

MINUTES
219th Session of the
Pacific Fishery Management Council
June 20-25, 2013
Hyatt Regency Orange County
11999 Harbor Blvd, Garden Grove, CA 92840

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A. Call to Order (June 20, 2013)

A.1 Opening Remarks

Mr. Dan Wolford, Chairman, called the 219th meeting of the Pacific Fishery Management Council (Council) to order at 8:07 a.m. on Thursday, June 20, 2013. There will be a closed session held after regular business concludes today to discuss litigation and personnel matters.

A.2 Roll Call

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

Mr. William L. "Buzz" Brizendine (At-Large)
Mr. Brian Corrigan (U.S. Coast Guard (USCG), non-voting designee)
Mr. David Crabbe (California Obligatory)
Ms. Michele Culver (State of Washington Official, designee)
Mr. Jeff Feldner (At-Large)
Ms. Joanna Grebel (State of California Official, designee)
Dr. Dave Hanson, Parliamentarian (Pacific States Marine Fisheries Commission (PSMFC), non-voting designee)
Mr. Rich Lincoln (Washington Obligatory)
Mr. Frank Lockhart (National Marine Fisheries Service (NMFS) Northwest Region, designee)
Ms. Dorothy Lowman, Vice Chair (Oregon Obligatory)
Mr. Dale Myer (At-Large)
Mr. David Ortmann (State of Idaho 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 (State of Alaska Official, non-voting designee)
Mr. Steve Williams (State of Oregon Official, designee)
Mr. Dan Wolford, Chair (At-Large)

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

Mr. Chuck Bonham (State of California Official); Mr. Bob Farrell (State of California Official, designee); Mr. Mark Helvey (NMFS Southwest Region, designee); Ms. Gway Kirchner (State of Oregon Official, designee); and Dr. Craig Shuman (State of California Official, designee).

The following person was absent from the meeting: Mr. Dave Hogan (U.S. State Department, non-voting designee).

A.3 Executive Director's Report

Dr. Donald McIsaac presented the Executive Director's Report and introduced the two informational reports:

- Informational Report 1: Memo to PFMC from NOAA Office of General Counsel Regarding Fisheries–Related Civil Prosecution activity: January 1, 2013 – May 15, 2013; and
- Informational Report 2: NMFS Office of Law Enforcement, Pacific Coast Enforcement Highlights (Northwest/Southwest Divisions) April 1, 2012 – March 31, 2013.

Dr. McIsaac reported on the Columbia River assessment interview that he engaged in on May 29, 2013. Information on that interview and the general background can be found in Agenda Item A.3.a, Attachment 1: Columbia Basin Salmon Recovery Situation Assessment: Interview Questions and Process Background. He also called the Council’s attention to 1) Agenda Item C.5, concerning Council funding for 2013 which has been received with about a 10 percent reduction from the previous year; 2) a Sunday evening reception put on by the Pew Research Center (not a Council sponsored event); and 3) the Council Chair’s Reception. He reported that the State of California has appointed two new Council member designees: Mr. Bob Farrell and Dr. Craig Shuman. He also noted that the Council has just recently hired Mr. Brett Wiedoff to staff development of the electronic monitoring program.

A.4 Agenda

A.4.a Council Action: Approve Agenda

Mr. David Crabbe moved and Mr. Buzz Brizendine seconded Motion 1 to approve the Agenda as shown in Agenda Item A.4, (June 2013 Proposed Council Meeting Agenda). Dr. McIsaac clarified that under Agenda Item C.2, only the March minutes (not the March and April minutes) are available for final approval.

Motion 1 carried unanimously.

B. Open Comments

B.1 Comments on Non-Agenda Items (6/20/2013; 8:18 a.m.)

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

Ms. Lynne Mattes presented Agenda Item B.1.a, Supplemental GMT Report.

Mr. Doug Fricke presented Agenda Item B.1.a, Supplemental HMSAS Report.

B.1.b Public Comment

Dr. Cisco Werner, Southwest Fisheries Science Center, La Jolla, California - presented information from Agenda Item B.1, Open Comment 1: Letter to Dr. McIsaac from Dr. Werner Regarding Annual Peer Review of the Southwest Fisheries Science Center La Jolla Laboratory.

Mr. Frank Lockhart, NMFS Assistant Regional Administrator - presented information in Agenda Item B.1. Supplemental Open Comment 4: NOAA’s Draft Northwest Region Saltwater Recreational Fishing Action Agenda.

Mr. Wayne Heikkila, Western Fishboat Owners Association (WFOA), Redding, California - presented information from Agenda Item B.1, Open Comment 2: Letter from WFOA Regarding Alternative to Marine Stewardship Council Certification.

Mr. Peter Flournoy, Western Fishboat Owner's Association, San Diego, California – referenced information from the Legislative Committee meeting and requested that two statutes regarding international fisheries be added to the September Council meeting agenda.

Mr. Louis Zimm, Groundfish Advisory Subpanel (GAP) Member, San Diego, California - spoke regarding the Draft Northwest Region Saltwater Recreational Fishing Action Agenda.

Mr. Randy Hupp, Ecoleaser, LLC, Spring Valley, California - presented information on fish descending devices.

Ms. Theresa Labriola, Wild Oceans, Leesburg, Virginia - reviewed information in Agenda Item B.1, Open Comment 3: Letter from Wild Oceans Regarding Forage Fish Status Indicator for the California Current Ecosystem; and read Agenda Item B.1. Supplemental Open Comment 6: Letter regarding Fishery Ecosystem Plan.

Mr. Phil Schenck, FV Terri's Gale, San Pedro, California and Mr. Tom Durr - presented information from Agenda Item B.1. Supplemental Open Comment 5: Letter to USCG from Weil & Associates, Regarding Foreign Fishing Vessel Admeasurement.

[9:05 a.m. - Council postponed the rest of the Public Comment until Friday afternoon]

[Council reconvened this item on 6/21/2013 at 1:05 p.m.]

Mr. Will Stelle, Acting Regional Administrator, NMFS Northwest Region - provided comments about the merger of the NW and SW Regions.

B.1.c Council Discussion of Comments as Appropriate

Ms. Michele Culver spoke to the letter from NMFS Northwest Region (NWR) regarding the saltwater recreational fishing agenda. She noted that the Groundfish Management Team (GMT) comments highlighted the need for improving recreational fishing opportunities, education, and outreach (e.g., use of descending devices and fish identification). She also wanted to highlight the forage fish survey (page 7 of the NMFS Action Agenda). These are all things that Washington Department of Fish and Wildlife (WDFW) and Washington State have been actively engaged in. She wanted to be sure that there is good coordination with the development of these proposed activities with WDFW and the state, and to ensure the efforts are not duplicative. Mr. Lockhart agreed and stated that his office is working to do this with all of the states.

Dr. McIsaac stated that some of the public testimony indicated a problem with the permitting process for the tonnage of squid allowed Canadian fishing vessels off California. He wasn't clear on the role of the Council in this and wanted to hear from the State of California and the USCG concerning this problem.

Mr. Brian Corrigan stated that the USCG has been aware of this problem for some time. It is a broad-based and complex problem that involves the Jones Act and commerce in all parts of the country. This has precluded making a quick fix. The focus on this issue off California, and in other areas, has now raised the priority of the issue to the appropriate level that will enable work on a solution. The USCG is currently in the investigative phase, exploring options and determining the scope of the issue. Once USCG Headquarters has the full scope of the issue, we will be looking to resolve it on a national level. As that moves forward, we would try to keep the

Council apprised of the actions and may be looking for Council input. He was not sure of the timing of this process and the statute of limitations for infractions which might have occurred.

C. Administration

C.1 Reports on Managing Our Nation's Fisheries 3 (MONF3) Conference and the Council Coordination Committee (CCC) Meeting (6/20/2013; 9:26 a.m.)

C.1.a Agenda Item Overview

Mr. Chuck Tracy provided the Agenda Item Overview and introduced the following reference materials:

- Agenda Item C.1.a, Attachment 1: MONF3 Press Release;
- Agenda Item C.1.a, Attachment 2: Detailed Agenda from the Managing Our Nation's Fisheries 3 Conference;
- Agenda Item C.1.a, Attachment 3: Summary of findings from the Managing Our Nations Fisheries 3 Conference; and
- Agenda Item C.1.a, Attachment 4: Draft Decision Summary Document, 2013 Annual Council Coordination Committee Meeting, May 6, 9-10, 2013 Washington, District of Columbia.

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

Dr. McIsaac invited Council Members who attended the MONF3 Conference to provide remarks about their experience. Mr. Myer, Ms. Kirchner, Mr. Crabbe, Mr. Lockhart, Mr. Helvey, Dr. Hanson, Ms. Lowman, and Mr. Wolford provided comments. The Council also listened to Mr. Anderson's recorded speech which he gave as part of the reaction panel in response to the 128 recommendations for potential management improvements identified during the conference.

C.1.c Public Comment

Dr. Geoff Shester, Oceana, Monterey, California.

C.1.d Council Action: Provide Guidance on Issues Associated with Outcomes of the MONF3 Conference and CCC Meeting

Council action was targeted at a discussion of and guidance on further consideration of the findings from the MONF3 Conference and the CCC meeting.

Mr. Lockhart commented that climate change is one of the most important issues we will have to address. The changes in fish population distributions are already being mapped. Interestingly, the movement on the west coast is southward rather than northward as you might expect.

Mr. Sones commented that climate change and habitat issues are the most important issues for the tribes. The public needs to be educated on the effects and the things they can do to help reduce these impacts. Mr. Roth supported Mr. Sones' comments.

Dr. McIsaac commented that the consideration of the 128 action items is a rather daunting task that will take some time to sort out. The Council staff will be working on them over the summer and the findings will come before the CCC body in October. This allows the Council to take up these issues again in September with the benefit of more analysis.

Regarding matters from the CCC meeting that are not specific to the MONF3 Conference; Dr. McIsaac noted 2 items from Agenda Item C.1.a, Attachment 4: Item I, Allocation Review Process; and Item J, Office of the Inspector General Report (OIGR) Action Plan. Immediate action is not necessary on these items; however, the Council needs to be aware of them. The allocation review process is a large task that concerns timely reviews of the harvest allocations in the fishery management plans (FMPs). The OIGR covers the regulatory process and relationships between the Regional Fishery Management Councils (RFMCs) and NMFS. One of the recommendations deals with finalizing regional operating agreements between the RFMCs, the science centers, and the regions, which will likely be ongoing in 2014.

Mr. Wolford stated that it seems appropriate to forward these issues and recommendations to the advisory bodies and Council staff for further categorization and resolution, and then to deal with them further at the September meeting in order to be responsive to the CCC. Ms. Lowman agreed.

C.2 Approval of Council Meeting Minutes (6/20/2013; 10:21 a.m.)

C.2.a Council Member Review and Comments

Mr. Dan Wolford called the Council's attention to Agenda Item C.2.a, Attachment 1: Draft Minutes: 217th session of the Pacific Fishery Management Council (March 2013).

C.2.b Council Action: Approve March 2013 Minutes

Mr. Dave Ortmann moved and Mr. Herb Pollard seconded Motion 2 to Approve Agenda Item C.2.a, Attachment 1: Draft Minutes: 217th session of the Pacific Fishery Management Council (March 2013).

Motion 2 carried unanimously.

C.3 Legislative Matters (6/22/2013; 4:52 p.m.)

C.3.a Agenda Item Overview

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

- Agenda Item C.3.a, Attachment 1: June 2013 Staff Summary of Federal Legislation; and
- Agenda Item C.3.a, Supplemental Attachment 2: Survey on Sustainability Certification for U.S. Harvested Seafood.

C.3.b Report of the Legislative Committee

Dr. Dave Hanson presented Agenda Item C.3.b, Supplemental Legislative Committee Report.

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

None.

C.3.d Public Comment

None.

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

The Council asked staff to provide further follow-up on H.R. 1927 (More Water and Security for Californians Act) at the September meeting.

Mr. Steve Williams noted that the states of Oregon and Washington had provided a joint letter concerning H.R. 1308 (Endangered Salmon and Fisheries Predation Prevention Act). If the need and opportunity arises, the Council could submit a letter using the joint state letter as a guide.

C.4 Coastal Marine Spatial Planning (6/24/2013; 2:24 p.m.)

C.4.a Agenda Item Overview

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

- Agenda Item C.4.a, Attachment 1: Final National Ocean Policy Implementation Plan; and
- Agenda Item C.4.a, Attachment 2: Marine Planning Fact Sheet.

C.4.b Update on Marine Spatial Planning Activities

Dr. John Stein presented an update on marine spatial planning activities.

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

Mr. John Holloway presented Agenda Item C.4.c, Supplemental GAP Report.

Mr. Tim Roth presented Agenda Item C.4.c, Supplemental HC Report.

C.4.d Public Comment

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

C.4.e Council Action: Provide Guidance on Council Involvement with CMSP Issues, as Appropriate

Ms. Culver spoke to the topic of ocean energy management. She noted that Washington has a state marine spatial planning effort to coordinate with the various jurisdictions, stakeholders, and state and Federal entities. They are aligning their efforts with Oregon to have a seamless approach within the ocean. They are seeking to have authority to comment on development beyond 3 miles and are moving forward rather than waiting for formation of the regional planning body for oversight of proposed renewable energy projects. As indicated in the GAP statement, she is looking for more communication with the industry for what is occurring within the three states. She supports the request of the Habitat Committee (HC) to put information on the Council website to at least link to the state website, and, to the extent possible, have regular updates at the national and regional level as well.

Mr. Steve Williams agreed with Ms. Culver's recommendations regarding the websites and noted that Oregon did just update their territorial sea plan. He found it ironic that all this involvement has gone forward and the regional planning body has not been formed.

Mr. Chuck Bonham supported continued attendance by Dr. Stein to keep the Council updated on the process and for the Council to keep clear communication with the states as it develops its role in the process.

Mr. Crabbe suggested Dr. Stein meet with all the advisory bodies in the future to keep them abreast of the process and to solicit input.

Other Council members supported the need for good communication. Mr. Wolford noted the Council has a seat on the planning body (occupied by Ms. Culver) and that Dr. Stein could work with that person to help coordinate communication. Dr. Stein agreed.

Mr. Griffin summarized that the guidance was clear for improved communication, including use of links on the Council website.

C.5 Fiscal Matters (6/25/2013; 12:34 p.m.)

C.5.a Agenda Item Overview

Mr. Chuck Tracy presented the Agenda Item Overview.

C.5.b Budget Committee Report

Mr. Dave Ortmann presented the Budget Committee Report (Agenda Item C.5.b).

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

None.

C.5.d Public Comment

None.

C.5.e Council Action: Consider Budget Committee Recommendations

Mr. Ortmann briefly commented on the Budget Committee meeting and invited others to attend when possible.

Mr. Ortmann moved and Mr. Pollard seconded Motion 27 to adopt the Budget Committee recommendation for a CY 2013 operating Budget of \$4,449,025.

Motion 27 carried unanimously.

C.6 Membership Appointments and Council Operating Procedures (6/25/2013; 12:42 p.m.)

C.6.a Agenda Item Overview

Mr. Chuck Tracy presented the Agenda Item Overview and the following reference materials:

- Agenda Item C.6.a, Attachment 1: Management Strategy Advisory Board Membership;
- Agenda Item C.6.a, Attachment 2: Draft Council Operating Procedure 3 – Plan, Technical, and Management Teams;
- Agenda Item C.6.a, Attachment 3: Draft terms of Reference for the Pacific Groundfish and Endangered Species Work Group;
- Agenda Item F.7.a, Attachment 2: Proposed Revisions to COP 9;
- Agenda Item C.6.a, Supplemental Attachment 4: Letter from Mr. Chuck Bonham regarding CDFW designees;
- Agenda Item C.6.a, Supplemental Attachment 5: NMFS Announcement of 2013 Regional Fishery Council Appointments; and
- Agenda Item C.6.a, Supplemental Attachment 6: composition of Ecosystem Advisory Bodies.

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

None.

C.6.c Public Comment

Mr. Tom Rudolph, Pew Charitable Trusts, Portland, Oregon.

C.6.d Council Action: Elect Council Chair and Vice Chair; Appoint Individuals to Advisory Bodies and Consider Changes to Council Operating Procedures.

Mr. Steve Williams moved and Mr. Jeff Feldner seconded Motion 28 that the Council appoint Ms. Dorothy Lowman to the position of Chair for the 2013-2014 term. Motion 28 carried unanimously.

Mr. Ortmann moved and Mr. Rich Lincoln seconded Motion 29 to appoint Mr. Herb Pollard to the position of Vice-Chair for the 2013-2014 term. Motion 29 carried unanimously.

Ms. Joanna Grebel moved and Mr. Buzz Brizendine seconded Motion 30 to appoint Dr. Pete Adams to the California seat on the Ecosystem Advisory Subpanel. Motion 30 carried unanimously.

Mr. Helvey moved and Mr. Crabbe seconded Motion 31 to appoint:

- SAC Bill Giles to the NMFS NWR seat on the Enforcement Consultants (EC);
- Dr. Emmanis Dorval to the NMFS Southwest Fisheries Science Center (SWFSC) seat on the Coastal Pelagic Species Management Team (CPSMT); and
- Ms. Heidi Taylor to the NMFS SWR seat on the Highly Migratory Species Management Team (HMSMT).

Motion 31 carried unanimously.

Ms. Grebel moved and Mr. Crabbe seconded Motion 32 to appoint Mr. Eric Wilkins to the California Department of Fish and Wildlife (CDFW) Seat on the Habitat Committee (HC). Motion 32 carried unanimously.

Dr. McIsaac stated that Council staff will solicit nominations for the vacant at-large seat on the SSC.

Mr. Wolford nominated the following persons to the Electronic Monitoring (EM) Workgroup:

- PSMFC (chair) – Dave Hanson
- At-Sea Whiting – Brent Paine
- Shoreside Midwater Trawl – Heather Mann
- Shoreside Bottom Trawl – Paul Kujala
- Shoreside Bottom Trawl – Travis Hunter
- IFQ Fixed Gear (Pot) – Geoff Bettencourt
- IFQ Fixed Gear (Longline) – Bob Alverson
- EM Provider – Howard McElderry (Archipelago)
- Conservation Representative – Shems Jud

Mr. Wolford appointed the following to the Electronic Monitoring Technical Advisors (EMTA):

- PSMFC – Dave Colpo
- NMFS NWR – Colby Brady
- NMFS NWFSC – Jon McVeigh
- NMFS Office of Law Enforcement – Dayna Matthews
- NMFS General Counsel – Mariam McCall
- WA – Dan Chadwick
- OR – Maggie Sommer
- CA – Bob Puccinelli

Dr. McIsaac confirmed correspondence with the Inter-American Tropical Tuna Commission (IATTC) that they will not be able to contribute to a regional fishery management organization (RFMO) seat on the HMSMT. Therefore, that position could remain vacant or be eliminated and await a need to be re-established. In this budget climate, staff recommends elimination of the seat.

Mr. Mark Helvey moved and Mr. Williams seconded Motion 33 to modify COP 3 to eliminate the RFMO Seat on the HMSMT. Motion 33 carried unanimously.

Dr. McIsaac commented regarding the proposed creation of a new ad hoc Ecosystem Committee as a successor to the Ecosystem Plan Development Plan (EPDT) and as opposed to realignment of the EPDT as a management team. He noted that the ad hoc committee would be formed to work on forage fish Initiative 1. If it replaced the EPDT, there wouldn't be an advisory body to weigh in on the state of the ecosystem report each year. However, it also doesn't seem appropriate to keep both with the overlap in personnel. The agency Council members confirmed they would use the same personnel either way.

Mr. Lincoln recommended that the Council form the ad hoc committee to focus on Initiative 1 for now. The Council could change the focus of the ad hoc group as we choose, if that was needed further down the road.

Mr. Lincoln moved and Mr. Ortmann seconded Motion 34 to dissolve the EPDT and establish an Initiative 1 workgroup (Ad Hoc Ecosystem Committee) as shown in Agenda Item C.6.a, Supplemental Attachment 6; with the membership as noted on the right side of the page.

Motion 34 carried unanimously.

Mr. Helvey moved and Mr. Brizendine seconded Motion 35 to modify COP 3 to establish the Groundfish Endangered Species Workgroup and terms of reference as shown in Agenda Item C.6.a, Attachment 3.

Mr. Wolford noted that this motion would only create the workgroup and that nominations to the positions would come at a later meeting. In response to a question from Mr. Ortmann, it was confirmed that Idaho was not a member and the workgroup, as formed at this time, concerned only the groundfish fishery. Mr. Tracy noted an earlier request for a tribal member on this group.

Mr. Sones moved and Mr. Helvey seconded Amendment 1 to Motion 35 to include a tribal seat to the membership on the workgroup.

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

Mr. Lincoln asked for clarification to ensure that Council members or their designees would not be precluded from serving on this work group. He noted that in COP 3 under the section "Agency or Organization Policy Position Advocates," there is a statement that "Team members will not act as official policy advocates of agency or organization positions while acting in their capacity as Team members." He was concerned that WDFW might not be able to participate on the workgroup if Council members were precluded due to their Council role, which might include advocacy of certain policies.

Council staff concurred that this could be an issue unless the Council was comfortable with allowing for an exception for this particular workgroup.

Mr. Lincoln moved and Mr. Pollard seconded Motion 36 to update the language on Agenda Item C.6.a, Attachment 2 (Draft COP 3) on the bottom of page 5, under the section "Agency or Organization Policy Position Advocates," at the end of the sentence beginning with "Team members will not act . . .": add the language "*which is not intended to preclude Council members or their designees from serving on the Endangered Species Workgroup.*"

Mr. Williams moved and Mr. Feldner seconded Amendment 1 to Motion 36 to insert "Groundfish" before Endangered Species Workgroup.

Amendment 1 carried unanimously. Motion 36, as amended, carried unanimously.

Dr. McIsaac noted that with the actions completed in this agenda item, the Council has now appointed its first woman Chair.

C.7 Future Council Meeting Agenda and Workload Planning (6/25/2013; 1:28 p.m.)

C.7.a Agenda Item Overview

Dr. McIsaac presented the Agenda Item Overview and introduced the following reference materials:

- Agenda Item C.7.a, Attachment 1: Pacific Council Workload Planning: Preliminary Year-at-a-Glance Summary;
- Agenda Item C.7.a, Attachment 2: Preliminary Proposed Council Meeting Agenda, September 12-17, 2013 in Boise, Idaho;
- Agenda Item C.7.a, Supplemental Attachment 3: Year-at-a-Glance Summary; and
- Agenda Item C.7.a, Supplemental Attachment 4: Proposed Council Meeting Agenda, September 12-17, 2013 in Boise, Idaho.

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

Dr. McIsaac referenced the following reports:

- Agenda Item C.7.b, Supplemental OIG Sablefish LAPP Questions;
- Agenda Item C.7.b, Supplemental HMSAS Report, which deals mostly with legislative issues that can be dealt with at the next Legislative Committee meeting; and
- Agenda Item C.7.b, NMFS Report: Sam Rauch Letter Regarding NMFS Furlough Dates.

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

C.7.c Public Comment

Mr. Tom Rudolph, Pew Charitable Trusts, Portland, Oregon.

Mr. Gerry Richter, representing Bob Alverson, Fishing Vessels Owner's Association, Seattle, Washington.

C.7.d Council Discussion and Guidance on Future Meeting Agenda and Workload Planning

The Council discussed issues of clarification and scheduling for several future agenda items, including: barotrauma information in November (Kirchner/Brizendine); adding a work planning item in November for Ecosystem Initiative 9 and forage indicators to identify any work needed to be done for the March Council meeting (Lincoln); timing of the sablefish permit review (Grebel); and an SSC request for information on the sardine aerial survey (McIsaac).

[Council concluded this agenda item at 2:09 p.m. on 6/25/2013 and adjourned the meeting.]

D. Highly Migratory Species Management

D.1 National Marine Fisheries Service Report (6/20/2013; 10:40 a.m.)

D.1.a Agenda Item Overview

Dr. Kit Dahl provided the Agenda Item Overview.

D.1.b Regulatory Activities

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

Mr. Rod McInnis presented Agenda Item D.1.b, Supplemental NMFS Report 2.

D.1.c Fisheries Science Center Activities

No report was given.

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

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

D.1.e Public Comment

Dr. Geoff Shester, Oceana, Monterey, California - presented information regarding the drift gillnet fishery.

D.1.f Council Discussion

Ms. Culver asked for some clarification about NMFS' criteria for fish aggregating devices to meet the resolution by the IATTC. Mr. McGinnis stated that the resolution only concerns floating or anchored devices specifically deployed for the purpose of aggregating fish.

Council members also discussed issues concerning the incentives for agreeing on good management practices among the international participants and NMFS' review of the proposed listing of sharks (hammerhead and great white sharks) which is just beginning and may or may not result in a listing and incidental take statement.

D.2 U.S. – Canada Albacore Treaty Update (6/20/2013; 11:10 a.m.)

D.2.a Agenda Item Overview

Dr. Kit Dahl provided the Agenda Item Overview, including Agenda Item D.2.a, Attachment 1: Summary of April 16-17, 2013, Meeting between the U.S. and Canada to discuss Albacore Treaty issues (Prepared by Council Staff).

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

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

D.2.c Public Comment

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

D.2.d Council Action: Adopt, as Necessary, Recommendations for the Fishery Regime Pursuant to the U.S. – Canada Albacore Treaty

Mr. Williams commented that, based on his involvement with the meetings and delegation negotiations, the fleet is definitely moving toward phasing out the current fishery regime in the near future. He is supportive of that. However, we need to move forward with our eyes wide open as there could be consequences in other areas outside of the albacore fleet. We are not ready for a letter at this time (as requested by the Highly Migratory Species Advisory Subpanel (HMSAS)), because we have not covered all of the bases. We need to move forward with setting up the negotiations to ensure a timely process and provide a letter at the appropriate time.

Mr. Brizendine supported Mr. William's comments with regard to a careful approach to the phase-out to allow us to identify potential consequences.

Mr. Wolford was bothered by the fact that the HMSAS could not come to a conclusion about what to recommend for a phase-out. They wanted the Council to write a letter supporting the phase-out, but did not provide specifics about what should go in it.

Regarding the timing of the negotiations, Mr. Helvey stated that Mr. Dave Hogan should now be available to begin a dialog with Canada to set up a schedule. He expects the meetings would begin in the fall and continue into early 2014. He agreed that there is not a need for a letter at this time.

Mr. Wolford said he believes we need specific recommendations from the HMSAS and it may be necessary to have a minority report from them to help clarify the issues.

Dr. McIsaac suggested Council members make clear what information they would like in the future consideration of the phase-out issue so that the advisors and staff could help provide that information.

Mr. Williams expressed reluctance at providing too much additional guidance (beyond moving toward the phase-out) given that this is a negotiation process and we are not sure of what all could be on the table.

Mr. Sones agreed with being cautious. He would also like to see more information on the use of foreign workers on U.S. fishing vessels (he favors using U.S. workers) and how that was different from or might be affected by the issue with the tuna fleet.

Ms. Lowman stated that we should have more information in September and it may be a more proper time to determine the details of a letter. We can discuss that under agenda planning.

D.3 Preliminary Exempted Fishing Permit (EFP) Approval (6/20/2013; 1:35 p.m.)

D.3.a Agenda Item Overview

Dr. Kit Dahl presented the Agenda Item Overview. He reported that no applications for EFPs were received and no Council action was necessary.

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

None.

D.3.c Public Comment

None.

D.3.d Council Action: Adopt EFPs for Highly Migratory Species Fisheries for Public Review

No applications were received to act on.

D.4 Response to Pacific Bluefin Tuna Overfished Status (6/21/2013; 8:20 a.m.)

D.4.a Agenda Item Overview

Dr. Kit Dahl presented the Agenda Item Overview, including:

- Agenda Item D.4.a, Attachment 1: April 8, 2013, Letter from Rodney McInnis, NMFS Southwest Region Administrator to Dan Welford, Council Chair; and
- Agenda Item D.4.a, Attachment 2: March 26, 2012, Letter from Executive Director, Donald McIsaac, to Deputy Assistant Secretary David Balton.

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

Mr. Kirt Hughes presented Agenda Item D.4.b, Supplemental HMSMT Report.

D.4.c Public Comment

None.

D.4.d Council Action: Adopt Response to Magnuson-Stevens Act Requirements associated with the Declaration of International Overfishing of Bluefin Tuna

[8:49 a.m.: The Council suspended consideration of this agenda item until later in the meeting in order to obtain additional U.S. landings data before making a decision on its recommendations for regulations responsive to the declaration of international overfishing of bluefin tuna. The Council reconvened this agenda item on 6/22/2013 at 8:09 a.m.]

Dr. Dahl called the Council's attention to Agenda Item D.4.b, Supplemental HMSMT Report 2 which contained the landings information requested by the Council. He made the following clarifications or corrections to the tables: Table 3 is private recreational landings in "thousands of fish" and Table 4 is catch per fishing vessel data in "number of fish," not "thousands of fish."

Council members had other observations or questions of clarification about the data.

Mr. Brizendine referenced the letter to Mr. Bolton (Agenda Item D.4.a, Attachment 2) which recommended no new domestic regulatory measures for bluefin tuna. Mr. Brizendine recommended forwarding that recommendation to the appropriate bodies.

Dr. McIsaac noted that Mr. Brizendine's recommendation could cover the domestic fishing issue if the Council believes the domestic fishery is so minor that additional restrictions would be meaningless. However, there is also the broader international plight of the bluefin stock to consider. A couple of years ago, the Council recommended going back to the Western and Central Pacific Fisheries Commission (WCPFC) arena to do some additional things, such as fewer exemptions for artisanal fishing or for Korea. These exemptions are still in play and the Council could ask the U.S. Delegation for further constraints. There is also some action that might be possible in the IATTC arena. Mr. Brizendine agreed.

Mr. Williams added that it is also important to emphasize a reduction in impacts for the zero to age-three fish.

Ms. Culver, noting the letter from Mr. McInnis, stated that the Council should also include support for the request by the IATTC for conservation actions by the WCPFC to help make the proposed IATTC actions effective.

Mr. Helvey pointed out that the situation for bluefin tuna has gotten worse since last year when the Council provided a letter. He suggested that while it may be a *de minimis* impact, it might still be worth looking at the current recreational bag limits off California and Oregon and see how they match up with actions off Mexico. An analysis might determine if a reduction would make a difference and would send a signal to the international delegations that we are willing to do something for the recovery of the stock. He noted that the IATTC has moved toward catch limits, while the WCPFC are managing under effort, which does not seem to have been very effective. It may be useful in the letter to suggest that the WCPFC move in the direction of catch limits.

Dr. McIsaac asked Mr. Helvey what type of schedule he was proposing with regard to taking up the bag limit issue in the Council process.

Mr. Helvey replied that he was thinking of the biennial cycle (starting June 2014).

Dr. McIsaac requested that the Council affirm if they wished to keep (in this year's letter) the last paragraph from the previous letter about the southern California commercial passenger fishing vessel (CPFV) recreational fishery and its relationship with Mexico, and a paragraph about working collaboratively with Mexico. The Council so affirmed.

D.5 North Pacific Albacore Tuna Precautionary Management Framework (6/21/2013; 8:49 a.m.)

D.5.a Agenda Item Overview

Dr. Kit Dahl presented the Agenda Item Overview, including Agenda Item D.5.a, Attachment 1: Summary Report of the Eighth Regular Session of the WCPFC Northern Committee, Attachment E: Northern Pacific Albacore Reference Points, Requests to the International Scientific Committee for Tuna and Tuna-like Species in the North Pacific Ocean.

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

Mr. Kirt Hughes presented Agenda Item D.5.b, HMSMT Report and Agenda Item D.5.b, Supplemental HMSMT Report 2.

Dr. Owen Hamel presented Agenda Item D.5.b, Supplemental SSC Report.

Mr. Doug Fricke presented Agenda Item D.5.b, Supplemental HMSAS Report.

D.5.c Public Comment

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

Mr. Doug Fricke, Boat Seafoods, Westport, Washington.

D.5.d Council Action: Adopt Elements of a Precautionary Management Framework for North Pacific Albacore Tuna (6/21/2013; 10:18 a.m.)

Based on the technical reports and discussion, Ms. Culver noted that using the spawning potential ratio (SPR) seems to be a preferred approach. It appears the Council is being asked to consider forwarding the HMSMT whitepaper and any other recommendations, agreed to here, as its initial input on a precautionary management framework. She thought it would be helpful to know if there are specific elements that the U.S. delegation is not in alignment with, or needs recommendations other than those that they are in agreement with.

Mr. Helvey replied that the elements of the U.S. position are still very general. The discussions last year with Japan covered only appropriate reference points and was very general. Harvest control rules are not on the table yet. All of the information so far is from minutes of the meetings and there isn't a specific position that has been offered by the U.S. This may be the opportunity to begin that process. By September of 2014 the Northern Committee intends to have a precautionary management approach in place. The Northern Committee meeting this September should start to narrow down the appropriate way to go and start dealing with harvest control rules. If, at this meeting, the Council recommends that level 2 SPR reference points are the way to go, it may help to move the process forward.

Mr. Williams believes that the HMSMT report is a good start, but needs some refinement before we would send it forward. Also, the timing is not quite ripe to go forward with specifics and there will be a more appropriate time after the Northern Committee workgroups meet and have their discussions on the effort-based measures.

Dr. McIsaac agreed that this is very early in the process and it would be premature to get into very many specifics. There isn't even a precautionary approach outline at this time. Very soon the delegation will want to see some ideas. The Council will likely hear about this issue again in November, or as early as September, with information about what the Northern Committee has considered. Next April or June would be the time to get very specific in the Council's recommendations.

Ms. Culver moved and Mr. Lincoln seconded Motion 6 to revise Agenda Item D.5.b, HMSMT Report to incorporate the comments in Agenda Item D.5.b, Supplemental HMSMT Report (2) and Agenda Item D.5.b, Supplemental SSC Report; and include a cover letter from the Council to the U.S. delegation which reiterates our SSC's recommendation to use SPR reference points

rather than a biomass reference point, and indicate that our current HMS FMP has a simple linear harvest control rule (Figure 1, page 5 of the HMSMT Report).

Ms. Culver stated that she agrees we are at a point for general comments. The HMSMT did a great job in their report of describing the pros and cons of the various management elements and incorporating the FMP goals for albacore management. The HMSMT report, as modified with the Supplemental HMSMT Report 2 and the SSC report, gives adequate background information to the delegation as to the thinking of the Council on biological reference points and harvest control rules. It gives them some good information as to why the biomass-based reference point would not be advisable, and good thoughts as to what management measures would be needed to monitor and limit fishing mortality in the future.

Mr. Williams said he agreed with most of the proposed action, as long as the cover letter indicates that there is more to come and the door is left open for further information that could make us change our recommendations.

Ms. Culver said she believes the HMSMT report is fairly broad and general, and any more specific information we might wish to provide later could fit within the bounds of their current report. She felt it was important to give the delegation something now, given that the discussions are upcoming.

Mr. Helvey expressed concern that the motion locks us in with regard to what goes into the cover letter. He would like to see the cover letter be more of a summary of the reports, with the reports as appendices. Under the motion, the cover letter only mentions the Supplemental SSC Report and recommendation to use SPR. It doesn't highlight harvest control rules and an analysis using catch and effort.

Ms. Culver clarified that she agreed with Mr. William's earlier remarks about refining the HMSMT report and her intention was for the staff to revise the HMSMT Report by incorporating the information from the Supplemental HMSMT 2 and Supplemental SSC reports into one comprehensive report. In addition, staff would draft a cover letter. She included two things she would like to see in the cover letter. If Mr. Helvey would like to see additional items, he could amend the motion to expand what goes into the cover letter.

Motion 6 carried (Mr. Helvey voted no).

Concerning future timing of additional Council consideration and refinement of this issue, Dr. McIsaac indicated there might be a brief informational report in September, but certainly additional consideration in November and then in March and possibly June of 2014.

Dr. Craig Shuman noted that, for discussion purposes, some of the components that were mentioned earlier were: adding "Recreational (data collection)" to the management objectives in #2, and emphasizing additional and better data for future actions at the international level. He believes these are important and should be in the cover letter or on the record.

Council members confirmed that the wording of Motion 6 regarding the contents of the cover letter was not intended to preclude emphasizing other issues, as long as they were consistent with what was contained in the advisory body reports.

E. Enforcement Issues

E.1 Vessel Monitoring System (VMS) Declaration Regulations (6/20/2013; 1:37 p.m.)

E.1.a Agenda Item Overview

Mr. Jim Seger presented the Agenda Item Overview, including:

- Agenda Item E.1.a, Attachment 1: Need for Fishery Declarations for Active VMS Units; and
- Agenda Item E.1.a, Attachment 2: NMFS Highly Migratory Species Report for the March, 2013 Council Meeting – Excerpt.

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

Mr. Dayna Matthews presented Agenda Item E.1.b, EC Report: Enforcement Consultant Report on Vessel Monitoring Systems (VMS) and Declaration Regulations.

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

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

Mr. Gerry Richter presented Agenda Item E.1.b, Supplemental GAP Report.

E.1.c Public Comment

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

E.1.d Council Action: Adopt Final Declaration Regulations and Consider Process for compliance with Inter-American Tropical Tuna Commission Requirements for VMS (6/20/2013; 2:23 p.m.)

Ms. Culver asked if the declarations and requirements under item 1 would be in groundfish regulations and, if they were to apply to other fisheries, how would they know to check the groundfish regulations.

Mr. Dana Matthews responded that there are a couple of options. One is to keep all of the regulations under groundfish. Another is to put them, in their entirety, under each fishery sector. They think the best option is to keep the whole regulation under groundfish and put anything that is needed in the other regulations with a cross-reference to the groundfish regulations. An example is the salmon fishery where the fisherman has to look at the groundfish regulations to know what groundfish he can keep as incidental catch. Beyond that example, in applying for the basic VMS reimbursement program, the fisherman is exposed to the regulations of who, how, and why. Mr. Seger added that the fisherman must contact NMFS when making the declaration, which would include information on the requirements.

In response to a question, Mr. Helvey clarified that NMFS does believe the intent of the IATTC resolution is to require VMS in the highly migratory fishery, and we are currently out of

compliance. The consequences of the U.S. not being in compliance would be to lose standing in the international community, reduce our ability to make strong statements about other countries out of compliance, and diminish the forward progress of conservation measures in the Eastern Pacific.

Ms. Culver asked if we revise the groundfish declaration, couldn't we require VMS for albacore vessels greater than 24 meters in length and drift gillnet vessels as part of the same rulemaking process.

Mr. Helvey responded that the international process might be speedier and the U.S. delegation wanted the rule in place for next year. Other vessels (e.g., some CPS vessels) may also be affected and complicate the Council and rulemaking action.

Ms. Culver stated that there seems to be two separate issues. One is whether we use the Magnuson-Stevens Act (MSA) or the Tuna Convention Act, and the second is whether we put it into the groundfish regulations or HMS regulations if we go with MSA. She favored using the MSA. The Council will have the ability to be in the process, it will facilitate data-sharing agreements with the states and NMFS at the enforcement level, and it will allow enforcement at the state level. She thought any small delay in implementation would be relatively inconsequential.

Mr. Wolford concurred in doing it under the MSA.

Mr. Sones expressed some frustration with why the resolution was being applied to vessels in the bait fish fishery. He believes it will be additional cost without any conservation benefit.

Mr. Wolford asked if NMFS could look up how other countries had self-declared with regard to implementing VMS (following up on an earlier question from Mr. Crabbe). Mr. Helvey responded that it wasn't relevant to the NMFS determination that we are out of compliance and we are behind in implementing VMS.

Mr. Bob Farrell responded to Mr. Sones' comment on the conservation benefit of the VMS implementation. He noted that from a global perspective, the VMS program will help to reduce the illegal, unreported, and unregulated fishery participation.

Ms. Culver moved and Mr. Myer seconded Motion 3 that the Council request NMFS modify §660.13 and 14 as appropriate to make it clear that upon registering a VMS unit with the NMFS Office of Law Enforcement, an initial declaration of gear type or sector is required. Subsequent changes to gear type or sector would require a declaration change as is the current requirement for all limited entry permitted, non-groundfish trawl, and open access vessels [quoted from indented paragraph of Agenda Item E.1.b, EC Report]; and modify 660.13(d)(5)(iv)(24) by changing "other gear" to "other fishery" (Agenda Item E.1.a, Attachment 1, page 2).

Ms. Culver stated that the intent of her motion is to satisfy the final action items for item 1 and item 2 (from the Situation Summary) and is consistent with the recommendation of the EC for adding a requirement for an initial declaration of gear type or sector upon registering a VMS unit

with OLE and by modifying “other gear” to “other fishery” to clarify that it’s not just for other gear to take groundfish.

Mr. Feldner asked what that does for a declaration for doing scientific research. Ms. Culver was not sure how that would be handled.

To address that issue, Mr. Wolford moved and Mr. Feldner seconded Amendment 1 to delete the word “fishery” from the motion. [leaving an “other” category]

Amendment 1 carried unanimously.

Motion 3, as amended, carried unanimously.

Ms. Culver moved and Mr. Lincoln seconded Motion 4 to require VMS on albacore fishing vessels 24 meters or more in length and on California swordfish drift gillnet vessels; and that NMFS include this requirement in the HMS regulations proposed and considered through the MSA, and incorporate the VMS process by referring to the groundfish regulations. And that this would be considered a preliminary preferred alternative and would be the first of a two-meeting process.

Ms. Culver stated that it is clear NMFS’ interpretation of compliance with the IATTC Resolution included application to albacore vessels and that NMFS wants us to move into compliance in a timely manner. NMFS is also recommending VMS units for the California swordfish drift gillnet vessels. The intent of this motion is to streamline the process as much as possible.

Mr. Myer asked if the purse seine vessels were catching albacore and, if so, were they also out of compliance.

Mr. Helvey said they periodically fish for albacore and would catch bluefin and sometimes other tuna as opportunities presented themselves. He also noted that the motion did not seem to include the CPS vessels which would fall under the IATTC Resolution.

Mr. Myer moved and Ms. Culver seconded Amendment 1 to strike “albacore” and insert “tuna.”

Mr. Helvey confirmed that this would now include the commercial CPS vessels and does not, and need not, apply to recreational vessels, including charter vessels.

Mr. Crabbe noted that there are basically two CPS purse seine vessels that target yellowfin or bluefin tuna for the U.S. Fleet. Given that effort for tuna is infrequent, are they required to have VMS at all times, or just when actively pursuing or catching tuna?

Mr. Matthews clarified that the regulations are very stringent about turning the VMS on and off and can result in an inability to enter the fishery the following year. This is just the first of a two-part process, so the fishermen will have an opportunity to comment on this issue before your final decision.

Amendment 1 carried unanimously.

Mr. Williams supported the motion, but was concerned that it had become very broad and may have ramifications beyond what we need to do.

Mr. Judson Feder pointed out that, as it stands now, the motion implies recreational and commercial fisheries. He also wasn't sure what was intended by the term "VMS process."

Ms. Culver clarified that she had referred to the VMS declaration process in the groundfish regulations. That was what was intended in the motion. She suggested an amendment to focus the motion on the commercial fisheries.

Mr. Wolford moved and Mr. Brizendine seconded Amendment 2 to Motion 4 to insert the word "commercial" in front of "tuna."

Amendment 2 carried unanimously.

Mr. Farrell referred to Mr. William's concern about the breadth of the motion and expressed his desire to remove the drift gillnet fishery (DGN) from this motion. He moved and Mr. Crabbe seconded Amendment 3 to Motion 4 to strike "drift gillnet fishery" from the motion.

Mr. Farrell stated his belief that removing the DGN fishery from the motion will not delay the implementation of VMS requirements for the DGN fleet and would be simpler and less controversial than tying them in with the rest of the motion.

Ms. Culver didn't understand the concern and the need for removal of the DGN fleet. Her motion listed two categories of vessels: 1) vessels fishing for albacore tuna that are 24 meters or longer, and 2) DGN vessels of all lengths. She stated that it would be most efficient to fold in the albacore and DGN regulations at the same time in the rulemaking process. This is the first of a two-meeting process, and we will have more data and analysis from which to determine the appropriate coverage before we take final action at the second meeting.

Mr. Farrell withdrew his amendment (second concurred).

Mr. Helvey clarified that there are two timelines for this issue. For IATTC purposes (the albacore fishery) they would like to have something in place for June 2014. For the DGN fishery, they are mandated by the Endangered Species Act to get something in place and their timeline on that is August 15, 2015. In response to a question from Dr. McIsaac, Mr. Helvey confirmed that NMFS would take the lead on the National Environmental Policy Act (NEPA) analysis on this issue when it comes before the Council for final action.

Motion 4, as amended, carried unanimously.

[The Council concluded this agenda item on 6/20/2013 at 3:45 p.m. and adjourned for closed session. Council reopened Agenda Item E.1.d on Friday, June 21, 2013 at 8:03 a.m.]

Mr. Helvey asked for reconsideration of Motion 4 in Agenda Item E.1.d. He stated NMFS' concern that including the DGN fishery in Motion 4 was not properly noticed and could slow down NMFS meeting the timelines for implementation that he described the previous day.

Mr. Helvey moved and Mr. Pollard seconded Motion 5 to reconsider Motion 4 made under E.1.d. Motion 5 carried unanimously.

Ms. Culver expressed her concern that removing the DGN vessels might cause us additional work later on to go back and revise the groundfish regulations because of the way the current declaration categories are listed in the groundfish regulations.

Mr. Mathews suggested that before the final decision at the second meeting, they would have time to scope the declarations list again and provide for Council consideration the best options in relation to the different gear types under specific FMPs.

Mr. Helvey moved and Mr. Farrell seconded Amendment 4 to Motion 4 to remove the DGN vessel reference from the motion and revisit it at a later time.

Ms. Culver expressed her concern that the regulatory changes be structured to limit the number of times the Council has to reconsider the groundfish regulations.

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

F. Groundfish Management

F.1 National Marine Fisheries Service Report (6/21/2013; 11:11 a.m.)

F.1.a Agenda Item Overview

Ms. Kelly Ames provided the Agenda Item Overview.

F.1.b Regulatory Activities

Mr. Frank Lockhart presented Agenda Item F.1.b, Attachment 1: *Federal Register* Notices Published since the Last Council Meeting and Agenda Item F.1.b, Supplemental NMFS Report.

F.1.c Fisheries Science Center Activities

Dr. Michelle McClure presented Agenda Item F.1.c, Supplemental Science Center PowerPoint.

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

None.

F.1.e Public Comment

None.

F.1.f Council Discussion

None.

F.2 Status of the Rationalized Trawl Fishery (6/21/2013; 1:56 p.m.)

F.2.a Agenda Item Overview

Mr. Jim Seger presented the Agenda Item Overview.

F.2.b Report of the NW Fisheries Science Center Economic Data Collection Program (EDCP)

Dr. Todd Lee and Ms. Erin Steiner presented Agenda Item F.2.b, Supplemental NMFS PowerPoint from the following Reports: Agenda Item F.2.b, EDCP Report 1: Excerpt from Economic Data Collection Program Administration and Operations; Agenda Item F.2.b, EDCP Report 2: Economic Data Collection Program First Receiver and Shorebased Processor; Agenda Item F.2.b, EDCP Report 3: Economic Data Collection Program Catcher Vessel Report; Agenda Item F.2.b, EDCP Report 4: Economic Data Collection Program Catcher-Processor Report; and Agenda Item F.2.b, EDCP Report 5: Economic Data Collection Program Mothership Report.

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

Dr. Owen Hamel presented Agenda Item F.2.c, Supplemental SSC Report.
Ms. Heather Reed presented Agenda Item F.2.c, Supplemental GMT Report.
Mr. Shems Jud presented Agenda Item F.2.c, Supplemental GAP Report.

F.2.d Public Comment (6/21/2013; 2:59 p.m.)

Agenda Item F.2.d, Public Comment: Letter from Dr. Hans Radtke.

F.2.e Council Discussion

Council members expressed an interest to have the trawl economic data information narrowed down in the future, refining the data in an annual report so that it is more digestible. They also suggested creating an online form to make it easier for contributors to submit information.

F.3 Mid-Water Sport Fishery (6/21/2013; 3:05 p.m.)

F.3.a Agenda Item Overview

Ms. Kelly Ames provided the Agenda Item Overview.

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

Ms. Gway Kirchner addressed Agenda Item F.3.b, ODFW Letter: ODFW Letter of Support.
Ms. Heather Reed presented Agenda Item F.3.b, Supplemental GMT Report.
Lt. David Anderson presented Agenda Item F.3.b, Supplemental EC Report.
Mr. Mark Cedergreen presented Agenda Item F.3.b, Supplemental GAP Report.

F.3.c Public Comment

Mr. John Holloway, exempted fishing permit applicant, Portland, Oregon - presented information found in Agenda Item F.3.c, Holloway Proposal: Recreational Midwater Rockfish Fishery.

Mr. Louis Zimm, Southern California Angler, San Diego, California.

F.3.d Council Action: Provide Guidance on Further Consideration of Mid-Water Sport Fishery Regulations (6/21/2013; 3:59 p.m.)

Ms. Kirchner moved and Mr. Feldner seconded Motion 7 that the Council move forward with evaluation of a midwater sport fishery in Oregon as proposed in Agenda Item F.3.c, Holloway Proposal, with a potential implementation of April 1, 2014, or as soon as possible thereafter.

Ms. Kirchner stated that we have been looking at this potential fishery for quite some time through past implementation of EFPs. The EFP tested the avoidance of the gear by yelloweye rockfish and was successful, even in high concentration areas. She thinks it is a worthy proposal for evaluation. We need to look at the data it provides and we need to honor this innovative thinking and the collaboration that developed with this proposal. The motion is specific to Oregon. If another state would like to expand it to their waters, she is supportive of that, but wanted to leave that up to the other states. Ms. Kirchner clarified that the proposal is for the charter and sport fleet and she is not recommending changing at this time. The proposal is for the purpose of evaluating how the gear works, and we will decide later about how to integrate it into the regular fishery and in other areas.

Ms. Grebel moved and Mr. Brizendine seconded Amendment 1 to Motion 7, to add “and California” after “Oregon.”

Ms. Grebel stated that we are still in the initial scoping phase and trying to figure out what data is available. At this point she believes we should not limit ourselves, but should investigate further to help inform the potential use in California. In response to questions on possible differences in the fishery off California, she stated that the gear would be the same, the depths would be different, but you could maintain a 10 fathom buffer from the current seaward closure. However, at this time she would not hardwire any details, but leave it as part of the scoping to determine what is possible.

Amendment 1 carried unanimously.

Council members expressed concern with timing and workload if this proposal moves forward, and speculated that it would take at least two more meetings to complete final approval.

Ms. Culver moved and Mr. Lincoln seconded Amendment 2 to Motion 7 to strike “April 1, 2014 or as soon as possible thereafter” and replace it with “as part of the 2015-2016 specifications process.”

In response to questions concerning the meaning of “implementation as part of the 2015-2016 specifications process,” Ms. Culver withdrew Amendment 2 (second concurred) and provided a reworded amendment.

Ms. Culver moved and Mr. Lincoln seconded Amendment 3, to Motion 7, to amend the language to read “implementation of January 1, 2015.”

Mr. Wolford stated he would vote against the amendment. In the initial motion it states April 1, 2014 or as soon as possible thereafter. He would like the Council and staff to have the opportunity to assess the workload and decide what the appropriate time is to implement it. April 1 is the earliest it could possibly happen and he thinks it is inappropriate to mandate January 1, 2015.

Ms. Kirchner expressed support for the amendment. Her main goal was to see it go forward and she didn’t want a timing issue to derail that.

Ms. Culver stated her purpose for the amendment was for clarity in the process of how this fishery could be implemented as a part of the rulemaking package for the 2015-2016 management measures and be in place January 1, 2015.

Amendment 3 to Motion 7 carried. Mr. Wolford and Mr. Ortmann voted no.

Dr. McIsaac asked who will evaluate the EFP.

Ms. Kirchner stated that her understanding was that NMFS would do the heavy lifting and ODFW could assist with the analysis as much as possible. If this became part of the 2015-2016 management measures, then it would be completed with the other non-routine management measures we would be looking at.

Mr. Lockhart stated it will be a struggle to have this process completed. He was supportive of moving forward on it, but he could not commit his staff to have anything ready for the September meeting.

Mr. Wolford spoke in support of the motion. He said it is important to not let a useful EFP die that would help to protect the resource for the constraining species.

Motion 7, as amended, carried unanimously.

F.4 Seabird Avoidance Regulations (6/21/2013; 4:28 p.m.)

F.4.a Agenda Item Overview

Ms. Kelly Ames presented the Agenda Item Overview and referenced Agenda Item F.4.b, Preliminary Draft Environmental Assessment (EA): Measures to Minimize Take of Short-tailed Albatross in the Pacific Coast Groundfish Fisheries.

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

Ms. Gretchen Hanshew presented Agenda Item F.4.b, Supplemental GMT Report.
Lt. David Anderson presented Agenda Item F.4.b, Supplemental EC Report.
Mr. Bob Alverson presented Agenda Item F.4.b, Supplemental GAP Report.

F.4.c Public Comment

Mr. Bob Alverson, Fishing Vessel Owners Association, Seattle, Washington.
Mr. Seth Atkinson, Natural Resources Defense Council, San Francisco, California.

F.4.d Council Action: Adopt Preliminary Seabird Avoidance Regulations in Groundfish Fisheries for Public Review (6/21/2013; 5:00 p.m.)

Mr. Farrell provided some observations on the Environmental Assessment (EA), especially in regard to Section 1.4 and the impacts of the two alternatives. It appeared to him that both alternatives come very close to meeting the intent of avoiding jeopardy. He was concerned that we might create a very complex set of regulations when voluntary compliance after an outreach and education program has shown to be very effective in dealing with the problem. He was especially concerned with the impact on smaller vessels. He believes Alternative 1 with its provision for further outreach and analysis could be adequate. His goal is to simplify regulatory complexity whenever possible.

Ms. Culver supported the need for simplification on compliance and enforcement of the regulations. She noted that the reason there was little difference in the projected results of both alternatives was likely due to the very small number of vessels greater than 55 feet in length in the fleet. A small increase in voluntary compliance within the whole fleet would achieve as much at 100 percent compliance of the larger vessels. She views this as a first step, and we need more information before we put the restrictions on the smaller vessels. She also noted the proposal for a weather safety exemption and hadn't heard that it might create a loophole or other problem. However, it would require the enforcement entities to purchase instruments to measure wind speed. She is inclined to send the alternatives out for public review and get more feedback from the public and advisory bodies and some specific suggestions for simplification.

Mr. Roth stated that it was his understanding there was a strong expectation as a result of the seabird biological opinion that regulations would be in place as soon as possible for vessels longer than 55 feet. Regulations for smaller vessels would be included at a later time after more information has been gathered to find ways to address the safety issues for smaller boats. He believes we have a good start with this EA and is not sure if the regulations can be simplified. The Endangered Species Act (ESA) workgroup is a forum where further reporting and review can be entertained for efforts to work with those vessels less than 55 feet in length.

Mr. Wolford noted the introduction to the EA which states that NMFS is required to implement seabird avoidance regulations for vessels greater than 55 feet. He wondered if Alternative 1 was an acceptable choice or if we are limited to Alternative 2, or some other alternative.

Mr. Lockhart confirmed that there is a requirement of NMFS. There is some leeway to simplify the regulations. Mr. Lockhart confirmed that we can wait for further information from the

ongoing studies to take action on the small boats, but we need to have a regulation in place for the large boats for 2014.

Ms. Culver moved and Ms. Kirchner seconded Motion 8 that the Council approve the alternatives in Agenda Item F.4.b, Preliminary Draft EA, and the addition of a third alternative proposed in Agenda Item F.4.b, Supplemental GMT Report, for public review.

Ms. Culver stated this is a necessary next step to comply with the biological opinion. She also included the third alternative to provide the GAP and EC with an opportunity for comments. She would hope that the EC could develop some suggested regulatory language that could be simpler for compliance sake for the final action. She confirmed that these were not preliminary preferred alternatives.

Motion 8 carried unanimously.

Ms. Culver requested that NMFS look at the comments on regulatory language in the GAP report to check if the proposed regulations are the same as the Alaska regulations; and include the proposed wording changes by the GAP and EC for using feet rather than meters.

Mr. Lockhart clarified that they had made changes from the Alaska regulations and would note the good points being made here. He also noted that the Council not adopting a preliminary preferred alternative doesn't prevent the Council from making a final decision at the next meeting.

Ms. Kirchner agreed with Ms. Culver's guidance and would also like to see that the regulations round to the nearest foot.

F.5 Approve Stock Assessments (6/22/2013; 10:21 a.m.)

F.5.a Agenda Item Overview

Mr. John DeVore presented the Agenda Item Overview and referenced:

- Agenda Item F.5.a, Attachment 1: Data-moderate stock assessments for brown, China, copper, sharpchin, stripetail, and yellowtail rockfishes and English and rex soles in 2013;
- Agenda Item F.5.a, Attachment 2: Pacific Coast Groundfish Stock Assessment Review (STAR) Panel for Data-Moderate Assessments;
- Agenda Item F.5.a, Attachment 3: Available Age and Length Comparison Data for the Nine Data-Moderate Stocks Undergoing Assessment in 2013;
- Agenda Item F.5.a, Attachment 4: Status of the darkblotched rockfish resource off the continental U.S. Pacific Coast in 2013;
- Agenda Item F.5.a, Attachment 5: Darkblotched Rockfish Stock Assessment Review (STAR) Panel Report;
- Agenda Item F.5.a, Attachment 6: Status of the U.S. Petrale Sole Resource in 2012;
- Agenda Item F.5.a, Attachment 7: Petrale Sole Stock Assessment Review (STAR) Panel Report;

- Agenda Item F.5.a, Attachment 8: Status of bocaccio, *Sebastes paucispinis*, in the Conception, Monterey and Eureka INPFC Areas as evaluated for 2013;
- Agenda Item F.5.a, Attachment 9: Canary Rockfish Catch Report for 2011-12;
- Agenda Item F.5.a, Attachment 10: Pacific Ocean Perch Catch Report for 2011-12; and
- Agenda Item F.5.a, Attachment 11: Yelloweye Rockfish Catch Report for 2011-12.

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

Dr. Owen Hamel presented Agenda Item F.5.b, Supplemental SSC Report.

Mr. John Budrick presented Agenda Item F.5.b, Supplemental GMT Report.

Mr. Gerry Richter presented Agenda Item F.5.b, Supplemental GAP Report.

F.5.c Public Comment (6/22/2013; 12:58 p.m.)

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

F.5.d Council Action: Adopt Final Data Moderate Stock Assessments, the Petrale Sole Stock Assessment, the Darkblotched Rockfish Stock Assessment, the Bocaccio Update Assessment, and Catch Reports for Canary, Pacific Ocean Perch, and Yelloweye Rockfish (6/22/2013; 1:09 p.m.)

Ms. Grebel moved and Ms. Kirchner seconded Motion 10, to adopt the stock assessments (which include data-moderate, full, and updated assessments) except for brown rockfish, China rockfish, and copper rockfish, and the catch reports recommended by the SSC for use in management in 2015-2016.

Ms. Grebel stated that the SSC did a very good job of reviewing these and much of the rationale for the full and update assessments being the best available science is included in the SSC report. There was considerable discussion about brown, China, and copper rockfish and she has excluded them from this motion to allow for further discussion. She clarified that the motion is meant to include adopting the catch reports.

Mr. Wolford moved and Mr. Brizendine seconded Amendment 1 to add the words "and also adopt" in front of "the catch reports."

Amendment 1 carried unanimously. Motion 10, as amended, carried unanimously.

Ms. Grebel moved and Mr. Crabbe seconded Motion 11, that the China rockfish, copper rockfish, and brown rockfish data-moderate assessments go to the mop-up panel for evaluation of an alternative model that has an area stratification north and south of 42° N. latitude.

Ms. Grebel said that we have heard considerable discussion regarding these three stocks. She has had questions about the data that actually went into these assessments. For example, the lack of California data and applicability of using another state's indices for California data, given that there is differential management between the states. We were unable to talk to the Stock Assessment Team (STAT) to get some of these questions clarified, and the SSC did not seem to have had a very thorough discussion of these issues. The intent of the motion is to go to the mop-up panel and look at an alternative model which would stratify at 42° and would allow a

secondary model in addition to the one we have. She was not asking for new indices to be developed, but simply to re-stratify the data and apply the Oregon index to Oregon data and California indices to California data. If it is not possible to go to the mop-up panel, she would be comfortable with the SSC Groundfish Subcommittee evaluating this prior to the November Council meeting. Finally she noted that the STAR Panel made several comments about not having enough time to review the information and this would give them time to delve into those issues.

Motion 11 carried unanimously.

F.6 Trawl Rationalization Trailing Actions (6/22/2013; 1:21 p.m.)

F.6.a Agenda Item Overview

Mr. Jim Seger presented the Agenda Item Overview, including the Supplemental Agenda Item Overview PowerPoint, and introduced the following reference materials:

- Agenda Item F.6.a, Attachment 1: Electronic Monitoring – Objectives, Calendar, and Advisory Body Budget;
- Agenda Item F.6.a, Attachment 2: Initial Draft Whitepaper: Electronic Monitoring and Performance Standards; and
- Agenda Item F.6.a, Supplemental Attachment 3: Unofficial Partial Transcripts from the April 2013 Council Meeting.

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

Agenda Item F.6.b, PSMFC Report: Final Report, Electronic Monitoring Program: Review of the 2012 Season.

Mr. Frank Lockhart presented Agenda Item F.6.b, Supplemental NFMS Report: Proposal to Review Pre- and Post-Trawl Rationalization Regulations.

Ms. Michele Culver presented Agenda Item F.6.b, WDFW Report: Washington Department of Fish and Wildlife Report on Trawl Rationalization Trailing Actions.

Dr. Owen Hamel presented Agenda Item F.6.b, Supplemental SSC Report.

Ms. Heather Reed presented Agenda Item F.6.b, Supplemental GMT Report.

Mr. Shems Jud presented Agenda Item F.6.b, Supplemental GAP Report.

F.6.c Public Comment

Mr. Ralph Brown, Trawler, Brookings, Oregon.

Mr. Seth Atkinson, NRDC, San Francisco, California.

Ms. Sarah McTee, Environmental Defense Fund, San Francisco, California.

F.6.d Council Action: Receive Updates on Electronic Monitoring Processes and Provide Guidance, as Necessary; Provide Guidance on Process Improvements and Enhancements PIE 3 Process; and Consider Other Trailing Action Issues as Needed, Including End of Year Quota Pounds Trading (6/22/2013; 3:28 p.m.)

Mr. Seger summarized that the actions for the Council to consider were 1) the EM process, and 2) the scoping process in September and the NMFS Report on how we move ahead with future

trailing actions. The third item in the Situation Summary is no longer relevant. The first task under the EM would be to determine the ad hoc work group. He directed the Council's attention to page 3 of Attachment 1 which displays three alternatives for the ad hoc workgroup. He also noted the technical advisors (listed in the right hand column). If the Council decides to have technical advisors, they might or might not be a formal group. They could just be persons that attend the workgroup meetings. Further, he noted that NMFS has provided funds which should cover the ad hoc workgroup.

Ms. Culver stated her proposal would be to go with a modified version of the EC recommendations which would be: an at-sea whiting trawl, shoreside midwater trawl, two shoreside bottom trawl, an IFQ fixed gear, and an EM provider. Also, the GAP requested a conservation member. Would the budget cover that? Dr. McIaac responded that it would.

Mr. Myer stated his thoughts were in alignment with those of Ms. Culver. He suggested that it would be great if the EM provider could be someone who had knowledge of the technical aspects of the observer program.

The Council had further discussion and questions about what positions and expertise were needed and how they could be structured.

Ms. Culver moved and Mr. Myer seconded Motion 12 that the Council approve the form of an ad hoc advisory body for EM comprised of the following positions: PSMFC (Chair), an at-sea whiting trawl, a shoreside midwater trawl, two shoreside bottom trawl, an IFQ fixed gear, an EM provider, and a conservation representative. The charge would be to focus development on alternatives for EM consideration consistent with the objectives described in Agenda Item F.6.a, Attachment 1.

Ms. Culver stated that this is a good composition of those who are actively engaged in the trawl IFQ fishery and would have the necessary operational knowledge and on-the-ground experience. It is an attempt to have a complete representation of those affected by the actions while keeping the group relatively small to meet our budget constraints. The motion does not include the technical advisors.

The Council discussed the pros and cons of the composition, especially with regards to the role and person who might be in the EM provider position and how the technical advisors would interact with the work group.

Motion 12 carried unanimously.

Ms. Culver separated the technical advisor decision so that there could be more discussion on the agencies' perspectives. WDFW recommends there be an enforcement representative who is familiar with the regulations, could determine what could and couldn't be done, and was knowledgeable concerning the feasibility of requests for state compliance in data turnaround.

Mr. Lockhart noted that the NWR and the science centers have a vested interest in this and would have representatives at each of the meetings. Responding to a question, he stated that they

would have someone at the meetings who was familiar with the regulations and how the program might be implemented; as well as other staff, dependent on workload and funding.

Ms. Lowman moved and Ms. Kirchner seconded Motion 13 that the Council establish a technical advisory committee as shown in Table 1, Agenda Item F.6.a, Attachment 1, page 3, on the right hand side; which includes: PSMFC, NMFS West Coast Region, NMFS NWFSC, NMFS OLE, NOAA GC, and the states of Washington, Oregon, and California.

Ms. Lowman stated that she thinks it is important to include the GC as there will be issues of confidentiality, chain of custody, etc. Naming the position will help formalize the commitment.

Ms. McCall agreed on the importance of including the GC and stated they would try to have an appropriate attorney at each meeting if at all possible.

Motion 13 carried unanimously.

Mr. Wolford asked for the Council to start thinking about nominees for the positions so that they could be appointed at the end of the week. He then noted that the Council has some more work to do with regard to providing any guidance on the whitepaper before the agenda item is wrapped up. He asked Mr. Seger to lay out the issues.

Mr. Seger summarized the overall plan for completing the whitepaper. He suggested the Council might want to provide input on the difference between policy performance standards and regulatory performance standards, and on the other requirements that EM proposals would have to meet.

Ms. Culver stated that the whitepaper is not what she had envisioned, likely because the Council had not given much guidance as to what they wanted to see in the paper. She was concerned that two years does not give us much time to work through what she considers to be a rather complex program and regulation. She noted the whitepaper is at a more philosophical level on performance standards while she was thinking of performance standards more in line with what is in the WDFW report, focusing on a couple of the key questions for the ad hoc workgroup to consider. From a policy prospective, it is more about a risk assessment of what level of coverage and review of video we would need in order to achieve something similar to the current program. It might take a combination of EM and regulations. She would like to ask the ad hoc workgroup what would be an acceptable level of cost to achieve an acceptable level of risk. Those are the types of things she would want to be explored in the whitepaper and to identify some preliminary information for the ad hoc committee to start off with that would have some guidance to shape their discussions. She offered that the state staff could help revise the whitepaper along the lines she has outlined.

Mr. Wolford stated he believed there was more than enough philosophical information in the whitepaper, while some parts went into too much depth (e.g., figuring out the sampling rate to avoid missing a discard rather than just laying out an acceptable specified level of not missing a discard). He would like to see more information along the lines Ms. Culver referred to in the WDFW report for performance standards.

Ms. Lowman basically agreed. She felt we need a risk assessment so that we can determine the tradeoffs of cost and accuracy.

Ms. Kirchner agreed and hoped to get that information from the ad hoc workgroup.

Dr. Hanson said that we do not yet have the data to figure out the risk at this time. More sampling will occur this summer and when we get this we can go back and review the tapes at percentages different from 100 percent to get an idea of the risk. Risk will be different for different species and he believes the overfished species will drive the decision.

Ms. Culver referred the Council to the second to last paragraph on the first page of the WDFW report for the kind of information she was talking about as a higher level for how the EM program must accurately capture discard events. For instance, whether a discard has occurred, the amount of discard (weight and size of the fish), the disposition of the discard (to be able to give credits for survivability), and the ability to capture rare events. These are the higher-level performance standards. On pages 2 and 3 are more details, which are sort of the strawman proposals to get some feedback from industry on what would or would not work.

Ms. Lowman agreed.

Mr. Seger noted that establishing sideboards to guide the workgroup is more of a policy decision, while the whitepaper is more of a scoping document. He ask for further clarification of how the Council wished to give guidance to the workgroup.

Mr. Lincoln thought there had been quite a bit of discussion that could help guide the workgroup in its efforts. Others agreed and felt it was not necessary to give the workgroup too many directions or constraints. It was noted that the Council would see another draft more toward a scoping paper in September, and so concluded its guidance on this issue.

In response to a question from Ms. Kirchner, Mr. Lockhart stated there has been no specific proposal for an EFP in the whiting fishery. Interest has been expressed, but neither the Council nor NMFS has recommended moving forward on it. Dr. Mc Isaac added that if an EFP were proposed it should come through the Council and be introduced in workload and agenda planning (Agenda Item C.7).

Dr. Hanson referenced the PSMFC Report. He stated that they are taking into account the concerns in the SSC statement from April and are being consistent with the NMFS program. Regarding explanations for the differences between observers and EM, he noted that it isn't a simple question. The differences are not consistent; however, they have provided some information on some examples as to why there are substantial differences. He noted that observers are fallible and that could be a part of the inconsistency. There is ongoing work to do a better job of comparing results; however, the results from this year's study will not be available until next spring, as they will need to wait for the observer data.

Regarding the trawl flexibility for trading quota pounds, Mr. Lockhart stated NMFS anticipates bringing it forward for September with the Council providing a preliminary preferred alternative

at the March meeting and a final alternative in April 2014. However, the Council would determine which issues to move forward in September, which could include the adaptive management program.

F.7 Consideration of 2015-2016 and Beyond Harvest Specifications and Management Measures (6/23/2013; 8:04 a.m.)

F.7.a Agenda Item Overview

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

- Agenda Item F.7.a, Attachment 1: Draft Annotated Outline for the Harvest Specifications EIS;
- Agenda Item F.7.a, Attachment 2: Proposed Revisions to COP 9; and
- Agenda Item F.7.a, Attachment 3: Schedule for Developing Groundfish Harvest Specifications and Management Measures.

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

Mr. Rod Moore presented Agenda Item F.7.b, Supplemental GAP Report.

Mr. Corey Niles presented Agenda Item F.7.b, Supplemental GMT Report (with corrections provided during presentation and contained in the archived report).

Dr. Owen Hamel presented Agenda Item F.7.b, Supplemental SSC Report.

Ms. Michele Culver commented on Agenda Item F.7.b, WDFW Report.

Mr. David Sones presented Agenda Item F.7.b, Supplemental Tribal Comment.

F.7.c Public Comment

Mr. Bill James, Port San Luis Commercial Fishermen's Association, Avila, California - presented information in Agenda Item F.7.c, Supplemental Public Comment from Bill James.

Mr. Seth Atkinson, NRDC, San Francisco, California.

F.7.d Council Action: Review Environmental Impact Statement Approach and Range of Alternatives for Amendment 24 Harvest Control Rules; Approve Relevant Projection Models; Adopt Schedule for Deciding 2015-2016 Harvest Specifications and Management Measures and Consider Council Operating Procedure 9 Modifications (6/23/2013; 10:39 a.m.)

Mr. DeVore clarified that for making the harvest specifications decisions for 2015-2016, you do not need to provide the values at this time. You can make a range of the policy decisions (e.g., P*) and use the default harvest control rules (HCR) to get to the annual catch limits (ACL). Council staff would bring back the range of alternatives and by November you need to decide on a range for specific alternatives for a decision. The analysis for the long-term impacts (beyond 2015 and 2016) will be going on at the same time and will probably rely on using different states-of-nature to capture a long-term range. The Council needs to make specific decisions for 2015-2016, but not for our analysis of the long-term effects. There needs to be more discussion for us to determine the exact choice of alternatives to use for the long-term.

Dr. Dahl responded that we are not planning on structuring the long-term analysis as separate alternatives, but as part of the analysis, looking at various indicators like catch, based on the policy choices rated against the uncertainty for the stock condition.

Ms. Culver moved and Mr. Lincoln seconded Motion 14 that the Council replace the approach in the draft annotated outline in Agenda Item F.7.a, Attachment 1, with the approach described in Agenda Item F.7.b, Supplemental GMT Report; such that the no-action alternative would have a baseline window period (one suggestion is 2003-2012 as an example). The action alternatives would be based on a range of P* of 0.25 to 0.45; and to provide direction to the analytical team to do “their best” to come up with a reasonable range of values that would result in applying these P* values over the next ten years as the potential outcomes.

Ms. Culver stated that she liked the approach of the GMT and appreciated the work the project team did with the GMT. She thinks having a no-action alternative that better aligns with the analysis of that alternative as provided in the draft Chapter 3, makes sense. She thinks we are getting hung up over the difference between numbers and percentages. She likes having the action alternatives structured as a range of P* values. Her motion is intended to provide action alternatives so that the range of P* values are essentially percentages. We do need numbers for analysis of the impacts; however, the percentages are the policy application which is related to the current status of the stock. As a matter of policy, our P* selection for the next ten years is going to be within that P* range of 0.25-0.45. However, depending on the status of the stock at a particular time, that could be a huge range in terms of values or numbers. For example, suppose five years from now we have a new sablefish assessment with a significantly higher biomass than at present. If we apply a P* of 0.45 at that time, in today’s world that might have a resulting number of a P* of 0.6 or 0.75. In each management cycle, we would apply the percentage to the latest stock assessment. Given the different states of nature in the decision table, there could be a much broader range of numbers than what we would have today. The action alternatives would be based on an analysis of the policy application of 0.25-0.45 in any given year, and you would analyze the effects of the environmental impacts of removing that percentage of the stock by fishing. Separately, she would like the analytical team to provide a reasonable range of values that would result from the low and high states of nature coming out of the stock assessments that could be outside the range of P* values in any given year. That range of numbers would drive the management measures and socio-economic analysis. In conclusion, the action alternatives’ range of P* values from 0.25-0.45 would be the Council policy decision and the analytical team would analyze a range of numbers that encompasses the low and high states of nature, which could be outside those bounds.

In response to a question from Mr. Lockhart, Ms. Culver confirmed that the baseline years of 2003-2012 was just a suggestion and was not meant to limit the analytical team.

Mr. Wolford asked if the range of P* values was broad enough.

Ms. Culver responded that she did not exceed 0.45 because the Council had a deliberative process to arrive at that number and to go higher would require a plan amendment. She also clarified that she was not specifying that all of the P* values from 0.25 to 0.45 would need to be analyzed, she was only specifying the range.

In response to questions from several Council members, Ms. Culver stated that her motion was intended to take everything in the Supplemental GMT Report and use that as the basis for the analysis. The Supplemental GMT Report notes that the SSC is working on the rebuilding revision rules and those would be applied in the analysis. Her motion would include moving forward with the default HCR approach; however, the Council would still retain the flexibility to choose something different if it was within the range of what had been analyzed. She noted that her motion only included the approach for addressing the alternatives, which ends at the top of page 5 of the Supplemental GMT Report. The motion does not include an alternative of no fishing. That would be a significant policy change from what the Council has been doing and what would occur in the next ten years. Later, she would like a discussion about the need for any additional alternatives.

Dr. Dahl noted that the annotated outline has a heading for the ecosystem impacts of managing to the maximum sustainable yield (MSY). Within that heading, they could contrast managing at MSY to what things would be like in an un-fished environment (a quasi no-fishing alternative). Several Council members expressed support for that approach.

Motion 14 carried unanimously.

The Council then moved to consideration of the projection models used to evaluate the harvest specifications and management measures. In response to a question, Mr. DeVore clarified that the sablefish daily-trip-limit (DTL) models are not used for projections. They are more for inseason actions and do not need to be part of the motion to approve the models which project the impacts for the harvest specifications and management measures.

Ms. Kirchner moved and Mr. Lincoln seconded Motion 15 that the Council approve the use of the three recreational models (for California, Oregon and Washington recreational fisheries developed by the three states and used by the GMT), the nearshore and non-nearshore models (for fixed gear fisheries used by the GMT), the updated regional economic impact model (IO-PAC) (developed by NWFSC economists), and the economic data collection (EDC) model as the best available science and appropriate for use in the 2015-2016 specification process and beyond.

Ms. Kirchner stated her motion was based on Agenda Item F.7.b, Supplemental SSC Report, in which the SSC reviewed the models, noted some improvements were possible, but recognized them as the best available science that we can use.

Motion 15 carried unanimously.

Following a side discussion with staff and advisory body chairs in response to a GMT recommendation, Dr. McIsaac suggested that various advisory body members from the GAP, GMT, and SSC meet in a workshop the day before the November Council meeting. This workshop would take a look at our ecosystem modeling capabilities and how it might be integrated into the impact analysis in the draft EIS for the Council to see in March or April.

Council members and staff discussed several issues about the timing and schedule for the analysis and EIS effort to ensure timely implementation of the 2015-2016 seasons and how the

Tier 1 process would need to be melded into it to prevent problems or delays. Staff indicated they would do their best to provide a preliminary draft EIS for review in March as a check-in point. If, at that time, it appeared that the Tier 1 process would hold up the 2015 season implementation, it might be necessary to delay the Tier 1 to a later time. There is also the issue of internal review by NOAA General Counsel that may play an important role in timing. Council staff will prioritize the 2015-2016 analysis. Dr. McIsaac added that the intent is to manage the work so that a separation of the 2015-2016 analysis and Tier 1 process is unnecessary.

Council members and staff discussed additional issues with how the long-term impacts would be portrayed in the Tier 1 analysis and timing of any Groundfish Allocation Committee meetings.

Ms. Grebel moved and Mr. Brizendine seconded Motion 16 that the Council adopt the proposed schedule for developing the 2015-2016 and beyond groundfish harvest specifications and management measures process as shown in Agenda Item F.7.a, Attachment 3.

Ms. Grebel emphasized the need to prioritize the 2015-2016 process for implementation by the January 1 deadline and also receiving the necessary information at the March meeting.

Motion 16 carried unanimously.

After confirming it would cause no delay in the specifications and management process, the Council delayed consideration of changes to Council Operating Procedure (COP) 9 to the September meeting to give the GMT time to review it.

F.8 Adopt Preliminary Stock Complex Aggregations (6/23/2013; 2:03 p.m.)

F.8.a Agenda Item Overview

Mr. John DeVore presented the Agenda Item Overview, including the following attachments:

- Agenda Item F.8.a, Attachment 1: Considerations for Restructuring West Coast Groundfish Stock Complexes: Preliminary Alternatives and Analysis; and
- Agenda Item F.8.a, Supplemental Attachment 2: Figures and Tables Depicting At-Sea Hake and Recreational Fishery Catch and Effort Data for Slope Rockfish, Cartilaginous Fishes and Roundfishes.

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

Agenda Item F.8.b, ODFW Report: Oregon Department of Fish and Wildlife Report on the Oregon Commercial Sampling Program and Potential Changes to Species Complexes.

Dr. Owen Hamel presented Agenda Item F.8.b, Supplemental SSC Report.

Mr. Dan Erickson presented Agenda Item F.8.b, GMT Report: Groundfish Management Team Report on Methods and Results that May Be Used to Evaluate Alternatives for Stock Complex Reorganization; and

Agenda Item F.8.b, Supplemental GMT Report 2.

Mr. Rod Moore presented Agenda Item F.8.b, Supplemental GAP Report.

F.8.c Public Comment

None.

F.8.d Council Action: Adopt Preliminary Stock Complex Aggregations for Public Review (6/23/2013; 3:31 p.m.)

Ms. Culver commented on how the alternatives and analyses are presented in Attachment 1. She thought it would be helpful to structure the alternatives by starting broadly and then becoming more narrow to help prevent inconsistencies in the way you select species. She liked the way the GMT has structured the alternatives for the slope rockfish and other fish complexes. She agreed that they are the highest priority for reorganization. She thought the nearshore rockfish cannot be addressed at this time and we could be responsive with another conservation approach after we get the assessment results. She has heard there is a concern for vermilion rockfish that is worth looking at. While there may not be a concern for flatfish complexes, there may be a more logical way to manage the flatfish complex. She has heard that exploring these issues could happen rather quickly. She would like to go with the GMT approach for slope and other fish, and ask them to bring those other items into consideration for September.

Mr. Lockhart supported Ms. Culver's approach.

Ms. Grebel stated she was puzzled by the comments about shelf and vermilion rockfish and the suggestion for a more logical approach to the flatfish complex. She did not see that in the GMT statement. She ask if it were possible to have the GMT respond.

Mr. Niles stated that the team had not been able to look at the other fish complex and had seen a possible problem with overfishing vermilion. With more time they might be able to confirm any of the issues. The GMT is dealing with two things, the risk of catch exceeding the ABCs and OFLs, and more logical ways of grouping things. They will have more to provide in September.

Ms. Culver moved and Mr. Lincoln seconded Motion 17 that the Council replace the approach and alternatives for restructuring the slope rockfish and "other fish" complexes (in Agenda Item F.8.a, Attachment 1) with the approach as presented in Agenda Item F.8.b, Supplemental GMT Report 2; and provide guidance to the GMT to explore applying the same approach and analysis to the shelf rockfish complex; and, as a lower priority, to the "other flatfish complex," and prepare the alternatives and analyses for Council consideration at the September 2013 Council Meeting.

Ms. Culver stated that she appreciated the work of the GMT and Council staff to reach consensus on this approach and the highest priority of the other fish and slope rockfish complexes. While it was a lower priority, she thought if they had had the time, the GMT would have included the shelf rockfish and other flatfish complexes. She thought it was worth exploring the shelf rockfish complex, and that is something they should do. She believes that the other flatfish complex is something that is fairly straightforward, and if there are impacts to state samplers or fisherman from those proposed alternatives, we can consider them in September.

Ms. Kirchner moved and Mr. Feldner seconded Amendment 1 (to Motion 17) to add “for public review” after supplemental GMT Report 2 and strike out (beginning in the second sentence) “applying the same approach and analysis to the shelf rockfish complex; and, as a lower priority, the “Other flatfish complex,” and replace it (after “explore”) with “the need to reconfigure the shelf rockfish complex. If the GMT determines there is a need to develop alternatives for reconfiguring the shelf rockfish complex, apply the same approach and analysis.”

Ms. Kirchner stated that if there is a need to reconfigure the shelf rockfish complex, the GMT should address it. Rather than just going ahead and developing alternatives, she would like for them to determine if the need is there and, if so, apply the same approach as for slope rockfish. She thinks the other flatfish complex is a “nice to do,” “not a must do,” and she is concerned about workload. She thought the GAP statement had some rationale for why it is alright to wait.

Ms. Culver clarified that her motion used the four-step process referenced by the GMT and would require a determination of the need before using the same approach for shelf rockfish and, as a lower priority, other flatfish. She does not support the amendment.

Amendment 1 carried (8 yes, 6 no). Mr. Myer, Ms. Culver, Mr. Ortmann, Mr. Lincoln, Mr. Pollard, and Mr. Lockhart voted no. (Chairman Wolford voted yes)

In response to a clarifying question from Dr. McIsaac, Ms. Culver confirmed that her motion called for replacing the approach and the alternatives as the GMT had a completely different way of addressing the issue.

Motion 17, as amended, carried unanimously.

F.9. Consideration of Inseason Adjustments (6/24/2013; 8:05 a.m.)

F.9.a Agenda Item Overview

Ms. Kelly Ames presented the Agenda Item Overview.

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

Mr. Frank Lockhart presented Agenda Item F.9.b, NMFS Letter 1: Surplus Carryover Decision; Agenda Item F.9.b, NMFS Report: Lingcod Surplus Carryover Option; and Agenda Item F.9.b, NMFS Letter 2: RCA Recommendations for April 15-April 30.

Mr. Bob Leos presented Agenda Item F.9.b, Supplemental GMT Report.

Mr. Gerry Richter presented Agenda Item F.9.b, Supplemental GAP Report.

F.9.c Public Comment

Agenda Item F.9.c, Supplemental Public Comment from Bill James.

Mr. Seth Atkinson, NRDC, San Francisco, California.

Mr. Jeff Miles, Fisherman, Port Orford, Oregon.

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

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

F.9.d Council Action: Adopt Updates to 2013 Groundfish Fisheries, Including Carryover (6/24/2013; 10:08 a.m.)

Mr. Lockhart provided some clarifying comments concerning requested changes in the rockfish conservation area (RCA). He stated that in March 2013 there was an inseason request for just a shoreward movement of the RCA, and that is what the NMFS Letter 2 responds to. At the April Council meeting there was a request before the Council for both shoreward and seaward adjustments to the RCA for 2014. The Council transmittal letter (in April) referred to both seaward and shoreward changes, and that is what we are dealing with now. At the time of the request for a shoreward change for 2013, NMFS responded that it was unlikely to approve such a change and recommended the Council go through a rulemaking process for 2013 and 2014.

Ms. Kirchner made a correction to Agenda Item F.9.b, Supplemental GMT Report. Under Recommendation 1 on page 9 that speaks to limited entry shortspine thornyhead trip limits, the area notation should be “north” of 34°27', not “south.”

Ms. Grebel moved and Mr. Brizendine seconded Motion 18 to adopt the recommendations (1 through 4) of the GMT as shown in Agenda Item F.9.b, Supplemental GMT Report, with a modification of Recommendation 1. Those recommendations now read:

1. Increase the limited entry shortspine thornyhead trip limit north of 34°27' N. latitude from 2,000 lb/2 months to 2,500 lb/2 months for periods 4, 5, and 6.
2. Increase the limited entry shelf rockfish trip limit south of 34° 27' N. latitude from “3,000 lb/2 months” to 4,000 lb/2 months as soon as possible, through the end of the year.
3. Increase the limited entry fixed gear trip limits for bocaccio south of 34°27' N. latitude from “300 lb/2 months” to 500 lb/2 months as soon as possible, through the end of the year.
4. Increase the open access fixed gear trip limits for bocaccio south of 34°27' N. latitude from “100 lb/2 months” to 200 lb/2 months as soon as possible, through the end of the year.

Ms. Grebel stated that the GAP and GMT statements have lined out some clear rationale for the increased trip limits in her motion. She noted in particular that the change in the shelf rockfish trip limits in #2 would allow us to maintain the trip limits that we had intended to have earlier that were not incorporated in the specifications. The change in the bocaccio trip limits will help reduce discard and take advantage of some very strong year classes. For the shortspine thornyheads, the increase is allowable and we can always reduce it later if needed.

Ms. Ames and Council members clarified that when new trip limits are adopted, they remain in place in the periods for which they have been adopted until they are modified. For example, if these trip limits are adopted, they will also be in effect in 2014 for the same periods, unless they are modified. The trip limits that were in place for period 1 in January 2013 will be in place on January 1 for 2014.

Ms. Kirchner moved and Mr. Feldner seconded Amendment 1 to Motion 18 to add “adopt Alternative 1 in Table 7 for limited entry and open access sablefish daily-trip-limit fisheries north of 36° with a 300 lb daily trip limit for the open access fishery.”

Ms. Kirchner stated that this alternative has a projected attainment of 94 percent for both limited entry and open access. We heard public testimony and saw in the GAP statement that with the sablefish market in its current condition, combined with the potential for other good opportunities, that there may not be the effort in this fishery that we have seen in the past. She noted that we will have other opportunities to slow this fishery down, if needed. She is comfortable with the change at this point and we can make adjustments in September.

Amendment 1 carried unanimously. Motion 18, as amended, carried unanimously.

Ms. Culver opened the discussion of surplus carryover and a method for carrying over lingcod. She noted that Council inseason action in March, confirmed in April, recommended issuing the maximum amount of carryover for all species except Pacific whiting. The Council did not focus on lingcod and the shift in the management line. She thinks it is valid that NMFS propose an adjustment for lingcod. However, she thinks that the Council should have an opportunity to be part of the decision relative to the level of risk that’s acceptable for petrale. She believes the risk for 2013 of exceeding the OY attainment, with or without carryover moving from 96.7 percent up to 97.5 percent, is an acceptable level of risk. She understands that NMFS has a separate policy in looking at the attainment in the previous year. The IFQ attainment, listed at 103 percent in the NMFS letter, would indicate about a 3 mt overage on a sector-wide basis. However, on an individual basis, there would be about 20 mt available for carryover. Given the increase in the petrale ACL and that 20 mt is not a significantly high number, the Council should be able to have a discussion on the analysis and our acceptable level of risk. It appears the GMT did not have time to discuss this or provide any recommendations. The guidance from the SSC is that the rebuilding projections are based on an average catch, and that small overages will not change the expected rebuilding times. She would view a 3 mt sector overage as being relatively small and should not affect the rebuilding time for petrale. She would request that the GMT look into this further and give us information on where the overage came from and the amount of carryover that could be expected. If NMFS were to issue carryover based on a Council decision at the September meeting, she would like to hear from the GAP if they would be able to access and use the carryover for the remainder of the year.

Ms. Culver moved and Mr. Lincoln seconded Motion 19 to ask the GMT to analyze the risk associated with issuing petrale carryover in 2013 and receive comments from the GAP & GMT on the issuance of carryover, and that they report back to the Council at the September Council meeting.

Motion 19 carried unanimously.

Ms. Kirchner moved and Ms. Lowman seconded Motion 20 that the Council recommend NMFS move forward with the methodology contained in Agenda Item F.9.b, NMFS Report, for lingcod surplus carryover.

Ms. Kirchner stated that the GAP and GMT reviewed the methodology in the NMFS Report and did not have any issues with it. Therefore, she would like to see NMFS move forward with this.

Motion 20 carried unanimously.

Ms. Culver opened the discussion concerning the trawl RCA adjustments. She noted that it was a bit confusing as to what the Council action was in March and April, and appreciated Mr. Lockhart's earlier explanation. In reviewing the information that was prepared and submitted to the Council in March and April, she didn't see anything regarding a seaward boundary adjustment, only the shoreward adjustment. She would like an opportunity to review the NMFS analysis of the seaward boundary adjustment. Given the potential timing of the proposed adjustment, it would seem workable to review such an analysis in September.

Ms. Culver moved and Mr. Lincoln seconded Motion 21 for the Council to review the analysis prepared by NMFS relative to the seaward RCA boundary adjustment at the September 2013 meeting, and to make final Council recommendations to NMFS on that boundary change in September.

Ms. Culver stated that she was not opposed to the seaward boundary adjustment. However, she would like Council and advisory body review of the analysis to see what the impacts were before communicating that as the Council's final decision.

Mr. Lockhart clarified that NMFS plans to complete an EA that would include an analysis of the seaward boundary proposal. This effort can be completed in time for the September meeting and is compatible with this motion. It would not jeopardize the timing of the action for period 6. If the motion fails, NMFS would go forward with the EA and it is still likely that the Council could comment on the rule. This motion helps to focus the EA on the seaward boundary issue; however, even without the motion, the EA would cover an alternative for no change to the seaward boundary.

Motion 21 carried unanimously.

G. Habitat

G.1 Current Habitat Issues (6/22/2013; 8:41 a.m.)

G.1.a Agenda Item Overview

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

- Agenda Item G.1.a, Supplemental Attachment 1: Draft letter to the Northwest Power and Conservation Council;
- Agenda Item G.1.a, Attachment 2: Final Letter to the Department of the Interior;
- Agenda item G.1.a, Attachment 3: Bureau of Ocean Energy Management Request for Information;

- Agenda Item G.1.a, Supplemental Attachment 4: Letter from the BOR in Response to PFMC's April 24, 2013 Letter Recommending the DOI provide Supplementary Flows to Prevent a Fish Die-Off in the Lower Klamath River; and
- Agenda Item G.1.a, Supplemental Attachment 5: Oregon's Comments Regarding Researching the Environmental Effects of Offshore Wind at the First U.S. Facilities.

G.1.b Report of the Habitat Committee

Ms. Gilden presented Agenda Item G.1.b, Supplemental HC Report.

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

Ms. Susan Chambers presented Agenda Item G.1.c, Supplemental GAP Report.

G.1.d Public Comments

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

G.1.e Council Action: Consider Habitat Committee Recommendations (6/22/2013; 9:45 a.m.)

Mr. Steve Williams stated that Council participation in the Fish and Wildlife Plan of the Northwest Power and Conservation Council (NPCC) is important, given the potential impacts on the salmon resource. ODFW believes the HC letter is well-drafted and supports transmittal of the letter. Other Council members agreed.

Mr. Steve Williams moved and Mr. Feldner seconded Motion 9 for the Council to forward the letter to NPCC as shown in Agenda Item G.1.a, Attachment 1.

Motion 9 carried unanimously.

Mr. Myer opened a discussion on the offshore wind energy proposals identified in the HC and GAP statements, and by Mr. Bodnar under public comment. Mr. Myer supports getting a representative of the fishing industry and the Council on the wind energy task force established by the Bureau of Ocean Energy. The whiting industry and co-ops could map out the landings that have come from the areas for the proposed wind sites and come back with that information to the Council.

Ms. Culver provided comments on Washington's effort and perspective with regard to marine spatial planning (MSP) for wind energy developments. She reported that there is a Washington Governor's task group with fishery and other stakeholder input that meets five or six times a year to provide advice on the proposed projects. Mr. Feldner reported that Oregon has a similar effort. Mr. Steve Williams provide additional information for Oregon. Mr. Farrell reported similar information for California.

Mr. Sones expressed concern about ensuring that we look at the whole impact of the proposed projects to our ecosystem.

Council members expressed a need for more time to consider if and how a Council representative would interact with the ocean energy planning and agreed that it would likely come at a regional planning body level. They concurred in having the HC draft a letter, for review at the September meeting, to the Bureau of Ocean Energy Management (BOEM) responding to their request for information on the environmental effect of offshore wind energy development.

Mr. Pollard asked for follow-up on Mr. Myer's offer for landing information from the whiting fishery. He thought that such information might be included in the draft HC letter. Mr. Myer responded that he thought the information could be available for public comment under the HC agenda item for next September.

Ms. Culver advised the Council that Mr. Bill Tweit was prepared to brief the HC on the Columbia River Treaty issues at the September HC meeting. He would try to coordinate with ODFW to add a staff member from Oregon to that briefing as well. Mr. Williams agreed.

Mr. Roth noted the rather quick and positive response of the Bureau of Reclamation to the Council's letter requesting actions be taken to ensure adequate flow to protect Klamath River fall Chinook.

H. Ecosystem Based Management

H.1 Update List of Fisheries (6/24/2013; 11:19 a.m.)

H.1.a Agenda Item Overview

Ms. Jennifer Gilden presented the Agenda Item Overview.

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

Ms. Yvonne DeReynier presented Agenda Item H.1.b, Supplemental EPDT Report, Agenda Item H.1.b, Supplemental EPDT Report 2 (with corrections) and Agenda Item H.1.b, Supplemental EPDT PowerPoint.

Ms. Jennifer Gilden read Agenda Item H.1.b, Supplemental EAS Report, into the record.

Ms. Heather Reed presented a verbal summary of the discussion from the GMT.

Ms. Susan Chambers presented Agenda Item H.1.b, Supplemental GAP Report.

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

Ms. Sarah McTee presented Agenda Item H.1.b, Supplemental CPSAS Report.

H.1.c Public Comment

Agenda Item H.1.c, Public Comment.

Agenda Item H.1.c, Supplemental Public Comment 2 (Includes Signatories to PEW Petition).

Agenda Item H.1.c, Supplemental Public Comment 3: Email with attachments from Mr. Steve Marx, Pew Charitable Trusts.

Mr. Casson Trenor, Tatari Sushi Bar, San Francisco, California.

Mr. Bob Kurz, International Game Fish Association, Laguna Niguel, California.

Mr. Jin Yang, Bamboo Sushi, Portland, Oregon.

Mr. Steve Marx, Pew Charitable Trust, Portland, Oregon.

Mr. Norman Ritchie, Association of Northwest Steelheaders, Portland, Oregon.
Ms. Anna Weinstein, National Audubon Society, San Francisco, California.
Mr. Victor Leipzig, Sea & Sage - National Audubon Society, Huntington Beach, California.
Mr. Ben Enticknap, Oceana, Portland, Oregon.

H.1.d Council Action: Adopt Updates to the List of Fisheries (6/24/2013; 1:50 p.m.)

Mr. Williams moved and Mr. Feldner seconded Motion 22 that the Council adopt, for public review, the Federal List of Authorized West Coast Exclusive Economic Zone (EEZ) Fisheries and Gear as shown in Table 2 [corrected] in Agenda Item H.1.b, Supplemental EPDT Report 2, and task the Ecosystem Plan Development Team (EPDT) to consider the recommendations in Agenda Item H.1.b, Supplemental CPSAS Report, as well as incorporate the following changes as soon as possible:

- 7D – Correct misspelling of “crab loop;”
- 8B – No area delineation;
- 8C – Change category to “Commercial Pink Shrimp...;” and
- 8 – Add a new category indicating coonstripe shrimp is allowed in Oregon using pot/trap gear only.

Mr. Williams noted that the testimony today was mostly in support of moving forward with this list. This is an important first step. With the differences in the states’ approaches, it may not be perfect in describing existing fisheries, but with the minor corrections in the motion for Oregon, the list reflects the fisheries as close as possible. It ensures that any new fisheries would have to be addressed by the Council. The added corrections are mostly specific to the shrimp fisheries in Oregon. With these corrections, the list is reflective of the current fisheries in Oregon. His intent is that the EPDT would address the motion as soon as possible so that the public could review the modified list prior to the September meeting.

Mr. Bonham expressed concurrence with the motion. However, he also felt it was important to be as specific as possible before public review, and intended to offer an amendment by adding three specific California clarifications.

Mr. Bonham moved and Mr. Brizendine seconded Amendment 1 (to Motion 22) to include the following:

- Line 8 - Keep pot/trap on list;
- Line 15 – for white seabass and California halibut commercial fisheries – have the EPDT revisit this section (and subsections) to better distinguish and identify the individual fisheries; and
- Add lobster and rock crab pot/trap fishery category to the list (covers fishing activity in Cortez Bank).

Mr. Crabbe moved and Mr. Bonham seconded Amendment 1a to edit Amendment 1 to read “Line 8D.”

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

Ms. Culver moved and Mr. Lincoln seconded Amendment 2 (to Motion 22) that under item 3 of the CPS fisheries, add a category “B” for recreational; and the recreational authorized gear types listed under 18B would be copied and pasted under item 3B; and revise item 18A for commercial to apply south of 46°15’ N. latitude (Columbia River).

Ms. Culver stated that her proposal under item 3 is for clarity. The CPS FMP does not authorize specific gears, that is done by the states. The gears that are authorized by the states are listed under 18B. By copying them to 3B, it provides clarity that there are recreational fisheries for CPS species. With regard to the commercial fishery, as noted in the EPDT Report, there is a difference in management approach among the three states as to how fisheries are authorized or prohibited. Her motion would make it explicit that those commercial gears would be authorized off of Oregon and California, but not off Washington, consistent with state regulations.

Mr. Williams ask for clarification. He was under the impression that the latitude listings were specific as to where fish caught with an authorized gear could be landed, not as to where fishing might occur with the authorized gear. Ms. Culver’s understanding was that the table laid out the latitudes in which the gear was authorized for fishing.

Mr. Feder responded that this is a list of fishing allowed in the EEZ and is not attributed to landings.

Amendment 2 to Motion 22 carried unanimously. Motion 22, as amended, carried unanimously.

Mr. Lockhart urged the EPDT to look at some of the questions raised by the public, especially in regard to impacts on neon flying squid.

I. Coastal Pelagic Species Management

I.1 National Marine Fisheries Report (6/24/2013; 3:31 p.m.)

I.1.a Agenda Item Overview

Mr. Kerry Griffin presented the Agenda Item Overview.

I.1.b Regulatory Activities

Mr. Mark Helvey presented Agenda Item I.1.b, Supplemental NMFS Report: Northern Anchovy MSY Letter.

I.1.c Fisheries Science Center Activities

Mr. Russ Vetter presented Agenda Item I.1.c, Supplemental Fisheries Science Center PowerPoint (Vetter).

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

Ms. Lorna Wargo presented Agenda Item I.1.d, Supplemental CPSMT Report.

Mr. Mike Okoniewski presented Agenda Item I.1.d, Supplemental CPSAS Report.

I.1.e Public Comment

Mr. Ben Enticknap, Oceana, Portland, Oregon; presented Agenda Item I.1.e, Supplemental Public Comment PowerPoint (Oceana).

I.1.f Council Discussion

None.

I.2 Pacific Mackerel Management Status and Management Measures (6/24/2013; 4:08 p.m.)

I.2.a Agenda Item Overview

Mr. Kerry Griffin presented the Agenda Item Overview.

I.2.b Pacific Mackerel Biomass Projection

Mr. Kevin Hill presented Agenda item I.2.b, Supplemental SWFSC PowerPoint which included references to Agenda Item I.2.b, Attachment1: 2011 Pacific Mackerel Assessment and Agenda Item I.2.b, Attachment 2: Pacific Mackerel Biomass Projection Estimate.

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

Dr. Owen Hamel presented Agenda Item I.2.c, Supplemental SSC Report.
Dr. Bob Emmett presented Agenda Item I.2.c, Supplemental CPSMT Report.
Ms. Diane Pleschner-Steele presented Agenda Item I.2.c, Supplemental CPSAS Report.

I.2.d Public Comment

Dr. Geoff Shester, Oceana, Monterey, California.
Ms. Diana Pleschner-Steele, California Wetfish Producers Association, Buellton, California.

I.2.e Council Action: Adopt Change in Management Status and Management Measures for Pacific Mackerel (6/24/2013; 5:06 p.m.)

Ms. Culver and others had some questions with regard to the need to change the management category for Pacific mackerel (an actively managed species) and the procedure for changing the assessment schedule. Mr. Griffin clarified that the FMP categorizes the management for species as active, monitored, ecosystem component, and prohibited harvest. Those species categorized under active and monitored management are both in the fishery, though the active category requires more intensive management with more regular assessments. You could leave a species in the active category and use a COP or TOR to lay out a different sort of assessment strategy. However, it might not address the underlying reason for the categories, which is to address workload issues of the agency and staff, and also conservation concerns (section 1.3 of the FMP). If you didn't change the category of management from active to monitored status, you would still have to go through an annual management process. While that might not be a major burden, it isn't an insignificant use of time. There would be a workload in the near term to complete the regulatory requirements of the change in categories, but it would save work in the long term. If the status of Pacific mackerel changed, it could be moved back into the active category in a one or two-meeting process under the FMP framework flexibility.

Ms. Culver moved and Mr. Crabbe seconded Motion 23 that the Council revise the TOR such that Pacific mackerel would be assessed in 2015 and then every 4 years thereafter; and that a catch-only projection estimate be used for the off-science years, unless there is an indication that we need a more recent assessment for management.

Ms. Culver stated that her motion would be the most efficient way to achieve the common goal that everyone seems to have. This action would ensure that we would keep our science coming in on a regular basis and that we have something for the off-science years. She hopes the SSC could approve the catch-only projection model, and then it would be a very routine item each year. If we were to change the status, we may get requests to change the status back on a hunch that a boom may be coming. It would be difficult in the off-science years to determine a harvest target to use in the absence of an assessment. We could be criticized by industry that the target was too low and likewise by the conservation component that the target was too high.

Ms. Grebel moved and Mr. Brizendine seconded Motion 24 (substitute for Motion 23) that the Council move Pacific Mackerel from active to monitored status for the 2014-2015 season; that the Stock Assessment Team not do a full stock assessment in the spring of 2014 as scheduled; and that the Council request that the CPSMT consider options for setting HCR levels for the monitored stock and report back to the Council at a future meeting.

Ms. Grebel stated that her reason for moving the stock from active to monitored status was her concern for the workload burden of rather intensive management for a stock that did not need such, and that the effort could be transferred to other stocks that need to be assessed. She chose 2014-2015 because if it went to monitored at this time, there aren't any harvest control rules in place and she wanted the CPSMT to have time to work on those and bring them back to the Council at a later date. Changing management categories is a flexible process that doesn't require a plan amendment and could be fairly easy to change later. She is really concerned about the workload and expending effort to assess a stock that isn't being harvested, rather than using that effort on other stocks that do need to be assessed.

Ms. Culver referenced a conversation with the WDFW CPSMT representative which gave her the impression that the CPSMT had not been aware of the option of using changes in the TOR and COP to achieve the same end as the regulatory change from active to monitored status. She has a couple of concerns with the substitute motion. One is that it says to not do the assessment in 2014 as scheduled, and doesn't say that it would ever be assessed again. By moving it to a monitored status, it wouldn't necessarily be on the same assessment schedule. In addition, she is concerned with the request for the CPSMT to come up with HCR levels, in that a HCR is going to be something of a constant catch scenario for a few years and we will not have had any stock assessment data to help set the appropriate level. That will make the choice of harvest levels difficult and controversial.

Mr. Crabbe shared Ms. Grebel's concern for workload. However, he thought that using the TOR to relieve workload is a good option. He noted that the monitored category works for anchovies in which there are large fluctuations in abundance, but the market demand is low. Mackerel is different. For mackerel there is a demand and world market. To be able to respond quickly to a

large change in abundance is important to the fleet. That is why he supports leaving mackerel as an actively managed species and would oppose the substitute motion.

Ms. Grebel stated that she did not believe the original motion would reduce the workload. The CPSMT and Council would still have to go through the annual process of setting harvest specifications and management measures. Also, the original motion did not give the SWFSC or CPSMT any flexibility to assess the other stocks that have not been previously assessed or assessed as often. She also noted that her information indicated the CPSMT had discussed using the COP and TOR to achieve the management change, and chose to go with the regulatory change to monitored status.

Substitute Motion 24 failed, 8 no, 5 yes. Mr. Ortmann, Mr. Feldner, Mr. Helvey, Mr. Crabbe, Mr. Lincoln, Mr. Myer, Ms. Culver and Mr. Wolford voted no.

In response to questions, Mr. Griffin confirmed that the assessment schedule is addressed in both the COP and TOR.

Mr. Helvey moved and Ms. Culver seconded Amendment 1 to Motion 23 to add to the end of the original motion: “The Council will set two annual specifications every two years based on the most recent stock assessments.”

Mr. Helvey stated that this action is in the interest of saving some workload. The harvest guidelines for the last several years seem to be fairly steady and allow for some projection. In that context, we have a full assessment every four years and you can break up your specifications within that timeframe. He confirmed that the specifications would be set on a biennial basis.

Amendment 1 carried unanimously.

Mr. Wolford moved and Mr. Crabbe seconded Amendment 2 to strike “TOR” and replace it with “COP and TORs”.

Mr. Wolford stated that his purpose was to make the motion clear as to what would need to be revised.

Amendment 2 carried unanimously.

Ms. Culver confirmed that under the amended motion there would be a full assessment every four years and a catch projection every two years.

Motion 23, as amended, carried unanimously.

Ms. Grebel moved and Mr. Crabbe seconded Motion 25 that, for 2013-2014, the Council adopt the following specifications outlined in Table 1 of Agenda Item I.2.c, Supplemental CPSMT Report:

- OFL of 57,316 mt;
- P* value of 0.45;

- ABC/ACL equal to 52,358 mt; and
- ACT of 39,269 mt.

In addition, adopt an incidental set-aside of 13,089 mt, with the provision in April 2014 that the Council can consider the possibility of re-allocating some of the incidental set-aside to the directed fishery. In the event the directed fishery closes, any remaining incidental catch may be used as follows:

- a. A 45 percent incidental catch is allowed when Pacific mackerel are landed with other coastal pelagic species; and
- b. Up to 1 mt of Pacific mackerel could be landed without landing any other CPS.

Ms. Grebel confirmed that the set-aside value in the motion (13,089 mt) was correct and that there had been an error in the CPSMT statement. Her approach in this motion is essentially status quo and consistent with Council actions in 2011 and 2012. It captures the recommendations in the CPSMT and CPSAS reports, and takes into account the SSC recommendation of a higher sigma value based on greater uncertainty. She also confirmed that this motion is just for the upcoming annual period from July 1, 2013 through June 30, 2014.

Motion 25 carried unanimously.

I.3 Sardine Fishery Start Date and Management Schedule (6/25/2013; 8:13 a.m.)

I.3.a Agenda Item Overview

Mr. Kerry Griffin presented the Agenda Item Overview.

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

Ms. Lorna Wargo presented Agenda Item I.3.b, CPSMT Report and Agenda Item I.3.b, Supplemental CPSMT Report 2.

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

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

I.3.c Public Comment

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

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

I.3.d Council Action: Adopt Changes to Sardine Fishery Start Date for 2014 and Annual Management Schedule

Mr. Steve Williams moved and Ms. Culver seconded Motion 26 that the Council adopt the fishing year start date of July 1 for the Pacific sardine fishery, consistent with the approach in Agenda Item I.3.b, Supplemental SSC Report (June 2013).

Mr. Williams stated that there is consistent consensus among our advisors that changing to the July 1 start date is the appropriate approach, and it is bolstered by the fact that the major reason for the change is to improve the science that is available to us to help make the biomass decision.

Motion 26 carried unanimously.

Dr. McIsaac noted that the SSC request for information from some different groups can be handled under Agenda Item C.7, as it has some meeting planning implications.

I.4 Adjustments to Sardine Harvest Parameters (6/25/2013; 8:44 a.m.)

I.4.a Agenda Item Overview

Mr. Kerry Griffin presented the Agenda Item Overview. He noted that in just the past few days an error has been discovered with regard to the data used for the temperature recruit relationship from the California Cooperative Oceanic Fisheries Investigations (CalCOFI) temperature index. The index may be fine, but the error might have come as a result of the way the data was extracted from the data base. The SSC was not aware of this error when they completed their report. However, the CPSMT and CPSAS were.

Due to the problem with the data, Ms. Culver indicated her preference would be to not follow through with the advisory body reports on this agenda item and just focus on Council guidance to the scientists for what we wish to see in the next iteration for additional model runs and analysis.

Mr. Wolford said he would be interested in hearing the reports and getting information about the data that went into them. It would be hard to give guidance without hearing the reports.

After further discussion, the Council agreed to postpone action on this agenda item. They agreed to hear from Mr. Hurtado to get insight into the issues and to provide guidance for the next time this is on the agenda. They also agreed to take public comment. However, the advisory body reports would not be presented and would not be made part of the meeting record.

I.4.b Analyses Related to Sardine Harvest Parameters

Mr. Felipe Hurtado-Ferro presented Agenda Item I.4.b, Revised Analyses Related to Pacific Sardine Harvest Parameters.

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

Ms. Kristen Koch presented Agenda Item I.4.c, Supplemental SWFSC Report. [Council determined that the advisory body reports would need correction based on the CalCOFI update and would not be presented or included in the meeting record.]

I.4.d Public Comment

Agenda Item I.4.c, Public Comment.

Agenda Item I.4.c, Supplemental Public Comment 3: Letter from Ryan Kapp.

Agenda Item I.4.c, Supplemental Public Comment 4: Letter from Diane Pleschner-Steele, California Wetfish Producers Association.

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

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

Ms. Anna Weinstein, Audubon California, San Francisco, California; presented Agenda Item I.4.c, Supplemental Public Comment 2: Letter from Anna Weinstein, Audubon California.

Dr. Geoff Shester, Oceana, Monterey, California; presented Agenda Item I.4.d, Supplemental Public Comment PowerPoint (Oceana).

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

I.4.e Council Action: Adopt Harvest Parameter Changes for Pacific Sardine

Dr. McIsaac provided some comments regarding the rescheduling of action on this agenda item. He noted that September was likely too soon. The next time CPS is scheduled for a Council meeting is the November meeting. With regards to the CalCOFI information, now is the time to identify what you would like for further analysis before making a decision. It appears that this will result in a major policy decision, including an economic analysis, impacts from reductions in the fishery, and a variety of things. With regards to the part that is not related to the temperature issue, the Council heard some public testimony on tri-national management efforts that would be eligible for discussion and guidance.

Mr. Wolford stated that, given the magnitude of this issue, he would certainly like to see some impact and economic analysis before further Council action. He would also like to see some risk assessments about whatever comes forward. For instance, if we wanted to maintain the same degree of risk, what would the limitations be on parameters; and, if we wanted to change the risk, then what might that be? He would like to postpone action on both of the issues in this agenda item rather than taking action on one part today.

Ms. Culver thought that the only thing we were considering was the change in the sea surface temperature index, which was a scientific issue. She did not think that would require an economic analysis or risk assessment.

Mr. Wolford said he thought that at first as well. However, he noticed that not only did the data source change, but that seemed to have implications on the curve between the temperature and the SPR. If we change that curve, then we are changing more than just the data source. If we are changing the relationship between the temperature and SPR, then that could bring the 5 to 15 percent harvest rate into question and make changes in the impact on the fishing fleet. An economic analysis and risk assessment would help us understand the implications of the change.

Ms. Culver responded that the change to the index was one of using the best science to estimate what was really going on with the resource. She did not see that the economic impacts would come into play. Based on Mr. Hurtado's presentation and public testimony, she thinks that the distribution is something we should look at. It appears the model is highly sensitive to Canadian and Mexican catches, but not so much so to selectivity, natural mortality, and other natural parameter changes in the model. For the November meeting, she would support looking at the distribution and a tri-national approach to management.

Mr. Crabbe responded that, in addition to the change to the sea surface temperature index, the model was also updated which caused the change in the curve for SPR. He believes this updating gives us a reason to consider the socio-economic impacts of the change. He agrees with regard to the need for international management and would support a letter from the Council to the State Department to encourage a relationship among the three nations.

Mr. Lincoln suggested that at some point the Council may want to look at some of its HCRs to provide a better balance between conservation and fishing benefits. This should play a part in deciding what and when the Council next wants to consider these issues.

Mr. Williams agreed that the issues of distribution and international management should be looked at. He understood Ms. Culver's point about making a scientific decision and would support looking at the science. However, he believes it is important for the Council to always look at and know the ramifications of any decisions it makes for changes with regard to the economic impacts.

Following up on Mr. Crabbe's recommendation for a letter to the State Department, Mr. Helvey suggested the letter should include the new Director of International Affairs for NMFS, Mr. Rod McInnis, to help carry weight on this. The Council concurred in sending a letter and including Mr. McInnis.

Mr. Griffin asked for clarity on the information that the Council would like for the November Council Meeting. He understood that there would be a revised report based on the correct temperature data and wondered about what further information might be desired on distribution and economic impacts.

Dr. McIsaac noted that there would be some analysis for the Council to look at in November, at least enough to determine if the model changes are just a scientific question or if there are policy implications to be considered.

ADJOURN

The Council adjourned June 25, 2013 at 2:09 p.m.



November 6, 2013

Dorothy Lowman
Council Chair

Date