

MINUTES
222nd Session of the
Pacific Fishery Management Council
March 8-13, 2014
 Doubletree Hotel Sacramento
 2001 Point West Way, Sacramento, CA 95815

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A. Call to Order (March 8, 2014; 8:49 a.m.)

A.1 Opening Remarks

Ms. Dorothy Lowman, Council Chair, called the 222nd meeting of the Pacific Fishery Management Council (Council) to order at 8:49 a.m. on Saturday, March 8, 2014. The open session was preceded by a closed session to discuss litigation and personnel matters.

A.2 Roll Call

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

Mr. Phil Anderson (State of Washington Official)
Mr. William L. "Buzz" Brizendine (At-Large)
Mr. Troy Buell (State of Oregon Official, designee)
LCDR Gregg Casad (U.S. Coast Guard, non-voting designee)
Mr. David Crabbe (California Obligatory)
Mr. Jeff Feldner (At-Large)
Dr. Dave Hanson, Parliamentarian (Pacific States Marine Fisheries Commission, non-voting designee)
Mr. Rich Lincoln (Washington Obligatory)
Ms. Dorothy Lowman, Chair (Oregon Obligatory)
Mr. Dale Myer (At-Large)
Mr. David Ortmann (State of Idaho Official, designee)
Mr. Herb Pollard, Vice Chair (Idaho Obligatory)
Mr. Tim Roth (U.S. Fish and Wildlife Service (USFWS), non-voting designee)
Mr. David Sones (Tribal Obligatory)
Mr. Bob Turner (NMFS, West Coast Region, designee),
Mr. Gordon Williams (State of Alaska Official, non-voting designee)
Mr. Dan Wolford (At-Large)
Ms. Marci Yaremko (State of California Official, designee).

During the week the following people were present in their designated seats for portions of the meeting: Mr. Bob Farrell (State of California Official, designee); Ms. Joanna Grebel (State of California Official, designee); Ms. Michele Culver (State of Washington Official, designee); Mr. Kyle Adicks (State of Washington Official, designee); Mr. Frank Lockhart (NMFS, West Coast Region, designee); Mr. Mark Helvey NMFS, West Coast Region, designee); Ms. Gway Kirchner (State of Oregon Official, designee); and Mr. Dave Hogan (U.S. State Department, non-voting, designee).

A.3 Executive Director's Report

Dr. Donald McIsaac reported on the following informational reports:

- Informational Report 1: Report on the Status of National Standard 2 Implementation (Northwest and Southwest Fisheries Science Centers, February 12, 2014);

- Informational Report 2: Bevan Series on Sustainable Fisheries, Free Public Symposium on Magnuson-Stevens Act; April 24-25, 2014; University of Washington. [Dr. McIsaac noted the symposium presenters included Congressman Doc Hastings, and Senator Mark Begich, and is focused on reauthorization issues for our geographic area.];
- Supplemental Informational Report 3: Request for Report Sent Out to Regional Councils “*Marine Cage Culture and the Environment: Twenty-first Century Science Informing a Sustainable Industry;*”
- Supplemental Informational Report 4: NOAA Fisheries: Regional Recreational Fisheries Action Agenda (2014-2015). [Dr. McIsaac noted the specific matters for the West Coast action agenda for recreational fishing activities.];
- Supplemental Informational Report 5: Council Coordination Committee Meeting Agenda for February 2014. [Dr. McIsaac noted Ms. Eileen Sobeck, Assistant Administrator for Fisheries, provided some remarks at the opening of the meeting and the reauthorization of the Magnuson-Stevens Act was a key agenda item.]; and
- Supplemental Informational Report 6: Letter to Eileen Sobeck from the Council Coordination Committee for Reconsideration of 2014 Funding Allocation.

Ms. Lowman reported on the National Electronic Monitoring Workshop held in January 2014 and noted the website which is available for more information (<http://www.eminformation.com>).

Dr. Cisco Werner and Dr. John Stein presented Informational Report 1: Status of National Standard 2 Working Group. [National Standard 2 concerns using the best scientific information available in Council decisions.] The presentation included discussion of the work of the National Standard 2 working group to document compliance by NMFS and the councils with the rule implementing National Standard 2 and actions to be completed by the NMFS working group and our Council by June 2014 (Agenda Item A.3, Supplemental NOAA Fisheries PowerPoint: Status of National Standard 2 Working Group).

In response to a question, Dr. McIsaac noted the Council Coordination Committee (CCC) had recommended the use of a joint Endangered Species Act (ESA) committee be adopted as a process throughout the country.

A.4 Agenda

A.4.a Council Action: Approve Agenda

Mr. Crabbe moved and Mr. Pollard seconded Motion 1 to adopt Agenda Item A.4: Proposed Council Meeting Agenda, March 2014. Motion1 carried unanimously.

B. Open Comments

B.1 Comments on Non-Agenda Items (3/8/2014 9:18 a.m.)

B.1.a Advisory Bodies and Management Entity Comments

None.

B.1.b Public Comment

Mr. Steve Bodnar, Executive Director, Coos Bay Trawlers Association, commented on the development of the outer continental shelf and the wind turbine in the Coos Bay area.

Mr. Ralph Brown, trawl fisherman, Brookings, Oregon, commented on the market for fisherman.

B.1.c Council Discussion and Comments as Appropriate

None.

C. Ecosystem-Based Management

C.1 California Current Ecosystem Report including Integrated Ecosystem Assessment (3/8/2014; 9:35 a.m.)

C.1.a Agenda Item Overview

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

- Agenda Item C.1.a, Attachment 1: Annual State of the California Current Ecosystem Report;
- Agenda Item C.1.a, Attachment 2: Annual State of the California Current Ecosystem Report Supplement (electronic only);
- Agenda Item C.1.a, Attachment 3: Integrated Ecosystem Assessment Summary Report; and
- Agenda Item C.1.a, Attachment 4: *California Current Integrated Ecosystem Assessment Report*. (Available only on the web at: www.noaa.gov/iea/CCIEA-Report/index.html).

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

Dr. Brian Wells and Dr. Chris Harvey presented Agenda Item C.1.a, Supplemental Science Center PowerPoint (IEA).

Dr. Cisco Werner and Dr. John Stein presented Agenda Item C.1.b, Supplemental Science Center PowerPoint (CCIEA).

Dr. Owen Hamel presented Agenda Item C.1.b, Supplemental SSC Report.

Mr. Mike Burner presented Agenda item C.1.b, Supplemental GMT Report.

Mr. Shems Jud presented Agenda Item C.1.b, Supplemental GAP Report.

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

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

C.1.c Public Comment

Dr. Geoff Shester, Oceana, Monterey, California.

Mr. Ken Hinman and Ms. Teresa Labriola, Wild Oceans, Waterford, Virginia.

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

Mr. Ralph Brown, trawl fisherman, Brookings, Oregon.

C.1.d Council Discussion

Mr. Lockhart expressed interest in starting to look at the ecological information in terms of discovering how it is impacting the fisheries, both from human and environmental standpoints. He is interested in how environmental anomalies, both good and bad, could be used as indicators to predict resulting good or poor years for the resource. This is a good start, but we are in an iterative process which will require us to come back and adjust things and explore the usability of the report information. He thought we may want to hire some outside expertise to assist in this. This tool is not just for us, but can be used by the fishermen as well.

Mr. Crabbe recommended we try to time these reports so the coastal pelagic species (CPS) team and advisors can be involved.

Ms. Culver agreed with the comments have been made and followed up on some specific things expressed in the Scientific and Statistical Committee (SSC) Report. The general Council guidance of limiting the report to about 20 pages was not nearly as important as having a report is useful for management. She was supportive of the SSC recommendations to look at sea birds and marine mammals other than sea lions, and establishing a structured process whereby the SSC Ecosystem Subcommittee could interact with the Integrated Ecosystem Assessment (IEA) Team on a regular basis. She would not support dropping the forage fish abundance. If there is a way they could explore other surveys may provide a better reflection of abundance for the Council's use, she would support that. The caveats on how to interpret the data were clear and useful, as was the recommendation to remove vessels from the well-being data that fish in Alaska. She would not want to see those vessels that fish both in Alaska and on the West Coast excluded from the reports.

Mr. Lockhart noted the comment concerning safety issues by the U.S. Coast Guard (USCG) representative and reported there was interest at the headquarters level of NMFS to look at the safety issue and National Standard 10. He offered to talk with the USCG and the science centers to see if we could explore a way to have safety concerns provided in a more explicit manner in the report next year.

Mr. Pollard expressed appreciation for the positive approach by everyone involved in this process and in moving this effort forward. Mr. Roth agreed and also expressed a desire to see further collaboration of the Council with the IEA Team, especially in developing reference points for forage indicator species.

D. Groundfish Management

D.1 NMFS Report (3/8/2014; 1:04 p.m.)

D.1.a Agenda Item Overview

Ms. Kelly Ames presented the Agenda Item Overview.

D.1.b Regulatory Activities

Mr. Lockhart noted the cost recovery program was implemented in mid-January and the Council might wish to have more information on the program at a future meeting. He introduced and commented on the following reports:

- Agenda Item D.1.b, Supplemental *Federal Register* Notices: Groundfish and Halibut Notices from 10/1/13 through 2/18/14; and
- Agenda Item D.1.b, Supplemental NMFS Report: Midwater Trawl Restrictions and Prohibited Species Retention for the Shorebased Trawl Individual Fishing Quota (IFQ) Program.

He noted the recent *Federal Register* notices that were not in the supplemental report. These included the proposed rule to modify regulations pertaining to certified observers and catch monitor providers, the proposed rule specifying the tribal whiting allocation of 17.5 percent of the total U.S. allowable catch for 2014, and a correction for the Program Improvement and Enhancement (PIE 2) regulations.

Mr. Lockhart also provided information concerning the problem of trawl quota share owners wishing to sell their shares being restricted on selling widow rockfish quota share until the Council makes a decision on reallocation of widow rockfish. NMFS is considering whether or not to consider an interim policy to resolve this issue and is requesting Council input. Another issue is in regard to future workload planning and the status of the midwater sport fishery proposal. The Council indicated a desire for NMFS to provide some analysis of the proposal at the April and June Council meetings. However, NMFS has not made progress on this and does not expect to make any in the near term. NMFS would like guidance from the Council on the priority for this item. Finally, Mr. Lockhart noted the possibility of a funding opportunity and expansion for the bycatch reduction engineering program. Up to \$2.5 million is available nationwide for pertinent proposals.

D.1.c Fisheries Science Center Activities

Dr. Michelle McClure and Dr. John Stein presented Agenda Item D.1.c, NMFS NWFSC Report and [Agenda Item D.1.c, Supplemental NWFSC PowerPoint](#): Groundfish Science Report.

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

None.

D.1.e Public Comment

None.

D.1.f Council Discussion

Council members asked Mr. Lockhart additional questions on the whiting research set asides, and rules regarding the federal catch monitors and observer safety changes. Dr. McIsaac clarified that questions on the observer coverage could be discussed under Agenda Item D.6.

D.2 Essential Fish Habitat (EFH) Evaluating Criteria and Phase 2 Report (3/8/2014; 1:57 p.m.)

D.2.a Agenda Item Overview

Mr. Kerry Griffin presented the Agenda Item Overview.

D.2.b Essential Fish Habitat Review Committee Report

Mr. Brad Pettinger presented Agenda Item D.2.b, EFHRC Report.

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

Dr. Michelle McClure presented Agenda Item D.2.c, Supplemental NMFS Science Center PowerPoint: NMFS Science Center Report: Evaluating Amendment 19 (describes Agenda Item D.2.c, Supplemental NW/SWFSC Report).

Ms. Michele Culver presented Agenda Item D.2.c, Supplemental WDFW and OCNMS Report.

Mr. David Sones commented on the effort to work together among the tribes in the Intergovernmental Policy Council to develop the letters supporting this agreement, including:

- Agenda Item D.2.c, Supplemental Tribal Report: Quinault Indian Nation Letter;
- Agenda Item D.2.c, Supplemental Tribal Report 2: Quileute Tribal Council Letter; and
- Agenda Item D.2.c, Supplemental Tribal Report 3: Makah Tribe Letter.

Ms. Lisa Wooninck presented Agenda Item D.2.c, Supplemental NMS Report: Office of National Marine Sanctuaries, West Coast Region Report.

Dr. Owen Hamel presented Agenda Item D.2.c, Supplemental SSC Report.

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

Mr. Brent Paine presented Agenda Item D.2.c, Supplemental GAP Report.

Mr. Joel Kawahara presented Agenda Item D.2.c, Supplemental HC Report.

D.2.d Public Comment (3/8/2014; 3:48 p.m.)

Agenda Item D.2.d, Public Comment: Natural Resources Defense Council and Oceana's submitted document.

Agenda Item D.2.d, Supplemental Public Comment 2.

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

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

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

Mr. Gary Greene, Moss Landing Marine Laboratories, Moss Landing, California.

Mr. Geoff Shester, Oceana, Monterey, California, presented Agenda Item D.2.d Supplemental Public Comment PowerPoint (Oceana).

Mr. David Kirk, Port San Luis Commercial Fisherman Association, Port San Luis, California.

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

Mr. Greg Helms, Ocean Conservancy, San Diego, California.

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

D.2.e Council Action: Provide Guidance on Criteria for Evaluating the Effectiveness of Existing EFH Provisions and Consider Finalizing the EFHRC Phase 2 Report (3/8/2014; 4:42 p.m.)

Council members concurred in accepting the EFHRC Report (Agenda Item D.2.b). Ms. Lowman then asked for Council guidance on the criteria for evaluating the effectiveness of existing EFH provisions and recommendations for finalizing the EFHRC Phase 2 Report.

Mr. Myer agreed with the SSC in that what we do with EFH comes down to a policy choice. He believes that we shouldn't just stop with the closed areas under Amendment 19 with regard to determining whether we have adequately designated EHF. We need to use all of the relevant information we have to protect habitat. As noted by some of the public and in the Groundfish Advisory Subpanel (GAP) Report, we need to look at the effects of some of the gear changes on the habitat, in particular, the effect of changing the gear rope. There may be a way to quantify this as, suggested by Dr. McClure, by using the non-trawlable area as a proxy to determine what is being protected by the closed areas. Then, we need to go a bit beyond that to look at credits for Amendment 20. Fishermen are doing things differently now since the trawl rationalization went into effect in 2011. Enough time may have soon passed to estimate what those changes are with regard to protection of the habitat. He is not quite sure if there are any positive results available about the Rockfish Conservation Areas (RCA).

Ms. Culver and Ms. Lowman confirmed the guidance sought is for clarification of the additional analyses or products to come back in September (or for the next time we put this on our agenda), rather than guidance on specific proposals. With that understanding, Ms. Culver stated she would like to see the following come back to the Council in September:

- A map of the displaced or restored trawl effort from the trawl logbook data (Dr. McClure indicated that should be a quick data analysis).
- An analysis of the proposed new EFH conservation areas relative to the trawl logbook data to determine what percent the proposed new areas are of the current trawl area and the catch composition in aggregate of those proposed areas.
- The percentage of the catch by species that the proposed closed areas would represent.
- The overlap of the proposed closed areas to see if that can help us narrow the scope of proposals.
- A map of the proposed EFH conservation areas with an overlay of the area north of 46° 53' N. latitude and shoreward of 125° 44' W. longitude which is bounded on the north by the U.S.-Canada border. This area mimics the area in federal regulations for treaty Indian fisheries that are promulgated by the four Washington treaty coastal tribes.

Mr. Sones expressed concern the process of putting scientists and stakeholders in the same group was not the right choice to achieve the best outcome. He noted the minority reports reflect some of that concern. One of his biggest concerns is with the process and that members of the group are not working together. He believes there are proposals that are outside the scope of the intended purpose and the goal under Amendment 19. He is also concerned about Amendment 19 as it only focuses on the impacts of fisheries on EFH. He has great concern with the nearshore habitats and the non-fishing impacts to those habitats that we are not looking at. We made that mistake with the ESA and salmon in which the focus was on harvest and it took a long time to

get it back to habitat which was more important. While some of these issues are outside our jurisdiction, we can still influence the actions that need to be taken. We need to be focused on the big picture in a holistic view of the fisheries and the importance of nearshore habitat and non-fishing impacts. We can't look at things in isolation, but rather in combination, more along the lines of ecosystem management. He hopes we can come up with a better process in the future and can take a better view of what we are trying to do with EFH.

Mr. Wolford agreed with the GAP statement which identified that the main objective of protecting EFH was to maintain healthy fish populations and not to protect habitat for habitat's sake. Along with that, we need to know when we have done enough, though that may be hard to answer. Perhaps focusing on a cost-benefit analysis and evaluation, what does it cost us to protect habitat (lost fishing opportunity) compared to the positive impacts (more fish), would be the way to go. He would like to see an assessment of the costs and benefits for what we have already done with Amendment 19 as well as for the new proposals. He was supportive of the specific analysis that Ms. Culver requested and also thought the Council should consider the recommendations provided by Mr. Seth Atkinson which might put some quantification in the analysis. There was a call from the GAP and from Dr. Green that we need an independent scientific review of these things. Finally, Mr. Wolford would recommend forming a team to give us a solid, unbiased scientific review of what we have done and what we have on the table before us. In that way, the next time we consider this item we would have the information on benefits and costs from which we could determine further action. He asked the Council to move forward with determining the charge and make-up of the new review team.

Ms. Lowman suggested the Council finish with comments on the analysis and then take up the determination of who would be doing it.

Mr. Crabbe expressed some apprehension with including an analysis of the RCA as mentioned by Mr. Myer. Mr. Crabbe thinks the RCA is more of a resource protection measure that may have ancillary habitat benefits.

Mr. Myer noted he was conflicted about an analysis of the RCA and not a big proponent of analyzing it. He agreed with Mr. Crabbe's assessment of it.

As part of his guidance, Mr. Myer noted the review last year of the at-sea whiting data for midwater gear from Ms. Donna Parker. However, there wasn't any shoreside data. If possible, and if data is available, he would recommend an analysis of the whiting industry catch that occurred over the EFH and then, if possible, determine if there was any bottom contact or how many contacts were made. He noted at-sea data was available from the whiting coop and should be available for the shoreside fishery in the WCGOP data. This analysis might put the issue of bottom contact to rest.

Mr. Lockhart noted that, according to the COP, the Council's acceptance of the EFHRC Report adjourns the EFHRC. Therefore, he would anticipate that further work on any analyses would be likely to fall to science center personnel. If that is the case, he would have to confer with Dr McClure on workload issues. He also cautioned it is unlikely that any analysis will provide a clear-cut answer and that the decision on EFH will still be a policy decision. He questioned Mr.

Wolford as to whether his proposed review group would be composed of policy or scientific members.

Mr. Wolford clarified he was proposing a group to review the scientific aspects of the proposals.

Mr. Lincoln stated his support for the suggestions for analyzing the proposals. He didn't think we would need an independent analysis of the RCA. However, it would be informative to know what the intersection of the new proposals would be with the RCA, regardless of the purpose of the RCA. Mr. Crabbe agreed.

Mr. Buell cautioned the Council about viewing the RCA as a long-term habitat protection. He hoped there would come a day when the RCA could be reopened to fishing. He supported the proposed analyses and appreciated Mr. Sones' comments on the non-fishing impacts. Lastly, some of the advisory body statements asked for the identification of a clear problem statement or set of objectives. He thought a review of the objectives of Amendment 19 would be a reasonable starting place for determining how we could change EFH to meet those objectives.

Ms. Culver agreed with Mr. Buell regarding a review of the goals and objectives of Amendment 19. She requested NMFS WCR provide a range of options for the Council to consider in September regarding a process and timeline for the rulemaking process. One option could allow an implementation in 2016 and another in 2017 (identifying when final Council action would be required to meet these deadlines).

Mr. Myer clarified his request for an analysis of bottom contact for midwater trawl gear was in regard to areas closed to bottom contact.

Mr. Lockhart asked for clarification on the requested analyses—whether it was for the questions raised by the proposals or on the proposals themselves

Ms. Culver responded the states would expect to be involved in the analyses of the alternatives as they were during Amendment 19. The Groundfish Management Team (GMT) and advisory bodies would also be engaged in the review. She did not expect any analysis of the proposals themselves between now and September. The suggestions and information identified in this meeting would be brought back in September to help define the scope and structure of the alternatives and then we would expect the analysis to occur on the alternatives that we define.

Mr. Wolford stated his support for using the Council advisory bodies, states, and NMFS personnel to form a team to review the issues. He had hoped an analysis of the proposals could also be accomplished, but recognized the timeframe may not allow it. He would be happy if all we got was the team and the criteria for what we were going to analyze.

Mr. Lincoln thought the direction the Council was going for September was to have more information on the proposals, how they intersected, and what data was available for analysis so we could better construct the actual alternatives for analysis.

The Council appeared to agree with this direction and Ms. Lowman indicated the Council would not form a team at this point and rely primarily on the science centers to provide the information for September.

D.3 Consider Barotrauma Device Mortality Rates (3/9/2014; 2:36 p.m.)

D.3.a Agenda Item Overview

Mr. John DeVore presented the Agenda Item Overview.

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

Agenda Item D.3.b, GMT Report: Groundfish Management Team Report on Proposed Discard Mortality for Cowcod, Canary Rockfish, and Yelloweye Rockfish Released Using Descending Devices in the Recreational Fishery.

Mr. John Budrick presented Agenda Item D.3.b, Supplemental GMT Report 2.

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

Mr. Louis Zimm presented Agenda Item D.3.b, Supplemental GAP Report.

D.3.c Public Comment

Mr. Tom Marking, Fisherman, McKinleyville, California.

D.3.d Council Action: Approve Bycatch Mortality Rates Associated with Barotrauma Reduction Devices in Groundfish Fisheries

Mr. Pollard stated the Council action was to consider whether to adopt barotrauma estimates and methods different from those adopted in April 2013, and to confirm or alter the decision to use the 90 percent confidence interval estimates.

Ms. Culver and Mr. Wolford asked some technical questions of Dr. Hamel to clarify the SSC's recommendations with regard to choices of data and modeling, especially with regard to how uncertainty was handled and the choices for the mortality rate for cowcod.

Mr. Wolford moved and Mr. Brizendine seconded Motion 4 that the Council approve the discard mortality rates for cowcod, canary, and yelloweye as shown in Table 1, page 2 of D.3.b, Supplemental GMT Report 2 (March 2014), using the 75 percent confidence interval.

Mr. Wolford stated the SSC and GMT have done a good job of addressing the uncertainties and questions about our previous actions last April. Both the SSC and GMT have used the best available science and the sample sizes have been increased and included in the new table. As new data comes along we should be able to incorporate it in the table as well. The Council's consideration has included and accounted for all of the various sources of uncertainty and with appropriately calculated confidence intervals. Based on our discussions with the GMT and SSC it is clear this is a very conservative approach. The 75 percent confidence interval in the current table is not that different from where we were at the 90 percent confidence interval from last April. Last April the 90 percent confidence interval gave us rates roughly in the range of 20 to 45 percent. The 75 percent confidence interval provides a range approaching 20 to 50 percent. The 75 percent level of confidence is a good place to be. We are right much more often than we

are wrong at that level. As more data comes along, the confidence intervals should shrink. Sometime in the future we may wish to look at a tighter confidence interval. He noted the comments by Mr. Zimm that in order to get the fishing public to do this, they must perceive there is some benefit to do it. An appropriate accounting and rates at the 75 percent confidence interval should help provide that incentive.

Mr. Buell spoke in support of the mortality credits and noted the confidence interval is a risk determination for the Council to choose. As more data comes in the confidence intervals should shrink and the Council can make the decision about the risk in the future as is appropriate. Hopefully, more species can be added in the future.

Ms. Culver spoke in support of the comments and supports the use of descending devices to aid the survivability of all rockfish. WDFW has reached out to our fisheries community and have educated angler groups toward the purchase of descending devices. The response is overwhelmingly positive and will certainly help in the recovery of those overfished stocks.

Ms. Culver moved and Mr. Lincoln seconded Amendment 1 to Motion 4 to change the 75 percent confidence interval to the 90 confidence interval.

Ms. Culver stated she was also supportive of using the more recent data of 2013 and keeping the data updated in an adaptive management approach which includes new data as it becomes available.

Ms. Lowman asked for a sense of how and how often the data might be updated.

Mr. DeVore said it depends on when research becomes available that compels a change and the Council's workload priorities.

Mr. Wolford asked what portion of the point estimates are based on studies of yelloweye and canary rockfish.

Mr. Budrick responded it varies by depth bin. The studies conducted by ODFW were intended to sample yelloweye and canary, so those two species make up a large proportion of the samples in the 10 to 30 fathom depth bin and to some degree the 30 to 50 fathom depth bin. He proceeded to list the various sample numbers which confirmed there were significant numbers of canary and yelloweye rockfish in the proxy estimates for those species, especially yelloweye in the 10 to 30 fathom depth bin.

Mr. Wolford concluded there was a preponderance of yelloweye and canary rockfish in the studies that went into the proxy mortality estimates for those species. That may not be true for cowcod except for the deepest bin. However, the SSC stated the mortality for cowcod in that bin was too good (low) and to use the higher values from the shallower bins. From his perspective, Mr. Wolford thought the proxies are very conservative and he is very comfortable with the way the point estimates were made with all the additional buffers. He thought the 75 percent confidence interval was more than adequate to provide a comfortable position from which to operate.

Mr. Lockhart agreed with Ms. Culver's statement that more people will do this because it is the right thing to do than because they will get something out of it. Everybody hates to throw over a fish that is just going to die. He still has concerns about how this is applied and used on a daily basis. There is the possibility of individuals not correctly applying the techniques that result in the estimated mortalities in the studies. He feels more comfortable with the 90 percent confidence level until we get more information and determine how it is actually working and used. Additionally, the range within the confidence intervals will change as we get more data. He supports the amendment.

Mr. Buell noted his understanding that the estimates are independent by depth bin and there is no canary or yelloweye in the deepest depth bin where the confidence interval makes a big difference. He believes that is why some caution is warranted.

Ms. Grebel stated she feels comfortable using the 75 percent confidence interval based upon the discussion today. The SSC didn't have time to discuss going back to recalculate the cowcod values in the shallower depth bins and as an interim step recommended applying the higher rates to the deeper depth bin. Also, the 90 percent confidence interval for cowcod in the 20 to 30 fathom depth bin has a 52 percent mortality assigned which is the same as the higher surface rate. There are still some questions she has with the 90 percent interval. She is comfortable with 75 percent and hasn't heard anything from the SSC or other advisory bodies that suggest a need for a more conservative standard.

Mr. Ortmann expressed his support of the amendment and recognized the key role of Mr. Wolford in getting this issue in front of us.

Mr. Crabbe expressed his support for the 75 percent interval given the unlikely result of the 90 percent interval indicating there isn't a credit for using the descending device.

Ms. Culver asked for further clarification about the substitution of the surface mortality rate for the greater depths for cowcod.

Mr. Budrick responded he believes the point of confusion is with regard to the reason for supplanting the estimate previously occupying the 90 percent confidence interval estimate for the 20 to 30 fathom depth bin for cowcod with the surface mortality estimate. The reason is that with the buffering under the 90 percent confidence interval estimate, the mortality rate resulting from the application of that buffer exceeded the surface release which defies our understanding of the nature of the mortality when a descending device is used. This would indicate potentially that the buffer is so high that the mortality observed is in excess of surface mortality. Therefore it was replaced with the surface mortality rate.

Mr. Wolford stated that does go to show how much buffering there is in these confidence intervals.

Amendment 1 carried 8 yes, 5 no (Mr. Wolford, Ms. Grebel, Mr. Feldner, Mr. Brizendine and Mr. Crabbe voted no).

Motion 4 (as amended) carried unanimously.

Mr. Buell reminded the Council of the need to confirm their direction to the RecFIN Technical Committee to review the implementation methods for applying mortality rates brought forward by each state and to confirm Council intent to begin accounting for the use of descending devices in estimates retrospectively for 2013 and 2014, and forward into the future. The Council indicated concurrence.

D.4 Consideration of Inseason Adjustments, Including Carryover (3/9/2014; 4:11 p.m.)

D.4.a Agenda Item Overview

Ms. Kelly Ames presented the Agenda Item Overview

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

Mr. Bob Leos presented Agenda Item D.4.b, Supplemental GMT Report.

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

D.4.c Public Comment

None.

D.4.d Council Action: Adopt Recommendations for Adjustments to 2014 Groundfish Fisheries, Including Carryover

Mr. Lockhart stated he anticipates surplus carryover will be issued for most species. There are two species, sablefish north of 36° N. latitude and petrale sole that need further analysis before a determination is made. As the GMT statement noted, the final data for these species will be available sometime in early April and NMFS intends to make a determination as quickly as possible. NMFS would take into consideration any guidance from the Council at this meeting.

Mr. Myer and Mr. Buell recommended that, when the numbers are known, NMFS recommend carryover of the full amount. Mr. Buell also stated this should be a routine action in the future that would not need work by the GMT and would help to lighten their future workload. Mr. Pollard agreed.

Mr. Wolford asked for information on why the GMT has needed to take on this workload.

Ms. Ames replied when the carryover program was first implemented in 2012, NMFS requested more information and analysis on the carryover process. The final guidance from NMFS was that there needed to be an evaluation of the risk of issuing surplus carryover to exceeding the annual catch limit (ACL) and overfishing limit (OFL). Right now we are stuck in the annual process of evaluating that risk. Also, for the 2015-2016 specifications cycle, we have a management measure to look at different ways of projecting the issuance of surplus carryover. This is also on the list for the June 2014 management measure considerations for a long-term solution to the carryover problem. For now, we are on an interim, annual approach for making the risk assessment until we find another approach through the biennial process or another long-term solution.

Ms. Culver stated the work that went into the GMT report was very helpful and she would not want the Council to go without an opportunity to provide recommendations to NMFS on the issuance of carryover. She thinks it is an important component of the program. It is not an automatic thing, it is a privilege, and it is up to the Council and NMFS whether to issue carryover and for which species. It has a maximum amount of 10 percent, but that is not an automatic given. If the GMT didn't take the time to produce this report in order for the Council to convey a recommendation to NMFS with backup information, we could be in a situation where NMFS would make that decision without the recommendation of the Council.

Ms. Ames stated it was the goal of the GMT to provide their assessment for carryover earlier so that it would not have to take up Council floor time.

Mr. Myer moved and Ms. Lowman seconded Motion 5 to recommend NMFS issue the surplus carryover in the shorebased IFQ program from 2013 to 2014 based on preliminary data for all non-whiting IFQ species, including sablefish north of 36° N. latitude and petrale sole; and to release the full amount up to 10 percent.

Mr. Myer stated the GMT Report laid out the issues very well. For sablefish and petrale we are now tracking at 89 percent of the 2013 numbers, so there is plenty for carryover. If we look at the projections for all the other species we see that they are tracking well below the 80 percentile. The projected 2014 ACLs for sablefish and petrale are at about 92 percent. If you add the carryovers into those numbers it would go up to about 94 percent. All the other species are tracking well below those levels. I think the data clearly supports a carryover.

Ms. Lowman agreed this is a strong rationale. While the fishery is doing better, there is need for more improvement and the carryover is important from an economic perspective.

Motion 5 carried, Mr. Lockhart abstained.

D.5 Biennial Harvest Specifications for 2015-2016 and Beyond Groundfish Fisheries (3/10/2014; 8:58 a.m.)

D.5.a Agenda Item Overview

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

- Agenda Item D.5.a, Attachment 1: Proposed Overfishing Limits for Cowcod South of 40°10' N. latitude, the Oregon and Washington Substocks of Kelp Greenling and the Washington Substock of Cabezon;
- Agenda Item D.5.a, Supplemental Attachment 2: Adopted Harvest Schedule for Developing the 2015-2016 and Beyond Groundfish Harvest Specifications and Management Measures;
- Agenda Item D.5.a, Supplemental Attachment 3: MSA - SEC 306 State Jurisdiction; and
- Agenda Item D.5.a, Supplemental Attachment 5: Excerpt from the fishery management plan (FMP).

Mr. Devore presented Agenda Item D.5.a, Supplemental Revised Attachment 4: Overview of the 2015 and Beyond Biennial Specifications Process: Progress to Date on the environmental impact statement (EIS) and a Highlight of Select Management Issues (PowerPoint Presentation).

**D.5.b Reports and Comments of Advisory Bodies and Management Entities
(3/10/2014; 10:47 a.m.)**

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

Ms. Heather Reed presented Agenda Item D.5.b, Supplemental GMT Report.

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

Mr. Frank Lockhart presented Agenda Item D.5.b, Supplemental NMFS PowerPoint: NMFS Analysis Recommendations.

Ms. Michele Culver presented Agenda Item D.5.b, Supplemental WDFW/ODFW/CDFW Report and Agenda Item D.5.b, Supplemental WDFW Report.

Mr. Troy Buell discussed the Oregon fishery regarding the authority of states to manage the fisheries that do not occur predominately in Federal waters. The agency works towards the management and analysis and limits of these fisheries.

Ms. Joanna Grebel discussed the California fisheries with regard to the new data moderate approach and removing stocks from the FMP. She expressed concern with the process and their ability to react to information as it occurs without the Council management of these species.

D.5.c Public Comment

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

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

Mr. Jeff Lackey, Fisherman, Newport, Oregon.

Mr. Daniel Platt, Fisherman, Fort Bragg, California.

Mr. Rod Moore, Westcoast Seafood Processors Association, Portland, Oregon.

D.5.d Council Action: Adopt Final Remaining Overfishing Limits, and Receive Update on the Status of the National Environmental Policy Act (NEPA) Document (3/10/2014; 2:44 p.m.)

Mr. DeVore reviewed the process for selecting the OFL's for the stocks.

Ms. Grebel moved and Mr. Crabbe seconded Motion 7 for the Council to adopt the OFL for cowcod south of 40° 10' N. latitude as referenced in Agenda Item D.5.a, Attachment 1, Table 1.

Ms. Grebel stated the SSC recommended this new approach (doubling the ACL) for calculating the cowcod OFL for the unassessed portion of the stock north of Point Conception as representing the best available science at this time.

Motion 7 carried unanimously.

Ms. Culver moved and Mr. Lincoln seconded Motion 8 for the Council to adopt the OFL for kelp greenling off of Washington for 2015 of 31.4 mt and an OFL for 2016 that corresponds to a P*

value of 0.4; and approve the acceptable biological catch (ABC) for kelp greenling off Washington for 2015 and 2016 corresponding with a P* value of 0.4.

Ms. Culver stated the SSC Supplemental Report endorses the OFL's for kelp greenling off of Washington as shown in Table 2 of D.5.a, Attachment 1. Further, the SSC Groundfish Subcommittee statement states that this OFL estimate should not be used beyond the 2015-2016 management cycle. In the past, the Council has used a P* of 0.4 as a guideline for category 3 stocks to build in some additional precaution in our overfishing probability. So, in dealing with a data moderate stock assessment and a category three stock, she thought it appropriate to approve a P* of 0.4 rather than 0.45.

Motion 8 carried unanimously.

Mr. Buell moved and Mr. Feldner seconded Motion 9 for the Council to adopt an OFL for kelp greenling off of Oregon for 2015 of 14.0 mt and a P* value of 0.45; an OFL for 2016 of 15.5 mt with a P* of 0.45; and a 2015-2016 ABC that correspond to a P* of 0.45.

Mr. Buell stated the SSC has determined these parameters to be the best available science at this time. Regarding the P* of 0.45, which differs slightly from that adopted off of Washington, he believes that the sigma value captures a lot of the uncertainty so he is comfortable with leaving the P* value at 0.45.

Ms. Culver stated she supports the motion and the P* value of 0.45 off of Oregon. There has been a full assessment of kelp greenling off of Oregon while there has not been one off of Washington. She thought there is greater uncertainty off of Washington. Mr. Buell agreed with her point.

Motion 9 carried unanimously.

Dr. McIsaac directed the Council that this portion of the agenda item is not about making a decision for exactly what the 2015-2016 specifications process for a January 1 start would be. It is rather an opportunity to get Council input on what might need to be assessed and included in this process and the analytical document to prepare for the April and June meetings with the hope of avoiding the need for an emergency rule.

Mr. Lockhart clarified what was done in November with regard to the analyses required for the 2015-2016 process (further analyze alternatives 1 and 2 for complex restructuring, and analyze and consider separating blackgill, shortraker and rougheye rockfish species from the minor slope north and south complexes for individual or subcomplex management). He suggested a willingness to try to simplify these requests to help avoid the need for a delayed opening or emergency rule.

The Council had considerable discussion on the difficulties of meeting the specifications schedule and the January 1 start date. The difficulties included timing of the state's stakeholder meetings without harvest guidelines being available, using the GAP to set rougheye and shortraker allocations, sufficient time to look at the issues of data-poor stock assessments and conservation concerns where the species aren't lining up, rushing through the process, asking the

GMT to make last minute data analyses for Council decisions, doing things in a piecemeal manner, and the significant problems of resolving the issues for the nearshore fisheries in time for a January 1 start date. Council members identified various needs and approaches to accomplishing the necessary tasks to keep the specifications cycle on schedule and to guide the action at the April Council meeting.

D.6 Trawl Rationalization Trailing Actions (3/11/2014; 8:11 a.m.)

D.6.a Agenda Item Overview

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

- Agenda Item D.6.a, Attachment 1: Glacier Fish Company LLC vs. Pritzker and Plaintiffs' Appeal on Pacific Dawn II; and
- Agenda Item D.6.b, Supplemental NMFS Report 2: *Federal Register* Notice Dated February 19, 2014 – Proposed Rule: to revise the Pacific Coast Groundfish Fishery regulations pertaining to certified catch monitors and certified observers required for vessels in the Shorebased IFQ Program, the Mothership Coop Program, the Catcher/Processor Coop Program, and for processing vessels in the fixed gear or open access fisheries.

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

Mr. Frank Lockhart presented Agenda Item D.6.b, Supplemental NMFS Report: Report on the Adaptive Management Program for the Trawl Rationalization Program and referenced Agenda Item D.6.b, Supplemental NMFS Report 2: *Federal Register* Notice dated February 19, 2014 – Proposed Rule: to revise the Pacific Coast Groundfish Fishery regulations pertaining to certified catch monitors and certified observers required for vessels in the Shorebased Individual Fishery Quota Program, the Mothership Coop Program, the Catcher/Processor Coop Program, and for processing vessels in the fixed gear or open access fisheries.

Mr. Brian Corrigan presented Agenda Item D.6.b, Supplemental EC Report.

Ms. Kelly Ames presented Agenda Item D.6.b, Supplemental GMT Report.

Mr. Kevin Dunn presented Agenda Item D.6.b, Supplemental GAP Report.

D.6.c Public Comment

None.

D.6.d Council Action: Provide Guidance on Implementation and Adaptive Management Program Pass-Through

Mr. Wolford had a number of comments concerning the observer requirements in the *Federal Register*. He believes the proposed regulations go far beyond what he had anticipated seeing for the requirements to become a provider and observer. He noted the following points (referencing Agenda Item D.6.b, Supplemental NMFS Report 2):

- Relative to becoming a provider (page 9597, paragraph 660.111) – this is overly restrictive on who could be a provider (excludes public agencies such as the city or county of Monterey) and goes far beyond what the Council intended to see.
- Page 9600 - limited conflict of interest for catch monitors (paragraph 3(A)) – doesn't seem to be restricted to commercial fishing and appears that it could exclude a recreational fisherman and other non-commercial fishing entities from becoming catch monitors. This same language appears in several other places in the notice.
- Page 9604 – paragraph (5)(B)(3) on the qualifications of an observer, requires a basic pulmonary resuscitation first aid course prior to the end of the training class. It is great to be CPR trained, but what does it have to do with being an observer.

Mr. Wolford noted several other places in the notice which contained what he believes are overly restrictive requirements (e.g., one requires holding a first aid certification, not just having gone through the training).

Mr. Crabbe had questions about observer or provider obligations. If an observer opted not to get on a vessel for any reason, what are the steps that would be taken in getting information back to the vessel, and how long would it take?

Mr. Lockhart asked to defer that question to Dr. McClure

Dr. McClure noted that NMFS has much more control over reporting in the non-catch-share versus the IFQ observer programs. In the non-catch-share observer program, there is an immediate record of an observer's refusal to board a vessel (or his request upon return to port of being unwilling to again board that vessel) that is forwarded to the Office of Law Enforcement (OLE) and the USCG. When an observer refuses to board a vessel in the IFQ fishery, the observer reports to the observer provider who notifies NMFS. However, in the case of an observer coming back to port and not being willing to ever reboard that same vessel, the process is much more informal and NMFS may never get the report. That is part of the reason for the more restrictive language in the proposed rule requiring a report to OLE and the USCG. Dr. McClure stated she is not aware of any language in the rule that puts a time requirement on the vessel owner receiving the report.

She noted the observer provider is supposed to notify the OLE and USCG within 24 hours. (Mr. Farrell later found the *FEDERAL REGISTER* requires any refusal to board to be immediately reported to the observer provider and the OLE.)

Mr. Wolford wondered about any compensation for the fishermen for a delayed trip, recognizing the potential cost of the delay.

Dr. McClure replied there was none and noted that in the entire history of the observer program, which includes 2,000 to 3,000 trips observed every year, there have only been 4 refusals to board.

LCDR Casad asked for Dr. McClure to speak to the nature of the relationship between the vessel and observer provider.

Dr. McClure stated that, in the IFQ fishery, it is a contractual relationship.

LCDR Casad spoke to the USCG role and agreement in working with NMFS to ensure the safety of the observer program and vessels. Any reports from observers concerning the safety of the vessels are distributed down to the level of the captains or the ports who are responsible for the vessel safety in their ports.

Mr. Crabbe emphasized the important question was a reasonable length of time between when a report is made and when the vessel owner or operator receives the report so that he can rectify any problems. That needs to be built into the process.

Dr. McClure stated at this time there isn't a time frame specified in the process. NMFS can release the vessel safety data, but it would probably be better to use the USCG procedures. Also, it might be possible to have these elements built into the contract between the vessel and observer provider if either party were concerned about timeliness.

Ms. Culver recounted her experience with the WDFW-run observer program and the need to work with fishermen and observers from both sides of the issues. She wondered if the proposed rule allows for the state agencies to provide observers, or if they were precluded from providing that service.

Mr. Lockhart reported the proposed rule would preclude the states, cities, and academic institutions from becoming providers.

Mr. Wolford noted another issue with the proposed rules on page 9609 with regard to the very extensive, restrictive, and special educational requirements to qualify as an observer candidate.

Mr. Pollard suggested based on the comments here, staff could draft a letter for Council members to review.

Mr. Myer noted in drafting the comments staff should be cognizant of the full regulations, as there were specific definitions for many of the items that Mr. Wolford was concerned about (e.g., the definitions of "processor" and "fish processing" are very specific and would not include recreational fishing activities).

Mr. Lockhart noted the Council might not need to draft a letter. NMFS has heard the Council comments here today and could take those, and any others provided directly to him by individual Council members, as public comment before final rule.

The Council concurred in Mr. Lockhart's approach, noting the need to take into consideration the difference between national guidelines and national regulations

Mr. Matthews reported on an incident of vessel safety that went through the OLE process (there has been only one complaint out of 7,500 deliveries in the IFQ program). Basically, the complaint followed the procedures outlined in the contract between the vessel owner/operator and observer provider. The OLE and USCG were notified by the observer provider that the vessel had 30 days in which to comply with obtaining a safety review and certification by the

USCG or the contract would be terminated. The vessel owner did not follow through with the inspection and the contract was cancelled.

In response to a question from Mr. Seger, Mr. Pollard confirmed the Council had identified its concern over the tight conflict-of-interest regulations and a desire to make those more realistic.

Mr. Seger introduced the topic of the Pacific whiting season start date. He noted Agenda Item D.1.b, Supplemental NMFS Report, outlined a number of items to be included in the whiting clean-up rule that NMFS has proposed to move ahead of the whiting season rule. He referred Council members to comments by the GMT, GAP, and Enforcement Consultants (EC) concerning the timing of the comment period, how this rule might affect the whiting season start date (NMFS indicated it would not delay it), and the 50 percent rule for determining what is a whiting trip.

Ms. Culver stated that, depending on how the draft rule is written, WDFW would have some concerns about the disposition procedures for prohibited species and for salmon in particular. To the extent that NMFS is relying on state employees to aid in that disposition, we need to know what the expectations are to determine if we can meet them. We also have concerns about using the 50-percent-or-more-whiting-by-weight rule for the definition of a whiting trip. Under the IFQ fishery, in which all shoreside permit holders receive whiting IFQ, she could see a situation where it would not really be a whiting trip under that definition. She could see similar conflicts for IFQ midwater trawl fishing and the allowance to fish within the RCAs. It would be appropriate for the GMT and GAP to review the proposed rule language which could happen if the comment period overlaps a Council meeting. She recommends having some preliminary discussions prior to the proposed rule.

Mr. Lockhart indicated the NMFS goal would be to have the rulemaking comment period extend through a Council meeting, but noted that there might be limits due to the preliminary meetings due to budget restrictions.

Dr. McIsaac wondered if June might be the time to see the regulations and have an environmental assessment (EA) for the GMT and GAP to look at without risking a delay in the implementation. He noted June or September appeared to be the only candidates that might meet the schedule. Mr. Lockhart agreed and stated his intent to advise the Council in April of the best meeting candidate.

Ms. Kirchner suggested separating the two actions, if necessary, to avoid delaying the whiting start date. Mr. Lockhart stated he did not see a problem with accomplishing both actions with no delay to the whiting season.

Mr. Seger stated the Council action now was to adopt some alternatives for analysis on the adaptive management program (AMP) pass through and to take final action on this issue at the June meeting.

Mr. Pollard thought the option to consider was the one for 2017 or open ended one.

Ms. Lowman moved and Mr. Ortmann seconded Motion 10 that the Council adopt for analysis the alternatives shown in Agenda Item D.6., Situation Summary:

- No Action Alternative (Status quo): Beginning in 2014, the quota pounds (QP) associated with the quota share QS set-aside for adaptive management program (AMP) purposes will be distributed in accordance with procedures developed under the AMP provisions. If such procedures are not developed and implemented by January 1, 2014, there is no guidance on how the AMP QP will be distributed.
- Strawman Alternative 1: The pass-through procedures used since 2011 will be continued through 2017.
- Strawman Alternative 2: The pass-through procedures used since 2011 will be continued until procedures are developed under the AMP.

In response to some questions and concerns regarding the details in the motion, Ms. Lowman withdrew her motion with the consent of the second.

Ms. Lowman moved and Mr. Ortmann seconded Motion 11 that the Council adopt for analysis the following alternatives:

1. No Action Alternative (Status quo): Beginning in 2015, the QP associated with the QS set-aside for AMP purposes will be distributed in accordance with procedures developed under the AMP provisions.
2. Alternative 1: The AMP QP allocation procedures will be considered as part of the five-year review and the pass-through procedure used since 2011 will be continued
 - a. Sub-option A: through 2017.
 - b. Sub-option B: Until the implementation of regulations resulting from the five-year review.
3. Alternative 2: The pass-through procedures used since 2011 will be continued until procedures are developed under the AMP.

Ms. Lowman stated that in order to bracket the options, Alternative 1 has two sub-options. One sub-option has a date certain (2017) and the other has until implementation of regulations from the five-year review. Since we don't know when that would be, this may help reduce workload planning issues.

Motion 11 carried unanimously.

Mr. Seger summarized Council action under this agenda item. He stated the Council had 1) a discussion of the proposed observer catch-monitoring rule that covered a number of points for NMFS to take into account in their final rule, 2) requested NMFS to have the open public comment period for the proposed whiting clean-up rule to extend over a Council meeting, and 3) adopted the alternatives for the AMP to be considered for final action at the June Council meeting.

E. Habitat

E.1 Current Habitat Issues (3/9/2014; 8:04 a.m.)

E.1.a Agenda Item Overview

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

- Agenda Item E.1.a, Attachment 1: Letter on KZO Sea Farms; and
- Agenda Item E.1.a, Attachment 2: Background information on Pacific Marine Estuarine Fish Habitat Partnership (PMEFHP).

E.1.b Report of the Habitat Committee

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

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

Mr. George Kautsky presented Agenda Item E.1.c, Supplemental Tribal Report of Hoopa Valley Tribe.

Mr. Mark Gorelnik and Mr. Dave Bitts presented Agenda Item E.1.c, Supplemental SAS Report.

Ms. Jennifer Gilden presented Agenda Item E.1.c, Supplemental CPSAS Report.

Mr. Phil Anderson provided information for Wanapum Dam on the Columbia River.

E.1.d Public Comments

Agenda Item E.1.d, Public Comment.

Agenda Item E.1.d, Supplemental Public Comment 2: Correspondence from Gary Shilling Regarding Ballast Water Treatment.

Mr. Duncan MacLean, Fisherman, Half Moon Bay, California.

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

Mr. Feldner recommended the Council submit the letter on the KZO Sea Farms with one additional paragraph to cover responsibility for indemnity and recovering accidentally lost equipment or parts of the project. The staff could develop the exact language.

Ms. Yaremko supported the letter regarding the KZO Sea Farms and the Coastal Pelagic Species Advisory Subpanel (CPSAS) remarks recommending the establishment of a policy framework for aquaculture and other offshore development that could be applied to any case that comes up in the future. The letter clearly establishes the Council's role in the project and articulates our priorities and concern with regard to fisheries management, EFH, and habitat areas of particular concern. Ms. Yaremko also supported the addition of the indemnity clause recommended by Mr. Feldner. She noted that issue was contained in policy point #5 in the CPSAS Report. She also supported the minor changes recommended in the Habitat Committee (HC) Report.

Regarding the Pacific Marine Estuarine Project, Ms. Yaremko reported she was encouraged by the report and discussion provided by the HC which indicated the emphasis was on data inventory information that may better inform us on EFH and potential stock assessments. Her initial concern was in the possible overlap of effort or redundancy with the Council's forage and

ecosystem initiatives. The HC report has clarified the complementary, rather than competing nature of this other effort.

Ms. Yaremko stated she looked forward to further updates and implementation of the drought contingency plans with regard to release of juvenile fall Chinook from Coleman National Fish Hatchery.

Mr. Wolford was encouraged by the Coleman Hatchery fish release contingency planning. Regarding the Bay/Delta Conservation Plan, he noted it posed a very serious threat to fisheries, especially salmon, and we have a strong need to comment on it. Few believe it is a real fisheries conservation plan. It diverts water out of the Sacramento River before it gets to the delta, which will have many deleterious impacts. Fortunately, there is an EIS and environmental impact review out for public review and a comment period extending through the end of June. He would like to have the HC take a serious look at the Bay/Delta Conservation Plan and provide a strong draft comment letter for the Council to consider for submission in April. He noted the habitat mitigation proposed in the plan was not funded and not likely to happen.

Ms. Lowman confirmed Council consensus for the HC to draft the comment letter for April on the Bay/Delta Conservation Plan.

The Council had considerable further discussion of contingency planning for juvenile fish releases at Coleman National Fish Hatchery with details provided by Mr. Roth. He especially noted the difficulty of trucking that many fish as far as is needed and the logistics that would be required, while at the same time meeting the important goals of minimizing straying of adults, maintaining genetic integrity, and providing ocean and inriver fisheries.

Mr. Wolford recommended the Council submit a letter to the USFWS recognizing the uniqueness of this particular year and assessing the merits of the draft plan. While the contingency is a necessity for this year, elements of the plan may well serve as a template for future years if similar conditions arise.

Ms. Lowman confirmed Council consensus for having Council staff write a letter to the USFWS on their contingency planning prior to the April Council meeting. Mr. Roth agreed to provide the details of the plan for the April briefing book.

F. Salmon Management

F.1 Review of 2013 Fisheries and Summary of 2014 Stock Abundance Forecasts (3/9/2014; 9:23 a.m.)

F.1.a Agenda Item Overview

Mr. Mike Burner presented the Agenda Item Overview and referenced Agenda Item F.1.a, Attachment 1: Excerpts from Chapter 3 of the Pacific Coast Salmon Fishery Management Plan.

Dr. Robert Kope highlighted *Review of 2013 Ocean Salmon Fisheries and Preseason Report I: Stock Abundance Analysis and Environmental Assessment Part 1 for 2014 Ocean Salmon Fishery Regulations*.

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

Dr. Owen Hamel presented Agenda Item F.1.b, Supplemental SSC Report.

Mr. Sones noted the tribes have some differences with WDFW in regard to the age-2 Chinook recruit scalars used for mid-Puget Sound fall fingerlings in the Chinook FRAM. The scalars currently used in the FRAM are from 2008. The tribes have updated them to 2014 to provide better estimates. The tribes request the Salmon Technical Team (STT) use the updated scalars in the FRAM and provide a model run using scalars for unmarked fish of 0.6541 and for marked fish a scalar of 2.2270. The tribes will continue to work with WDFW to resolve this difference.

Mr. Anderson asked to include Agenda Item F.1.b, Supplemental WDFW Report under Agenda Item F.2.

F.1.c Public Comment

None.

F.1.d Council Action: Review and Discuss Relevant Fishery Information; Act on Relevant Status Determinations, and Adopt 2014 Abundance Forecasts and Annual Catch Limits as Necessary

Mr. Pollard moved and Mr. Anderson seconded Motion 2 that the Council adopt the 2014 stock abundance forecasts, ABCs, and ACLs as shown in Supplemental Preseason Report 1, February 2014, as presented.

Mr. Pollard stated the information in the report was complete and based on the Council discussion and recommendation of the SSC, he believes the Council should adopt it.

Motion 2 carried unanimously.

F.2 Identification of Management Objectives and Preliminary Definition on 2014 Salmon Management Alternatives (3/9/2014; 10:01 a.m.)

F.2.a Agenda Item Overview

Mr. Mike Burner presented the Agenda Item Overview which referenced:

- Agenda Item F.2.a, Attachment 1: Guidance for Alternative Development and Assessment.
- Agenda Item F.2.a, Attachment 2: Emergency Changes to the Salmon FMP.
- Agenda Item F.2.a, Attachment 3: FEDERAL REGISTER 97-22094: Policy Guidelines for the Use of Emergency Rules.

F.2.b Report of the Pacific Salmon Commission

Mr. Bob Turner presented F.2.b, Supplemental PSC Report.

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

- Dr. Peter Dygert presented Agenda Item F.2.c, Supplemental NMFS Report: Letter Summarizing NOAA Fisheries' Consultation Standards and Guidance Regarding the Potential Effects of the 2014 Season on Listed Salmonid Species.
- Mr. Phil Anderson presented Agenda Item F.1.b, Supplemental WDFW Report (moved to this agenda item as requested by Mr. Anderson); Agenda Item F.2.c, Supplemental WDFW/Tribal Report 2; and Agenda Item F.2.c, Supplemental WDFW/Tribal Recommendations.
- Ms. Yaremko reported on some discussions with NMFS regulatory staff which indicate a possible need to evaluate a requirement for additional regulatory language related to filleting salmon at sea. The question arose in the 2013 fishery in regards to the legality of the practice of filleting salmon aboard California commercial passenger fishing vessels. This action is not authorized. However, it is not clearly specified as prohibited. There are existing federal regulations that define the dressed, head-off length for salmon and prohibitions that discuss removal of heads. However, there is nothing explicit to filleting the fish at sea. We are trying to determine if we need an explicit regulation for both commercial and sport fishing. We need the management entities and the Council advisors to weigh in on this issue. CDFW is looking at what they need at the state level, but we may need additional federal regulations.
- Mr. Chris Williams, Mr. Wilbur Slockish, and Mr. Herb Jackson presented Agenda Item F.2.c, Supplemental Tribal Report.
- Butch Smith presented Agenda Item F.2.c, Supplemental SAS Report: Salmon Advisory Subpanel (SAS) Proposed Initial Salmon Management Alternatives for Non-Indian Ocean Fisheries (with Jim Olson, Paul Heikkila, Dave Bitts, Steve Watrous, Mike Sorenson, Richard Heap, and Mark Gorelnik).

F.2.d Public Comment

- Agenda Item F.2.d, Supplemental Public Comment: Comment from Steve Godin regarding coho retention.
- Mr. Duncan MacLean, Troll Fisherman, Half Moon Bay, California.

F.2.e Council Action: Adopt Council Recommendations for Initial Alternatives for Salmon Technical Team Collation and Description (3/9/2014; 1:20 p.m.)

- Mr. Sones presented Agenda Item F.2.c, Supplemental Tribal Report 2 as preliminary recommendations for 2014 management options for collation and analysis by the STT.
- Mr. Anderson spoke to management objectives for 2014 fisheries, noting the inclusion of recommendations received from the tribes and WDFW relative to Puget Sound Chinook and coho stocks, and from the Quinault Indian Nation and WDFW relative to Grays Harbor fall Chinook. With respect to those recommendations and in reference to Agenda Item F.2.c, Supplemental WDFW/Tribal Report 2 and Supplemental WDFW/Tribal Recommendations, Mr. Anderson moved and Mr. Lincoln seconded Motion 3: Adopt for use in 2014 management, the objectives contained in Agenda Item F.2.c, Supplemental WDFW/Tribal Report and Agenda Item F.2.c, Supplemental WDFW/Tribal Report 2.

Mr. Anderson stated the Puget Sound Chinook recommendations are consistent with our Puget Sound Chinook Harvest Management Plan, with the exception of the Nisqually for which there will be further conversations; and the exception for Grays Harbor which is contained in Supplemental WDFW/Tribal Report 2 which is consistent with the review conducted by the Chinook Technical Committee of the Pacific Salmon Commission (PSC).

Mr. Turner asked (and the Council agreed) to have the STT model the Puget Sound consequences in a couple of different ways to bracket where that issue may be resolved for the sake of providing information to the Council and for the record.

Motion 3 carried unanimously.

Mr. Anderson stated his guidance to the STT would be to evaluate the information as shown for North of Falcon in Agenda Item F.2.c, Supplemental SAS Report to begin the multi-step process of developing the final options.

To help bracket a potential resolution to the Puget Sound problem, Mr. Turner asked for the STT to model the age-2 scalar issue in some different ways. The first way would be as suggested by Mr. Sones for both deep-south Puget Sound and mid-Puget Sound stocks. The second way, the status quo approach, would be to model the same as in the past. The third way would be to use the new scalars for the deep-south Puget Sound populations and the old scalars for the mid-central Puget Sound populations.

Mr. Buell recommended the STT assess the options South of Cape Falcon off Oregon as provided in Agenda Item F.2.c, Supplemental SAS Report. Regarding the pre-May fisheries, he recommended the Cape Falcon to Oregon-California border fishery be closed from March 1 through March 31, 2014 as an inseason action, which is reflected in the SAS report.

Ms. Yaremko offered guidance for the commercial troll alternatives of the SAS for the Klamath management zone (KMZ). She requested the SAS and STT work together to examine the issue of opening dates and the prospect for a 5-day per week fishery to provide a stop-and-count provision for management purposes as an added alternative. This could help manage the quota fishery more effectively. Further she directed the STT to strike the rollover provisions for quota fisheries that would be open in May, June, or July, as they are unnecessary. Further, regarding the Fort Bragg fishery, she directed that the opening date in Alternative 1 be changed from July 11 to July 8. She identified that determination of inseason action on the early fisheries would need to await further modeling of the currently proposed alternatives.

F.3 NMFS Report (3/9/2014; 1:39 p.m.)

F.3.a Agenda Item Overview

Mr. Mike Burner presented the Agenda Item Overview.

F.3.b Regulatory Activities

No report.

F.3.c Fisheries Science Center Activities

Dr. Pete Lawson and Dr. Steve Lindley provided Agenda Item F.3.c, Supplemental NMFS Science Center PowerPoint: Report on Science Center Activities. The report covered a variety of topics including the West Coast GSI program.

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

None.

F.3.e Public Comment

None.

F.3.f Council Discussion

None.

F.4 Council Recommendations for 2014 Management Alternatives Analysis (3/10/2014; 8:09 a.m.)

F.4.a Agenda Item Overview

Mr. Mike Burner presented the Agenda Item Overview.

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

Dr. Robert Kope presented Agenda Item F.4.b, Supplemental STT Report: Collation of Preliminary Salmon Management Alternatives for 2014 Ocean Fisheries.

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

F.4.c Public Comment

None.

F.4.d Council Direction to the Salmon Technical Team and Salmon Advisory Subpanel on Alternative Development and Analysis

Responding to issues raised by the collation of the preliminary salmon management alternatives in the Supplemental SST Report, Council members for the three coastal states recommended several changes to the preliminary options for further development and analysis by the STT and SAS.

North of Cape Falcon, Mr. Anderson provided guidance for changes that included some reductions in the non-tribal Chinook and coho quotas and, with regard to Puget Sound Chinook age-2 scalars, directed that modeling for the South Puget Sound impacts use the updated scalars, while using the old scalars for the Mid-Sound; and modeling both areas using the new scalars. Mr. Sones indicated the tribes were in agreement with the proposed changes.

South of Cape Falcon, Mr. Buell and Ms. Yaremko provided guidance for reducing some of the commercial and sport fisheries primarily to limit impacts on Klamath and Sacramento River fall Chinook, especially age-4 Klamath adults.

All of the specific changes identified for the STT to assess were subsequently reflected in Agenda Item F.5.b, Supplemental STT Report.

Ms. Yaremko moved and Mr. Wolford seconded Motion 6 to include Agenda Item F.4.c, Supplemental EC Report in the range of alternatives.

Ms. Yaremko stated the EC recommendation for a consistent federal regulation that prohibits all filleting of salmon at-sea would provide an additional level of security to ensure compliance with existing regulations. Ms. Yaremko clarified the intent of the motion was to have this proposed regulation included in one of the options for public review so that it could be implemented in 2014 if the Council so desires at the end of the process.

Motion 6 carried unanimously.

F.5 Further Council Direction on 2014 Management Alternatives (3/12/2014; 8:49 a.m.)

F.5.a Agenda Item Overview

Mr. Mike Burner presented the Agenda item Overview.

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

Dr. Robert Kope presented Agenda Item F.5.b, Supplemental STT Report.
Mr. Brian Corrigan presented Agenda Item F.5.b, Supplemental EC Report.

F.5.c Public Comment

None.

F.5.d Council Guidance and Direction

As subsequently reflected in Agenda Item F.6.b, Supplemental STT Report, Council members directed several changes to the management alternatives provided in Agenda Item F.5.b, Supplemental STT Report. The changes included reductions in the tribal and non-tribal overall Chinook quotas in Alternative 1 for north of Cape Falcon to limit impacts on Lower Columbia River (LCR) tules, and several minor changes in fisheries south of Cape Falcon, especially in the KMZ, to reduce impacts on age-4 Klamath Chinook.

F.6 Adoption of 2014 Management Alternatives for Public Review (3/13/2014 9:47 a.m.)

F.6.a Agenda Item Overview

Mr. Mike Burner Presented the Agenda Item Overview.

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

Dr. Robert Kope presented Agenda Item F.6.b, Supplemental STT Report: Analysis of Preliminary Salmon Management Alternatives for 2014 Ocean Fisheries.

Mr. Wilbur Slockish, Mr. Chris Williams and Mr. Herb Jackson presented Agenda Item F.6.b, Supplemental Tribal Report.

Agenda Item F.6.b, Supplemental ODFW Report.

F.6.c Public Comment

Mr. E. B. Duggan, Trinity River Guides, Willow Creek, California.

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

Mr. Anderson thanked the STT for their work and stated he thought the current package represents a reasonable range of alternatives.

Mr. Anderson moved and Mr. Lincoln seconded Motion 16 that the Council adopt for public review the three alternatives for the commercial and recreational fisheries North of Cape Falcon as prescribed in Agenda Item F.6.b, Supplemental STT Report, dated March 13, 2014, with the following modifications:

1. Page 12, Alternative 1, change the bag limit from “All Salmon; two fish per day” to “All Salmon; two fish per day, no more than one of which can be a Chinook.”
2. Page 12, Alternative 3, change five days per week to seven days per week.

Regarding the Chinook options, Mr. Anderson stated the critical factor is the modeled impacts for the LCR tules which show a range of outcomes from 39.7 to 42.0 with the ceiling being 41.0. There is some uncertainty yet as to the impacts of the West Coast Vancouver Island fisheries that will be clarified later through the PSC. In the interim, the STT has made their best estimate of the probable impacts. That is the rationale for alternatives with outcomes that are both above and below the ceiling. For coho, the issue is the impact on interior Fraser River stocks (also referred to as Thompson River stocks). The alternatives show a range of outcomes for the ocean impacts (page 22) of 4.4 to 5.4 percent that is well within the range of the ocean impacts in the past 5 years (a range of the low 4's to 6.1 percent). We will be working in the North of Falcon process to look at inside fisheries and impacts and will have a package at the end of the process that will have impacts that are at or below 10.0 percent for Interior Fraser stocks.

Motion 16 carried unanimously.

Mr. Sones moved and Mr. Turner seconded Motion 17 that the Council adopt the three treaty ocean troll salmon season alternatives for public review as they are presented in Table 3 of Agenda Item F.6.b, Supplemental STT Report, March 13, 2014 on pages 19-20:

- Alternative I– quota levels of 67,500 Chinook and 60,000 coho
- Alternative II- quota levels of 62,500 Chinook and 55,000 coho
- Alternative III – quota levels of 55,000 Chinook and 47,500 coho

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

Alternative I – 40,500; Alternative II – 36,250; Alternative III – 27,500 for the May/June/Chinook directed fishery and the remainder in each alternative for the July/August/September all species fishery.

The tribes request model runs be done on each of the three alternatives with what the tribes are proposing for Mid-Puget Sound age-2 Chinook recruit scalar and with what the WDFW is calling the "old" version, this would be a total of six model runs.

For the record, the tribes and state are just beginning the North of Falcon planning process in which we will evaluate the total impacts of all proposed fisheries on Puget Sound and Columbia River stocks.

Mr. Sones stated this was just a starting place for the work that would continue in the North of Falcon Process.

Mr. Anderson confirmed with Mr. Sones the tribal request for modeling the Puget Sound stock impacts did not include adding those stocks and impacts to the table in Preseason Report II.

Motion 17 carried unanimously.

Ms. Kirchner moved and Mr. Feldner seconded Motion 18 for the Council to adopt for public review the alternatives for non-Indian commercial and recreational fisheries between Cape Falcon and the Oregon/California border presented in Agenda Item F.6.b, Supplemental STT Report (March 13, 2014) with the changes described in Agenda Item F.6.b, Supplemental ODFW Report.

Ms. Kirchner stated the alternatives in the package meet our required conservation objectives. The change provided in the Supplemental ODFW Report is needed to provide for a rollover from sport to commercial fisheries in September since we need to have a preseason modeled-rollover estimate to be able to access the rollover if the opportunity arises.

Motion 18 carried unanimously.

Ms. Yaremko moved and Mr. Crabbe seconded Motion 19 to adopt for public review the alternatives for non-Indian commercial and recreational fisheries south of the Oregon/California border as presented in Agenda item F.6.b, Supplemental STT Report (March 13, 2014).

Ms. Yaremko noted the effort by the STT, SAS, and industry representatives to provide sound alternatives for public review.

Motion 19 carried unanimously.

F.7 Appoint Salmon Hearings Officers (3/13/2014; 10:30 a.m.)

F.7.a Agenda Item Overview

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

F.7.b Council Action: Appoint Salmon Hearings Officers

Mr. Burner reported attendees for the Council staff will be Dr. Kit Dahl at the Westport hearing and Mr. Burner will attend the Coos Bay and Santa Rosa hearings.

Mr. Anderson noted he would serve as the hearing officer for the Westport hearing.

Ms. Kirchner reported Mr. Feldner would serve as the hearing officer for the Coos Bay hearing.

Ms. Yaremko reported Mr. Crabbe would serve as hearing officer in Santa Rosa.

Mr. Turner noted Emily Wilson would staff the Westport hearing, Mr. Lance Cruzic would staff the Coos Bay hearing, and Ms. Heidi Taylor would staff the meeting in Santa Rosa.

LCDR Casad stated he will advise the Council on USCG personnel that will attend the hearings.

Mr. Burner listed the STT members that would attend the hearings.

F.8 Sacramento Winter Chinook Harvest Control Rule (3/13/2014; 10:34 a.m.)

F.8.a Agenda Item Overview

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

- Agenda Item F.8.a, Attachment 1: August 1, 2013 letter from Dr. McIsaac to Mr. Will Stelle, NMFS West Coast Regional Administrator regarding SRWC;
- Agenda Item F.8.a, Attachment 2: *Management Strategy Evaluation for Sacramento River winter Chinook salmon*; and
- Agenda Item F.8.a, Supplemental Attachment 3: Allowable or *de minimis* Fishery Impact Rates on Salmonid Stocks Listed under the Endangered Species List.

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

Mr. Robert Turner commented on Agenda Item F.8.a, Attachment 4: January 23, 2014 Federal Register Notice of Availability of a Management Strategy Evaluation, Request for Comments.

Mr. Mike Burner read Agenda Item F.8.b, Supplemental SSC Report.

Dr. Robert Kope presented Agenda Item F.8.b, Supplemental STT Report.

Mr. Dave Bitts presented Agenda Item F.8.b, Supplemental SAS Report.

F.8.c Public Comment

Mr. Dave Bitts, Pacific Coast Federation of Fishermen's Associations, Eureka, California.

F.8.d Council Action: Provide Guidance for Submitting Comments on the Sacramento Winter Chinook Harvest Control Rule

Mr. Wolford noted his agreement with the comments from Mr. Dave Bitts that we are interested in maintaining the fisheries and the run of winter-run fish. However, we can't do it all and he

would hope there are similar kinds of sacrifices being asked of other people who can control the fate of the winter-run far more than we can, for example the inland water practices and projects on the Sacramento River. He noted from the information in the Supplemental NMFS PowerPoint that there is not much difference in impacts on the winter-run among the control rule alternatives, all have a *de minimis* impact on the fishery. There is a significant change in the proportion between alternatives one and two, but between the others there isn't much change. What you don't see is the significant social and economic disruption on the fishery that some of these rules have. In particular, the impacts of the Southwest Region (SWR) and Alternative 5. He thought the SAS had done a thoughtful analysis in recommending Alternative 4. However, he would encourage more Council discussion before any action is taken.

Ms. Yaremko expressed support for the remarks from Mr. Wolford and Mr. Bitts. She supported the need for some level of *de minimis* fishery that is necessary to allow for some target fisheries. She thought Alternative 4 does allow for this and is the SAS recommendation. Even when fisheries are shut down, that didn't seem to have any effect on the escapement of winter-run. As Mr. Bitts stated, there doesn't seem to be a correlation between fisheries management and winter-run escapements. We need to continue to protect the winter-run through our current process. However, at the bottom end there is the real risk of severe economic consequences and we can probably do better than the rule we have today.

Mr. Wolford moved and Ms. Yaremko seconded Motion 20 that the Council write a letter to NMFS in response to the request for comment on the winter-run rule and endorse the use of control rule #4 per the assessment by the SAS; further, include in the letter the acknowledgment that the fishery is not the only source of impact on winter-run and encourage NMFS to address the issues of being "fair and equitable" with other parties who have similar or greater impact than the Council fisheries do.

Mr. Wolford stated the SWR control rule brings us to a knife edge drop to zero at a geometric mean of 500 that is unprecedented in any other control rule. Supplemental Attachment 3 shows other fishery control rules and there are a number of different and significant levels of which none are zero, which is far beyond what is required. With that drop, we need to be clear that there are social and economic impacts with millions of dollars at stake in the fishery. We are required by the MSA to ensure that we balance the needs for maintaining the resource with the maximized benefit to the Nation. That requires a better balance than provided by the existing SWR alternative. The risks estimated for the other control rules indicate little difference in the risk that can be measured. We have a good control rule with #4 and the ability to be fair and equitable with others who have more impact is an important issue that should be included in the letter.

Mr. Turner pointed out that the justification used by Mr. Wolford was mostly based on the MSA whereas the rule was under the authority of the ESA. He asked for some expansion of why control rule #4 may also meet the ESA requirements.

Mr. Wolford replied it is most critical to allow some beneficial fishing opportunity at the very low listed stock levels while minimizing risk to the listed stock. He contrasted control rule #3 with control rule #4. He noted control rule #4 provides more opportunity between 500 and 1000 fish than control rule #3. Then, as you drop below 500 fish, control rule #4 still provides some

fishing opportunity, but may offer more protection to the fish as the rate drops steadily toward zero while the impact rate under control rule #3 remains at a steady rate of 0.1. Control rule #5 and the SWR both take the impact rate to zero at significant numbers of the geometric mean. When the allowable impact rate goes to zero it closes all mixed stock fisheries. This mandated closure of the entire fishery makes the economic impact severe.

Dr. McIsaac asked Mr. Turner if he would speak to the policy considerations within the ESA that allow NMFS to weigh the risk and benefits in this determination.

Mr. Turner agreed the consultation standards allow for risk and there is a tremendous amount of scientific analysis that is involved in them. NMFS has developed common forms of consultation decisions criteria, viability risk analyses that are used to assess the effects of actions. In this situation we are focused on the green bars in the chart (Supplemental NMFS PowerPoint). It is true that the differences among rules is pretty small and within that context there is room for policy considerations about what the effects of the actions are on other activities. It is a reality though, that our point of departure in the analysis is not economics or impacts on other activities, but it is the effects on the listed species.

Motion 20 carried unanimously.

F.9 California Coastal Chinook Update (3/13/2014; 11:27 a.m.)

F.9.a Agenda Item Overview

Mr. Mike Burner presented the Agenda Item Overview and Agenda Item F.9.a, Attachment 1: California Coastal Salmonid Population Monitoring Strategy, Design, and Methods, CDFW, 2011.

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

Mr. Mike Lacy presented Agenda Item F.9.b, Supplemental CDFW PowerPoint: CDFW Priorities for Monitoring California Coast Chinook Salmon.

Mr. Bob Turner presented Agenda Item F.9.b, Supplemental NMFS Report.

Mr. Mike Burner read Agenda Item F.9.b, Supplemental SSC Report.

F.9.c Public Comment

None.

F.9.d Council Action: Consider California Coastal Chinook Management Issues

Ms. Yaremko noted the importance of California coastal Chinook to our management. Our constituents continue to ask us to look for other management alternatives since we continually struggle under this age-4, 16 percent impact cap. It certainly is a priority focus. At this time we understand that we have the surrogate and use it appropriately and are not sure if there is anything else available. We look forward to continuing the monitoring work to ensure that the Biological Opinion and status reviews are up to date and reflect the best available science. Within the department this is a priority and we appreciate the attention on the issue that the Council demonstrates.

G. Pacific Halibut Management

G.1 Report on the International Pacific Halibut Commission (IPHC) Meeting (3/10/2014; 3:17 p.m.)

G.1.a Agenda Item Overview

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

- Agenda Item G.1.a, Attachment 1: IPHC News Release;
- Agenda Item G.1.a, Attachment 2: 2014 Area 2A Pacific Halibut Allocations; and
- Agenda Item G.1.a, Supplemental Attachment 3: *Federal Register* Notice dated February 6, 2014, Proposed Rule, Halibut Catch Sharing Plan; and PFMC Comments Transmitted to NMFS.

G.1.b IPHC Report

Dr. Bruce Leaman and Mr. Claude Dykstra of the IPHC presented Agenda Item G.1.b, Supplemental IPHC PowerPoint: Summary of the IPHC's 90th Annual Meeting and Setline Expansion Survey.

G.1.c Council Representative Report

Ms. Gway Kirchner presented Agenda Item G.1.c, IPHC Meeting Summary: Report on the 2014 International Pacific Halibut Commission Annual Meeting.

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

Mr. Bob Alverson presented Agenda Item G.1.d, Supplemental GAP Report.

G.1.e Public Comment

Agenda Item G.1.e, Supplemental Public Comment: Letter from Cliff Hart, Humboldt Area Saltwater Anglers, Inc regarding halibut sport fishing.

Mr. Jim Yarnell, Humboldt Area Saltwater Anglers, Eureka, California.

Mr. Ben Doane, Humboldt Area Saltwater Anglers, McKinleyville, California.

Mr. Tom Marking, GAP Member, McKinleyville, California.

Mr. Sonke Mastrup, California Fish and Game Commission, Sacramento, California.

G.1.f Council Discussion

LCDR Casad discussed safety during the 2013 season and the USCG concerns regarding the derby fisheries used within Area 2A.

Mr. Wolford listed some of his questions with regard to how the Pacific halibut abundance and allocations are determined and expressed concerns for how the Council would deal with the possible reallocation and catch sharing. He is looking forward to planning a rational discussion and process in June in preparation for the 2015 season.

Mr. Anderson spoke to the process and the agreement of WDFW and ODFW to meet with CDFW representatives and have discussions to help reach a resolution on the process and issues.

Ms. Yaremko acknowledged the IPHC for the additional research they have done and understood that this would be the first time information from outside the survey might be included in the stock assessment. She welcomed the opportunity to show if there is an abundance of fish off of California that might contribute to the overall harvest.

G.2 Incidental Catch Recommendations for the Salmon Troll and Fixed Gear Sablefish Fisheries (3/11/2014; 10:12 a.m.)

G.2.a Agenda Item Overview

Ms. Kelly Ames presented the Agenda Item Overview and introduced Agenda Item G.2.a, Attachment 1: Summary of Pacific Halibut Incidental Catch Management.

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

Mr. Paul Heikkila presented Agenda Item G.2.b, Supplemental SAS Report.

Mr. Mark Cedergreen presented Agenda Item G.2.b, Supplemental GAP Report.

Sgt. Dan Chadwick presented Agenda Item G.2.b, Supplemental EC Report. [This report recommended a federal regulation requiring individual fish reporting on the fish tickets which was only required by Washington state law.]

G.2.c Public Comment

None.

G.2.d Council Action: Adopt Public Review Options for 2014 and April 2015 Salmon Troll Fishery; Make Recommendations for Inseason Changes to April 2014 Retention Limits in the Salmon Troll Fishery, as Necessary; Adopt Final Retention Limits for 2014 Fixed Gear Sablefish Fishery.

Ms. Ames stated she has amended the Council action statement that is on the screen to be clearer with regard to the salmon troll regulations that go into the following year (April 1-30, 2015).

Mr. Anderson elicited information from Mr. Paul Heikkila to indicate that the salmon troll industry recommendations for the incidental halibut catch regulations represented a consensus and any changes to them might unbalance that consensus.

Ms. Kirchner moved and Mr. Feldner seconded Motion 12 that the Council recommend inseason action to modify the April 1-30, 2014 incidental Pacific halibut catch regulations as provided in Agenda Item G.2.b, Supplemental SAS Report which states that license holders may land no more than one Pacific halibut per each four Chinook, except one Pacific halibut may be landed without meeting the ratio requirement, and no more than 12 halibut landed per trip.

Ms. Kirchner stated her motion represented a consensus of the industry and that they were trying to respond to a slight decrease in halibut abundance and she would respect and honor that point.

Motion 12 carried unanimously.

Ms. Kirchner moved and Mr. Anderson seconded Motion 13 that the Council adopt for public review, the range of Pacific halibut restrictions for the salmon troll fishery from May 1, 2014 to December 31, 2014 and April 1-30, 2015 as shown in Agenda Item G.2.b, Supplemental SAS Report.

Ms. Kirchner stated the motion is aimed at following the catch sharing language that points toward taking a large chunk of this catch in the April through June time frame. We are also seeing a slight decrease in the allowable quota and it is prudent to look at a more restrictive alternative to address those issues. Our track record on adjusting inseason is good and we have the ability to see how the year progresses to increase or decrease the limits.

Motion 13 carried unanimously.

Mr. Anderson moved and Ms. Kirchner seconded Motion 14 that the Council adopt an incidental halibut retention allowance for the commercial sablefish fishery north of Point Chehalis, Washington of 75 pounds dressed weight of halibut for every 1,000 pounds dressed weight of sablefish landed and up to 2 additional halibut in excess of the 75-lbs-per-1,000-pound ratio per landing.

Mr. Anderson stated his motion came from the recommendation of the GAP which was modified by the language recommended by the EC. In looking at the historical information in Attachment 1 you can see that last year's total harvest with these same regulations was 12,000 pounds. The allocation for this year is 14,274 pounds and we have the ability to adjust inseason to maintain the limits for this year.

Motion 14 carried unanimously.

There was some uncertainty as to how the EC recommendation (federal regulation requiring individual documentation of numbers of fish landed) should be handled for Oregon and California. Ms. Kirchner indicated her state could enact the regulation while Ms. Yaremko was supportive of including it in federal regulations, at least off California. The Council decided to let the advisors work on this issue and provide recommendations in the final adoption of the salmon alternatives for public review.

H. Enforcement

H.1 Vessel Monitoring System Ping Rate (3/11/2014; 11:04 a.m.)

H.1.a Agenda Item Overview

Mr. Jim Seger presented the Agenda Item Overview.

H.1.b Office of Law Enforcement Report

Dayna Matthews presented Agenda Item H.1.b, NMFS OLE Report: NMFS Office of Law Enforcement Report on Vessel Monitoring System (VMS) Ping Rate.

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

Mr. Bob Puccinelli presented Agenda Item H.1.c, Supplemental EC Report.
Mr. Paul Heikkila presented Agenda Item H.1.c, Supplemental SAS Report.
Mr. Gerry Richter presented Agenda Item H.1.c, Supplemental GAP Report

H.1.d Public Comment

Mr. Joe Dazey, Washington Troller's Association, Kingston, Washington.
Mr. Steve Wilson, Coastal Trawlers Association, Federal Way, Washington.
Mr. Gerry Richter read comments by Mr. Dave Kirk, Port San Luis Commercial Fisherman's Association; Port San Luis, California.
Mr. Gerry Richter, GAP Member, Santa Barbara, California.
Mr. Ben Enticknap, Oceana, Portland, Oregon.
Mr. Jason Robinson, F/V Risa Lynn, Santa Barbara, California.
Mr. Jeff Hepp, Santa Barbara Trawlers Association, Santa Barbara, California.

H.1.e Council Discussion (3/11/2014; 1:25 p.m.)

Mr. Farrell stated the information provided by the advisory bodies and public on this issue was helpful, but he would like a better and more accurate view of the costs, possibly from the manufacturer. He noted the potential use of alternate technologies, such as data loggers and geofencing, with the goal and possibility of increasing the accuracy of vessel location. It is important to have this fine scale resolution to help implement area management regulations without increasing buffer zones and to mitigate management costs. He would like to see more analysis completed (not sure who would do that) and the information brought back for further Council discussion and an informed decision. There is some urgency in this situation for the proper functioning of the OLE.

Mr. Feldner commented regarding the recommendation of the SAS and others for requiring a 15 minute ping rate for the open access salmon troll vessels. He believes that would not be necessary as these vessels can legally fish with troll gear inside the RCA.

Ms. Lowman thought this information was useful and noted that one of the tasks under this agenda item was to consider if we should start a regulatory amendment at this time which we would need to more fully consider in our meeting agenda prioritization under Agenda Item J.4

Mr. Brizendine would like more information about our ability to increase the ping rate. He thought this would be the easiest and most efficient way to achieve our objectives.

Ms. Culver noted the Council has discussed the ping rate several times. She thought we need to give enforcement adequate tools to enforce and use VMS effectively, since her understanding is that it isn't very effective with the hourly ping rate. She did not have a good sense of the number of VMS incursions that resulted in citations and fines versus contested citations that are brought before an administrative law judge. She would like to have that information. On the issue of the salmon trollers, Ms. Culver could see both sides of that issue. She thought the salmon trollers do have an RCA and do have a privilege that others don't have in being able to fish in the RCA and retain groundfish. We have certainly heard from others that they would also like to be able to

retain yellowtail and lingcod and to do so in the RCA. She did not have a good sense in the case of the salmon trollers as to the number of trollers who do land yellowtail and lingcod. She would like to have that type of information. She noted the Council has a heavy workload and that we will be looking at this and the competing priorities in our workload planning. However, she wants to make sure that we have effective enforcement tools.

Ms. Kirchner noted not all of the contested VMS cases go before an administrative law judge. Some are processed through the state courts and jury trials. Cases have been lost because there is some doubt about whether the fishing occurred within the RCA or if the vessel left, fished, and then re-entered the RCA. She has struggled with these issues. She wants the best enforcement possible, but also doesn't want an additional burden on the majority of fishermen who are law-abiding. We need to find other mechanisms, technologies, ping rates, or something to enforce closures in the RCA while not imposing unnecessary burdens across the entire fleet.

Mr. Farrell noted the VMS issue is a part of the electronic monitoring (EM) program and a big piece of finding a resolution should come from inside that effort.

Mr. Pollard stated this is about as far as we can go with this issue right now and that it would certainly be part of the Council's priority planning in June.

Mr. Lincoln agreed and asked if NMFS could commit to providing more information in June on existing alternatives for increasing ping rates as well as alternative opportunities for enforcement.

Mr. Helvey replied Mr. Mathews has been taking notes and we would be looking to provide the type of information identified here to the Council in June.

I. Coastal Pelagic Species Management

I.1 Pacific Sardine Temperature Parameter Review (3/11/2014; 1:40 p.m.)

I.1.a Agenda Item Overview

Mr. Kerry Griffin presented the Agenda Item Overview.

I.1.b Report on Pacific Sardine Temperature Parameters

Mr. Felipe Hurtado presented Agenda Item I.1.b, Attachment 1: Revised Analyses Related to Pacific Sardine Harvest Parameters.

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

Ms. Lorna Wargo referenced Agenda Item I.1.c, CPSMT Report and presented Agenda Item I.1.c, Supplemental CPSMT PowerPoint.

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

Ms. Diane Pleschner-Steele presented Agenda Item I.1.c, Supplemental CPSAS Report.

I.1.d Public Comment (3/11/2014; 3:13 p.m.)

Agenda Item I.1.d, Public Comment: Comments from Richard Parrish on the Sardine Re-analysis.

Agenda Item I.1.d, Supplemental Public Comment 2: Letter from California Wetfish Producers Association regarding Richard Parrish's comments.

Agenda Item I.1.d, Supplemental Public Comment 3: Letters from Pew Environmental Group and Oceana.

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

Mr. Ryan Kapp, Fisherman, Bellingham, Washington.

Dr. Geoff Shester, Oceana, Monterey, California.

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

I.1.e Council Action: Consider Technical Changes in Temperature and Stock Productivity Parameter Changes and Other Fishery Management Changes for Pacific Sardine

The Council discussed what actions could be completed at this meeting and the timeline and workload that would be required to implement harvest and OFL control rules utilizing the California Cooperative Oceanic Fisheries Investigations (CalCOFI) temperature index in time for the July 1, 2014 through June 30, 2015 sardine season. For this meeting, it was determined that the Council could take final action on the technical change of replacing the Scripps Institution of Oceanography (SIO) temperature index with the CalCOFI temperature index as they apply to the OFL control rule calculations. Regarding the timeline for final implementation of the harvest policy changes, Mr. Helvey indicated it would not be possible for NMFS to provide a NEPA document by April. Applying the new temperature index to the harvest control rule would require subsequent action a future Council meeting.

Ms. Yaremko moved and Ms. Culver seconded Motion 15 for the Council to:

1. Replace the existing Scripps Institute of Oceanography (SIO) temperature index with the CalCOFI temperature index for purposes of determining both OFL FRACTION and harvest guideline (HG) FRACTION.
2. In order to accommodate regulatory amendment timelines, for 2014-15 fishing season only, the CalCOFI index shall be used for purposes of determining OFL, while the SIO index would need to be used for purposes of calculating the HG FRACTION.
3. Accept the SSC Recommendation (Agenda Item I.1.c, Supplemental SSC Report) that the OFL for the northern subpopulation of Pacific sardine be based on an Emsy proxy derived from the relationship between estimated Emsy and the 3-year moving average of the CalCOFI Temperature index, restricted to an OFL FRACTION (or Emsy) range of 0-25 percent.
4. Evaluate additional alternatives for a HG FRACTION (or Emsy) of 0-20 percent and 5-20 percent based on the 3-year moving average of the CalCOFI temperature index, which preserves current policy by allowing higher harvest rates in periods of high biomass and productivity, but constrains harvest rates when biomass and productivity are low. (*See Culver/Yaremko amendment below*).
5. Direct the Coastal Pelagic Species Management Team (CPSMT) to move to other priority needs while continuing to routinely advise the Council as to whether the sardine control

rules are achieving the coastal pelagic species CPS FMP goals identified in both the CPSMT and supplemental CPSAS reports (Agenda I.1.c).

Ms. Yaremko stated the use of the CalCOFI temperature index has been extensively reviewed and recommended as the best available science for informing us on temperature as it relates to sardine productivity. Rule-making timelines prevent utilization of the CalCOFI temperature index for the 2014-2015 season with regard to the harvest guideline fraction. However, we are able to use it for the OFL determination backed by the recommendation of the SSC and intend to use it for the HG FRACTION determination in the future when that approach is made available through the regulatory process. Item 3 follows the SSC recommendation to restrict the OFL fraction range to 25 percent. Item 4 suggests considering some additional alternatives that are worthy of examination. Lastly, item 5 recognizes we have spent a lot of time on examining the harvest control rule and that there are other priority needs for the management team while still tracking the performance of the sardine control rules.

Ms. Culver spoke in support of the motion in following the SSC recommendation for the best available science while recognizing the need for a hybrid approach for this coming season. She supported full implementation of the CalCOFI temperature index with the OFL fraction as soon as the regulatory process allowed. She is not sure the 10-20 percent range exactly captures what we previously had in place with the 5-15 percent range. She believes we have tended to focus on the upper end of sea surface temperature because that is what we have experienced for so long and she is not sure we have fully evaluated what would occur at low temperatures. She just wants to make sure we have the flexibility to do that and is not anxious to go through another rule-making process. That is why she is supportive of evaluating additional alternatives. She agrees on the need to prioritize the work of the team to focus on some of the other stocks that we have not had time to work on.

Ms. Yaremko clarified her intent in looking at additional alternatives (item 5) was to get more information about the lower end of the range. There have been many model runs, but she is not sure if the 0-20 percent range has been evaluated. Also, most of the analysis for the NEPA review is yet to be done. We will likely be taking this matter up again sometime between now and next March when we would be taking final action on a revised harvest guideline fraction for implementation beginning July 2015. She would leave it to the management team and NMFS to decide who best could do the NEPA evaluation.

Ms. Culver moved and Ms. Yaremko seconded Amendment 1 to Motion 15 to insert in item 4: Direct the CPSMT to evaluate additional alternatives in sufficient time for implementation for the July 1, 2015 fishery start date.

Ms. Culver stated she assumed the team would be doing the work of evaluating the alternatives and that once this issue was scheduled for action, NMFS would have the NEPA documents completed.

Amendment 1 carried unanimously. Motion 15, as amended, carried unanimously.

Mr. Crabbe offered guidance on the additional alternatives. In doing the alternative fractions, he wanted to make sure the analysis included the cut-off and also at high abundance levels, to see what a 0-20 percent or 5-20 percent fraction would do with low temperatures.

Ms. Culver stated she would concur with the team analyzing a full range of reasonable possibilities.

J. Administrative Matters

J.1 Magnuson-Stevens Act (MSA) Reauthorization Priorities and other Legislative Matters (3/11/2014; 4:35 p.m.)

J.1.a Agenda Item Overview

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

- Agenda Item J.1.a, Attachment 1: House MSA Reauthorization Bill Discussion Draft;
- Agenda Item J.1.a, Attachment 2: Staff Analysis of House Discussion Draft;
- Agenda Item J.1.a, Attachment 3: Western Pacific Fishery Management Council Perspectives on Discussion Draft;
- Agenda Item J.1.a, Attachment 4: Verbal Testimony of Dr. Donald McIsaac;
- Agenda Item J.1.a, Attachment 5: Written Testimony of Dr. Donald McIsaac;
- Agenda Item J.1.a, Attachment 6: Letter to Congress on Council MSA Priorities;
- Agenda Item J.1.a, Attachment 7: March 2014 Staff Summary of Federal Legislation;
- Agenda Item J.1.a, Supplemental Attachment 8: New England Fishery Management Council Draft Comments on the MSA Discussion Draft;
- Agenda Item J.1.a, Supplemental Attachment 9: Testimony of Dorothy Lowman, Chair of the Pacific Fishery Management Council on Pacific Council perspectives on Magnuson-Stevens Act Reauthorization before U.S. House of Representatives Committee on Natural Resources “Strengthening Fishing Communities and Increasing Flexibility in Fisheries Management Act” Hearing February 28, 2014;
- Agenda Item J.1.a, Supplemental Attachment 10: Assembly Bill No 2019; Introduced by Assembly Members Fong and Levine (Principal Coauthor: Assembly Member Stone) (Coauthor: Assembly Member Rendon) February 20, 2014; and
- Agenda Item J.1.a, Supplemental Attachment 11: Letter from Mr. Phil Anderson, WDFW, to the Honorable Doc Hastings, Regarding WDFW – Initial Comments on the December 18, 2013 “Discussion Draft” Proposal to Amend the MSA.

J.1.b Report of the Legislative Committee

Ms. Jennifer Gilden read Agenda Item J.1.b, Supplemental Legislative Committee (LC) Report (Mr. Wolford and Dr. Hanson recommended some minor changes to pages 4 and 6 of the Supplemental LC Report. Mr. Anderson supported substituting “possible” with “practicable” in the Council’s comments).

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

Agenda Item J.1.c, Supplemental Draft EC Report.

LCDR Gregg Casad presented Agenda Item J.1.c, Supplemental EC Report.
Mr. Doug Fricke presented Agenda Item J.1.c, Supplemental HMSAS Report.

J.1.d Public Comment

Agenda Item J.1.d, Supplemental Public Comment: Letter from International Law Offices, San Diego regarding Assembly Bill No 2019.

Ms. Teri Shore, Turtle Island Restoration Network, Forest Knolls, California - *withdrawn*.

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

Mr. Ben Enticknap, Oceana, Portland, Oregon.

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

J.1.e Council Action: Consider the Report and Recommendations of the Legislative Committee (3/12/2014; 8:09 a.m.)

[NOTE: The Council discussed the issue of responding to a request to comment on the issues around proposed California State legislation with regard to a ban on all drift gillnetting (letter under Agenda Item K.5). NOAA GC did not have a definitive answer on the issue of responding to a request for comment on state legislation at the time of this discussion. It was decided the issue would be covered under Agenda Item K.5. Mr. Wolford pointed out that the letter ask for a response on four points and was not a request to comment on the legislation. A response to the four points was later handled by NMFS.]

The Council began consideration of the Supplemental LC Report in regards to what would be incorporated into a Council letter to Congress which would need to be delivered before the end of March.

Mr. Myer suggested that, due to changing perceptions and because it is under the prevue of the Department of Agriculture, the Council delete the recommendation for stricter seafood import labeling requirements.

Mr. Wolford noted this was the first time we had heard from the Highly Migratory Species Advisory Subpanel (HMSAS) on reauthorization and suggested Council staff review the Supplemental HMSAS Report and incorporate any pertinent recommendations that had not been previously considered in the Council's letter. He did not think the redirection of the Saltonstall-Kennedy funds rose to that level. However, he thought that the first bullet in the Supplemental HMSAS Report (directing the Secretary to identify nations that are not compliant with Regional Fishery Management Organization measures and take steps to impose trade sanctions on those nations in accordance with existing MSA provisions) was important and should be included. He also identified the fourth bullet (concerning MSA language that would prevent reductions of U.S. fisheries catch and effort limits if other countries cannot demonstrate compliance with existing international conservation and management measures). Other items he considered applicable to the letter were the fifth bullet on marine mammals and the sixth bullet on primacy of the MSA authority and process. He noted the remaining recommendations on the last page of the Supplemental HMSAS Report were either already identified as priorities or should be added.

Mr. Anderson noted the issue of substituting "practicable" for "possible" and keeping that in the letter. He was supportive of adding the priorities identified in the Supplemental LC Report and

for dropping the seafood labeling recommendation as noted by Mr. Myer. He was not supportive of all of the items in the Supplemental HMSAS Report that Mr. Wolford spoke to, for example, promulgating all marine mammal and other species protective and conservation management measures through the MSA (bullet five). There may be specific requirements for fishing activities which they need to prescribe. He did not believe the redirection of a portion of Salstonstall-Kennedy funds was appropriate in the context of this letter. He also stated we needed to be sure that the recommendation on enforcement (from the EC) did not imply state authority over treaty Indian fisheries. He was supportive of staff taking the information from the Council discussion and Mr. Moore's comments in public testimony to draft the letter.

Mr. Farrell expressed support for the points in the Supplemental LC Report and in particular those items that provide clarity on the enforcement language regarding the use of the EM data. He thanked Mr. Anderson for including expansion of state authority for Dungeness crab management and for state enforcement authority beyond 3 miles. He thought such action would help remove several legal loopholes.

Dr. McIsaac expressed concern about what would go in the letter regarding any points of disagreement among Mr. Wolford and Mr. Anderson. Mr. Wolford clarified and Ms. Culver agreed that anything that was not unanimous should not go in the letter.

J.2 Approval of Council Meeting Minutes (3/13/2014; 11:58 a.m.)

J.2.a Council Member Review and Comments

Ms. Lowman asked for comments on and approval of the September Council meeting minutes as provided in Agenda Item J.2.a, Attachment 1: Draft Minutes: 220th Session of the Pacific Fishery Management Council (September 2013).

J.2.b Council Action: Approval of Previous Council Meeting Minutes

Mr. Myer noted a correction on page 26 in the second paragraph under Council Action, second to the last line, in regard to the feasibility of assessments for brown or copper rockfish. The correction should be south of "42°" N. latitude rather than 44° N. latitude.

Mr. Roth noted a typo on page 8 regarding reference to the increase in the Bonneville Dam fish count to 250,000 in one day. It is likely 25,000, but can probably be stricken as he is not sure of the actual number.

Mr. Ortmann moved and Mr. Pollard seconded Motion 21 to approve the draft minutes as presented for September 2013 (Agenda Item J.2.a, Attachment 1), with the identified corrections.

Motion 21 carried unanimously.

Dr. McIsaac noted an error had recently been noted by Mr. Wolford in the April 2013 Council minutes in which they referred to a "Supplemental GMT Report" (Agenda Item D.5.b) which was not supplemental, but rather the original GMT Report. This technical correction has been made in the record.

J.3 Membership Appointments and Council Operating Procedures (3/13/2014; 12:03 p.m.)

J.3.a Agenda Item Overview

Mr. Chuck Tracy presented the Agenda Item Overview and announced the new designee for the state of Washington as Mr. Kyle Adicks.

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

None.

J.3.c Public Comment

Mr. E. B. Duggan, Trinity River Guides, Willow Creek, California.

J.3.d Council Action: Consider Changes to Council Operating Procedures and Appointments to Advisory Bodies

Mr. Sones moved and Mr. Turner seconded Motion 22 to appoint Dr. Galen Johnson to fill the tribal government seat on the Scientific and Statistical Committee, and to appoint Mr. Kris Northcut to fill the tribal government seat on the Highly Migratory Species Management Team.

Motion 22 carried unanimously.

Ms. Yaremko moved and Mr. Wolford seconded Motion 23 to appoint Ms. Melodie Palmer-Zwahlen to fill the California Department of Fish and Wildlife seat on the Salmon Technical Team.

Motion 23 carried unanimously.

Ms. Kirchner moved and Mr. Feldner seconded Motion 24 to appoint Lieutenant Tim Schwartz to fill the Oregon State Patrol seat on the Enforcement Consultants.

Motion 24 carried unanimously.

Mr. Turner moved and Mr. Pollard seconded Motion 25 to appoint Dr. John Stadler to fill the West Coast Region seat on the Habitat Committee, and to designate Ms. Korie Schaeffer as his alternate.

Motion 25 carried unanimously.

Ms. Lowman reported she is making the following appointments to the ad hoc Lower Columbia Natural Coho Workgroup:

- Mr. Chris Kern and Mr. Geoffrey Whisler, Oregon Department of Fish and Wildlife;
- Ms. Cindy LeFleur and Mr. Doug Milward, Washington Department of Fish and Wildlife;
- Mr. Jeromy Jording and Mr. Enrique Patiño, National Marine Fisheries Service; and

- Mr. Stuart Ellis and Mr. Hap Leon, tribal governments.

Ms. Lowman stated there was a little work yet to do with regard to appointments to the Take Reduction Team, but that would occur by the April Council Meeting.

J.4 Future Council Meeting Agenda and Workload Planning (3/13/2014; 12:16 p.m.)

J.4.a Agenda Item Overview

Dr. Don McIsaac presented the Agenda Item Overview and directed Council members to the following attachments:

- Agenda Item J.4.a, Attachment 1: Pacific Council Workload Planning: Preliminary Year-at-a-Glance Summary;
- Agenda Item J.4.a, Attachment 2: Draft Proposed Council Meeting Agenda, April 3-10, 2014 in Vancouver, WA;
- Agenda Item J.4.a, Supplemental Attachment 3: Process for Pacific Council review of Allowable Fishery Impacts to Lower Columbia Natural Coho (2014 March Draft); and
- Agenda Item J.4.a, Supplemental Attachment 4: Pacific Council Workload Planning: Preliminary Year-at-a-Glance Summary and Draft Proposed Council Meeting Agenda, April 3-10, 2014 in Vancouver, WA.

Dr. McIsaac reminded the Council of the omnibus designation that included all of the groundfish regulatory issues that were separated from the biennial specifications process. He also noted the April agenda, as presented in the supplemental attachment, was near final and would need to be finalized today to meet the *Federal Register* deadline.

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

Mr. John DeVore presented Agenda Item J.4.b, Supplemental GMT Report.

Mr. Butch Smith presented Agenda Item J.4.b, Supplemental SAS Report.

J.4.c Public Comment

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

J.4.d Council Action: Discussion and Guidance on Future Meeting Agenda and Workload Planning

Ms. Kirchner noted the GMT is overwhelmed with the current workload. She appreciates the table that they have provided to limit and focus their time on just three issues. If there is any time remaining, her recommendation would be to work on the electronic monitoring program. She didn't see the other issues as critical.

Mr. DeVore commented the task regarding the Pacific whiting fishery is to adopt the set-asides in that fishery which would not require much effort, primarily just a quick review of the data by the GMT.

Ms. Yaremko echoed the concerns and priorities expressed by Ms. Kirchner. She agreed with Mr. Marx's recommendation for a stand-alone item for highly migratory species (HMS) to take a

look at hard caps and observers, outside of the routine management measures. She would like to see the EM informational presentation broadened beyond just groundfish.

Mr. Lincoln supported the previous comments. He hoped the timing on the rule concerning HMS observers and hard caps could be such that there would be time for more Council input. Regarding the unmanaged forage fish issue, he would like to see the Council have the latitude to consider doing something in November after we have some more input. Dr. McIsaac replied that would be possible.

Ms. Lowman agreed the EM informational briefing has been focused on the groundfish issues, but thought we should be looking at it in terms of what might be transferable to the other fisheries.

The Council further discussed the upcoming albacore negotiations and timing of a draft agreement for a mid-April session to come up with a 2014 regime. Any agreements will be reported at the June Council meeting.

Ms. Yaremko noted the benefits of our increasing use of webinars.

[Council concluded this agenda item at 1:15 p.m. and adjourned the meeting]

K. Highly Migratory Species management

K.1 National Marine Fisheries Service Report (3/12/2014; 9:37 a.m.)

K.1.a Agenda Item Overview

Dr. Kit Dahl presented the Agenda Item Overview.

K.1.b Regulatory Activities

Mr. Mark Helvey presented Agenda Item K.1.b, NMFS Report: NMFS Highly Migratory Species Regulatory Report.

K.1.c Fisheries Science Center Activities

Dr. Russ Vetter presented Agenda Item K.1.c, NMFS SWFSC Report: Research Activities and Agenda Item K.1.c, Supplemental SWFSC PowerPoint 1: Southwest Fisheries Science Center, HMS Research Report.

Ms. Rebecca Lewison and Ms. Sara Maxwell presented Agenda Item K.1.c, Supplemental SWFSC PowerPoint 2: Developing Dynamic Ocean Decision-making applications for Pacific Fisheries.

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

Mr. Doug Fricke presented Agenda Item K.1.d, Supplemental HMSAS report.

K.1.e Public Comment

Agenda Item K.1.e, Supplemental Public Comment: Letter from International Law Offices of San Diego.

Mr. Ben Enticknap, Oceana, Portland, Oregon.

K.1.f Council Discussion

Ms. Yaremko asked whether the temporary emergency action (78 FEDERAL REGISTER 54548) for the California drift gillnet fishery would expire before the start date of the next fishing season.

Mr. Helvey replied an emergency rule expires after 180 days and Mr. Feder said under the MSA an emergency action can be extended for one additional six month period. Mr. Helvey noted permanent regulations prohibit the fishery from near shore areas until August 15 and therefore it would not occur before then.

Mr. Wolford asked if NMFS would extend the temporary emergency rule and would there be 100 percent observer coverage. Mr. Helvey responded NMFS would consider an extension, but 100 percent observer coverage was not possible.

On another topic, Ms. Culver asked if NMFS would consult with the Western Pacific Fishery Management Council (WPFMC) regarding the Hawaii longline fishery harvest of the 500 mt bigeye tuna quota in the Eastern Pacific Ocean. Mr. Helvey noted the quota only applies to vessels longer than 24 meters. There are 29 such vessels in the Hawaii fleet and one from the West Coast that are competing for this quota. The WPFMC and PFMC haven't coordinated on measures regarding the harvest of this quota and NMFS WCR has not yet weighed in on the issue. He observed the WPFMC is advocating for unused quota of Asian nations to be transferred to the U.S. to alleviate the current constraint on the Hawaii fleet, but this is a long-term solution.

Ms. Culver asked if any of this bigeye is landed on the West Coast and Mr. Helvey replied the Hawaii fleet lands all their tuna in Hawaii, although they land swordfish on the West Coast.

Dr. McIsaac asked about permit requirements for this fishery. Mr. Helvey responded permits are not limited for West Coast HMS vessels but the Hawaii longline fishery operates under a limited access permit program. Past analysis by NMFS indicates up to seven West Coast vessels could potentially participate in the longline fishery, although only one vessel is currently participating.

Mr. Wolford asked about "unobservable" boats in the California drift gillnet fishery. Mr. Helvey explained the requirements and objectives for observer coverage in the fishery.

K.2 Vessel Monitoring Systems (VMS) for Highly Migratory Species Fisheries (3/12/2014; 10:37 a.m.)

K.2.a Agenda Item Overview

Dr. Kit Dahl presented the Agenda Item Overview and introduced Agenda Item K.2.a, Attachment 1: 79 FEDERAL REGISTER 7152, Establishment of Tuna Vessel Monitoring System in the Eastern Pacific Ocean.

K.2.b National Marine Fisheries Service Report

Mr. Mark Helvey noted the proposed rule was in the Briefing Book and the public comment period ended on March 10. He encouraged the Council to provide comments even though the public comment period had ended. He discussed the results of public hearings NMFS held and the provision to allow VMS units to be turned off at times when tuna were not in the area.

Mr. David Hogan provided comments concerning the information from the measure under the proposed rule.

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

Mr. Doug Fricke presented Agenda Item K.2.c, Supplemental HMSAS Report.

K.2.d Public Comment

Mr. Gene Fisher, F/V Two Fishers, Seattle, Washington.

K.2.e Council Action: Consider the NMFS Report and Provide Guidance for Implementation of VMS in Highly Migratory Species Fisheries

Mr. Helvey confirmed for Ms. Culver that the estimated number of vessels the VMS requirement would apply to is 17.

Ms. Culver asked for confirmation of her understanding of the proposed VMS requirements. She presumed they would apply to purse seine and hook-and-line vessels (24 meters or more in length), or vessels using a combination of those gears, require the VMS to be turned on both inside and outside the Inter-American Tropical Tuna Commission (IATTC) Convention Area with a ping rate of one per hour, the VMS units may be turned off in port with notification to NMFS, and there may be Federal funds for reimbursement of the purchase cost.

Mr. Helvey confirmed her presumptions. However, with regard to reimbursement, Mr. Helvey noted that previously a subsidy of up to \$3,100 per vessel was available through PSMFC to subsidize purchase of VMS units. They have not contacted PSMFC to confirm what funds may now be available.

Mr. Crabbe asked about whether albacore vessels could turn off the VMS unit when not targeting albacore. Mr. Helvey replied that after consultation with OLE it was determined that the units would have to be turned on at all times. Mr. Crabbe noted the purse seine fleet targets tuna infrequently and Mr. Helvey said these vessels would have to make a declaration at the

beginning of each year as to whether they will target tuna. If so, the VMS would have to be on at all times during that year.

Dr. McIsaac asked if another resolution could be advanced at the IATTC that would supersede the current requirement and exempt vessels such as those the Council has been talking about.

Mr. Hogan replied at the Regional Fishery Management Organizations level the U.S. has been advocating for effective monitoring and wants to demonstrate U.S. compliance. Other countries' purse seine fleets have already complied with the VMS requirement. In particular, Mexico has been asking why the U.S. has not complied with the requirement yet when they have implemented a comprehensive program that covers all their coastal fleets. He also emphasized the resolution does not prescribe any particular gear type with respect to applicability.

Ms. Lowman asked if any other countries have exempted any of their fleets from the requirement. Mr. Hogan described the IATTC compliance monitoring process. It involves self-reporting by members and all other members state they are in compliance.

Ms. Kirchner expressed concern this requirement could eventually apply to all albacore troll vessels. Mr. Hogan suggested this could be discussed further at the IATTC, but the U.S. could block any future resolution that expands the VMS requirement.

Dr. McIsaac noted this was the opportunity for the Council to comment on the rule if they wanted any changes. No comment would mean the regulation would be implemented as proposed.

Ms. Culver recalled the Council had expressed their preference for this regulation to be implemented under the MSA, but this wasn't feasible given the Council's schedule in the second half of 2013. She asked NMFS and the State Department to take note of the points raised during today's discussion.

While recognizing the timing issues with regard to implementing this regulation, Ms. Lowman hoped that this circumstance would not be repeated.

K.3 Recommendations for International Management Activities (3/12/2014; 11:26 a.m.)

K.3.a Agenda Item Overview

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

- Agenda Item K.3.a, Attachment 1: Summary of Conservation and Management Measures adopted by the Western and Central Pacific Fisheries Commission;
- Agenda Item K.3.a, Attachment 2: Letter from Dr. Donald McIsaac to Mr. Michael Tosatto, Council Recommendations to the U.S. Delegation to the Ninth Meeting of the Northern Committee; and
- Agenda Item K.3.a, Attachment 3: Precautionary Management Framework for North Pacific Albacore (USA Concept Paper), Attachment G to the Summary Report of the Ninth Regular Session of the Northern Committee.

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

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

K.3.c Public Comment

Mr. Peter Flournoy, American Fisherman Research Foundation, San Diego, California.
Mr. Doug Fricke, Albacore Fisherman, Hoquiam, Washington.

K.3.d Council Action: Provided Guidance for the Development of the Precautionary Framework for the North Pacific Albacore Tuna Management, Including Biological Reference Points and Discussion Rules (3/12/2014; 12:59 PM)

Dr. McIsaac provided introductory comments on the development of the precautionary framework since June 2013. He highlighted the information that was forwarded to the U.S. delegation to the Northern Committee, in particular the framework for determining biological reference points.

Mr. Brizendine asked when the Council should provide additional guidance. Dr. McIsaac said there may not be substantial progress at the international level until the next Northern Committee meeting. He suggested the Council comment on whether to advance these concepts at the IATTC and to flag any elements of the proposed framework they are not comfortable with.

Mr. Wolford said he was having difficulty providing input given the lack of advice from the Highly Migratory Species Management Team (HMSMT).

Mr. Helvey noted the material forwarded to the U.S. delegation in August 2013 was based on the June 2013 HMSMT Report. The material in Agenda Item K.3.a, Attachment 2 is intended to capture Council intent as expressed in June 2013. The U.S. discussed these ideas with the Canadian delegation at the Northern Committee meeting; because of differences over an appropriate F-limit reference point, the U.S. presented the Concept Paper distributed here as Attachment 3. He noted the advice in the Supplemental HMSAS Report could be addressed going forward.

Mr. Pollard also expressed concern about the lack of information available to the Council, which prevents substantive input. Mr. Helvey suggested the Council focus on the biological reference points and decision rule elements of the framework. More input is also needed on the identification of appropriate management measures. Mr. Pollard responded the framework should be further refined to highlight key decision points, especially biological reference points, before the Council weighs in.

Dr. Dahl discussed how the USA Concept Paper had been formulated with respect to biological reference points and decision rules. He pointed to information in the June 2013 HMSMT and SSC Reports that supports the identification of specific reference points.

Mr. Brizendine noted the need to continue work on this so that North Pacific albacore continues to receive attention at the international level. Mr. Pollard concurred, emphasizing the need for a process that will lead to the selection of reference points.

Mr. Anderson agreed with previous comments about the lack of information for Council decision making on this. He asked if the Council's objective here is to influence the positions of the U.S. delegation. While at the international level North Pacific albacore may be a lower priority compared to other HMS, it is important that a precautionary management framework is developed that does not cause a disproportionate impact to U.S. harvesters and that all countries can agree to. In particular, the current differences with Canada need to be resolved.

Dr. Dahl asked if the Council concurred the precautionary management framework concepts should be next advanced through the U.S. delegation to the upcoming IATTC meeting.

Mr. Pollard confirmed working in the IATTC arena is a good next step and summarized Council discussion by saying the Council supports precautionary management that does not place a disproportionate conservation burden on U.S. harvesters.

K.4 U.S. – Canada Albacore Treaty Update (3/12/2014; 1:30 PM)

K.4.a Agenda Item Overview

Dr. Kit Dahl presented the Agenda Item Overview.

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

Mr. Mark Helvey presented information from Agenda Item K.4.b, NMFS Report.

Mr. Brizendine and Mr. Hogan commented on the Treaty meeting from February 2014, Agenda Item K.4.b, Government of Canada Report on the 2013 Fishing Season.

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

K.4.c Public Comment

Agenda Item K.4.c, Supplemental Public Comment: Letter to Chair Lowman regarding the U.S. Canada Albacore Treaty – Joint Position of Albacore Harvesters.

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

Mr. Joel Kawahara, CTA, Quilcene, Washington and provided Agenda Item K.4.c, Supplemental Public Comment 2: Ellensburg Washington, Daily Record Dated Sept 5, 1979.

Mr. Jeremy Brown, Fisherman, Bellingham, Washington.

K.4.d Council Action: Adopt, as Necessary, Recommendations for the Fishery Regime Pursuant to the U.S. – Canada Albacore Treaty

Mr. Pollard and Mr. Anderson expressed their concern about discussing issues that might impinge on a U.S. negotiating position in a public forum. However, NOAA GC said the criteria for what can be discussed in closed session does not extend to these topics.

LCDR Casad commented on USCG interactions with the albacore fleet during the 2013 season, stating they did not hear of any problems with aggressive behavior by Canadian vessels during the last fishing season.

Mr. Anderson said he did not see a need for the Council to make any additional recommendations on a U.S. position for the upcoming treaty negotiations. He also pointed out that Mr. Hogan has been an effective negotiator and works closely with industry representatives during the negotiations. Mr. Crabbe agreed the State Department is reflecting the desires of the industry.

Mr. Pollard thanked Mr. Hogan for participating in the Council meeting.

Mr. Hogan described the State Department perspective with respect to the negotiations, including input from industry and the context within which these negotiations are taking place. He thinks the issues at hand are broadly similar to last year so previous Council recommendations are still relevant.

K.5 Drift Gillnet Monitoring, Management, and Alternative Gear Report (3/12/2014; 2:25 p.m.)

K.5.a Agenda Item Overview

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

- Agenda Item K.5.a, Attachment 1, 78 FEDERAL REGISTER 54548, September 4, 2013, Temporary Rule, Emergency Action; and
- Agenda Item K.5.a, Supplemental Attachment 2: Letter from SWFSC Regarding Recent comments by Turtle Island Restoration Network on NOAA Fisheries Swordfish Research and Collaborative Fisheries Research (CFR) West Project.

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

Mr. Mark Helvey presented information from Agenda Item K.5.b, NMFS Report: Recommendations from the Pacific Offshore Cetacean Take Reduction Team to Minimize Sperm Whale Interactions in the West Coast Swordfish Drift Gillnet Fishery.

Ms. Liz Hellmers presented Agenda Item K.5.b, Supplemental NMFS Report 2: Pacific Offshore Take Reduction Team (TRT) Recommendations and Implementation Plan.

Dr. Russ Vetter presented Agenda Item K.5.b, NMFS SWFSC Report, Alternative Gear Research Update (PowerPoint).

Dr. Chugey Sepulveda presented PFMC Research update Agenda Item K.5.b, Supplemental NMFS Report 3: Letter to Assembly Member Stone from NMFS West Coast Region.

Mr. Craig Heberer and Dr. Stephen Stohs presented Agenda Item K.5.b, HMSMT Report on Drift Gillnet Management and Agenda Item K.5.b, Supplemental HMSMT Report 2: Drift Gillnet Monitoring, Management, and Alternative Gear Report.

Mr. Doug Fricke and Mr. Steve Fosmark presented Agenda Item K.5.b, Supplemental HMSAS Report.

K.5.c Public Comment

Agenda Item K.5.c, Public Comment: Letters and Additional Signatories Regarding Drift Gillnet Fisheries.

Agenda Item K.5.c, Supplemental Public Comment 2.

Agenda Item K.5.c, Supplemental Public Comment 3: Exposing California's Dirty Little Secret: The truth about Drift Gillnets off our Coast (publication from Oceana).

Agenda Item K.5.c, Supplemental Public Comment 4: End the Walls of Death: Replace Devastating drift Gillnets off California with Cleaner Fishing Gear (publication from Oceana).

Mr. Peter Flournoy, American Fishery Research Foundation, San Diego, California.

Mr. David McGuire, Shark Stewards, Sausalito, California.

Ms. Teri Shore, Turtle Island Restoration Network, California Agenda Item K.5.c, Supplemental Public Comment PowerPoint 3: California's Driftnet Fishery for Swordfish and Shark – California's Deadliest Catch (TIRN).

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

Mr. Greg Helms, Ocean Conservancy.

Mr. Bill Sutton, Ojai, California.

Mr. August Felando, San Diego, California.

Mr. Tim Mulcahy, San Diego, California.

Mr. Steve Fosmark, Pebble Beach, California.

Ms. Kathy Fosmark, ACSF, Pebble Beach, California.

Mr. Arthur Lorton, Fisherman, California.

Mr. Steve Miniz, San Diego, California.

Mr. Ben Enticknap, Oceana, Portland, Oregon, presented Agenda Item K.5.c, Supplemental Public Comment PowerPoint 2.

Mr. Ken Hinman, Wild Oceans, Waterford, Virginia.

Mr. Gary Burke, F/V TYTAN, Santa Barbara, California, presented Agenda Item K.5.c, Supplemental Public Comment PowerPoint: Pacific drift gillnet proposal.

Ms. Melissa Stevens, The Nature Conservancy, Santa Cruz, California.

K.5.d Council Action: Provide Guidance on Potential Changes in the Drift Gillnet Fishery (3/13/2014; 8:02 a.m.)

Mr. Lincoln began with an overview of the issues before the Council. There is interest in expanding the swordfish fishery beyond current levels if bycatch can be limited. Various approaches and methods have been presented to provide harvest opportunities while minimizing bycatch. This is part of ongoing discussions by the Council on how to transition the swordfish fishery and the focus should stay on these dual objectives.

Mr. Lincoln supports extending the current temporary emergency rule until the permanent regulation implementing Pacific Offshore Take Reduction Team (POCTRT) recommendations is implemented in order to reduce uncertainty about the interim regulatory environment.

Mr. Lincoln continued by arguing the Council should not pursue measures to relax the current Pacific Loggerhead Conservation Area (PLCA) time/area closure except to fine-tune the existing regulations. Instead the Council should focus on transitioning the fishery, including opportunities for them to transition to new gears. Public testimony recommended further

development of alternative gear types through the EFP process. The HMSMT should develop criteria for reviewing those types of proposals, especially in terms of transitioning from research to a fishery opportunity.

Mr. Lincoln said transferring permitting authority from state to federal should be premised on its relevance to the overall goal of transitioning the fishery. Currently, he does not see a compelling need to change the permitting regime, given the workload involved in developing a federal limited access permit.

Mr. Crabbe said although at this time it's not clear that moving to a federal permit would be beneficial, he thinks the Council should have the information to consider it. Therefore Council staff or the HMSMT should be asked to report back to the Council with an evaluation of moving to a federal permit. The timing can be discussed under Agenda Item J.4, Future Meeting Agenda and Workload Planning.

Mr. Wolford agreed with the previous comments but thought it would be more efficient to have NMFS develop the transition plan. He noted California may force the Council's hand by passing legislation prohibiting the fishery at the state level. The Council should be prepared with an appropriate response if necessary, in order to transition the fishery. He pointed out the swordfish stock is healthy and the issues surround protected species bycatch. Alternative gears are probably needed to meet the legal standards on protected species bycatch. The Council should consider federal management from the perspective of the resource and the fisherman.

Mr. Feldner agreed with the comments made so far and would like the Council to be prepared if the state action to prohibit the fishery happens. He reviewed some of the ongoing work reported to the Council to address bycatch in this fishery.

Mr. Ortmann talked about the need for sustainable domestic U.S. fisheries and voiced his support for gathering information on transferring the permitting of the drift gillnet fishery to the federal level.

Ms. Kirchner expressed concern about the workload involved in investigating a federal permit and transitioning to alternative gear types simultaneously given the same staff would likely be involved in both tasks.

Mr. Helvey recommended the HMSMT develop the alternative gear protocols while NMFS investigates the process for developing a federal permitting regime in cooperation with state colleagues.

Ms. Kirchner asked about the process for reviewing EFPs and Mr. Helvey responded any guidelines and protocols would need to be developed first, and would speed the implementation process.

Dr. McIsaac pointed to Agenda Item J.4.a, Attachment 1, Pacific Council Workload Planning: Preliminary Year-at-a-Glance Summary, noting both preliminary review of HMS EFPs and the routine management process begin at the June Council meeting. The assignments discussed so far could dovetail nicely for consideration at the June Council meeting.

Mr. Anderson commented on several of the discussion items. On the one hand, the Council could accept the status quo, perhaps with some additional regulations to minimize bycatch to the maximum extent practicable while waiting to see whether California legislation banning the fishery passes. Under this path the Council would need to accept this gear type would be a part of the future of the swordfish fishery. The Council decisions then focus on fishery transition issues and protected species bycatch reduction. Notwithstanding, if the California legislation passes, a federal permit program may need to be established. No matter what happens in the short term, the Council should support extending the temporary emergency rule while NMFS promulgates the permanent rule. On the other hand, if the long-term plan is end the use of drift gillnet (DGN) gear, then viable alternative gear types need to be developed through issuing EFPs. Mr. Anderson advocates this latter path. DGN fishermen should understand the Council's intent to transition the fishery to other gear types. He recommends the HMSMT work with industry on developing a transition plan.

Ms. Yaremko commented although the fishery operates under a California state permit program, it occurs in federal waters and is federally managed. The fishery existed before the HMS FMP was implemented and federal management of some aspects of the fishery predate the FMP, such as closures and gear restrictions to address ESA concerns, and implementing POCTRT recommendations. Under the HMS FMP there has been documentation under NEPA and the stock assessment and fishery evaluation reports to support managing the fishery under MSA.

Ms Yaremko continued, saying there should be a report from NMFS on the permit issue. She noted there is currently a federal HMS permit with a DGN gear endorsement, although the number of permits is currently not limited. She supports NMFS investigating the feasibility of modifying the existing federal HMS permit and an analysis of the legal issues involved in converting these HMS permits to a federal limited access program. The design of a permit scheme should include consideration of future adjustments to the scheme. In this regard, the HMSMT should develop criteria for capping the number of permits that would be issued in the future.

Mr. Wolford recommended developing an action plan for this permit proposal, which might involve publishing a control date. Dr. McIsaac said there should be advance public notice of any plan to transition the permit scheme to federal authority and Mr. Wolford concurred.

Mr. Helvey said a control date is unnecessary, because participation in the fishery is already limited. Ms. Yaremko countered the need for a control date for a new federal limited access permit is an open question and this is something the HMSMT should investigate.

Ms. Kirchner discussed her support for Mr. Anderson's comments on developing a transition plan that emphasizes sustainability and continued participation in the swordfish fishery.

Mr. Brizendine said he supports the idea of moving permitting to the federal level. While he supports the alternative gear types currently in development, he doesn't see them as a near-term solution. The Council should also pursue measures such as increased observer coverage and hard caps for the existing DGN fishery so participants can fish cleanly.

Mr. Crabbe discussed the uncertainty about the future of the DGN fishery because of the proposed California legislation to prohibit the fishery. This makes it hard to develop a transition plan. Mr. Wolford responded this underscores the need to move the fishery fully under federal management, including any measures necessary to make the fishery environmentally viable.

Mr. Anderson thinks this transition should be considered independent from the California legislation. However, Washington prohibits the gear and Oregon has stopped issuing permits; if the California legislation passes it would be prohibited in all three states. This would produce federal-state conflicts, so that wouldn't be solved by a federal permit.

Ms. Lowman sought to summarize Council guidance: NMFS should extend the temporary emergency rule and promulgate the permanent rule, the HMSMT should develop criteria for evaluating alternative gear EFPs; and NMFS and the HMSMT should identify the issues surrounding a transition to a federal permit scheme. She didn't think there was consensus that the transition to a federal permit should begin now, rather the Council would like to receive more information about it.

Mr. Feder noted a California state attorney told him the California legislation would only apply in state waters and does not include a landing prohibition. Since the fishery occurs in the Exclusive Economic Zone outside state waters he doesn't see a preemption issue. He also noted there are already federal permits, but they are not limited.

Dr. Hanson reviewed the efforts that DGN fishermen have made to reduce bycatch in relation to POCTRT recommendations. He emphasized some bycatch is unavoidable; there is no such thing as a totally clean fishery. He recommended the Council develop a better understanding of Marine Mammal Protection Act provisions. While he agrees the Council needs to decide whether or not to move forward with a transition to alternative gears, he doesn't think that the alternative gears under development can substitute for DGN, so efforts to make DGN more sustainable should be supported.

Mr. Sones said he supports continued research to make this a cleaner fishery. This knowledge developed through federal management could be exported to gillnet fisheries in other countries rather than simply banning imports of fish caught in these fisheries.

Mr. Crabbe discussed how the right incentives can motivate fishermen to reduce bycatch, citing the groundfish trawl program as an example.

Mr. Wolford said 100 percent observer coverage is crucial and the use of electronic monitoring technology for this fishery (especially for unobservable boats) should be investigated.

Mr. Helvey recommended the HMSMT and the HMSAS be tasked with investigating funding mechanisms for and alternatives to 100 percent observer coverage.

Dr. McIsaac summarized what he had heard so far. The Council recommends NMFS extend the temporary emergency rule. The Council did not recommend any changes to the current PLCA time/area closure. EFPs for alternative gears will be considered at the June Council meeting. Other ideas that were raised, including transitioning to a federal permit and additional bycatch

reduction measures, would be considered as part of the biennial management measures process scheduled for the June, September, and November Council meetings.

Ms. Lowman asked for consensus on the last issue Dr. McIsaac mentioned.

Ms. Yaremko said the previously discussed reports from NMFS and the HMSMT will be provided at the June Council meeting. Mr. Wolford asked for a status report at the April meeting as part of a NMFS Report. Dr. McIsaac noted the short time leading up to the next meeting, so only a brief status update might be possible. However, there is also a three-meeting process agenda item to develop these ideas.

Ms. Kirchner said in balancing workload, her preference would be to focus on alternative gear development and bycatch reduction research rather than the permit issue.

Mr. Helvey noted the Council seat on the POCTRT is currently vacant and recommended it be filled. He also mentioned the HMS FMP is incomplete with respect to authorizing shallow-set longline gear and is an item for future Council consideration.

Mr. Anderson asked what information the Council would receive in June. Mr. Helvey described the work NMFS would do investigating a transition to federal permitting and noted the HMSMT will develop alternative gear research protocols, investigate the need for a control date, and develop a metric to determine the number of currently active participants in the DGN fishery.

With regard to research protocols, Mr. Helvey commented in public testimony Wild Oceans provided recommendations for research protocols for alternative gear.

Mr. Anderson asked if the Council was advocating for the status quo path of investigating how to make the existing gear viable.

Dr. McIsaac said he heard the Council recommending the HMSMT develop a transition plan that would cover all the options that have been discussed, including a federal permit and eventually moving to other gear types. At the same time, soliciting EFP proposals would provide an immediate information gathering opportunity. The Council would publish a public notice soliciting proposals for alternative gear EFPs, which the Council would consider in June.

ADJOURN

The Council adjourned March 13, 2014 at 1:15 p.m. following completion of Agenda Item J.4.



June 20, 2014

Dorothy Lowman
Council Chair

Date