. Grebel stated there is one more recommendation in the last paragraph of the SSC report recommending data-moderate assessment results should not be automatically used for status determination. She asked if that recommendation was part of the motion, and Ms. Culver responded no. That recommendation is in conflict with the motion as depicted in **Figure 2**.

There was some discussion regarding whether the process proposed in the motion would require an FMP amendment and it was decided that this was not necessary.

Motion 9 carried unanimously.

H.3 Consideration of Inseason Adjustments, Including Carryover (3/10/2013; 8:01 a.m.)

H.3.a Agenda Item Overview

Ms. Kelly Ames presented the Agenda Item Overview.

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

Mr. Sean Matson presented Agenda Item H.3.b, Supplemental GMT Report.

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

H.3.c Public Comment

None.

H.3.d Council Action: Adopt Final Recommendations for Adjustments to 2013 Groundfish Fisheries, Including Carryovers

Mr. Lockhart said the reference in the GMT statement that inseason actions could be implemented by mid-April is very optimistic, especially because actions from this meeting must be confirmed on the first day of the April Council meeting.

Mr. Myer moved and Ms. Kirchner seconded Motion 10 to:

- Move the shoreward trawl RCA boundary from 75 to 100 fm between 40°10' and 48°10' N. latitude for Period 2.
- Issue the maximum eligible surplus carryover (10 percent) for all non-whiting species.
- For petrale and sablefish north of 36° N. latitude, issue maximum eligible surplus carryover (10 percent).

Mr. Myer noted the rationale provided in the GAP statement for changing the RCA boundary and opening the areas. The same RCA structure is already in place in Periods 3, 4, and 5. He said there is little risk for canary bycatch, given individual accountability under rationalization. Regarding issuance of non-whiting carryover, the GMT report indicated there is very little likelihood of exceeding the ACL for sablefish or petrale.

Ms. Kirchner and Ms. Culver clarified that maximum eligible surplus carryover is up to 10 percent, understanding that at the individual level the percentages will vary.

Motion 10 passed (Mr. Lockhart abstained).

Mr. Lockhart said the agency will review the final data prior to making a decision on surplus carryover issuance. They hope to have those final data in April.

H.4 Amendment 24: Improvements to the Groundfish Management Process (3/10/2013; 8:36 a.m.)

H.4.a Agenda Item Overview

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

- Agenda Item H.4.a, Attachment 1: Groundfish Biennial Process Improvements, Including Amendment 24 (Summary Table).
- Agenda Item H.4.a, Attachment 2: Initial Proposal (Proposed Action and Alternatives) for a 10-year (2015-2024) NEPA Evaluation of Establishing and Adjusting Groundfish Harvest Specifications (“Tier 1” NEPA Document), Council Staff Whitepaper.
- Agenda Item H.4.a, Supplemental Attachment 3: Recent History of Harvest Control Rules for Setting Annual Catch Limits/Optimum Yields and Considerations for Developing Default Harvest Control Rules.
- Agenda item H.4.a, Supplemental Attachment 4: Amendment 24 Informational Briefing PowerPoint Slides.

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

Mr. Rod Moore presented Agenda Item H.4.b, Supplemental Ad Hoc Amendment 24 Workgroup Report.

Mr. John DeVore presented Agenda Item H.4.b, Supplemental SSC Report.

Ms. Lynn Mattes presented Agenda Item H.4.b, Supplemental GMT Report.

Mr. Tommy Ancona presented Agenda Item H.4.b, Supplemental GAP Report.

H.4.c Public Comment

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

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

H.4.d Council Action: Adopt a Range of Alternatives for Preliminary Analysis (3/10/2013; 10:32 a.m.)

Ms. Culver moved and Ms. Kirchner seconded Motion 11 that the Council:

- 1) Move forward with the Amendment 24 process alternatives and developing the Tier 1 Environmental Impact Statement (EIS) according to the recommendations from the GMT and SSC reports, specifically items 1-4 on page 1 of the SSC report regarding rebuilding revision rules.
- 2) Maintain flexibility to use the current sigma/P* method or something else.
- 3) Relative to Amendment 24 alternatives, remove alternative 2, but include the new alternative described in the GAP Report.

- 4) Move forward with revising COP 9 and following the new process and timeline for the 2015-2016 management specifications analysis relative to consideration of new vs. routine management measures.
- 5) Begin the development of the Tier 1 EIS, but delay final adoption until after the 2015-16 specifications and management measures cycle.
- 6) Revise the Amendment 24 Workgroup composition to include representatives from the SSC, NWFSC, and SWFSC and task them to work with the Project Team to design the Tier 1 EIS and help flesh out the contents relative to the long-term analysis.

With regard to the first item, Ms. Culver thought it unrealistic to get all of this done by June 2014. These tasks should be separate if they are to be done right. Therefore, she suggested combining the Amendment 24 process with the 2015-16 specifications process but delaying the Tier 1 EIS until after the 2015-16 specifications cycle is completed in June 2014. The specifics can be determined when the Council sets its process and workload schedule.

With regard to the second item, Amendment 23 identifies methods for setting ABCs and OFLs. But other methods could be used based on SSC advice. She didn't want Amendment 24 to foreclose the use of other acceptable methodologies during this time frame.

With regard to the third item, she thought the Council will want to continue considering appropriate P* values. Further analysis should be provided when the Council is considering the default P* value for new stock assessments. The GAP alternative provides the opportunity for this analysis.

With respect to the fourth item, Ms. Culver supports revising COP 9 and separating out the consideration of new versus routine management measures as part of the 2015-16 specifications cycle.

With respect to the fifth item, for the Tier 1 EIS to result in reduced workload in future biennial cycles, the Tier 1 analysis will have to be broad and robust. There are a lot of emerging issues in the 2015-16 biennial cycle, such as reorganizing stock complexes, specifications for dogfish, and data moderate assessments. If stocks fall into the precautionary zone or are declared overfished, dealing with those issues and writing this Tier 1 EIS could be difficult. NMFS has had to delay implementation of some Council priorities, and staff time spent on the Tier 1 EIS would only hamper NMFS's ability to implement priority items for the industry.

With respect to the sixth item, an expanded workgroup will help Council and NMFS staff design the Tier 1 document and analysis.

With respect to the first item, Mr. Lockhart asked if Ms. Culver expected an FMP amendment would be part of the action. Ms. Culver replied yes. Mr. Lockhart asked for clarification on how

the various actions would be separated out. Ms. Culver envisioned two EIS's, one for the 2015-16 specifications and the amendment, and a second being the Tier 1 EIS.

Dr. Dahl noted that the current Amendment 24 Workgroup includes representatives from the SSC and NWFSC, but the SWFSC is not currently represented. He noted that there may also need to be some changes in the current membership designations and the people appointed to those seats.

Dr. McIsaac asked NOAA General Counsel if a separate document for the 2015-16 specifications would adequately serve as a MSA decision document. Ms. McCall responded that the agency would need to make sure the final NEPA document supported the Council decision.

Ms. Culver noted that potentially three separate documents could be prepared for the issues in play: 1) process alternatives (Amendment 24), 2) the Tier 1 EIS, and 3) the 2015-16 harvest specifications and management measures. The Tier 1 EIS would be a separate document in place for the 2017-18 biennial cycle. Amendment 24 could be combined either with the 2015-16 specifications EIS or the Tier 1 EIS.

Dr. McIsaac noted that for previous biennial cycles, staff, or the "project team," had invited participation from agency science staff and others as needed. He wondered if what was proposed in the motion differed very much from this model. He recommended holding off on finalizing the composition of the Amendment 24 Workgroup until either Agenda Item F.3 or F.4.

Ms. Culver said she thought both the project team and Workgroup lacked adequate science and ecosystem expertise. These experts could help design the structure of the long-term analysis and in the assessment of environmental impacts for over the next 10 years.

Mr. Lockhart recognized there are three separate issues, but thought the agency should have the flexibility to determine how to address NEPA requirements. Ms. Culver said her primary concern is to realize workload savings with regard to NEPA. The integrated ecosystem assessment (IEA) being available online increases our understanding of the environment and impacts. We need to include the experts that have the knowledge. Without them we wouldn't see the benefits of doing the EIS.

Dr. Dahl sought clarification that the motion would decouple the Tier 1 EIS, which wouldn't include Amendment 24 and the 2014-2015 harvest specifications. That would mean a new set of alternatives would have to be developed for the Tier 1 document, which resets work to date.

Dr. McIsaac asked Mr. Lockhart if he expected Council staff to draft the EIS for the 2015-2016 harvest specifications EIS if it is decoupled from the Tier 1 EIS. Mr. Lockhart responded that if they are decoupled, the 2015-2016 process would be the same as what has been done previously with regard to staff involvement.

In response to a question from Dr. McIsaac, Ms. Culver stated that she expects two or three documents to be completed, covering each component. Ideally, Amendment 24 would be

combined with the 2015-2016 specifications in a single EIS. She also opined that if the Tier 1 EIS was completed simultaneously then the 2015-2016 NEPA analysis, it could be tiered from it. Dr. McIsaac thought this approach could substantially increase workload. Ms. Culver responded that more work now may be necessary to achieve the workload savings later, and by combining the analyses you will not get those later workload saving benefits.

Ms. Kirchner supported the motion and referenced the Supplemental GMT Report. With respect to revising COP 9 to establish separate management measure processes, she noted those management measures that were not included during the 2013-14 cycle. She thought the modified decision process would allow those measures to be considered.

Mr. Wolford expressed concern about mandating how these issues would be addressed procedurally and with respect to NEPA. Staff should be able to judge whether all the elements can be addressed in a single NEPA document or they need to be separated out.

Ms. Culver expressed concern that staff wouldn't be inclined to slow down and as a result she did not think they could achieve the high quality document. She would like to focus on Amendment 24 and 2015-2016 specifications; furthermore, there are new proposals to be considered in the current cycle. The Council will have plenty to do between now and June 2014. The Council should continue to make progress on these issues while providing some relief for staff. Also, scientists currently involved in STAR panels will need to assist with the effort. She said she did not want to be prescriptive.

Mr. Wolford said he thought the language in item number five was too prescriptive. Therefore, he moved and Mr. Feldner seconded to amend Motion 11 (Amendment 1) to change the language in item number five to read: Begin the development of the Tier 1 EIS, but recognize that adoption may not occur until after the 2015-2016 specifications and management measures cycle.

Mr. Wolford said this is largely a wording change that he thought clarifies the intent of the motion. He would prefer the project team to have the flexibility to prioritize workload and decide how to get the 2015-16 specifications done with a quality analysis.

Mr. Lockhart said he had always assumed the workload savings were down the road. He had been thinking along the same lines as Mr. Wolford and wants to get the EIS to be as good as possible in the 14 months that are available. He noted that other NMFS regions have taken a similar approach to NEPA. If problems arise, we can reassess at that time.

Ms. Culver spoke in opposition to the amendment. She noted that public testimony pointed out that there are trawl rationalization trailing actions that NMFS has not begun rulemaking on. It won't be possible for NMFS to do the rulemaking if their staff is working on this Tier 1 EIS. She would prefer the rulemaking to move forward on the decisions the Council has already made. The amendment gives NMFS the discretion to meet the June deadline and is contrary to what she was trying to achieve.

Mr. Pollard said he supports the amendment. Council and NMFS staff told the Council how the process based on the Tier 1 EIS can be completed within the allotted timeframe. He thought this approach, including Amendment 24, is a good idea. There will be a big workload in the short term to see the benefits in the long term.

Amendment 1 passed (Ms. Culver, Mr. Lincoln, and Mr. Myer voted no).

Mr. Wolford continued with his view that the language in the motion may still be too prescriptive in regard to item 6. His amendment allows the project team and Workgroup to determine whether the tasks can be completed and involve the necessary experts. He asked Dr. McIsaac whether it is better to expand the membership of the two groups or involve additional expertise when needed. Dr. McIsaac said more thought needs to be given to which of these two approaches is better. Ms. McCall noted that composition of these groups could trigger Federal Advisory Committee Act issues.

Ms. Kirchner said that considering the membership of the Workgroup now does not preclude making a final decision under the administrative items on the last day of the Council meeting.

Mr. Wolford asked if the Workgroup is intended to have an advisory role and whether the motion prescribes its composition and role. Ms. Culver replied that since the Workgroup is an ad hoc committee, it is difficult to say. She wasn't sure how prescriptive the motion is, but reiterated the goal of adding more scientific expertise to the Workgroup to work on the design and the contents of the long-term Tier 1 analysis. She thinks the current composition of the Workgroup and project team lacks the scientific expertise to do this. However, the Council can't dictate the specific personnel that should be added to these groups.

Mr. Wolford asked Dr. McIsaac if the motion is consistent with his intent to take up the Workgroup issue under the future workload and agenda planning agenda item.

Dr. McIsaac asked whether the recommendations in the Supplemental GMT Report on workload should be superseded by the Council direction in item 6. Ms. Culver said yes.

Dr. Hanson recommended holding off on the issue of Workgroup composition identified in item 6 of the motion until the administrative agenda items that cover appointments and future workload planning.

Ms. Culver said that item 6 is important to ensure the Tier 1 EIS is drafted properly so that it can stand for a few years. This requires scientific expertise for the design of the document and conduct of the analysis. She does not want to have that decision contingent on staff workload. The workload issue is addressed by item 5. Item 6 invites the experts to do the work, which are the people that have the ability to analyze the environmental impacts for the next 10 years. They are necessary to complete this document.

Mr. Tracy opined that the project team actually writes the NEPA documents while the Workgroup would be in a review role similar to that of other advisory bodies. The project team has the option of consulting with the required experts in this capacity.

Ms. Kirchner noted the importance of involving the proper people while acknowledging that the Council doesn't direct the work of the Science Centers. For that reason, the language in the motion is necessary to send them the message that we are asking for their help and it is a priority. If the motion isn't prescriptive then that message would be lost.

In response to Mr. Tracy's comment, Ms. Culver stated the reason the motion is written this way is because the Amendment 24 workgroup is a Council advisory body while the project team is not. The Council is unable to supervise the project team's work. She noted that when the Workgroup met it was only provided with the project team work product to review. Involving the Workgroup in the design of the Tier 1 EIS document would ensure the Council's direction is followed.

Motion 11 carried unanimously.

Dr. Dahl asked if the composition and reorganization of the Amendment 24 Workgroup would be taken up under a future Council meeting or agenda item. Dr. McIsaac confirmed it will be discussed under workload planning.

Dr. Hanson emphasized that the Tier 1 EIS should be done properly, even if that means missing the target completion date.

Closed Executive Session

This session is closed to all except Council members, their designees, and others designated by the Council Chair to discuss litigation and personnel matters. Council was engaged in Closed Session from 3:30 p.m. until 5:00 p.m. on Saturday, March 9, 2013.

Highly Migratory Species Management

I.1 National Marine Fisheries Service Report (3/10/2013; 1:00 p.m.)

I.1.a Agenda Item Overview

Dr. Kit Dahl presented the Agenda Item Overview.

I.1.b Regulatory Activities

Mr. Mark Helvey presented Agenda Item I.1.b, Attachment 1: NMFS Southwest Regional Office Update on Legal and Regulatory Activities.

I.1.c Fisheries Science Center Activities

Dr. Russ Vetter presented Agenda Item I.1.c, NMFS Southwest Fisheries Science Center Report and Agenda Item I.1.c, Supplemental SWFSC PowerPoint. Dr. Chugey Sepulveda presented Agenda Item I.1.c, Supplemental SWFSC PowerPoint 2.

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

Mr. Doug Fricke presented Agenda Item I.1.d, Supplemental HMSAS Report.

I.1.e Public Comment

Mr. Ken Hinman, National Coalition for Marine Conservation's (NCMC's) Wild Oceans, Leesburg, Virginia.

Mr. Doug Fricke, Washington Troller, Westport, Washington.

I.1.f Council Discussion

Ms. Culver asked for the status of the proposed rule for the vessel monitoring system (VMS) described in the NMFS SWR Report. Mr. Helvey said the regulations will be pursuant to the Tuna Conventions Act of 1950 (16 U.S.C. 952), but NMFS would like to use the Council process for public review. He discussed the relevant contents of the SWR Report.

Ms. Culver agreed that implementing regulations for measures adopted by the WCPFC and IATTC should go through the Council process to solicit comments from Council advisory bodies and the interested public.

Ms. Yaremko asked if NMFS has thought about how this VMS requirement will affect people participating in multiple fisheries with VMS declarations. Mr. Helvey said NMFS wants get that type of input.

Ms. Lowman asked about the timing of Council involvement and Mr. Helvey responded that the September 2013 Council meeting seemed appropriate. Mr. Wolford said this should be scheduled under Agenda Item F.4, Council meeting planning.

I.2 Swordfish Management Report on Potential Changes to the Turtle Conservation Area and Take Limits (3/10/2013; 4:00 p.m.)

I.2.a Agenda Item Overview

Dr. Kit Dahl presented the Agenda Item Overview. The following attachments were provided for this agenda item:

- Agenda Item I.2.a, Attachment 1: PacFIN Landings Data Relevant to Proposed Pacific Leatherback Conservation Area (PLCA) Modification.
- Agenda Item I.2.a, Attachment 2: Letter to Assemblymember Paul Fong (CA) from Rod McInnis Regarding Proposals to Modify the PLCA; North Pacific Swordfish Fact Sheet.

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

Agenda Item I.2.b, NMFS Report (in briefing materials).

Dr. Steven Stohs presented Agenda Item I.2.b, Supplemental HMSMT PowerPoint.

Mr. Kirt Hughes presented Agenda Item I.2.b, HMSMT Report, Agenda Item I.2.b, Supplemental HMSMT Report 2, and Agenda Item I.2.b, Supplemental HMSMT Report 3.

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

LCDR Brad Soule presented Agenda Item I.2.b, Supplemental EC Report (with edits).

I.2.c Public Comment (3/10/2013; 5:13 p.m.)

The following comments were included in the briefing materials:

Agenda Item I.2.c, Public Comment.

Agenda Item I.2.c, Supplemental Public Comment 2: Letter from Natural Resources Defense Council dated February 26, 2013.

Agenda Item I.2.c, Supplemental Public Comment 4: Letter from California Association of Harbor Masters and Port Captains, Inc.

The following individuals provided public testimony:

Mr. James Day, Seattle, Washington; in opposition to the drift gillnet fishery.

Ms. Veronica Fairchild, Seattle, Washington; in opposition of drift gillnet fishery in the Pacific Leatherback Turtle Conservation Area (PLCA).

Ms. Jennifer Fairchild, Seattle, Washington; in opposition of the drift gillnet fishery in the PLCA.

Mr. Robb Krehbiel, Seattle, Washington; in opposition of the drift gillnet fishery in the PLCA.

Ms. Tamaya Tereshkova; University Place, Washington, in opposition of expansion of the drift gillnet fishery in the PLCA.

Mr. Steve Fosmark, Fisherman, Pebble Beach, California; spoke in favor of expansion into the PLCA.

Mr. John Harder, Ocean Friends against Driftnets, Monterey, California; read his letter (Agenda Item I.2.c, Public Comment: Letter from John Harder) into the record.

Mr. Ken Hinman, NCMC's Wild Oceans; Leesburg, Virginia.

Mr. Ben Enticknap, Oceana, Portland, Oregon; presented Agenda Item I.2.c, Supplemental Public Comment PowerPoint (Oceana) and Agenda Item I.2.c, Supplemental Public Comment 3: Long-term decline of the Western Pacific Leatherback, *Dermochelys coriacea*: a globally important sea turtle population. Tapilatu, R. F., P. H. Dutton, M. Tiwari, T. Wibbels, H. V. Ferdinandus, W. G. Iwanggin, and B. H. Nugroho. 2013. Long-term decline of the western Pacific leatherback, *Dermochelys coriacea*: a globally important sea turtle population. *Ecosphere* 4(2):25. <http://dx.doi.org/10.1890/ES12-00348.1>.

Mr. Gary Burke, fisherman, Santa Barbara, California; spoke in favor of Drift gillnet (DGN) fishery.

I.2.d Council Action: Provide Guidance on Potential Changes in the Boundaries and Timing of the Pacific Leatherback Turtle Conservation Area and Take Limits (9:15 a.m.)

Ms. Yaremko moved and Mr. Brizendine seconded Motion 12 that the Council:

1. Take no action on the specific options presented in the HMSMT Report and Supplemental Report to open select times and areas of the PLCA.
2. Task the HMSMT with evaluating a potential modification to the PLCA as follows: For only the triangle area identified in Figure 1 of the Supplemental HMSAS Report: Access to this portion of the PLCA would be authorized only for vessels with both an onboard observer and VMS, meaning vessels unable to meet requirements to carry observers, or vessels without VMS would be precluded. Analysis should include an expectation of future effort levels in the area under these constrains, and evaluation of both present and past catch and turtle bycatch and interactions rates in this portion of the PLCA. The outer boundary of this triangle shall be defined by a single straight line approximating the 100 mile contour. Provide this analysis to the Council in early 2014.
3. Request that NMFS continue to evaluate the prospect of utilizing recent research advancements in sea turtle movement patterns as presented in the NMFS Report (Agenda Item I.1), to develop adaptive management strategies for the PLCA that would allow for adjustments to times and areas to minimize sea turtle interactions. Couple this evaluation with the HMSAS recommendation to also examine sea temperature and other biological and oceanographic data. Task the HMSMT with evaluating tools that may be necessary to ensure compliance with these flexible management measures; including the following:
 - a. Whether the present observer coverage (20 percent goal) is adequate to accurately estimate bycatch in the present-day DGN fishery.
 - b. A VMS requirement in the DGN fishery.Provide this report to the Council in early 2014.
4. Continue exploring the possibility of managing the DGN fishery with hard caps on incidental sea turtle take and other listed species, modeled after the Hawaii shallow-set longline fishery, and report to the Council on progress in early 2014.
5. Request that NMFS continue evaluating the efficacy of deep-set longline gear, deep set buoy gear, and other alternative gears for effectiveness in harvesting target species and reducing bycatch and interactions with leatherback turtles and marine mammals, toward the goal of developing viable alternatives to DGN gear, and report to the Council on progress in early 2014.

Ms. Yaremko said, as explained in her motion, more scientific information is needed to move forward on this proposal. Currently, there aren't enough safeguards proposed to minimize turtle interactions, given the decline in turtle populations. Having said that, the drift gillnet fishery has been operating under the constraint of the PLCA and there haven't been any modifications to that area since 2001. It is the Council's obligation to look at the fishery to determine their ability to access the fish in that area. Regarding the observer coverage, items 2 and 4 would require full observer coverage. However, some of the 12-13 vessels participating in the fishery cannot carry observers. Therefore, the HMSMT should evaluate if the present coverage is adequate to monitor turtle interactions. The HMSMT should also evaluate whether VMS is an appropriate tool for this fishery recognizing the large area covered by the PLCA.

Ms. Yaremko thought that emerging scientific research on the habitat and the distribution of sea turtles and swordfish could be used for management in six months to a year. This could inform questions about the risk of opening areas. With observer coverage providing estimates of bycatch, the use of hard caps is something the Council could consider. Finally, progress on alternative gear is encouraging, and the Council should encourage NMFS to continue this research so that alternatives to drift gillnets can be implemented to increase domestic swordfish catch.

Mr. Steve Williams said he supported the motion. He has concerns and understands the need for further analysis, but is not sure what answers will be forthcoming. He noted that the EC strongly supported VMS. While harvesters are concerned, additional observers can give us more information. The scientific research is encouraging; it may be possible to predict the movement of sea turtles so as to manage time and area closures more effectively. He is particularly interested in the alternative gear (deep set longline and buoy gear) and the evaluation of those types of gear needs to happen.

Mr. Anderson said that accurate estimates of future levels of fishing effort will be an important part of the evaluation described in the motion. He also thinks the evaluation of observer coverage levels with respect to estimating bycatch is important. He also supports the use of VMS. He too is supportive of alternative gears that will reduce bycatch. Because of these components of the motion, he supports it.

Mr. Helvey noted that the U.S. imports 75 percent of the swordfish it consumes. Alternative gears coupled with adaptive management could reduce these imports in the future.

Mr. Crabbe said an increase in fishery viability and reduction in impacts is needed. He supports the motion as a way to get more data to achieve these objectives.

Mr. Ortmann supported the motion and the potential for a positive impact for all concerned.

Motion 12 passed unanimously.

Dr. Dahl asked if item 4 was directed at NMFS staff or the HMSMT. Ms. Yaremko stated that both groups would need to be involved.

I.3 Recommendations for International Management Activities (3/11/2013; 9:39 a.m.)

I.3.a Agenda Item Overview

Dr. Kit Dahl presented the Agenda Item Overview. The following attachments were provided for this agenda item:

- Agenda Item I.3.a, Attachment 1: December 18, 2012, letter from Regional Administrator Michael Tosatto to Council Chair Dan Wolford.
- Agenda Item I.3.a, Attachment 2: November 20, 2012, letter from Executive Director Donald McIsaac to Kerri-Ann Jones, Assistant Secretary, Bureau of Ocean and Scientific Affairs,

Department of State, and Eric Schwab, Assistant Administrator for Fisheries, National Marine Fisheries Service.

- Agenda Item I.3.a, Attachment 3: December 11, 2012, letter from Assistant Secretary Kerri-Ann Jones to Dr. McIsaac.
- Agenda Item I.3.a, Attachment 4: December 26, 2012, letter from Acting Assistant Administrator Samuel Rauch III to Dr. McIsaac.
- Agenda item I.3.a, Attachment 5: January 21, 2013, letter from Canadian Consul General Denis Stevens to Dr. McIsaac.
- Agenda Item I.3.a, Attachment 6: Report of the 2012 Intercessional Meeting of the International Scientific Committee for Tuna and Tuna-Like Species in the North Pacific Ocean Plenary Session, December 19-21, 2012 Webinar.
- Agenda Item I.3.a. Supplemental Attachment 7: Report to the Pacific Fishery Management Council on the Canada-United States Pacific Albacore Treaty Negotiations, February 13-14, 2013, Vancouver, B.C., Canada.
- Agenda Item I.3.a, Supplemental Attachment 8: Letter to Eric Schwaab and Kerri-Ann Jones, Dated June 26, 2012, Regarding U.S. – Canada Albacore Treaty Annex C Negotiations.

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

Mr. David Hogan provided comments regarding the U.S. – Canada Albacore Treaty Negotiations.

Ms. Harkiran Rajasansi, Consulate General of Canada Consul provided comments regarding the U.S. – Canada Albacore Treaty Negotiations for a fishery regime in 2013.

Mr. David Hogan provided comments regarding the U.S. – Canada Albacore Treaty Negotiations for future negotiation dates for April.

Dr. Don McIsaac provided information regarding the Northern Committee Meetings.

Dr. Suzy Kohin provided Activities of the ISC and Summary of the Pacific Bluefin Tuna Stock Assessment PowerPoint.

Dr. Steven Stohs presented Agenda Item I.3.b, Supplemental NMFS Report.

Mr. Kirt Hughes presented Agenda Item I.3.b, Supplemental HMSMT Report and Agenda Item I.3.b, Supplemental HMSMT Report 2.

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

I.3.c Public Comment (3/11/2013; 11:18 a.m.)

The following comments were included in the Briefing Book:

Agenda Item I.3.c, Public Comment: Washington Trollers Association, American Albacore Fishing Association, Kyle and Kathryn Vanderpool.

Agenda Item I.3.c, Public Comment 2: American Albacore Fishermen and Stakeholders.

Agenda Item I.3.c, Supplemental Public Comment: Letter from International Law Offices of San Diego regarding Marine Stewardship Council (MSC) Standards.

Agenda Item I.3.c, Supplemental Public Comment 4: Letter to Dave Hogan from Stan Davis, FV Nightwind regarding U.S. – Canada Albacore Treaty.

Agenda Item I.3.c, Supplemental Public Comment 5: Letter from Tom Wraith, FV Amy Lyn, regarding the U.S. – Canada Albacore Treaty.

Agenda Item I.3.c, Supplemental Public Comment 6: Letter to Dave Hogan from Jack Vantress, FV Seawind, regarding U.S. – Canada Albacore Treaty.

Agenda Item I.3.c, Supplemental Public Comment 7: Letter to Dave Hogan from Bob Blocker, FV Her Grace, regarding U.S. – Canada Albacore Treaty.

Agenda Item I.3.c, Supplemental Public Comment 9: Letter from Waylon Blocker, FV Her Grace, regarding U.S. - Canada Albacore Treaty.

Agenda Item I.3.c, Supplemental Public Comment 10: Letter to Dave Hogan from Jack Webster, FV Millie G. regarding U.S. – Canada Albacore Treaty.

Agenda Item I.3.c, Supplemental Public Comment 11: Letter from Henry “Skip” and Linda McMaster, FV Captain Banjo, regarding the U.S. – Canada Albacore Treaty.

Agenda Item I.3.c, Supplemental Public Comment 12: Letter to Dave Hogan from Carl Nish, FV Lydorein, regarding U.S. – Canada Albacore Treaty.

Agenda Item I.3.c, Supplemental Public Comment 13: Letter to Dave Hogan from Eric Hopfer, FV Kjirstin Nicole, regarding U.S. – Canada Albacore Treaty.

Agenda Item I.3.c, Supplemental Public Comment 14: Letter to Dave Hogan from John McDonell, FV Scandia, regarding U.S. – Canada Albacore Treaty.

Agenda Item I.3.c, Supplemental Public Comment 15: Letter to Dave Hogan from Brent Bixler, FV Royal Dawn, regarding U.S. – Canada Albacore Treaty.

Agenda Item I.3.c, Supplemental Public Comment 17: Resolution in Support of the U.S. Albacore Fleet from the Port of Bandon, regarding U.S. – Canada Albacore Treaty.

The following individuals provided public comment:

Mr. Rod Moore, Westcoast Seafood Processors Association, Portland, Oregon; regarding U.S. – Canada Albacore Treaty.

Mr. Peter Flournoy, International Law Offices of San Diego, San Diego, California; provided comments regarding U.S. – Canada Albacore Treaty.

Mr. Doug Fricke, Washington Trollers, Aberdeen, Washington; spoke regarding the U.S. – Canada Albacore Treaty.

Mr. Steve Fosmark, Albacore Fisherman, Pebble Beach, California; spoke in opposition of the U.S. – Canada Albacore Treaty 2013 Fishing Regime.

Mr. John Harder, Fisherman, F/V Ocean Joy, California; read his letter into the record (Agenda Item I.3.c, Supplemental Public Comment 8: Letter to Pacific Fishery Management Council from John Harder, F/V Ocean Joy, regarding U.S. – Canada Albacore Treaty).

Mr. Wayne Heikkila, WFOA, Redding, California.

Mr. Chip Bissell, American Albacore Fishing Association, Bonita, California; provided information in Agenda Item I.3.c, Supplemental Public Comment 3: Letter from American Albacore Fishing Association regarding U.S. - Canada Albacore Treaty.

Mr. Steve Moore, F/V Rose Mar, Los Osos, California in support of terminating the treaty.

Mr. Paul Hill, F/V Delana & F/V Betty H, Bellingham, Washington; in support of terminating the treaty.

Mr. Jack Webster, F/V Millie G, San Diego, California; in support of terminating the treaty.

Mr. Rodney McVicker, F/V Sundancer, Poulsbo, Washington; in support of terminating the treaty.

Mr. Wayne Moody, WFOA – Morro Bay, Arroyo Grande, California; spoke in support of terminating the treaty.

Mr. Rick Goché, Oregon Albacore Commission, Coquille, Oregon; read the motion from Agenda Item I.3.c, Supplemental Public Comment 16: Results of Motion from Oregon Albacore Commission, regarding the U.S. – Canada Albacore Treaty.

The following individuals agreed with the termination of the U.S. – Canada Albacore Treaty and stated same:

Mr. Gary Motsinger, Kilchis Fisheries, Nehalem, Oregon.

Mr. Tom Wraith, F/V Amy Lynn, Brookings, Oregon.

Mr. Brett Fahning, F/V Mary Lu, Crescent City, California.

Mr. Ryan Vantress, F/V Seawind, Beaverton, Oregon.

Mr. Jack Vantress, F/V Seawind, Cloverdale, Oregon.

Mr. Eric Hopfer, F/V Kjirstin Nicole, Tokeland, Washington.

Mr. Kevin Marks, F/V Miss Ann and F/V Angela C, Olympia, Washington.

Mr. Kris, Samuelson, F/V Tombo, Westport, Washington.

Mr. Carl Nish, F/V Lydorien, San Diego, California.

Mr. Skip McMaster, F/V Captain Banjo, McKinleyville, California.

Mr. Steve Rittenberg, F/V Nicole Marie, Astoria, Oregon.

Mr. Tom Potter, F/V Pacific Pride, Crescent City, California.

Mr. Lewis Hill, F/V Holly H, Westport, Washington.

Mr. Robert Manning, F/V Judy, Newport, Oregon.

Mr. Matthew O'Donnell, F/V Rose Marie, Cave Junction, Oregon.

Ms. Candee Mooslin, F/V Blue Dolphin, Carlotta, California.

Mr. Gary Mooslin, F/V Blue Dolphin, Carlotta, California.

I.3.d Council Action: Provide Recommendations for 1) Future negotiations on a U.S.-Canada Albacore Treaty fishing regime for 2013; 2) Further domestic and international management measures in response to the Pacific Bluefin tuna stock assessment; 3) Development of the precautionary framework for the North Pacific albacore tuna management and appropriate domestic responses (3/11/2013; 1:55 p.m.)

Mr. Steve Williams moved and Mr. Feldner seconded Motion 13:

The Council tasks the HMSMT with updating their prior work and identifying a suite of domestic and international management measures suitable for the precautionary management framework for North Pacific albacore that the Council can evaluate and possibly provide to the U.S. delegation prior to the WCPFC's Northern Committee meeting in Sept 2013. Specifically, identify potential measures that should be avoided. Specify which measures are appropriate for a catch-based management framework and those appropriate for an effort-based management framework. In addition, evaluate and comment, as appropriate, on the Canadian proposal submitted to the IATTC (appended to Agenda Item I.3.b, Supplemental HMSAS Report). The HMSMT should bring recommendations to the Council at the June 2013 meeting.

Mr. Williams said he understands the HMSAS's concerns about disclosing potential U.S. negotiating positions, but the Council needs to develop recommendations in order to control our own destiny. He thinks this guidance is general enough so that the U.S. negotiating position is not compromised.

Mr. Helvey asked if the motion allows contemplation of circumstances where effort or catch could increase. Mr. Williams responded that it is included in the first point in the motion.

Mr. Helvey stated that it is important to start at the international level for stocks on both sides of the Pacific and not get into the domestic management issues. Therefore, he moved, and Mr. Crabbe seconded, Amendment 1 to Motion 13 [which would modify the first sentence of the motion as follows]:

The Council tasks the HMSMT with updating their prior work and identifying a suite of potential ~~domestic and~~ international ~~management measures~~ harvest control rules and reference points suitable for the precautionary management framework for North Pacific albacore that the Council can evaluate and possibly provide to the U.S. delegation prior to the WCPFC's Northern Committee meeting in September 2013.

Mr. Helvey said his amendment addressed the concern of the HMSAS about focusing on domestic management. Council recommendations should start at the international level and only after that action should domestic measures be contemplated.

Mr. Williams asked if Mr. Helvey's amendment allows the HMSMT to look at a broad suite of measures and Mr. Helvey responded yes.

Amendment 1 passed unanimously. Motion 13, as amended, passed unanimously.

Ms. Lowman moved and Mr. Lincoln seconded Motion 14 that the Council adopt HMSMT recommendations 1 and 3 in Agenda Item I.3.b, Supplemental HMSMT Report 2. The motion modifies bullet 2 in the Supplemental HMSMT Report as follows: "advise the U.S. Delegation to the IATTC and WCPFC to advocate for reduced harvest rates down to 2002-2004 levels for all nations."

[Recommendations in Agenda Item I.3.b, Supplemental HMSMT Report 2 as modified by the motion:

- 1) monitor the catch of U.S. commercial fisheries that catch bluefin in order to ensure that the 500 mt commercial catch limit for the U.S. in the Eastern Pacific Ocean is not exceeded;
- 2) advise the U.S. Delegation to the IATTC and WCPFC to advocate for reduced harvest rates down to 2002-2004 levels for all nations.; and
- 3) advocate the WCPFC provisions in place for "artisanal" and Korean fisheries be replaced with stronger data reporting requirements and limits in effort and catch.]

Ms. Lowman said her motion addresses concerns about the status of Pacific bluefin tuna.

Dr. Dahl asked if the 2002-2004 harvest rates would be interpreted as landings. On the west coast, landings have varied from year to year in the recent past, and average catch for these years could be below landings in a certain year. He noted that the IATTC Resolution, like other resolutions, establishes a *de minimus* level of 500 mt for the U.S. Ms. Lowman responded that bullet 1, calling on compliance with the current resolution, incorporates the *de minimus* threshold concept.

Motion 14 carried unanimously.

Mr. Helvey noted that NMFS is going through the process for a status declaration for Pacific bluefin and the Council could expect a notification in the near future.

Mr. Anderson noted stakeholder's views and the Council's previous correspondence stating its position on continued negotiations for a fishing regime in 2013 pursuant to the U.S.-Canada Albacore Treaty. He said that he did not want to undermine the State Department's negotiating position by changing the Council's recommendation with respect to a fishing regime in 2013. He referenced the November 20, 2012 letter to the Department of State and NMFS and pointed out that in that letter the Council recommended any effort limits be based on pre-1998 levels, which is consistent with the position taken by the Department of State. In addition, problems created by vessel capacity and the trading of permits were discussed at the February 13-14 bilateral meeting. In his view, the State Department has shown its willingness to listen to the industry and present those views to the Canadians. For 2014 and beyond, the Department of State should negotiate a phase-out of the treaty, as appropriate, because the benefit the U.S. derives from the treaty is now questionable. At this time he is not recommending sending another letter to the Department of State containing Council recommendations.

Mr. Williams said he thought that Mr. Anderson did a good job of describing the situation. It is important to recognize the Council's role as providing recommendations, but not being in control of the process. It is never as simple as it appears on the surface and provisions need to be carefully considered. He supports a cautious approach for a 2013 regime. In the long term a phase out does seem appropriate.

Mr. Hogan responded by saying he wanted to listen to Council members' views. The State Department has also taken into consideration the views of the harvesting sector, because they are the most prominent group that has to deal with the reciprocal agreement. Their view to reduce the level of participation is clear and currently the balance of benefits is not where we want it to be. In achieving the proper balance, the State Department is paying close attention to the Council and stakeholders. A carefully considered structure for how the regime is implemented will result in a much better way to deal with this.

J. Enforcement Issues

J.1 Current Enforcement Issues (3/10/2013; 2:41 p.m.)

J.1.a Agenda Item Overview

Mr. Jim Seger presented the Agenda Item Overview.

J.1.b U.S. Coast Guard Annual West Coast Fishery Enforcement Report

RADM Keith Taylor introduced the Coast Guard contingent: LCDR Brian Chambers (Living Marine Resources (LMR) Program Manager); Mr. Dan Hardin (Fishing Vessel Safety Coordinator); and LCDR Brad Soule (LMR Program Manager). LCDR Soule presented Agenda Item J.1.b, Supplemental USCG Report 2: Update of U.S. Commercial Fishing Industry Vessel Requirements and Agenda Item J.1.b, USCG PowerPoint.

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

Mr. Jim Seger read Agenda Item J.1.c, Supplemental GAP Report into the record.

Lt. David Anderson presented Agenda Item J.1.c, Supplemental EC Report and referenced Agenda Item J.1.c, NMFS Report: Division Enforcement Priorities for 2013-Draft (in briefing book).

J.1.d Public Comment

Mr. Gary Burke, Santa Barbara, California.

Mr. Bill Sutton, Ojai, California.

J.1.e Council Discussion

Ms. Lowman and others offered the Council's thanks to the USCG for all of their good work and commitment to the fishery management process and safety concerns. Ms. Lowman thought that the GAP idea of posting a safety link on our website was a good one and that the information could also be included in our Council newsletter.

ADJOURN

The Council meeting was adjourned March 11, 2013 at 5:22 p.m.

Dan Wolford
Council Chairman

Date

DRAFT VOTING LOG
Pacific Fishery Management Council
217th Meeting
March 2013

Motion 1: Adopt the proposed agenda (Agenda Item A.4, March 2013 Council Meeting Agenda) as our working agenda for this meeting, with the proviso that all decisions made at this meeting, with the exception of C.6, Adoption of 2013 Management Alternatives for Public Review and C.7, Salmon Hearings Officers, be considered “Preliminary Selections” to be formalized under a specific agenda item at the April 2013 Council Meeting.

Moved by: Dorothy Lowman Seconded by: Gway Kirchner
Motion 1 carried unanimously.

Motion 2: Adopt the 2013 stock abundance forecasts, ABCs, and ACLs as shown in Supplemental Preseason Report 1, February 2013, with the addition of a Grays Harbor wild Chinook forecast of 20,636 adults and a Grays Harbor hatchery Chinook forecast of 3,632 adults.

Moved by: Phil Anderson Seconded by: Steve Williams
Motion 2 carried unanimously.

Motion 3: Council forward approval of the Northwest Sardine Survey 2012-2013 Application (Agenda Item D.1.a, Attachment 2: West Coast Aerial Sardine Survey 2012 Application for Exempted Fishing Permit).

Moved By: Steve Williams Seconded by: Michele Culver

Amndmnt 1: Council to include Agenda Item D.1.a, Attachment 3: Addendum to West Coast Aerial Sardine Survey 2012 Application for Exempted Fishing Permit in the motion.

Moved By: Michele Culver Seconded by: Dale Myer
Amendment 1 carried unanimously. Motion 3, as amended, carried unanimously.

Motion 4: Council adopt the final five year Research and Data Needs document (Agenda Item F.1.a, Attachment 1) with changes as indicated in: Agenda Item F.1.b, Supplemental SSC Report recommending categorization of research needs in the Ecosystem Section based exclusively on the potential benefits; Agenda Item F.1.b, Supplemental GMT Report recommending additional research and data needs; and Agenda Item F.1.b, Supplemental GAP Report bullets 1 and 3, recommending changes to the priorities for reading hake survey otoliths and exploring the use of hook-and-line surveys to cover untrawlable areas.

Amndmnt 1: Include all three bullets from Agenda Item F.1.b, Supplemental GAP Report.

Moved By: Marci Yaremko Seconded by: Buzz Brizendine
Amendment 1 carried unanimously. Motion 4, as amended, carried
unanimously.

Motion 5: Direct the South of Humbug Pacific Halibut Workgroup to analyze the impacts of moving the central Oregon subarea boundary south from Humbug Mt. to the Oregon/California border.

Moved by: Steve Williams Seconded by: Jeff Feldner

Amndmnt 1: Include analysis of the impacts associated with the four bulleted recommendations of the South of Humbug Policy Committee (Agenda Item G.2.a, Attachment 1, page 2).

Moved by: Michele Culver Seconded by: Marci Yaremko

Amndmnt 1a: Change the wording in the first bullet from “targeting” to “retention.”

Moved by: David Hanson Seconded by: Michele Culver

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

Amndmnt 2: Include analysis of opening the South of Humbug subarea from May 1 to June 30 and September 1 to October 31, and catch savings resulting from new Marine Protected Areas effective in 2012.

Moved by: Marci Yaremko Seconded by: David Crabbe
Amendment 2 carried unanimously. Motion 5, as amended, carried
unanimously

Motion 6: Adopt the range of Pacific halibut landing restrictions for the salmon troll fishery as shown in Agenda Item G.3.b, Supplemental SAS Report for public review.

Moved By: Steve Williams Seconded by: Phil Anderson

Amndmnt 1: Add an Option 4 using the same language:

Beginning May 1, 2013, license holders may land no more than one Pacific halibut per each ten Chinook, except one Pacific halibut may be landed without meeting the ratio requirement, and no more than five halibut landed per trip.

Moved by: Marci Yaremko Seconded by: David Crabbe
Amendment 1 failed (Ms. Yaremko, Mr. Crabbe, Mr. Brizendine, and Mr. Pollard
voted in favor).

Motion 6 carried unanimously.

Motion 7: Adopt for public review the range of Pacific halibut landing restrictions for the directed fixed gear sablefish fishery in the area north of Point Chehalis for 2013 and 2014, as represented in Agenda Item G.3.b, Supplemental GAP Report.

Moved by: Phil Anderson Seconded by: Steve Williams
Motion 7 carried unanimously.

Motion 8: Adopt for public review the season dates for the incidental halibut harvest in the commercial sablefish fishery north of Point Chehalis, Washington for 2014 and beyond of April 1 through October 31 and a second option of status quo, which is May 1 through October 31.

Moved by: Phil Anderson Seconded by: Steve Williams
Motion 8 carried unanimously.

Motion 9: Adopt a process for determining the status of data-moderate stocks as depicted in Figure 2 in Agenda Item H.2.a, Attachment 1 with the following changes (based on Agenda Item H.2.d, Supplemental WDFW Motion with modifications):

- Immediately below the first box “Data Moderate Assessment Passes STAR and SSC review;” insert an oval designating “the status would be used as estimated” – flow down to stock depletion estimate.
- If stock is above target spawning output change or in the precautionary zone, do either a full or updated data moderate assessment to produce an *update on a five year cycle* (CHECK)
- Change “status used and reported as estimated” to the “status reported as estimated” in cases where the stock is considered above target spawning output or in the precautionary zone.
- If below Minimum Stock Size Threshold (MSST) and there is enough data for a full assessment, then the stock should be a candidate for a full assessment to produce an update on the five year cycle. If there is not enough data for a full assessment, that row will remain as reflected.

Motion includes the adoption of the recommendations in Agenda Item H.2.b, Supplemental SSC Report and Agenda Item H.2.b, Supplemental GMT Report.

Moved by: Michele Culver Seconded by: Gway Kirchner
Motion 9 carried unanimously.

Motion 10: Adopt the recommendations of the GMT as provided in Agenda Item H.3.b, Supplemental GMT Report to:

1. Take no action on the specific options presented in Agenda Item I.2.b, HMSMT Reports 2 and 3 to open select times and areas of the Pacific Leatherback Conservation Area (PLCA).
2. Task the HMSMT with evaluating a potential modification to the PLCA as follows: For only the triangle area identified in Figure 1 of Agenda Item I.2.b, Supplemental HMSAS Report: Access to this portion of the PLCA would be authorized only for vessels with both an onboard observer and VMS, meaning vessels unable to meet requirements to carry observers, or vessels without VMS would be precluded. Analysis should include an expectation of future effort levels in the area under these constrains, and evaluation of both present and past catch and turtle bycatch and interaction rates in this portion of the PLCA. The outer boundary of this triangle shall be defined by a single straight line approximating the 100 mile contour. Provide this analysis to the Council in early 2014.
3. Request that NMFS continue to evaluate the prospect of utilizing recent research advancements in sea turtle movement patterns as presented in the NMFS SWFSC Report (Agenda Item I.1.c, Attachment 1), to develop adaptive management strategies for the PLCA that would allow for adjustments to times and areas to minimize sea turtle interactions. Couple this evaluation with the HMSAS recommendation to also examine sea temperature and other biological and oceanographic data. Task the HMSMT with evaluating tools that may be necessary to ensure compliance with these flexible management measures; including the following:
 - a. Whether the present observer coverage (20 percent goal) is adequate to accurate estimate bycatch in the present-day DGN fishery.
 - b. A VMS requirement in the drift gillnet (DGN) fishery.Provide this report to the Council in early 2014.
4. Continue exploring the possibility of managing the DGN fishery with hard caps on incidental sea turtle take and other listed species, modeled after the Hawaii shallow-set longline fishery, and report to the Council on progress in early 2014.
5. Request that NMFS continue evaluating the efficacy of deep-set longline gear, deep set buoy gear, and other alternative gears for effectiveness in harvesting target species and reducing bycatch and interactions with leatherback turtles and marine mammals, toward the goal of developing viable alternatives to DGN gear, and report to the Council on progress in early 2014.

Moved by: Marci Yaremko
Motion 12 carried unanimously.

Seconded by: Buzz Brizendine

Motion 13: The Council tasks the HMSMT with updating their prior work and identifying a suite of potential domestic and international management measures suitable for a precautionary management framework for North Pacific albacore that the Council can evaluate and possibly provide to the U.S. delegation prior to the WCPFC's Northern Committee meeting in September 2013. Specifically, identify potential

measures that should be avoided. Specify which measures are appropriate for a catch-based management framework and those appropriate for an effort-based management framework. In addition, evaluate and comment as appropriate on the Canadian proposal submitted to the IATTC (appended to Agenda Item I.3.b, Supplemental HMSAS Report). The HMSMT should bring recommendations to the Council at the June 2013 meeting.

Moved by: Steve Williams

Seconded by: Jeff Feldner

Amndmnt 1: Modify the first sentence in Motion 13 to read “identifying a suite of potential ~~domestic and international management measures~~ harvest control rules and reference points suitable for the precautionary management framework...”

Moved By: Mark Helvey

Seconded by: David Crabbe

Amendment 1 carried unanimously.
unanimously.

Motion 13, as amended, carried

Motion 14: Adopt recommendations #1 and #3 in Agenda Item I.3.b, Supplemental HMSMT Report 2 - and a modification of #2 as follows: advise the U.S. Delegation to the IATTC and WCPFC to advocate for reduced harvest rates down to 2002-2004 levels for all nations.

Moved by: Dorothy Lowman

Seconded by: Rich Lincoln

Motion 14 carried unanimously.

Motion 15: Approve as final: Agenda Item F.2.a, Attachment 1: Draft Minutes: 214th Session of the Pacific Fishery Management Council (June 2012); and Agenda Item F.2.a, Attachment 2: Draft Minutes: 215th Session of the Pacific Fishery Management Council (September 2012).

Moved by: Dave Ortmann

Seconded by: Herb Pollard

Motion 15 carried unanimously.

Motion 16: Appoint Sgt Dan Chadwick to the Washington Fish and Wildlife seat on the Enforcement Consultants.

Moved by: Phil Anderson

Seconded by: Dale Myer

Motion 16 carried unanimously.

Motion 17: Appoint Mr. Scott Grunder to the Idaho Department of Fish and Game seat on the Habitat Committee.

Moved by: Dave Ortmann

Seconded by: Herb Pollard

Motion 17 carried unanimously.

Motion 18: Appoint Mr. Calvin Frank to the Washington Coast tribal fisher position on the Salmon Advisory Subpanel.

Moved by: David Sones Seconded by: Herb Pollard
Motion 18 carried unanimously.

Motion 19: Appoint Mr. Steve Copps to a new NMFS Northwest Region seat on the Groundfish Essential Fish Habitat Review Committee.

Moved by: Frank Lockhart Seconded by: Gway Kirchner
Motion 19 carried unanimously.

Motion 20: Solicit nominations for the vacant California seat on the Ecosystem Advisory Subpanel, to be filled at the June 2013 Council meeting.

Moved by: Marci Yaremko Seconded by: Buzz Brizendine
Motion 20 carried unanimously.

Motion 21: The Council nominates Ms. Michele Culver as one of the International Pacific Halibut Commission Management Strategy Advisory Body Fishery Manager representatives.

Moved by: Gway Kirchner Seconded by: Jeff Feldner
Motion 21 carried unanimously.

Motion 22: Adopt for the 2013 Treaty Ocean Troll Salmon Season, three alternatives for public review as they are presented in Table 3 of Agenda Item C.6.b, Supplemental STT Report, on pages 19-20:

Option I quota levels of 55,000 Chinook, and 50,000 coho
Option II quota levels of 47,500 Chinook, and 47,500 coho
Option III quota levels of 40,000 Chinook, and 40,000 coho

The salmon season will consist of a May/June Chinook directed fishery and a July/August/September all-species fishery. The Chinook harvest will be split between the two periods with the following sub-quotes:

Option I: 33,000; **Option II:** 23,750; **Option III:** 20,000 for the May/June Chinook directed fishery and the remainder Chinook in each alternative for the July/August/September all species fishery.

The Treaty troll tribes are talking among themselves to possibly include a rollover opportunity of any remaining Chinook from the May-June to be transferred to the July-September time period on a fishery impact equivalent basis.

Moved by: David Sones
Motion 22 carried unanimously.

Seconded by: Rich Lincoln

Motion 23: The Council adopt for public review the alternatives for non-Indian commercial and recreational fisheries north of Cape Falcon as presented in Agenda Item C.6.b, Supplemental STT Report (March 11, 2013) with one change: in Alternative I, the overall non-Indian TAC for coho would be 90,000 marked coho with a healed adipose fin clip.

Moved by: Phil Anderson

Seconded by: Rich Lincoln

Amndmnt 1: Modify part “d” under C.5 on page 18 as follows:

C.5. Inseason Management:

...

d. Fishery managers may consider inseason action ~~permitting the retention of unmarked coho~~ modifying regulations restricting retention of unmarked coho. To ensure that preseason projected impacts of the fishery are not exceeded, any inseason action shall consider, if significant, the difference between observed and preseason forecasted mark rates. Such a consideration may also include a change in bag limit of two salmon, no more than one of which may be a coho. ~~If retention of unmarked coho is permitted by inseason action, the allowable coho quota will be adjusted to ensure preseason projected impacts on all stocks is not exceeded.~~

Moved By: Bob Turner
Amendment 1 carried unanimously.
unanimously.

Seconded by: Phil Anderson
Motion 23, as amended, carried

Motion 24: Adopt for public review the alternatives for non-Indian commercial and recreational fisheries between Cape Falcon and the Oregon/California border presented in Agenda Item C.6.b, Supplemental STT Report (March 11, 2013), with two exceptions: 1) on page 13 under Alternative I, Cape Falcon to Humbug Mt – change the non-mark-selective coho fishery quota to 16,000 and 2) request the STT model an inseason rollover of 12,000 coho from the July mark-selective recreational fishery into the September non-mark-selective fishery in Alternative I on a LCN coho impact neutral basis.

Moved by: Steve Williams
Motion 24 carried unanimously.

Seconded by: Jeff Feldner

Motion 25: Adopt for public review the alternatives for non-Indian commercial and recreational fisheries south of the Oregon/California border as presented in Agenda Item C.6.b, Supplemental STT Report (March 11, 2013), with the following changes:

- Fort Bragg Area Commercial (Page 5)
 - Alternative I - modify July to read “July 10-31.”
 - § Add a 2014 commercial season for April 16-30, for all salmon except coho with a 27 inch minimum Chinook size limit; same gear restrictions as in 2013. All fish caught in the area must be landed in the area.
 - Alt II:
 - § Modify June to read “June 1-8 and June 23-30.”
 - § Add a 2014 commercial season for April 16-30, for all salmon except coho with a 27 inch minimum Chinook size limit; same gear restrictions as in 2013. All fish caught in the area must be landed in the area.
 - Alt III:
 - § Modify June to read “June 1-5, 14-18, 24-30. Amend July to read “July 6-31. Add a 2014 commercial season for April 16-30, for all salmon except coho with a 27 inch minimum Chinook size limit; same gear restrictions as in 2013. All fish caught in the area must be landed in the area.
- San Francisco Area Commercial (Page 6)
 - Alt I: Change dates in July to “July 10-31.”
 - Alt II. Change June to “June 1-8 and 23-30.”
 - Alt III. Change June to “June 1-5, 14-18, 24-30.” Change July to “July 6-31.”
- Monterey South Area Commercial—reflect same dates as now described in San Francisco Area for each Alternative.
- Pt. Arena to Pigeon Pt (San Francisco Area) Recreational (Page 15).
 - Alt I: April 6-November 10—change to read “open 5 days per week, Wed-Sun June 1-July 9.”
- Monterey Area Recreational (Page 15)
 - Alt I: Amend to read “April 6-October 6; open 5 days per week Wednesday through Sunday June 1-July 9.”
 - Alt II: Amend to read 7 days per week all salmon “thru May 31; 26 inch total length limit July 1-31; 20 inches thereafter.”

Moved by: Marci Yaremko
Motion 25 carried unanimously.

Seconded by: David Crabbe

Amndmnt 1: Change Recreational Alternative II in the Monterey Area to read “June 1 through July 31” (for the 26 inch total length limit).

Moved By: David Crabbe
Amendment 1 carried unanimously.
unanimously.

Seconded by: Buzz Brizendine
Motion 25, as amended, carried