

MINUTES
210th Session of the Pacific Fishery Management Council
September 14-19, 2011

San Mateo Marriott Hotel
1770 South Amphlett Boulevard, San Mateo, CA 94402

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A. Call to Order

A.1 Opening Remarks

Mr. Dan Wolford, Chairman, called the 210th meeting of the Pacific Fishery Management Council (Council) to order at 9:34 a.m. on Wednesday, September 14, 2011. There will be a closed session held after the regular business concludes this afternoon to discuss litigation and personnel matters.

A.2 Council Member Appointments

Mr. Frank Lockhart swore in newly-appointed Council Members Mr. Jeff Feldner, Oregon At-Large appointment and Mr. Rich Lincoln, Washington Obligatory Appointment. The appointments will expire on August 10, 2014.

Mr. David Ortmann introduced Mr. Cal Groen, Idaho Fish & Game designee.

A.3 Roll Call

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

Ms. Becky Blanchard, (U.S. State Department, non-voting designee)
Mr. William L. "Buzz" Brizendine (At-Large)
LCDR Brian Chambers (U.S. Coast Guard, non-voting designee)
Ms. Michele Culver (Washington State Official, designee)
Mr. David Crabbe (California Obligatory)
Mr. Jeff Feldner (At-Large)
Mr. Dave Hanson, Parliamentarian (Pacific States Marine Fisheries Commission, non-voting designee)
Mr. Rich Lincoln (Washington Obligatory)
Mr. Frank Lockhart (National Marine Fisheries Service, Northwest Region, designee)
Ms. Dorothy Lowman, Vice Chair (Oregon Obligatory)
Mr. Dale Myer (At-Large)
Mr. David Ortmann (State of Idaho Official, designee)
Mr. Herb Pollard (Idaho Obligatory)
Mr. Tim Roth (U.S. Fish and Wildlife Service, non-voting designee)
Mr. David Sones (Tribal Obligatory)
Mr. Gordon Williams (State of Alaska Official, non-voting designee)
Mr. Steve Williams (State of Oregon Official, designee)
Mr. Dan Wolford, Chair (At-Large)
Ms. Marija Vojkovich (State of California Official, designee)

During the week the following people were present in their designated seats for portions of the meeting: RADM Keith Taylor (U.S. Coast Guard Official, non-voting), Mr. Brian Corrigan (U.S. Coast Guard, non-voting, designee); Mr. Phil Anderson (Washington State Official); Mr. Mark Helvey (National Marine Fisheries Service, Southwest Region, designee); Mr. Bob Turner (National Marine Fisheries Service, Northwest Region, designee), Ms. Marci Yaremko (State of California Official, designee).

A.4 Executive Director's Report

Dr. McIsaac provided information regarding internet service for the meeting and briefly reviewed the informational reports and open comments that were provided in the Briefing Book:

- Informational Report 1: Active West Coast Hydrokinetic Projects (Dated August 17, 2011).
- Informational Report 2: Letter to Bureau of Reclamation from San Luis & Delta-Mendota Water Authority Regarding. Biological Opinion on Central Valley Project and California State Water Project Operations.
- Open Comment: August 25, 2011 Letter from The PEW Environmental Group.
- Open Comment 2: Letter from Steve Bodnar Regarding Sablefish Stock Assessment.
- Supplemental Open Comment 3: Letter from Ella Renell, et al.
- Supplemental Open Comment 4: Campaign Letter Regarding Forage Fish (Ecosystem Fishery Management Plan).
- Supplemental Open Comment 5: Letter to Michael Conner from San Luis & Delta-Mendota Water Authority and California State Water Contractors.
- Supplemental Open Comment 6: Letter to Rod McInnis from Quinault Indian Nation, regarding 2012 Pacific Sardine Fishery.

A.5 Agenda

Chairman Dan Wolford asked for approval of the Council Meeting agenda.

A.5.a Council Action: Approve Agenda

Mr. Myer moved and Mr. Buzz Brizendine seconded Motion 1 to approve the agenda as shown in Agenda Item A.5, Proposed Council Meeting Agenda, September 2011, with the exception of cancelling Agenda Item G.3 (Exempted Fishing Permit). Motion 1 passed unanimously.

B. Enforcement Issues

B.1 Current Enforcement Issues (9/14/2011; 9:48 a.m.)

B.1.a Agenda Item Overview

Dr. John Coon presented the agenda item overview.

B.1.b California State Fishery Enforcement Report

Capt. Bob Farrell presented the California State Enforcement PowerPoint. In response to questions, he stated that the state had just under 400 enforcement positions and seven large patrol boats, the most violations were in the recreational fishery, and the majority of contacts concern salmon and steelhead violations.

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

No Reports.

B.1.d Public Comment

Mr. Brent Paine, United Catcher Boats, Seattle, WA. Mr. Paine spoke to a problem with regard to the cod end chafing gear regulations for the Pacific Whiting fishery which, if enforced, would have a very costly effect on the whiting industry with no apparent conservation benefit. Currently, the regulation is not being enforced.

B.1.e Council Discussion

The Council agreed that the chafing gear regulations appeared to be somewhat ambiguous and the issue should be resolved quickly. There was uncertainty as to where on the agenda it might be more fully discussed with possible action. Mr. Lockhart responded that he would find some time to talk to industry persons and enforcement in the next day or two before any further response is considered.

Council was on break from 10:22 a.m. to 10:36 a.m.

C. Marine Protected Areas

C.1 Monterey Bay National Marine Sanctuary (MBNMS) Proposed Ecosystem Based Management (EBM) Initiative (9/14/2011; 10:36 a.m.)

C.1.a Agenda Item Overview

Mr. Kerry Griffin presented the agenda item overview.

C.1.b Report of the MBNMS

Mr. Paul Michel (Superintendent) and Dr. Rikki Dunsmore, (EBM Initiative Coordinator) presented the Monterey Bay National Marine Sanctuary (MBNMS, Sanctuary) PowerPoint (Agenda Item C.1.b, Supplemental MBNMS PowerPoint),

Ms. Vojkovich asked about ongoing Federal and State coastal marine spatial planning efforts and how they relate to this MBNMS initiative. Mr. Michel stated that the MBNMS has been doing marine spatial planning for 20 years, but is working closely with National Oceanic and Atmospheric Administration (NOAA) on the specifics of future interactions between the Sanctuary and the developing coastal marine spatial planning process.

Mr. Wolford noted the references to sustainability in the presentation and asked about the role of the MBNMS in the sustainable management of fisheries. Mr. Michel responded that sustainability is a broad goal of the MBNMS and the EBM initiative, but that it is too early to tell exactly how fishery implications will be handled. It is the intent of the MBNMS to follow existing NOAA guidance (i.e., the “wiring diagram”) when reviewing fishery-related actions.

Ms. Culver asked for additional information and a potential schedule for future collaboration between the Council and the MBNMS. Mr. Michel would like to continue with focus groups and information gathering and would welcome Council or Council staff participation. Dr. Dunsmore said that the MBNMS is currently working on detailed timelines and will send them to the Council when they are available.

Mr. Wolford continued on the theme of areas of collaboration and noted the Council’s essential fish habitat (EFH) process. He felt that the MBNMS could be an important partner in identifying EFH issues of common concern in the San Francisco Bay area. Mr. Michel said that the MBNMS would welcome collaboration on EFH matters.

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

Mr. Joel Kawahara presented Agenda Item C.1.c, Supplemental HC Report. Ms. Kathy Fosmark presented Agenda Item C.1.c, Supplemental HMSAS Report. Mr. John Holloway presented Agenda Item

C.1.c, Supplemental GAP Report. Mr. David Sones presented Agenda Item C.1.c, Supplemental Tribal Statement.

C.1.d Public Comment

Ms. Stephany Aguilar, Association of Monterey Bay Area Government; Marina, CA.
Mr. Steve Scheiblauber, Harbormaster, City of Monterey, Monterey, CA.
Ms. Kathy Fosmark, ACFS, Monterey, CA.

C.1.e Council Action: Provide Review and Comments

Mr. Wolford noted that he was encouraged by the presentation and the dialog between the Council and the MBNMS staff and asked for Council member suggestions and opinions on ways the two groups can effectively collaborate while respecting each other's goals and authorities.

Ms. Culver echoed Mr. Wolford's comments and she recommended sending a response letter to the MBNMS expressing appreciation for the presentation and for the outreach effort. She noted that the coastal treaty tribes and State of Washington have been monitoring the MBNMS process closely, in part, because of the coordination involved with the Olympic Coast NMS off the Washington Coast. Ms. Culver noted the timeline and work groups reviewed in the MBNMS presentation and suggested that the Council and the Sanctuary collaborate on research needs and recommended Council participation on the Sanctuary Advisory Council's Research Activities Panel. She also encouraged Council participation on the Sanctuary's Working Group focused on the fourth goal of the Sanctuary's EBM initiative regarding sustainable uses. Further, Ms. Culver recommended that the Council be the lead agency in matters related to sustainable fishery management and proposed fishing regulations.

Ms. Vojkovich agreed with the suggested letter and recommendations put forward by Ms. Culver, but noted that the Sanctuary's boundaries include State marine and estuarine waters and encouraged State participation in the process and in the lead role regarding fishing regulations. She agreed that the Council and the Sanctuary will likely share EBM research needs and again stressed the importance of State collaboration because California is also engaged in research activities within the Sanctuary. She cautioned against over-committing the Council to research collaborations because some Sanctuary research needs will differ from the Council on non-fishing related issues.

Mr. Ortmann and Mr. Williams were also supportive of collaboration between the Council and the Sanctuary as a means of streamlining the implementation of EBM principles while avoiding duplication.

Ms. Culver specified that the Scientific and Statistical Committee (SSC) and the Council have previously identified key EBM research priorities. She recommended that the SSC and existing priorities be consulted as the Council engages the Sanctuary research process.

Mr. Wolford thanked the Council advisory groups for their thoughtful comments on this matter and asked that their reports be included with the proposed response letter. He requested that the Sanctuary consider responding to these comments as the EBM process progresses.

Ms. Culver reiterated her suggestion that the Council should function as the lead agency in the development of proposed fishing regulations, and noted that not all of the advisory comments are consistent with this objective. Particularly, the fifth criteria listed in the GAP report (Agenda Item C.1.c, Supplement GAP Report) seems to suggest that the Council will be responding to regulatory actions developed by the Sanctuary, and this is not consistent with Council recommendations.

Mr. Wolford concurred and recommended that the Council response would strikeout the fifth item from the GAP report.

Ms. Lowman closed Council discussion by reviewing the proposed response letter to be drafted by the Council Executive Director that suggests ways the Council and the Sanctuary could collaborate on research, recommends the Council function as the lead agency regarding fishing regulations, and included the advisory body reports with the exception of item number 5 in the GAP report.

Council was on break from 12:11 p.m. until 1:15 p.m.

D. Habitat

D.1 Current Habitat Issues

D.1.a Agenda Item Overview (9/14/2011 1:18 p.m.)

Ms. Jennifer Gilden provided the agenda item overview.

D.1.b Report of the Habitat Committee

Mr. Joel Kawahara presented agenda item D.1.b, Supplemental HC Report.

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

None.

D.1.d Public Comment

None.

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

In response to questions, Mr. Kawahara clarified that the Habitat Committee (HC) recommended its letter on a stakeholder forum for the Columbia River after looking at how such a forum worked in the Klamath Basin. He also noted that the letter on Klamath dam removal recommended by the HC would be in response to a new environmental impact statement (EIS) to support the Secretary of the Interior's determination on dam removal. Both draft letters would be prepared for the November briefing book.

Ms. Culver noted that regarding the Columbia Basin proposal, the state of Washington is engaged in discussions with National Marine Fisheries Service (NMFS) relative to the Biological Opinion, and there is stakeholder involvement through those discussions. Although she shared some of the HC's goals, she was not prepared to give a green light on this letter at the September meeting, but recommended the HC draft a letter for the November briefing book for further Council discussion then.

Mr. Williams agreed. He noted that the Columbia Basin is a "different beast" than the Klamath, and it is unclear how a stakeholder forum would fit into Columbia Basin management. He recommended that the states take time to discuss this with their staff and gather more information before the Council discusses a draft HC letter in November.

Mr. Roth agreed that the Columbia is a different beast than the Klamath. He agreed with Ms. Culver and Mr. Williams on getting a draft letter for November. He also supported the Klamath letter. The Council is on record supporting dam removal, and the letter would just provide an update for the new EIS.

Dr. McIsaac noted that there are already several active forums in the Columbia Basin, many of which include stakeholder processes. For example, the Columbia River Fish and Wildlife Authority, the Northwest Power and Conservation Council (NWPCC), and the Columbia River Compact. It would be good for the HC to wrestle with the questions brought up by the Council today; if the Council recommends such a forum, there are also questions about funding. The HC should anticipate the Council's questions on these issues.

Mr. Pollard agreed, and noted the Columbia has had the NWPCC since 1980. There are also watershed councils and watershed plans and priorities set up in the Snake and other tributaries. He noted that in the Klamath the decision may be made to take the dams down, so it makes sense to focus on improving the habitat now; but in the Columbia, some of the habitat is in pristine wilderness. The problem isn't restoring habitat, but getting the fish to the habitat. He agreed with Mr. Williams on waiting to see what the HC developed in terms of a letter. He also supported a letter of comment on the Klamath EIS reiterating the Council's support for restoring Klamath fisheries.

E. Highly Migratory Species Management

Dr. McIsaac introduced the U.S. State Department Representative, Ms. Becky Blanchard.

E.1 National Marine Fisheries Service Report (9/14/2011 1:49 p.m.)

Dr. Dahl provided the Agenda Item overview and summarized outcomes of the Northern Committee Meeting held September 6-9, 2011 in Sapporo, Japan, based on the draft meeting report.

E.1.a Regulatory Activities

Mr. Helvey summarized the Regulatory Activities Report (Agenda Item E.1.a, Attachment 1: NMFS HMS Report); including a supplement (Agenda Item E.1.a, Supplemental Attachment 5: NMFS Report on Proposed Rule to Implement IATTC Resolution Adopted in 2011).

E.1.b Fisheries Science Center Activities

Mr. Russ Vetter introduced the Southwest Fisheries Science Center's (SWFSC) presentations. Dr. Suzanne Kohin presented a summary of the North Pacific albacore stock assessment (Agenda Item E.1.b, Supplemental SWFSC International Science Committee (ISC) PowerPoint and Agenda Item E.1.b, Attachment 1: Stock Assessment of Albacore Tuna in the North Pacific Ocean in 2011). Dr. Stephen Stohs gave a presentation on market transfer effects and attrition in west coast swordfish fisheries (Agenda Item E.1.b Supplemental SWFSC Economics PowerPoint).

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

Ms. Selina Heppel presented Agenda Item E.1.c; Supplemental SSC Report. Dr. Steve Stohs presented Agenda Item E.1.c; Supplemental HMSMT Report. Mr. Wayne Heikkila presented Agenda Item E.1.c, Supplemental HMSAS Report. Capt. Bob Farrell presented Agenda Item E.1.c, Supplemental EC Report.

E.1.d Public Comment

Mr. Peter Flournoy, International Law Offices, San Diego, CA.
Mr. Pete Dupuy, Fisherman, Tarzana, CA.
Mr. Wayne Heikkila, WFOA, Redding, CA.

E.1.e Council Discussion

Ms. Vojkovich discussed her views on procedural issues that led to so much material and discussion being generated under this agenda item which is not publicly noticed as a Council action item. She recommended more careful planning of Highly Migratory Species (HMS) advisory body tasks and their input to the Council, specifically in relation to the issue of North Pacific albacore management. She also asked how the HMS Advisory Subpanel's (HMSAS) comments on implementing legislation for the Antigua Convention could be addressed. Finally, she asked about how the Council could make recommendations on termination of the U.S./Canada albacore treaty, which would need to be submitted to the State Department by the end of this year to trigger a required 1-year timeline.

Dr. McIsaac recommended returning to this discussion under Agenda Item F.5, Future Meeting Agenda and Workload Planning. With respect to the implementing legislation, he recommended that any comments be discussed under Agenda Item F.1, the Legislative Committee Report. With respect to the U.S./Canada albacore treaty, he recommended that the Council discuss any recommendations at their November meeting.

To facilitate discussion of the U.S./Canada albacore treaty, Ms. Culver recommended that NMFS work with the HMS Management Team (HMSMT) to report separate totals for albacore landed by Canadian vessels in U.S. and Canadian ports, and likewise landings by U.S. vessels in each country's ports. She suggested this could be accomplished for Council consideration at their March 2012 meeting. Mr. Williams agreed with Ms. Culver, emphasizing the need for more information about the ramifications of terminating the U.S./Canada albacore treaty before making a recommendation. He also emphasized the need for the Council to not delay in developing their own framework for management of the west coast albacore fishery given what is occurring at the international level and thereby supporting the idea of bringing back these related issues on the March 2012 Council agenda. Ms. Culver agreed with this second point.

Mr. Myer thought the Council needed more information on the procedural aspects of withdrawing from the U.S./Canada albacore treaty before making a recommendation.

Ms. Vojkovich noted that the U.S. and Canada share some common objectives in the international arena and that needs to be factored into any discussion of albacore management and the status of the treaty. It would be helpful to get input from the State Department representative on the Council in this regard.

Mr. Helvey recommended the Council consider the treaty status at their November meeting; otherwise, another year would pass before the termination process could be invoked. He noted a U.S./Canada data working group meeting in October that may generate some useful information to support a Council recommendation on treaty termination. He said NMFS would work with the HMS advisory bodies to bring this information before the Council in November.

E.2 Swordfish Management Workshop Report (9/15/2011 8:07 a.m.)

E.2.a Agenda Item Overview

Dr. Dahl gave the agenda item overview.

E.2.b Workshop Report

Mr. Helvey presented Agenda Item E.2.b, Supplemental Swordfish Workshop Report PowerPoint.

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

Dr. Steve Stohs presented agenda item E.2.c, Supplemental HMSMT Report. Mr. Bob Osborn presented agenda item E.2.c, Supplemental HMSAS Report.

E.2.d Public Comment

Mr. Pete Dupuy, Fisherman, Tarzana, CA.

Mr. Joe Sullivan, The Nature Conservancy, and Rick Algert (City of Morro Bay) presented Agenda Item E.2.d, Supplemental Public Comment PowerPoint 2 (TNC).

Mr. Steve Scheiblaue (Read into record by Rick Alger), Harbormaster, City of Monterey, Monterey, CA.

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

Mr. Ben Enticknap, Oceana, Portland, OR; presented Agenda Item E.2.d, Supplemental Public Comment PowerPoint (Oceana).

Mr. Chris Pincetich, Sea Turtle Restoration Project, Forest Hills, CA.

E.2.e Council Action: Consider the Report and Implications for Amending the Fisheries Management Plan

Mr. Helvey started the discussion by emphasizing the informational content of the workshop and its use to provide guidance to the HMSMT and HMSAS to develop a strategy for managing the west coast swordfish fishery.

Ms. Vojkovich supported strategic planning as a way to more actively manage the west coast swordfish fishery. She emphasized the need to foster sustainable fisheries in California. The Council needs to determine what role they will play in such an effort. To do so she supports having the HMS advisory bodies, working with the seafood industry and other stakeholders, engage in a planning process. A holistic approach should be taken, considering swordfish fisheries throughout the Pacific and their effects on the west coast.

Mr. Steve Williams said he was not sure how to progress with this issue even though he found the workshop report informative. He mentioned identifying best management practices as a potential element of a plan or report outlining how to move to a sustainable fishery. He was skeptical of the utility of broadening the report to considering the effects of swordfish fisheries Pacific-wide. The workshop recommendations provide a starting point for summarizing new scientific information and gear innovations.

Ms. Culver said the Council needs to provide more focused guidance to the HMSMT and HMSAS. She reviewed the history of the development of the HMS Fishery Management Plan (FMP) and related measures to mitigate the effects of longline and gillnet fisheries on sea turtles, marine mammals, and nontarget fish populations. She also said the Council spent a lot of time between 2005 and 2009 considering various measures for swordfish fisheries, and the Council concluded that the adverse effects of these fisheries in terms of bycatch are too great to support any expansion. She is skeptical that the HMSMT could provide any new information on viable measures beyond those already considered by the Council (use of drift gillnet and longline gear within the west coast Exclusive Economic Zone [EEZ]). Since the drift gillnet fishery is well-organized and active, she doesn't understand why the participants

have been unable to develop techniques to reduce bycatch over the past 10 years. She believes that the fishing industry should develop a proposal rather than assigning this to the HMSMT.

Mr. Helvey disputed some of Ms. Culver's statements, noting that the Council approved an EFP to allow longlining in the west coast EEZ and that this, and other similar proposals, were frustrated for political reasons rather than science-based considerations.

Ms Vojkovich sought to differentiate strategic planning from the Council's previous efforts on this issue. She suggested further discussion (for example, under Agenda Item F.5) to develop guidance on strategic plan development by the HMSMT.

Ms. Culver agreed with the benefits of strategic planning but believes such an exercise is policy driven and should involve Council members rather than the HMSMT. She enumerated examples of policy objectives (related to markets, gear types, bycatch) that a strategic plan could include, and advocated for discussion by Council members in an ad hoc committee or other format to develop those objectives before giving the HMSMT an assignment.

Mr. Hanson described his experiences with issues surrounding the west coast swordfish fisheries and said he was troubled by the amount of misinformation that has been disseminated. He said the standards for takes of protected species are very strict and the Council should consider whether the drift gillnet fishery and other swordfish fisheries are being held to a higher standard in comparison to other fisheries with bycatch. He disagreed with the idea of starting with policy development before bringing together accurate scientific information on the matter for both the Council and the public.

Mr. Sones observed that a west coast fishery that successfully mitigates protected species bycatch could be a selling point to consumers and demonstrate best practices for fisheries in other countries. He agreed with the idea of developing a strategic plan and thought the Council had already identified a goal: accessing the target species while minimizing bycatch. He thought that further development would be a technical exercise and the Council should give guidance to the HMSMT in this regard. He emphasized the benefits of public education for marketing the product. This is an opportunity for the Council to provide leadership on the issue and educate the public.

Dr. McIsaac asked Mr. Helvey for some assurance that if the Council develops a proposal it wouldn't be disapproved because of Endangered Species Act (ESA) concerns. Mr. Helvey couldn't give such an assurance but emphasized that NMFS could assist in developing a proposal that would avoid an ESA jeopardy determination.

Mr. Rich Lincoln, while supportive of strategic planning, asked if there are any new strategies not considered by the Council that meet the criteria and standards for bycatch emerging from development of the HMS FMP. Before embarking on a new effort it is important to confirm there is new information or methods that would result in a different, positive outcome. In response, Mr. Helvey reviewed some of the new information that was presented at the swordfish workshop.

Dr. Dahl noted that the Biological Opinion for the HMS FMP did not consider new gear innovations (circle hooks and mackerel bait) when reaching a jeopardy conclusion for the proposed swordfish longline fishery. This is an example of new information that has emerged since FMP implementation.

Ms. Lowman thought that assembling the new information discussed at the swordfish workshop is important if the Council is to reach a different conclusion from the one they reached the last time they considered this issue.

Ms. Culver asked about the status of current research funded by a Saltonstall-Kennedy grant. Mr. Helvey described the project, which is testing buoy gear to catch swordfish for tagging.

Mr. Jeff Feldner recommended directing the HMSMT to develop an information sheet that could be used by the fishing industry to inform the public about current practices. Mr. Helvey replied that NMFS has the Fish Watch program that provides that service.

Ms. Culver moved and Mr. Dale Myer seconded Motion 2 to request that the HMSMT and HMSAS provide the Council with an overview of new scientific information and use it to provide a best estimate of bycatch and interactions with protected species by gear type and by area in current (status quo) west coast swordfish fisheries to provide baseline information for the Council to consider further action. Upon receipt of this scientific information the Council can task the HMSMT with developing new alternatives to the status quo. (Subsequent clarification, see below, shows that the Hawaii longline swordfish fishery and Gulf and Atlantic buoy swordfish fisheries are included in the request for new scientific information.)

Ms. Vojkovich asked whether the motion would allow the HMS advisory bodies to provide enough context in terms of changes in fisheries since 2004. Ms. Culver said that the report to the Council should include information on the regulatory history of these fisheries and project future bycatch based on new scientific information about protected species and fisheries.

Mr. Helvey asked if the proposed report would include only current operating west coast swordfish fisheries. Ms. Culver mentioned the longline fishery operating outside the EEZ. Mr. Helvey noted that this fishery does not target swordfish. He thought that this overview would not provide any information that is not already available in the HMS SAFE Report. Ms. Culver said the report would be a "status quo snapshot" of current fisheries and their expected cumulative effects on protected species. The report would estimate expected bycatch under the current regulatory structure for west coast fisheries, based on any new scientific information that is available.

Mr. Steve Williams said he expected that the report would contain information on bycatch rates in fisheries operating in other areas, such as the Hawaii longline swordfish fishery or the Gulf and Atlantic buoy gear fisheries. Mr. Wolford asked the maker of the motion if what Mr. Williams described is an expansion of her motion or contained within it. Ms. Culver said it is contained within it. Her mention of status quo fisheries includes swordfish fisheries that the Council may be indirectly engaged with. For example, west coast fishermen may participate in the Hawaii longline swordfish fishery. Mr. Wolford asked if the motion does not include the buoy fishery mentioned in Mr. Helvey's presentation and subsequent discussion, because it is an east coast fishery. Ms. Culver said that the new information generated by that fishery would be included in the report.

Mr. Helvey reiterated his view that the motion does not direct the HMSMT to produce any new information that is not already available in biological assessments and biological opinions prepared for previous actions.

Motion 2 passed. Mr. Helvey voted no.

Ms. Vojkovich moved and Mr. Buzz Brizendine seconded Motion 3 to include in the report identified in Motion 2 new scientific information on the distribution and habitat of sea turtles within the Pacific Leatherback Conservation Area (PLCA) and the scientific rationale for the current configuration of the area.

Ms. Culver sought to clarify that the motion does not call on the HMSMT to develop alternatives to the current PLCA. Ms. Vojkovich affirmed that was not part of the motion. As discussed previously, any development of alternatives by the Council would follow on delivery of the report.

Motion 3 carried unanimously.

Mr. Williams was concerned about Mr. Helvey's assertion that Motion 2 would not result in a report to the Council containing any new information. Mr. Williams believes that the motion would produce a report that would collate available information in a useful format for the Council to make decisions about alternatives to the current, status quo regulatory framework for west coast swordfish fisheries.

Council was on break from 11:22 a.m. to 11:32 a.m.

F. Administrative Matters

F.1 Legislative Matters

F.1.a Agenda Item Overview (9/15/2011; 11:32 a.m.)

Dr. John Coon provided the agenda item overview.

F.1.b Report of the Legislative Committee

Dr. Coon presented Agenda Item F.1.b, Supplemental Legislative Committee Report.

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

None.

F.1.d Public Comment

Mr. Victor Gonella, Golden Gate Salmon Association, Petaluma, CA. Mr. Gonella spoke to Agenda Item F.1.d, Public Comment letter, dated August 12, 2011 to House Committee on Natural Resources and Subcommittee on Water and Power regarding H.R. 1837.

F.1.e Council Action: Consider Legislative Committee Recommendations

Ms. Vojkovich asked for clarification on the third bullet of the Legislative Committee report (Agenda Item F.1.b, Supplemental Legislative Committee Report) relating to economic impacts of the recent collapse of Central Valley fall Chinook, noting that it simply reads as a statement rather than a recommendation. She also noted the report's recommendation and concerns relative to the value of wild salmon vs. hatchery salmon and recommended that the Council's response should treat this issue cautiously, given fishery reliance on hatchery production.

Dr. McIsaac responded to Ms. Vojkovich regarding the relevance of the economic data presented. Dr. McIsaac stated that economic and biological modeling of the impacts of these water diversions on salmon and the mixed-stock fisheries that coastal communities rely on is a large, time-consuming task. The idea behind the bullet in question is to simply provide some context at this early stage. Dr. McIsaac also stated that the main purpose of the initial response is to inform the Congresswoman that the Council is taking

her request seriously and that future work is planned. If the Council has concerns about the detailed bullets in the report, he encouraged them to speak to them, and Council staff can take a closer look in the ensuing analysis.

Mr. Ortmann offered a cautionary note about the tasking of Council staff to complete a detailed report, and raised concerns about creating an unreasonable burden given the potential complexity of the analysis.

Mr. Anderson, responding to Ms. Vojkovich's comments on the interactions between hatchery fish and naturally spawning populations, recommended that when drafting the letter, the language in the report should be modified to state that hatcheries can and should be managed so that they do not pose a risk to natural populations, while not specifying the superiority of one over the other.

Mr. Steve Williams moved Motion 4 to adopt the recommendations of the Legislative Committee as reported on page three of Agenda Item F.1.b, Supplemental Legislative Committee Report, and to include the recommended language change suggested by Mr. Anderson regarding hatchery and naturally produced salmon. The motion was seconded by Dorothy Lowman.

Mr. Williams agreed with Mr. Ortmann's concerns regarding the potential workload and scope of the proposed analysis and noted that there are several studies and/or reports available on these topics that could be referenced as a means of streamlining the task.

Motion 4 passed unanimously.

[The Council was on break from 11:56 a.m. to 1:15 p.m. and then moved to Agenda Item G. Agenda Item F, Administrative Matters, continued on Monday, September 19, 2011 at 10:02 a.m.]

F.2 Approval of Council Meeting Minutes

F.2.a Approval of September 2010 and June 2011 Council Meeting Minutes (9/19/2011; 10:02 a.m.)

Mr. Dave Ortmann moved and Mr. Pollard seconded Motion 27 to adopt the draft minutes of the 205th Session of the Pacific Fishery Management Council (September 2010) in Agenda Item F.2.a, Attachment 2 with no corrections. Motion 27 passed. Mr. Feldner abstained.

Mr. Ortmann moved and Mr. Pollard seconded Motion 28 to adopt the draft minutes of the 209th Session of the Pacific Fishery Management Council (June 2011) in Agenda Item F.2.a, Attachment 1 with no corrections. Motion 28 passed. Mr. Feldner abstained.

F.3 Fiscal Matters

F.3.a Agenda Item Overview (9/19/2011; 10:05 a.m.)

Dr. Coon provided the agenda item overview.

F.3.b Budget Committee Report

Dr. Coon presented agenda item F.3.b, Supplemental Budget Committee Report.

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

None.

F.3.d Public Comment

None.

F.3.e Council Action: Consider Budget Committee Recommendations

Mr. Ortmann moved and Mr. Pollard seconded Motion 29 to accept the Budget Committee Report and recommendation for the operational budget increase of \$40,000 for Trawl Rationalization projects and \$10,000 for planning activities for the 2012 National Fishery Conference, resulting in a total CY 2011 budget of \$4,798,877. Motion 29 passed unanimously.

F.4 Membership Appointments and Council Operating Procedures

F.4.a Agenda Item Overview (9/19/2011; 10:10 a.m.)

Dr. Coon presented the agenda item overview, and introduced Agenda Item F.4.a, Supplemental Attachment 1 (Quinalt Tribal Sardine Allocation Request).

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

None.

F.4.c Public Comment

None.

F.4.d Council Action: Consider Changes to Council Operating Procedures and Appointments to Advisory Bodies

Ms. Culver moved and Mr. Myer seconded Motion 30 to direct Council staff to reissue the call for nominations for the Washington at-large position on the Ecosystem Advisory Subpanel to allow for further consideration at the November Council meeting. Ms. Culver noted that she had contacted another person who expressed interest in the position and would like the Council to have the opportunity to consider additional nominations.

Motion 30 passed unanimously.

Mr. Lockhart moved and Ms. Lowman seconded Motion 31 to appoint LCDR Elisa Garrity to the District 11 U.S. Coast Guard position on the Enforcement Consultants.

Motion 31 passed unanimously.

Mr. Williams moved and Ms. Culver seconded Motion 32 to appoint Mr. Shems Jud to the non-voting conservation position on the Groundfish Allocation Committee.

Motion 32 passed unanimously.

Ms. Yaremko moved and Mr. Brizendine seconded Motion 33 to appoint Mr. David Crabbe to fill the current vacancy on the Legislative Committee.

Motion 33 passed unanimously.

In view of Council direction for the agenda of the scheduled Trawl Rationalization Review Evaluation Committee in October, Ms. Culver noted that Council staff had a couple of names for the Council Chairman to consider for an appointment as an additional member to represent the mothership/catcher-processor sector.

F.5 Future Council Meeting Agenda and Workload Planning

F.5.a Agenda Item Overview (9/19/2011; 10:19 a.m.)

Dr. McIsaac provided the agenda item overview and reviewed supplemental attachments 3 and 4 for consideration under this agenda item. For the November agenda, he noted the addition of the whiting mothership cooperative report on the 2011 fishery and the change in the HMS agenda from the first to the last day.

Mr. Lockhart noted that the final preferred alternative for NMFS Program Improvements and Enhancements (PIE) Rule on the Amendment 20 trailing actions should be scheduled for completion at the April 2012 rather than the June 2012 Council meeting.

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

Dr. McIsaac read Agenda Item F.5.b, Supplemental HMSAS Report requesting that the HMSAS not have meetings scheduled at the September Council meeting as this is the peak of the albacore season.

F.5.c Public Comment

None.

F.5.d Council Discussion and Guidance on Future Meeting Agenda and Workload Planning

Mr. Helvey stated that the agenda item to consider Council input to regional fishery management organizations (RFMO) scheduled in June should be scheduled in April in order to provide the information for the U.S. Delegation in advance of the RFMO meetings.

Ms. Lowman noted that The Nature Conservancy would like to provide a briefing on the results of their exempted fishing permit activities in March or April.

[The Council completed Agenda Item F.5 at 10:32 a.m. on Monday, September 19, 2011.]

G. Groundfish Management

G.1 National Marine Fisheries Service Report (9/15/2011; 1:14 p.m.)

Ms. Kelly Ames provided the agenda item overview.

G.1.a Regulatory Activities

Mr. Frank Lockhart reviewed the attachments in the Briefing Book. Mr. Lockhart spoke to the exempted fishing permit (EFP) which was issued by NMFS over the summer, designed to explore bycatch reduction

by using a four seam trawl net. Mr. Lockhart noted that NMFS has the authority to issue EFPs outside the Council process but recognizes that NMFS should have notified the Council. Mr. Lockhart is interested in the Council's input, in the event similar situations arise in the future.

Mr. Lockhart spoke to Attachment 6, the Risk Assessment of U.S. West Coast Groundfish Fisheries to Threatened and Endangered Seabirds. The seabird assessment is part of the larger consultation for the west coast groundfish fisheries. On August 25, 2011 the Northwest Region (NWR) submitted the biological assessment to the U.S. Fish and Wildlife Service (USFWS), which formally initiated the consultation process. The NWR and FWS believe the consultation can be completed in a few weeks. Depending on the outcome of the consultation, there may be a need for the Council to embark on a regulatory process to address concerns. Mr. Lockhart noted that industry has been proactive in deploying seabird avoidance devices. Further, the West Coast Groundfish Observer Program provides important data on the groundfish fisheries. Mr. Lockhart will report on the progress of the consultation at the November meeting. Mr. Lockhart noted that the NWR and Fisheries Science Centers are in the process of completing the entire risk assessment for threatened and endangered species (e.g., marine mammals, seabirds, sea turtles, sturgeon, and eulachon). Mr. Lockhart would like the SSC and Council to review the entire risk assessment in early 2012. He will provide more details on the schedule at the November Council meeting.

Mr. Lockhart provided an update on the rationalized fishery.

G.1.b Fisheries Science Center Activities

Mr. John Stein and Ms. Michelle McClure updated the Council on activities of the Science Center (see Agenda Item G.1.b, Supplemental NW & SW Fisheries Science Centers PowerPoint).

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

Mr. Daniel Erickson and Ms. Joanna Grebel presented Agenda Item G.1.c, Supplemental GMT Reports 1-3. Mr. Gerry Richter and Mr. Brad Pettinger presented Agenda Item G.1.c, Supplemental GAP Report.

G.1.d Public Comment

None.

G.1.e. Council Discussion

Ms. Culver spoke to the International Pacific Halibut Commission (IPHC) process and the carryover provisions in the Canadian fisheries. The Canadian trawl fisheries manage bycatch with individual halibut bycatch quota (IBQ). The IBQ set aside amount for the trawl fishery is substantially higher than the annual trawl impacts. The IPHC subtracts the full amount of the quota that is allocated to the harvesters from the constant exploitable yield (CEY) as a precautionary measure since that amount could be taken, even though annual bycatch is typically much lower. Post fishery, the IPHC inputs the actual bycatch mortality into the stock assessment. Ms. Culver said the Council said the trawl bycatch quota should not be higher than 130,000 pounds for the first four years (dressed weight, legal size). This is the amount that IPHC would subtract from the total CEY, prior to determining the fishery CEY. If the Council entertained the 10 percent IBQ carryover for each year (13,000 pounds) then the maximum amount would increase to 143,000 pounds. Ms. Culver requests the Groundfish Management Team (GMT) and Groundfish Advisory Subpanel (GAP) discuss whether the Council should recommend deductions of 130,000 pounds or 143,000 pounds for the IBQ.

Mr. Lockhart requested the GMT and GAP discuss the NMFS proposal to delay the issuance of the surplus quota pounds until April 2012. This is only 6-8 weeks later than the original schedule for issuing the surplus quota pounds.

Ms. Dorothy Lowman spoke in support of the EFP issued by NMFS to explore bycatch reduction with the use of a four seam net. She requested the EFP applicants provide a progress report to inform the Trawl Rationalization Regulatory Evaluation Committee discussion since they will be exploring gear regulations for the trawl fishery. Ms. Lowman also noted that the Council recently modified the EFP process to align with the biennial management process. While the Council streamlined the EFP process, it has limited our ability to respond to new ideas which do not have impacts to the set asides.

Ms. Marija Vojkovich would appreciate more details from NMFS on the EFP relative to the estimated impacts and the relationship to set asides. Mr. Lockhart said all impacts were accounted for by using quota pounds.

[Council was on break from 2:56 p.m. to 3:16 p.m.]

G.2 Update and Joint NMFS/PFMC Hearing on the Proposed Secretarial Amendment for Groundfish Amendment 16-5 and 2012 Harvest Specifications and Management Measures

G.2.a Agenda Item Overview (9/15/2011; 3:16 p.m.)

Mr. John DeVore provided the agenda item overview.

G.2.b Joint NMFS/PFMC Public Hearing Opening Comments

Mr. Lockhart opened the joint hearing between NMFS and PFMC to solicit public comment on the Secretarial amendment. Mr. Lockhart discussed the background of the implementation of the Secretarial amendment. The Council took no action on Amendment 16-5 in June to avoid a delay in implementing 2012 regulations. The Secretarial amendment (Amendment 16-5) contemplates a new rebuilding plan for petrale sole, new management reference points and a new harvest control rule for assessed flatfish species, and revised rebuilding plans for overfished rockfish species. The proposed rule also includes revised sablefish tier limits. The purpose of the hearing is to gather comments from the public and the Council.

Ms. McCall explained the intent of the proposed amendment to the FMP is not to make significant changes to the FMP, but to reorganize the FMP to make rebuilding plans more accessible and understandable. Appendix F would be revised as appropriate as the rebuilding plans are revised through the biennial specifications process (Agenda Item G.2.b, Supplemental NMFS Report 2: Groundfish FMP as Amended through Amendment 23 INCLUDING Secretarial Amendment 1 (Redline/Strikeout Chapter 4 Version).

G.2.c Public Comment

None.

G.2.d Close Hearing

Mr. Lockhart closed the public hearing.

G.2.e Comments of Advisory Bodies and Management Entities

None.

G.2.f Council Action: Provide Council Comments and Recommendations on the Proposed Secretarial Amendments

Ms. Culver asked how the Secretarial amendment plays into our Council process and if we would be able to consider inseason action at the November meeting that could be implemented at the start of 2012. Mr. Lockhart said, since an inseason action is a recommendation to NMFS and the proposed rule is out for public review now, if the Council were to make a recommendation, it would be able to be implemented on January 1, 2012.

Mr. Ortmann noticed an error in Appendix F in the description of the petrale sole rebuilding plan. Mr. Lockhart said the T_{MAX} value is an error and it should be 2021 not 2012.

G.3 Review of Exempted Fishing Permits for 2012 Groundfish Fisheries (CANCELLED)

This agenda item was cancelled as no proposals for exempted fishing permits were received.

G.4 Stock Assessments for 2013-2014 Groundfish Fisheries (9/15/2011; 3:35 p.m.)

G.4.a Agenda Item Overview

Mr. DeVore provided the agenda item overview.

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

Mr. Gerry Richter presented Agenda Item G.4.b, Supplemental GAP Report. Dr. Jason Cope presented Agenda Item G.4.b, Supplemental GMT Report. Dr. Ray Conser and Dr. David Sampson presented Agenda Item G.4.b, Supplemental SSC Report.

G.4.c Public Comment (9/15/2011; 5:19 p.m.)

Brad Pettinger, Oregon Trawl Commission, Brookings, OR.

G.4.d Council Action: Consider and Approve Updated Stock Assessments for Pacific Ocean Perch, Petrale Sole, Sablefish, Spiny Dogfish, Dover Sole, and for Widow, Greenspotted, and Blackgill Rockfish

Ms. Vojkovich moved and Mr. Crabbe seconded Motion 5 to adopt the seven stock assessments recommended by the SSC in Agenda Item G.4.b, Supplemental SSC Report, to use for management decision-making in 2013 and 2014.

Ms. Vojkovich said this is the best available science according to the SSC.

Mr. Wolford asked how adoption of the new spiny dogfish assessment would affect current management of stock complexes and Mr. DeVore answered that management of complexes will be determined in a subsequent Council decision.

Ms. Culver said she supports the motion but we need to explore transboundary assessments for stocks such as Pacific Ocean perch (POP), sablefish, and spiny dogfish. We need to explore which assessment models should be used when deciding harvest specifications. A more thorough discussion is needed.

Motion 5 carried unanimously.

[Council adjourned for the evening at 5:31 p.m.]

G.5 Biennial Management Process for 2013-2014 Groundfish Fisheries – Part 1 (9/16/2011; 8:09 a.m.)

G.5.a Agenda Item Overview

Mr. DeVore provided the agenda item overview. Dr. Jason Cope presented Agenda Item G.5.a, Supplemental PowerPoint for Attachment 5: Non-FMP stock vulnerabilities and complexes.

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

Dr. Martin Dorn and Dr. Todd Lee presented Agenda Item G.5.b, Supplemental SSC Report. Mr. Rob Jones presented Agenda Item G.5.b, Supplemental GMT Report. Mr. Gerry Richter presented Agenda Item G.5.b, Supplemental GAP Report.

G.5.c Public Comment (9/16/2011; 10:36 a.m.)

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

Mr. Ralph Brown, Trawl Operator, Brookings, OR.

Mr. Ben Enticknap, Oceana, Portland, OR.

G.5.d Council Action: Review Scope of Action and Schedule, Approve Socio-Economic Model, and Adopt Final Overfishing Limits and Preliminary P*s/Acceptable Biological Catches (9/16/2011; 10:58 a.m.)

Ms. Culver moved and Ms. Vojkovich seconded Motion 6 to adopt the overfishing limits (OFLs) recommended by the SSC as represented in Agenda Item G.5.a, Supplemental Revised Attachment 2.

Ms. Culver said this motion is offered with the understanding that OFLs for assessed stocks are projected using the base case assessment models. However, there is a different situation with some species such as spiny dogfish, given the uncertainty in the historical discards assumed in the base case model. She is concerned that the spiny dogfish base case may not reflect the true state of nature for the stock. This warrants further SSC and GMT consideration for the 2015-16 specifications cycle and beyond. We need to decide collectively the best model that reflects the true state of nature for spiny dogfish. Dogfish catch occurs in almost every fishery on the west coast, most of which is discarded. Determining the best historical catch for dogfish should be the subject of off-year science activity.

Ms. Vojkovich asked what happens if we adopt these OFLs and later decide to restructure complexes. Will we have to reconsider stock complex OFLs? Mr. DeVore responded that OFLs for any restructured stock complexes would be the sum of the OFLs of the component stocks. Therefore, there would be no reason to revisit the OFL decision if complexes are restructured.

Motion 6 carried unanimously.

Mr. Wolford moved and Mr. Crabbe seconded Motion 7 to adopt the Commercial Fishery Landings Distribution Model (LDM) to use in specifications analyses as recommended by the SSC.

Mr. Williams hoped that this model will be further explored in the future to eventually address shortcomings of the model that were highlighted by the SSC. Mr. Lockhart urged the SSC to do this as well.

Motion 7 carried unanimously.

Ms. Vojkovich moved and Mr. Wolford seconded Motion 8 to preliminarily adopt the acceptable biological catches (ABCs) identified in Supplemental Revised Attachment 4.

Ms. Vojkovich assumes the same overfishing probability (P^*) and estimated biomass variance (σ) values used in the last biennial cycle were used to calculate these ABCs. Mr. DeVore confirmed that was correct. Ms. Vojkovich didn't hear there was a compelling need to adjust the P^* values.

Ms. Culver moved and Mr. Lincoln seconded a motion to amend the main motion (Amendment 1 to Motion 8) to change the ABC for sablefish in 2013 and 2014 based upon a P^* of 0.33. The 2013 and 2014 ABCs for spiny dogfish would be based on a P^* of 0.3.

Ms. Culver argued that sablefish is one of the most data-rich stocks we manage, and the assessment is fairly robust. It has been assessed several times and the Council has continually taken a precautionary approach with sablefish. If we do not take further precaution now, we may have further problems with sablefish in the future. Steepness is highly uncertain in the sablefish assessment and there is also an assumption of an above-average recruitment in 2008. This stock has been in a steep decline since 1980. She is proposing an adjustment of P^* for sablefish to address management uncertainty. Further, it is difficult to parse scientific and management uncertainty.

Ms. Culver added that she is recommending a lower P^* for spiny dogfish to address the uncertainty associated with the spawning potential ratio (SPR) for the stock. The SSC agrees this assessed stock has a relatively greater scientific uncertainty and therefore categorized the stock as a category 2 rather than a category 1 stock. Further precaution for spiny dogfish is warranted, given the higher uncertainty associated with the SPR and therefore the OFL estimate.

Mr. Lockhart supports the motion and the rationale for these P^* choices. While some of the rationale might be better addressed in an ACL consideration, there is enough rationale on the record to do this in the P^*/ABC decision.

Ms. Vojkovich asked why these particular P^* values are the most appropriate, and Mr. Lockhart answered this decision is more conservative and is supported by the characterization of uncertainty in the assessments. This motion represents a preliminary decision that will stimulate further analysis and discussion to determine the most appropriate ABCs for these stocks.

Mr. Wolford thought the rationale for the sablefish decline was a matter of low recruitment of the stock and not a result of fishing pressure. He wondered why a P^* of 0.33 was specifically chosen for sablefish. Ms. Culver said the stock is long-lived and there were significantly large removals of sablefish in the 1980s and 1990s. Steepness is the primary determinant of maximum sustainable yield (MSY) and the OFL for this stock and that parameter is fixed in the assessment because it is highly uncertain. Sablefish are difficult to age and the recovery potential or resilience of the stock (i.e., steepness) is highly uncertain. She is concerned with the decline in stock biomass and wants to reverse that trend. Twenty to thirty years ago, the plan was to manage the stock at B_{MSY} , yet the biomass trend declined below that target.

Mr. Williams asked why these precautions enter into the ABC decision and not the ACL decision and Ms. Culver said she thought the greatest uncertainty for these stocks is associated with scientific uncertainty.

Mr. Wolford asked for clarification of the motion. He wanted to know the updated ABCs for the two stocks as adjusted in the amendment. Mr. DeVore reported that the updated 2013 and 2014 ABCs are: 5,654 mt and 2,614 mt, respectively for sablefish; and 2,044 mt and 2,024 mt, respectively for spiny dogfish.

Amendment 1 to Motion 8 carried on a roll call vote (Mr. Feldner, Mr. Crabbe, Mr. Williams, Ms. Vojkovich, and Mr. Wolford voted no).

Motion 8 as amended carried unanimously.

Ms. Culver moved and Ms. Vojkovich seconded (Motion 9) to continue to make progress on developing analyses in consideration for restructuring stock complexes for the 2015-16 specifications process.

Ms. Culver said there is a considerable amount of work left to be done and she encourages a thoughtful and thorough analysis be done so there are clear alternatives with costs and benefits before making a decision on restructuring complexes.

Mr. Williams supports the motion and believes the analysis brought forward was helpful and informative. However, a more robust analysis of alternatives is needed before he is prepared to make a decision.

Ms. Vojkovich supports the motion and offered two comments. There needs to be a comprehensive analysis that evaluates all species and fisheries. The timing of the biennial specifications process is always challenging. We need to have a lot more discussion on stock complexes than we have had in the 2013-14 process.

Mr. Wolford supports a deliberative process. However, we need to move faster if there is a conservation issue, and this decision does not seem to have those same conservation issues.

Mr. Lockhart believes we are in compliance with National Standard 1 guidelines currently but would like to be in better compliance. He recommends a Groundfish Allocation Committee meeting on stock complexes as a next step.

Motion 9 carried unanimously.

G.6 Trawl Rationalization Trailing Actions

G.6.a Agenda Item Overview (9/16/2011; 1:12 p.m.)

Mr. Jim Seger provided the agenda item overview.

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

Mr. Lockhart provided an overview of the items NMFS will be presenting, including the Dale Myer motion from June 2011 regarding cost recovery.

Ms. McCall presented information on the NOAA General Counsel response to the cost recovery analysis that should be completed by the next meeting for agency collections.

Mr. Lockhart presented the NMFS information in a PowerPoint format for the following agenda items: Supplemental Agenda Item G.6.b, NMFS Report 1: Proposed Cost Recovery Program Structure;

Supplemental Agenda Item G.6.b, NMFS Report 2: NFMS Options for Ensuring Payment of the Cost Recovery Fee. These items are still in a draft and are not finalized.

Mr. Kerry Griffin presented Agenda Item G.6.b, CRC Report: Report of the Cost Recovery Committee. Mr. Corey Niles presented Agenda Item G.6.b, Supplemental GMT Report. Mr. Tommy Ancona presented Agenda Item G.6.b, Supplemental GAP Report.

[Break from 2:32 p.m. to 2:44 p.m.]

Capt. Bob Farrell presented Agenda Item G.6.b, Supplemental EC Report.

G.6.c Public Comment

Phoebe Higgins, California Fisheries Fund, San Francisco, CA.

Pete Leipzig, Fishermen's Marketing Association, McKinleyville, CA.

Rick Algert, City of Morro Bay, Morro Bay, CA.

Michelle Norvell (Fort Bragg Groundfish Association), Joe Sullivan and Chris Kubiak (Central Coast Sustainable Groundfish Association); Fort Bragg, CA.

Rod Moore, West Coast Seafood Processors Association, Portland, OR.

Brent Paine, United Catcher Boats, Seattle, WA.

Brad Pettinger, Oregon Trawl Commission, Brookings, OR.

Mike Hyde, American Seafood's Company, Seattle, WA

[Break from 3:39 p.m. to 3:49 p.m.]

G.6.d Council Action: Final or Preliminary Approval for Issues of Cost Recovery, Lenders, and Safe Harbor Rules for Risk Pools and Community Fishing Associations.

Ms. Vojkovich noted the Council's long deliberations on providing a safe harbor from control limits for designated community fishing associations (CFAs), allowing them to exceed the control limits established for quota shares (QS) and quota pounds (QP); and that one of the outcomes of this long public process is that sometimes what appears to be a good idea at the beginning, when the details are worked out, doesn't turn out the way expected. She also noted the changes in the circumstances as well. The discussions have been difficult and there has been support all the way through the process for communities, community fishing associations, and the desire to use that tool for community stability. There has not been much argument about the concept of a community trying to look out for itself. We have now heard from the proponents of safe harbors for CFAs that they can try to work within the control rule to meet their community's needs. If we decide not to go forward with this, it's not that we are never going to hear about CFAs. She stated she was very supportive of future consideration if the situation warrants it. If once the fishery gets going and the experiment plays out, we find there are issues that just cannot be overcome, she would hope the Council would be willing to reconsider that discussion again.

Mr. Wolford stated that he remains highly supportive of CFA's and they are an essential thing to small operations, to give people an opportunity to come into the fishery, and to anchor their fishing in their community. The CFAs are an important part of the program, but he was pleased to see them able to operate within the structure that exists. He reinforced the point that, if in the future they stumble and find something they can't overcome, the Council ought to be willing to come back and entertain it at that time. Ms. Lowman concurred, stating that given the public testimony received today it is prudent that we do not move forward with exemptions for CFAs at this time. She hoped that the Council would be kept apprised

of how CFAs are working as the program moves forward. Part of the importance in the action of tabling today is providing some certainty about what the policy will be.

Ms. Culver stated that if this is tabled today, it should not come back up on the Council schedule as a routinely revisited issue but rather should show up only if the Council takes action to consider it.

In response to a question from Mr. Lockhart, Dr. McIsaac noted that barring action by the Council to bring the issue back to the table, the Council would consider it closed and that the next time it might come up would be under program review in 2015. However, even at that time action by the Council would be required to bring the issue back. This ended the Council deliberations on CFAs.

With respect to the issue of a safe harbor for risk pools, Ms. Culver asked Mr. Matthews about the GAP statement on page 2 of their report that recommends striking the liability language in the application, oversight, enforcement, and monitoring section. Mr. Matthews indicated that striking the language would not restrict law enforcement options and that they were comfortable with the change.

Mr. Seger noted that the options state that risk pools would be able to form and function without direct acceptance of their formation agreements by NMFS. There is another provision indicating the risk pools would be allowed to designate an agent who would be provided a QP account. Just by virtue of having to designate an agent, NMFS would need documentation of the agreement so that it could determine that the risk pool exists and authorize the opening of the account. He asked NOAA General Counsel whether the provision which requires a confidentiality waiver for risk pool members would require that all risk pool agreements would have to be submitted to NMFS (even those not seeking to designate an agent). Ms. McCall said it would be fair to say that they would be more comfortable having a statement from each participant indicating that they are waiving confidentiality of those things listed. This can easily be worked out during the deeming process if the Council recommends that approach.

Ms. Culver referenced Agenda Item G.6.a, Attachment 1 and Agenda Item G.6.b Supplemental GAP Report and moved (Motion 10) that the Council adopt, as its final preferred alternative, QS Safe Harbor Risk Pools, as described in Attachment 1, with the recommendations contained in the supplemental GAP report relative to the different options for the different sections described in the preliminary preferred alternative. Mr. Dale Myer seconded the motion.

Ms. Culver spoke to her motion stating that from the development of the trawl rationalization program, it has been envisioned by the Council that risk pools would be allowed to form for the purposes of allowing harvesters to combine their QP for overfished species and IBQ for halibut. Throughout the Council's deliberations and final action, the Council was very cognizant of establishing control limits that it thought were fair and would not result in excessive control. At the same time, there was recognition that, given the small amounts of QP for some of these overfished species and Pacific halibut available to the trawl sector as a whole, as well as to the individual harvesters and permit holders, it would make operational sense for them to be able to pool their QP and have risk pool agreements/mechanisms in place by which they could cover overages by members within the risk pool by sharing their QP for overfished species and halibut. The preliminary preferred alternative (PPA) combined with the recommendation from the GAP for those outstanding issues accomplishes the intent of the Magnuson-Stevens Act (MSA) and the Council to ensure that excessive control is not occurring. At the same time it provides a mechanism for permit holders to have a successful trawl rationalization program and be able to successfully access their target species.

Mr. Lockhart provided an opening comment regarding cost recovery and agency policy. In general, he believes it is important to move forward with cost recovery as soon as possible. He cannot predict the Federal budget in the near term, but moving forward with cost recovery helps makes a better case for his

division of the Northwest Region when it comes to acquiring adequate resources for managing the fishery. He would therefore be opposing any motion to delay collection of the fee, though he was not unsympathetic to the reasons a delay would be desired. In response to a question, he noted that the earliest a cost recovery program might be implemented is the spring of 2012 (optimistically), if it were split out from the PIE 2 rule.

To finalize the cost structure that the Council started working on in June, Mr. Myer moved (Motion 11) the following for final approval: 1) the cost recovery structure on Appendix A from the Agenda Item G.6.b, CRC Report, page 4 (fourth page), and 2) Option 4 NMFS (preferred), Agenda Item G.6.b, Supplemental NMFS Report 2, page 2. Link failure to pay assessed fees to part of a permit renewal. (Agenda Item G.6.d, Supplemental Motion in Writing 1, with deletion of the word “complete.”). Seconded by Ms. Culver.

Mr. Myer stated that his motion finalizes what the Council started in June. The motion chose Option 4 for Question 4. This is the GAP and EC preferred option, and the EC provided 3 or 4 very good rationales on why the option should be chosen. It was also in line with his thoughts that if a mothership processor collects the fees it should be responsible for remitting the fees and the catcher vessel should not be held at bay if the mothership did not remit the fee. For Question 5, Option C was chosen, yearly projections of costs as calculated and provided by the agency to determine the fee percentages. This is the only way to come up with costs since we don't have anything but projected costs for 2012 or 2013. It will have to be projected costs for those years. Mr. Steve Williams commented in support of the motion and the NMFS preferred alternative and the need for a link to the permit or site license renewal for effective implementation and enforcement.

Mr. Lockhart moved (Amendment 1 to Motion 11) to add, “or first receiver site license” after the word “permit.” Ms. Culver seconded the motion. Mr. Lockhart indicated that this was a clarification. Amendment 1 carried unanimously

Motion 11 (as amended) passed unanimously.

Mr. Myer moved Motion 12 to approve the recommendations made by the Cost Recovery Committee (CRC) on the second and third pages (page 2 and 3), Items 1 through 9 of the Cost Recovery Report (Agenda Item G.6.b, Cost Recovery Report). Ms. Lowman seconded the motion. Mr. Myer said the intent of the motion is to adopt the recommendations that were brought out as consensus recommendations of the CRC. Critical in this motion are the definition of incremental costs and the consensus to avoid retroactive payment requirements. Items 7, 8, and 9 are also important. Appendix D is a newly-formed table and he wants to adopt that for reference as we move forward. In response to questions, Mr. Myer indicated that, with respect to Item 5, fees should be collected from the date the cost recovery provisions are implemented forward and not for time prior to its implementation. In Item 9, a clerical correction was made by deleting the words “based on.”

Mr. Williams asked if approval of this motion would lock down the activities and issues covered by Appendix D? Mr. Myer stated that Appendix D is a draft and it could be added to in order to make it more informational. The word “draft” allows that.

Mr. Lockhart moved to amend Motion 12 with regard to the third bullet in the CRC Report by striking the words “September Council meeting” and replacing it with “as soon as available.” Mr. Buzz Brizendine seconded the motion. Mr. Lockhart stated that NOAA General Council had not been able to provide the review prior to this meeting.

Amendment 1 to Motion 12 passed unanimously. Motion 12 (as amended) passed unanimously.

Mr. Myer moved Motion 13 (Supplemental Motion in Writing 3) as follows:

That the recovery of costs for the Trawl Rationalization Program will begin January 1, 2013 with all three sectors (Shoreside, Mothership, and Catcher/Processor) paying an appropriate percentage of the cost (not to exceed 3 percent) of “the net costs that would not have been incurred but for the implementation of the Individual Fishing Quota Program” (Amendment 20).

The appropriate percentages shall be determined by the Council after receiving recommendations from the Cost Recovery Committee (CRC). The CRC shall review the agency projections for 2013 based on the costs incurred during 2011; and cost from 2012 to the extent they are available, to determine consistency with the definition of “Incremental Costs” and Appendix B, C and D provided in the CRC report (G.6.b, Cost Recovery Committee Report) and make recommendations on the appropriate percentages to the Council. These percentages shall be used for cost recovery in 2013, 2014 and 2015.

Ms. Lowman seconded the motion.

Mr. Myer spoke to his motion. On the rationale for the delay, he stated that the program is in its infancy and people need to work within this program to figure out what they are doing. When Mr. Ancona talked about relearning fishing, he was speaking of management of the fishing, the places to avoid, how to get the quota out of the water. We heard from Michele Norvell that they needed time to work with the observer costs. We heard from people from Coos Bay that wanted time to put together co-ops to use observers and shuffle them between boats. They need time to develop that and cut down their costs. In listening to public testimony he came to realize that many fishermen have different strategies and it was difficult to know how to trade quota. This delay will allow people to move out on the learning curve and increase their revenues. Additionally, it is important to get industry buy-in. After the cost estimates were presented last June there was confusion and misunderstanding about what the numbers were and possibly some mistrust. This gives time to work through the numbers and get a better estimate and through the Cost Recovery Committee, to develop industry buy-in so we are not faced with things that are going to haunt us for a long time.

Ms. McCall noted that if there is to be a CRC process every year, then there would have to be a recommendation to NMFS and notice and comment rulemaking would be required under the Administrative Procedures Act (APA). Mr. Seger noted that this motion established the percentage for 2013, 2014, and 2015, but that the previous motion Item 4, states the Council should have an ongoing periodic role in the cost recovery program, including review of cost recovery levels, after the cost recovery program becomes established. He stated that the role is relatively unspecified and would have to be worked out and brought back to the Council during the regulatory deeming process at which time we would get answers to questions like, would the Council deal with the issue every year, how does it work with the APA, and other issues.

Ms. Lowman said she supported the motion. While cost recovery is part of the law and needs to be done, there are programs in place that still do not have cost recovery. What is being talked about here is less than a full year of funding in comparison to industry concerns about the costs of the program. The industry is looking to reduce their costs, understand quota pricing, and make portfolio adjustments, which they cannot start to do on a permanent basis until 2013. The Council has also charged a committee to look at ways to modify the regulations to allow industry to generate greater value from the resource. These regulations would come into effect in 2013. These all go toward generating industry buy-in. The

additional time will also allow us to think of ways to have the most cost-effective program and increase revenue, so that the 3 percent means a lot more money.

Mr. Williams commented in support of the motion. The industry has commented on why the delay would be helpful for their operations. He commented on the importance of fee-based agencies being able to justify the fees. In this scenario we don't quite know all we need to. The states, just like the industry, are learning what the costs may be and may not be. A delay will allow these costs to be better identified.

Ms. Culver commented on her concern about the second paragraph of the motion. In coming up with the consensus recommendation there was a great deal of discussion about the role of the CRC as it relates to cost recovery in the future. She noted that in the previous motion the Council had adopted CRC recommendations 4 and 6. Number four provides that the Council will have an ongoing periodic role including review of cost recovery levels after the program becomes established. However, there was no consensus about the CRC. When it was established and met, there was no mention of the CRC coming up with the percentages that would apply to the different sectors. There was also Recommendation 6 which provides for accounting and adjustment so that the percent will be more in line with actual costs in future years. The discussion was that the Council would take its best guess, and with the adjustment mechanism it would be okay if we didn't get it exactly right from the start, because of the opportunity for adjustment.

Ms. Culver moved to amend the motion (Amendment #1 to Motion 13) by striking the second paragraph. Mr. Hanson seconded the motion. Ms. Culver noted that by striking this second paragraph we still have the motion adopted previously which picked up CRC recommendations 4 and 6, which sets up the ability for the Council to review and gives NMFS the guidance for accounting and adjustments.

Mr. Hanson commented that this needs more time. We need to look at it, see what the APA situation is, and what kind of efficient structure could be created, perhaps discussing it again in November. Picking it up again at a subsequent meeting would greatly help us.

Ms. Lowman asked if this precludes the CRC from reviewing costs. Ms. Culver said that this did not preclude the CRC meeting again and that there were other consensus recommendations of the CRC with respect to the CRC looking ahead at how to reduce costs of the program. In response to a question from Mr. Williams, Ms. Culver confirmed that the motion does not preclude CRC discussion or review of current costs.

Amendment 1 to Motion 13 passed (Mr. Myer voted no).

Mr. Lockhart moved to amend the motion (Amendment #2 to Motion 13) to strike the words "will begin January 1, 2013" and replace with "as soon as possible." For the purpose of discussion, Ms. Culver seconded the motion to amend. Mr. Lockhart reiterated his earlier comments on the need to move forward on cost recovery as soon as possible. In response to a question from Ms. Culver, Mr. Lockhart stated that he understands that the difference in dates is just a matter of months of cost recovery, not a five-year delay. It is purely that the earlier we get the cost recovery program in place and begin recovering fees, the more it helps us get money coming into the program that we can use to help the management agencies meet the requirements of the program. Ms. Lowman stated she would oppose the motion, that she understands the budget problems, and that this meant that the support of industry in fighting for appropriations will also be important. By allowing this to start later, the enthusiasm for that support will be enhanced.

Amendment 2 to Motion 13 failed (Mr. Lockhart voted yes).

Mr. Lockhart noted that this leaves open what the appropriate percentage is and that the CRC talked about the fact that no matter what we do, the initial percentage will be an estimate. There has been some work done using data that was never intended for this purpose and estimates came out to roughly similar results: 3 percent for shoreside, 1-2 percent for the mothership sector, and 1 percent for the catcher processor sector. Mr. Lockhart moved (Amendment 3 to Motion 13) that the initial percentage for cost recovery will be 3 percent for the shoreside sector, 1 percent for the mothership sector, and 1 percent for the catcher-processor sector. Mr. Myer seconded the amendment.

Mr. Seger provided a clarification relative to the motion and earlier Council discussion with respect to CRC report Recommendation #6. This item can be interpreted in two ways. One is that the accounting and adjustment between years should be applied with respect to program costs (as was discussed earlier) and the other is that it should be applied with respect to fees collected and reimbursement. He stated his understanding that Recommendation #6, which the Council already adopted, would include the opportunity to make adjustments to program fees such that there might be a reimbursement for over-collection, as an example, and asked for Council direction if it were otherwise.

Mr. Lockhart stated that no matter what we do there will be some sort of estimate involved in coming up with the initial cost recovery percentage. If we go through this process using Appendix B, C and D it will take a long time and we will not come to a final decision easily and it will be very close to this motion. That, along with the prior motion that was accepted which included a payback opportunity, means that if we are wrong in the first year it can be made up for in the very next year. This errs on the low side for the first year, since there is this mechanism to pay it back. Every estimate is above 3 percent for the shoreside sector. This allows us to move forward and focus on some of the other components of the cost recovery program.

Mr. Williams stated that he recalled the discussion and does not disagree that there was agreement that 3 percent for the shoreside was a given. If we initiated a program in 2012, this was something that could be done quickly, but the CRC did not say definitely. He left the meeting assuming that if we were doing something like this we would be spending more time being sure that those percentages were appropriate and refining them rather than trying to lock them down in this kind of scenario. Mr. Lockhart clarified that he brought the amendment forward as a motion before the Council and it was not his intent to present it as a consensus of the CRC.

Ms. Lowman expressed concern noting that in the previous motion we had indicated that the Council would look at costs in the framework provided in a systematic way, and that would provide transparency.

Mr. Lincoln said he would support the measure as a practical one. The accounting provisions in the second motion are clear. Much time could be spent trying to hone in on these initial percentages when we have already acknowledged that we would be working together to clearly account for costs and try to minimize those costs, and we'll have an ability to reconcile those costs based on actual estimates. Time is better spent on other aspects at this time rather than trying to reconcile the costs.

Amendment 3 to Motion 13 failed (7 yes, 7 no). Mr. Feldner, Ms. Lowman, Mr. Sones, Mr. Williams, Mr. Ortmann, Ms. Vojkovich, and Mr. Wolford voted no.

Ms. Culver moved to amend the motion (Amendment 4 to Motion 13) such that the appropriate percentage of the cost would be based on the latest available information relative to actual costs incurred by NMFS and the states at the time the rule package needs to be drafted for implementation for January 1, 2013, provided that the initial percentages do not exceed 3 percent for the shoreside sector, 2 percent for the mothership sector, and 1 percent for the catcher-processor sector. Ms. Vojkovich seconded the amendment to the motion.

Ms. Culver commented on the need to have a starting point and that the discussion of the CRC, the GAP, public testimony, and the Council has been focused on making sure we are using as close to actual costs as possible in setting those initial percentages. The purpose of the delay is to give us the time to collect some information and get a sense of actual costs before we actually start collecting the fee. That is the intent of the motion, and picking up on the previous motion, that we are not setting the fee rates at 2 percent or 1 percent but that these would be set as maximum amounts that could be collected in the initial year. In response to a question, Ms. Culver clarified that this does not change the Council's definition of the costs to be recovered, as adopted earlier and provided in the CRC report.

Mr. Lockhart asked whether the plan would be to use the Appendix D framework, fill that out and whatever we had at that point in time when the regulations are moving forward, those would be the cost estimates. Ms. Culver replied that she agreed in general, noting that the Council had discussed that the framework is draft and there need to be some realistic expectations about what WDFW would be able to provide in terms of completing that framework, not only for the initial cost recovery but on an ongoing basis.

Mr. Pollard opposed the motion noting that we have already decided to delay until 2013 and that it doesn't seem to make sense to lock in a percentage now, other than the three percent maximum set by law. There is a year for rulemaking, and a future CRC meeting would be convened to look at the efficiency of the costs and the framework.

Mr. Seger noted that this motion seemed to imply that the rulemaking would take place in a single action. Ms. Culver clarified that, in line with the first cost recovery motion, the intent had been that cost recovery structure could move forward into rulemaking and that the percentages do not necessarily need to be included in that rulemaking. There could then be a separate rulemaking relative to the amount of the fees and that would be published in whatever timeframe needs to be there so that it is implemented on January 1, 2013. We don't need to hold up one rule for the other pieces or get the percentages specified quickly to go into the first rule. Based on that, Mr. Seger stated his understanding that the rule package being referred to in this motion is the second rule package. Ms. Culver concurred. Mr. Lockhart asked for flexibility to determine the best way to move forward on this issue consistent with the Council's intent and noting the deeming requirements. The maker of the motion to amend concurred.

Amendment 4 to Motion 13 passed (Mr. Myer and Mr. Pollard voted no. Mr. Feldner abstained).

Motion 13 as amended motion passed unanimously.

Mr. Lockhart reiterated his request for flexibility in the process for developing and promulgating the regulations, which would include bringing the regulations back to the Council for deeming, and asked the Council members to recall that the regulations presented at this meeting had not yet incorporated some parts from the buyback regulations that will be necessary. He noted the Council had not expressed objection to that and the chairman concurred.

[Council recessed at 5:43 p.m. and reconvened with this agenda item on 9/17/2011 at 8:04 a.m.]

The Council began its discussion of provisions for lenders. In response to a question from Ms. Culver, Ms. McCall noted that during the public comment for the proposed rule, NMFS had received comment that the needs of banks should not be overlooked. Therefore, in the final rule, a clarification was added that banks and financial institutions would be exempt from the rule. She then noted Ms. Higgins' comment looking for a clarification on the meaning of banks and financial institutions because those terms were not defined. Mr. Seger also responded noting that he had received calls at the Council office

looking for clarifications as to the scope of the paragraphs defining control for which banks and financial institutions are and are not provided exceptions. Overlap among those paragraphs was creating uncertainty on how to interpret the regulations at this point. In response to a question from Ms. Lowman, he noted that these calls were from individuals who would traditionally be considered a bank or financial institution. Ms. McCall noted that for all situations the agency would look at the facts and they would not generally take a hypothetical situation and say how it would be applied.

Ms. Vojkovich moved (Motion 14) that the five recommendations of the GAP (Agenda Item G.6.b, Supplemental GAP Report) for lenders and safe harbors be moved forward. Ms. Culver seconded the motion. Mr. Lockhart indicated his support for the GAP recommendation to not develop unique QS identifiers, as it would very difficult to implement. Ms. Culver requested that sub-options be analyzed (having and not having unique identifiers) so that the Council could see the trade offs. For example, at some point the Council might give guidance on the divisibility of the QS so that having unique identifiers would not be so cumbersome. She noted that banks and financial institutions had requested this so that they could identify the QS being put up for collateral. Along the same line, Mr. Lockhart noted concerns about the lien registry and the expertise that is not at the NWR. Mr. Seger noted that based on the Council discussion he is interpreting the motion as the Council forwarding these issues for further exploration, policy development and deliberation in the next phase, as opposed to selecting options recommended by the GAP at this time. Ms. Vojkovich concurred. Mr. Seger noted the financial institution interest in having the action in place for 2013 implementation which is when QS trading would start.

Motion 14 passed unanimously.

G.7 Consideration of Inseason Adjustments – Part 1

G.7.a Agenda Item Overview (9/17/2011; 2:47 p.m.)

Ms. Ames provided the agenda item overview.

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

Mr. Steve Williams spoke to Agenda Item G.7.b, Supplemental ODFW Report: ODFW Report on Shore based Individual Fishing Quota Program off Oregon. Mr. Frank Lockhart noted Agenda Item G.7.b, Supplemental NMFS Report: Mid-Year IFQ Catch Report for West Coast Groundfish.

Mr. Sean Matson summarized Agenda Item G.7.b, Supplemental GMT Report and Mr. Tommy Ancona presented Agenda Item G.7.b, Supplemental GAP Report.

G.7.c Public Comment

Mr. Chris Kubiak, Central Coast Sustainable Groundfish Association, Los Osos, CA.
Mr. Jeff Miles, Commercial Fisherman, Port Orford, OR.

G.7.d Council Action: Adopt Preliminary or Final Recommendations for Adjustments to 2011 Groundfish Fisheries.

Ms. Michele Culver noted, per the GMT report, inseason actions from this meeting could be implemented on November 1, which is after the primary fishery for sablefish north of 36° N. latitude. She asked Mr. Lockhart if inseason actions could be completed earlier. Mr. Lockhart said increases to trip limits could be done earlier; however, decreases need to align with the start of a two month period, which is November 1.

Ms. Culver said she is not concerned that the daily trip limit (DTL) fishery for sablefish north of 36° N. latitude may exceed the harvest guideline since the total limited entry fixed gear catch (primary season and DTL) would remain within the total catch share. She is concerned, however, that the primary fishery is stranding sablefish due to unintended consequences of a regulation change. Ms. Culver noted that when the Council eliminated the daily trip limit they were not informed that the weekly limit, which is much higher than the daily limit, would then be used for determining when a vessel must move from the primary fishery to the DTL fishery. She expressed the desire to fix the regulations and asked if the process could begin in November. Mr. Lockhart said it would be possible to address the issue in November, if it was the Council's recommendation.

Ms. Marija Vojkovich clarified that Ms. Culver was recommending no action for 2011 DTL fisheries and future Council discussion to address the issue for the long term. Ms. Culver said yes.

Ms. Vojkovich moved (Motion 19) to increase the open access daily trip limits for sablefish south of 36° N. latitude from "300 lbs per day, 1,200 lbs per week, not to exceed 2,400 lbs. per two months" to "300 lbs per day, 1,500 lbs per week, not to exceed 3,000 lbs. per two months." The motion was seconded by Mr. Buzz Brizendine.

Ms. Vojkovich said there is a soft sablefish allocation between the limited entry and open access fleet south of 36° N. latitude. The open access fleet is tracking considerably lower than anticipated, while the limited entry fleet is tracking higher. The GMT report noted that there is a very small risk of exceeding the sablefish fishery harvest guideline in the south.

Motion 19 passed unanimously.

Ms. Vojkovich moved (Motion 20) to increase the limited entry and open access fixed gear shallow nearshore rockfish trip limits south of 40°10' N. latitude from "600 lbs/2 months" to "1,000 lbs/2 months," effective November 1 through the end of the year. The motion was seconded by Mr. David Crabbe.

Ms. Vojkovich said her intent was to provide increased access to shallow nearshore rockfish, since projected landings are significantly lower than the harvest guideline.

Motion 20 passed unanimously.

Mr. Lockhart requested that the Council further discuss the sablefish daily trip limit raised by Ms. Culver under Agenda Item G.11, Inseason – Part II.

[Council was on break from 3:38 p.m. to 3:52 p.m.]

G.8 Emerging Issues under Trawl Rationalization and Intersector Allocation

G.8.a Agenda Item Overview (9/17/2011; 3:52 p.m.)

Mr. Seger provided the Agenda Item overview which included reviewing the list of 29 trailing actions in Agenda Item G.8.a, Attachment 1: Potential Trailing Actions on Trawl Rationalization and Intersector Allocation.

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

Ms. Jamie Goen presented Agenda Item G.8.b, Supplemental NMFS Report 1: Additional Potential Trailing Actions from NMFS. Mr. Dayna Matthews presented Agenda Item G.8.b, Supplemental NMFS Report 3: NMFS Report on Emerging Issues under Trawl Rationalization and Intersector Allocation. Mr. Frank Lockhart presented Agenda Item G.8.b, Supplemental NMFS Report 2: NMFS Preliminary List of Priorities.

[Council recessed at 4:41 p.m. and reconvened on Sunday, September 18, 2011 at 8:04 a.m.]

Mr. Seger provided information on the workload outcome as a result of Agenda Item G.6, and updated the Council on the expectations for actions needed on this agenda item.

Mr. Erickson presented Agenda Item G.8.b, Supplemental GMT Report and Ms. Grebel presented Agenda Item G.8.b, Supplemental GMT Report 2. Mr. Tommy Ancona presented Agenda Item G.8.b, Supplemental GAP Report.

G.8.c Public Comment (9/18/2011; 9:07 a.m.)

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

[Break from 9:30 a.m. to 9:47 a.m.]

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

Mr. Chris Kubiak, Central Coast Sustainable Groundfish Association, Los Osos, CA.

G.8.d Council Action: Consider and Prioritize Issues for Future Trailing Actions (9/18/2011; 9:58 a.m.)

Ms. Culver moved (Motion 21--Agenda Item G.8.d, Supplemental WDFW Motion in Writing):

Using Agenda Item G.8.a, Attachment 1, move that the Council adopt the following items as a preliminary list of topics and draft schedule for trailing actions and amendments. This list includes three standalone items and potential items for inclusion in PIE Rules #2 and #3.

Standalone Items:

Item 6 – Adaptive Management Program Quota Pounds (2015)

Item 10 – Widow Rockfish QS Allocation (2015)

Item 14 – Reduce Observer Costs (2013-2014)

PIE # 2 (2013) Items 3, 7, 15, **16**, 17, 18, and **19** in Attachment 1 and chafing gear (as described in Supplemental NMFS Report 3).

PIE # 3 (2014): Items **1**, 2-10, and **11** in Supplemental NMFS Report 1 and items 21, 24, 25, 26, and **27** in Attachment 1.

The year in parentheses after each item is the target year for implementation. Those items above that are bolded and underlined, in particular, may become standalone items, depending on the proposed scope of action.

For the carryover issue (Item 1 in NMFS Supplemental Report 1), adopt the GAP recommendation to implement the carryover provision as a mid-year “release” of quota in 2012 as a temporary measure.

The Council would task the TRREC with a meeting to occur between the November 2011 and March 2012 Council meetings to initially focus on the topics listed for potential implementation in 2013 (Item 14 and those items in PIE 2), and provide a report back to the Council in March 2012.

Mr. Myer seconded the motion.

Mr. Seger asked Ms. Culver for clarification with respect to the carryover item. Specifically, do you mean with certainty and without a reduction in the trawl allocation. Ms. Culver responded in the affirmative. The intent is, picking up on the GAP recommendation, that there would be a carryover provision in 2012 and it would be implemented as a midyear release in quota with as much certainty as possible and without reducing their quota, the trawl allocation.

Ms. Culver spoke to her motion indicating that for the most part she had selected the items identified in the GAP and GMT reports as high priority or very high priority, as well as those which seemed to be described as relatively minor workload issues, as those to be addressed for 2013. Those items proposed for 2014 are additional clean up and housekeeping items that were presented in Supplemental NMFS Report 1, which for the most part did not seem to be a priority of the GAP or GMT, with the exception of the carryover provision. The intent there is to implement carryover as temporary measure and it would be provided as a midyear release rather than an initial additional allocation of quota for the start of the fishing year and that would be in place for 2012 and 2013, and beginning in 2014 we would have a permanent fix.

Relative to the standalone items, for Adaptive Management Plan (AMP) QP we have a pass-through measure that is in place right now that is expected to go through 2014. We need to identify what we are doing with those AMP pounds beginning in 2015. It seems like widow rockfish would be rebuilt for the 2015 biennial specifications cycle, and we would get confirmation on that. This is a placeholder for 2015 if widow is determined to be rebuilt.

On Item 14, the reduced observer cost, this is the highest priority standalone item for the near term. We need to find a way to get the costs reduced for the industry. Observer costs are a big portion of that. They are incurring fairly high observer costs right now and they are paying a relatively small fraction of the total observer cost. This would target having a reduction in observer costs in place on time for when the industry is scheduled to absorb all of those observer costs.

The chafing gear issue first came up in GMT discussion for the 2005-2006 specifications cycle. We used to have a targeted midwater fishery for widow rockfish and yellowtail rockfish. We reduced trip limits to discourage that fishery from occurring because we were concerned with discards of canary rockfish, which were declared overfished in 2000, and then with concerns over widow rockfish, which were declared overfished subsequent to that. The definition of mid-water gear in the regulations strictly said for unprotected foot-rope. That was the only differentiation between midwater gear and bottom trawl gear. There was nothing else to ensure that midwater gear would be pelagic as opposed to bottom trawl. In the midwater gear tows, it was clear that there was some bottom contact occurring because they were catching species that lived on the bottom rather than in the water column. The chafing gear restriction was added, only to apply to the codend, to discourage bottom trawl activity with pelagic gear. Council discussion and action was focused on the mid-water non-whiting fishery with no intent to apply it to the whiting fishery. At the same time, while under trip limits we had differential trip limits in place for midwater gear that allowed higher trip limits with that gear than with large footrope. With the implementation of the trawl individual quota program there is no conservation concern because everyone is operating under individual quotas. There was no intent for the chafing gear restriction to apply to the

whiting fishery. She hopes we can get the chafing gear problem fixed sooner rather than later, to exempt the whiting industry as a temporary measure if need be. We have multiple avenues to address this issue, it just needs to be addressed.

Set-asides were not included in the motion because the Council took deliberate action for the set-asides and no further action is needed. The outstanding issue is whether an environmental assessment has been written.

Relative to items of the RCA Boundaries and 21, 24-27, she hoped that these could be addressed in the 2013-2014 specifications process such that they could be in place for the January 1, 2013 start date. The specifications process, for which final action is not required until June 2012, provides a couple more months to get the rules in order while still having the same implementation date.

Pertaining to the usage limits item, there are no current examples showing that this is a problem. We should probably do a review of the usage limits in general as part of the overall program review, unless we get a specific example of something that needs to be fixed.

The sablefish discard mortality issue raised by Steve Bodnar is serious and she would have assumed observers were recording the disposition of discarded fish. The intent was to allow individuals to have an incentive to reduce discard mortality, allowing them to get credit for changing their fishing behavior and to allow for survivability of discard species. This seems to be more of an operational issue than something that is in regulations. There is nothing in regulations that says that an observer cannot or should not note the disposition of released catch. So that is not a regulatory fix so much as an operational fix within the Northwest Fisheries Science Center (NWFSC).

Mr. Lockhart said that his view of this motion is that it is setting the priorities for the Council. If NMFS finds that we can add something to an earlier rulemaking he assumed this would not prevent that. Ms. Culver concurred.

Ms. Vojkovich stated her understanding that in November we would get a listing of which items would be handled, the specifications process that would be used, and which items might not fit the time frame. Ms. Culver said that was correct.

Dr. McIsaac noted that the issue of what would be in the biennial specifications process should be dealt with today under Agenda Item G.9. Ms. Ames concurred, noting that any new management measures need to be identified at this meeting and the GMT will conduct preliminary analysis on those measures to help the Council determine which should be part of a more detailed specifications analysis. Ms. Culver also concurred. She noted that the motion identifies items that she would also be bringing up under the specifications process. They are included here as a fallback in case it is not possible to address them in the specifications.

Mr. Crabbe asked about the timing of the Trawl Rationalization Regulatory Evaluation Committee (TRREC). Ms. Culver indicated that there would not be enough time to have the TRREC meet prior to the November briefing book deadline. Would we want information in time for the Briefing Book or supplemental? Mr. Crabbe asked if the TRREC report came in March whether the issues identified by them could go through the process and be implemented in 2013. Mr. Seger responded that issues showing up in March would be too late. Ms. Culver asked if the TRREC provides a report in March on these issues, not new issues, would that be sufficient for them to be in place for PIE 2 (for 2013 implementation). Mr. Lockhart said that if the TRREC were commenting on those items on which NMFS staff, Council staff, and the GMT had developed an analysis, the comments on these items could be brought to the March Council Meeting.

Mr. Steve Williams moved (Amendment 1 to Motion 21) to move items 26 and 27 up to PIE 2 (2013), and to modify the last paragraph so that it reads “The Council would task the TRREC with a meeting to occur in October 2011 and focus their discussions on regulations that have been made obsolete or unnecessary as a result of implementation of the IFQ program. The TRREC would report back to the Council in November with topics for potential implementation in 2013.” Mr. Feldner seconded the motion.

Mr. Williams said that in considering the double coverage (including items both here and under the biennial specifications) he was moving items 26 and 27 into PIE 2 because they are something we would want the TRREC to discuss as well. Inclusion in PIE 2 for implementation in 2013 also indicates the desired timing. Given the need to get actions on the table in November, the purpose of the earlier TRREC meeting is to provide the Council their feedback; they are the experts on the regulations (those who are working with them every day) and the types of changes that may be needed. The Council can then make decisions on timing. A later meeting would miss the opportunity to get their input on what is really the focus of that committee.

Ms. Vojkovich expressed concern that this motion covered a number of issues that were a lower priority in the GAP report and that this motion would open up the process to identify more issues. Ms. Culver expressed concern that this motion would lose the focus of the TRREC somewhat and have them spend their time, which is to be a one day meeting, coming up with new items, which could take the entire day. Their focus should be on these items which the Council set up as a priority. When the Council set up the TRREC, it discussed that the Council would provide them focus and did not want them coming up with their own topics to discuss.

Mr. Williams responded that this is a narrow focus. In terms of the GAP’s belief about the priorities, the GAP report (the middle of page 2) said these issues should be addressed by TRREC and reiterated the GAP’s desire that the TRREC should meet in the near term. Further, the GAP report said that the TRREC, as a first priority, should consider all groundfish gear regulations which may have been made obsolete or unnecessary by adoption of the trawl IFQ program. Ms. Culver noted that the scope of the motion was not restricted to gear regulations. Mr. Williams said his focus was on review of those existing regulations that have been made obsolete or unnecessary.

Mr. Feldner spoke in support of an earlier TRREC meeting rather than a later one and agreed that the TRREC would have the expertise to identify the important issues that the Council would want to know about. Ms. Lowman agreed that the TRREC should have a scope that would allow them to identify and bring forward any important issues that may have slipped through the cracks.

Ms. Culver moved (Amendment to Amendment 1) to keep the portion of the amendment which moves items 26 and 27 from PIE 3 to PIE 2 and amend Amendment 1 such that the TRREC would have a meeting to occur in October, with an initial focus on gear regulations targeted for implementation in 2013, specifically items 15, 19, 26, and 27. Mr. Lincoln seconded the motion.

Ms. Culver confirmed a comment from Mr. Crabbe stating that they would have a one-day meeting, they would reach resolution on these topics as their priority, and if they still had time to discuss other items, they could do that.

Dr. McIsaac noted that these items include some matters beyond the shoreside sector, which is the membership of the TRREC. If this motion passes, then when we get to committees we should discuss additional members, since there are no mothership or catcher-processor members on the committee.

When the committee was created, it was specified that membership of the committee could change depending on the tasks it was given.

Mr. Williams asked if the inclusion of item 27 would cover the TRREC looking at any gear regulations that may have become obsolete. Ms. Culver said it would.

The amendment to Amendment passed unanimously. Amendment 1 to Motion 21 passed unanimously

Mr. Myer spoke in support of the changes for the chafing gear for regulations, the chafing gear issue has caught the whiting industry by surprise. It has been a longstanding practice to have chafing gear the entire length of the codend. As he read the regulations they were at best confusing. Some members of the industry believe that the regulations are actually conflicting. In particular the regulations say the chafing gear can only cover the last 50 meshes of the codend, yet in the same paragraph it says there is no limit to the number of chafing panels that can be added there. Given the historical search of the regulations by Mr. Matthews and some others in the industry, and what Ms. Culver has stated today, it seems that this was a remnant to the regulations from when gear regulations were changed regarding the use of pelagic gear as bottom gear, that it was carried over and applied to the entire trawl industry. In the statements today from the GMT and GAP, both stated that there does not seem to be a conservation concern. In his opinion, this should be a low priority for enforcement. He was uncertain as to the most appropriate avenue for this correction, but it is important to do it in the timeliest avenue. Mr. Williams stated that he hoped we were looking for another solution for a timelier fix on this issue. Mr. Lockhart said NMFS is exploring the issue.

Motion 21 as amended passed unanimously.

Ms. Culver asked about the set-aside issue and how it would be handled. Mr. Lockhart replied that they would provide the Council with an update in November. Mr. Seger stated that NMFS had indicated further action on the set-aside process was needed and asked if that was still the case.

[Break from 11:26 a.m. to 11:31 a.m.]

Mr. Lockhart responded that NMFS and Council staff will continue the discussion, explore what NEPA analysis needs to be done, and bring information forward to the Council in November with options that reflect the Council intent on this prior action.

In regards to the sablefish discard mortality issue, Ms. Culver stated she was not entirely sure how it was specified in the regulations but believed that they are broad enough to allow for survivability credit for sablefish to be given under the existing regulatory language; but that it was more of an operational issue under the WCGOP program. Mr. Lockhart said yes, changes could be made to the way this is done, but there is not a key for determining viability of sablefish. It would have to be a crude assessment for sablefish rather than an evaluation of viability by the observer. That would have to follow.

Mr. Seger noted that with respect to what is in the FMP and the Appendix to the FMP on the program, in Section A.1.1 it specifies that for the groundfish fishery, QP will be required to cover catch. In Section A.4 for halibut, it specifies that the QP will be required to cover halibut mortality. This is why in the regulations it is specified in that fashion for halibut. This is what is specified in the appendix to the FMP, but he had not had a chance to review the regulations to see whether the regulatory language exactly implements that intent. With respect to what is in the FMP right now, it would require a change.

Ms. Vojkovich stated that this could be a bigger agenda item, it could be an allocation issue and not just confined to sablefish because it can be opened for lingcod or other species discarded at sea.

Ms. Culver responded that the intent of the Council with the trawl rationalization program had been that we wanted to have incentives not only to reduce bycatch but to reduce bycatch mortality. To the extent that fishing behavior can be modified to promote survivability of released catch, and discards are allowed in the trawl IQ fishery. That is part of the Council intent in one of the objectives. If there is a way, this needs to be addressed sooner rather than later relative to sablefish. The change in fishing behavior is that fish that had previously been discarded and we assumed at least a 50 percent survival are now all being retained because all catch is counted against the individual quota. That is an unintended consequence of the program. If we can address this quickly relative to sablefish, that's the appropriate path. This is not to discount that we would need to have the broader discussion about how we would want to approach this for other species.

Mr. Lockhart suggested that as a way to proceed we have NMFS Staff, Council Staff and NOAA General Counsel look at this more closely and come back in November and explain what is possible and what it would take. Dr. McIsaac asked, if the Council takes up the question of multiple species mortality assessments as a management measure in the next biennial specifications, is that a substantial analytical chore that would expand the NEPA analysis beyond the narrow scope that is the Council's intent. Ms. Ames stated that if the Council is interested in that, it should ask the GMT to provide feedback on this matter at the November Council meeting.

Ms. Culver responded to Ms. Vojkovich indicating that this is not an allocation issue and this is a within trawl allocation issue.

Mr. Wolford commented that the key issue for establishing the mortality schedules was that there was documented survivability criteria for halibut. If we have that data for sablefish, this could move forward, but without that solid biological background to assess which fish are likely to survive and which won't this would be a problem. Perhaps that could be done for sablefish but then do we have the data for the other fishes as well?

Mr. Lockhart said that NMFS has some work that has revealed the sablefish discard mortality rate in the trawl fishery is 50 percent. For limited entry fixed gear, we have some other work indicating that discards are about 20 percent. If you want to go down the road that halibut has, that would require months to years to complete that work. Operationally, the observers can implement that quickly but we'll have to come back in November and let the Council know what the situation is procedurally for making the change. The issue was left unresolved with the expectation of a report in November.

[Break from 11:51 a.m. to 1:00 p.m.]

G.9 Biennial Management Process for 2013-2014 Groundfish Fisheries – Part 2

G.9.a Agenda Item Overview (9/18/2011; 1:00 p.m.)

Ms. Ames provided the agenda item overview.

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

Ms. Marci Yaremko spoke to Agenda Item G.9.b, Supplemental CDFG Report. Mr. Corey Niles presented Agenda Item G.9.b, Supplemental GMT Report. Mr. Tommy Ancona presented Agenda Item G.9.b, Supplemental GAP Report. Captain Bob Farrell presented Agenda Item G.9.b, Supplemental EC Report.

G.9.c Public Comments

Ms. Susan Chambers for Mr. Jeff Miles, nearshore fisherman, Port Orford, OR.
Mr. Rod Moore, West Coast Seafood Processors Association, Portland, OR.

G.9.d Council Action: Adopt Preliminary and Final 2013-2014 Groundfish Specifications and a Prioritized Range of Management Measures as Provided in the Biennial Management Process

Ms. Ames reviewed the decision-making process for the biennial cycle. Mr. Steve Williams asked if the GMT would also provide an assessment of workload at the November meeting. Ms. Ames said yes.

Ms. Marija Vojkovich asked for further clarification regarding the newly assessed species that are currently managed within a complex. She said the GMT report references IFQ for blackgill rockfish and she would like further clarification.

Mr. John DeVore said blackgill rockfish is currently managed in the slope rockfish complex. In the rationalized fishery, IFQ is issued at the minor slope complex level. If blackgill is pulled out of the complex, the sector allocations and initial allocations from Amendment 21 and implementing regulations would be enacted. The allocation framework for blackgill would be the same as the slope rockfish complex allocations. The Council could change the allocation rules but it would require an amendment to the Fishery Management Plan.

Ms. Culver moved (Motion 22) to continue managing blackgill rockfish and spiny dogfish in their respective complexes. She requests the GMT analyze sorting requirements and trip limits for blackgill, spiny dogfish, and longnose skate. In the case of spiny dogfish, the GMT would explore adjustments to the existing trip limits. For longnose skate, there is a sorting requirement but no trip limit. Ms. Culver said these management measures are necessary to keep catch within the harvest levels. Mr. Lockhart seconded the motion.

Ms. Culver considered the best available science as well as the advice of the GMT and SSC. It appears that continuing to manage spiny dogfish and blackgill rockfish at the complex level is sufficient for conservation purposes. Ms. Culver does have a desire to track the landings of these species and therefore included a mandatory sorting requirement as part of her motion. Further, the GMT should explore trip limits as a measure to control catch.

Ms. Vojkovich moved (Amendment 1) to continue managing greenspotted rockfish in the complex. Ms. Culver seconded the amendment.

Ms. Vojkovich said there are similar considerations for greenspotted. She did not include the analysis of a sorting requirement since there is no targeting of greenspotted and there is already dockside sampling at the complex level.

Amendment 1 passed unanimously. Motion 22, as amended, passed unanimously.

Mr. Williams moved and Mr. Jeff Feldner seconded a motion (Motion 23) to analyze removing the lingcod minimum length limit in the IFQ fisheries.

Mr. Williams said comments from the advisory bodies and public indicated that reducing lingcod discards is an important consideration. The lingcod stock is rebuilt and healthy. Once the preliminary analysis is

completed in November we can better assess the workload and determine whether this fits in our narrow scope and should go forward for more detailed analysis.

Ms. Culver moved and Mr. Dale Myer seconded an amendment to the motion (Amendment 1) requesting the analysis include reducing the minimum lingcod length to 20 inches.

Ms. Culver said the Council heard that trawlers were landing small sablefish and did not want a similar situation with lingcod in the event the size limit is removed. She thought it was important to have both options analyzed for Council consideration. During public testimony, 20 inches was suggested.

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

Ms. Culver moved and Mr. Myer seconded Motion 24 that the GMT include analyses of the following management measures: exempt the mid-water whiting fishery from the chafing gear requirements; and using Agenda Item G.8.a, Attachment 1, analyze item 26 to allow multiple gears onboard a vessel participating in the IFQ fishery, item 27 to allow trawl gear modifications that increase efficiency and selectivity (e.g., allow use of four seam nets), and item 4 to clarify catch accounting regulations and FMP language between the limited entry and open access sectors to match the Council's intent.

Ms. Culver said there was a lot of discussion about these items under Agenda Item G.8. She felt these items should be easily accomplished and wanted to ensure there was a placeholder in the 2013-14 cycle to make those corrections.

Motion 24 passed unanimously.

Ms. Vojkovich expressed her support for several items contained in the GMT report including improvements to the rockfish conservation area coordinates, restructuring the nearshore rockfish trip limits off California, and providing the ability to respond to any of the stock assessments and rebuilding analyses.

Ms. Culver asked NMFS to provide guidance regarding the sablefish survivability credits in the IFQ fishery from Agenda Item G.8 for the November Council meeting. Ms. Vojkovich asked NMFS to consider lingcod as well. Mr. Lockhart said he will report back on the operational requirements for the West Coast Groundfish Observer Program, any required analysis, and any changes to the FMP or regulations that would be necessary.

Ms. Vojkovich requested that Council staff draft a letter to Mr. Churchman outlining the Enforcement Committee concerns with his vessel monitoring system request ([Agenda Item G.9.c, Supplemental Public Comment](#)). The Council concurred.

Mr. Williams said there were a number of worthwhile management measures brought forward for Council consideration; however he wanted to maintain the narrow scope of action in order to ensure regulations will be in place on January 1. Ms. Culver, Mr. Wolford, and Mr. Lockhart agreed with Mr. Williams.

Ms. Vojkovich asked if management measures that were analyzed in the 2011-2012 Environmental Impact Statement are considered within the scope of the 2013-2014 process. Mr. Lockhart said that would be consistent with the process. Dr. McIsaac concurred.

Mr. Lockhart responded that if the California Department of Fish and Game is interested in revisiting shelf retention in the Cowcod Conservation Areas they should contact NMFS to discuss the item further. Ms. Vojkovich agreed.

Council adjourned for the day at 2:57 p.m.

G.10 Science Improvements for the Next Groundfish Management Cycle

G.10.a Agenda Item Overview (9/19/2011; 8:01 a.m.)

Mr. DeVore provided the agenda item overview.

G.10.b Northwest Fishery Science Center Report

Dr. Michelle McClure provided a PowerPoint presentation concerning the Northwest Fisheries Science Center recommendations on science improvements.

G.10.c Reports and Comments of Advisory Bodies and Management Entities

Mr. DeVore read Agenda Item G.10.c, Supplemental SSC Report into the record. Mr. Corey Niles presented Agenda Item G.10.c, Supplemental GMT Report. Mr. Tommy Ancona presented Agenda Item G.10.c, Supplemental GAP Report.

Ms. Yaremko asked Dr. McClure a follow-up question regarding the number of workshops that might be accommodated next year. Dr. McClure thought the NWFSC could accommodate up to three workshops, but would prefer sponsoring two workshops.

Ms. Yaremko asked why the NWFSC was prioritizing a data-poor methods workshop as the highest priority. Dr. McClure said these methods have the potential to increase the number of stocks where status is determined. Dr. Hastie added that these methods would be used for the 2015-16 cycle if approved. Further, it would be important to convene this workshop early next year in preparation for the Council's decision on stock assessment priorities in March and June of next year.

Ms. Yaremko asked if it was more important to increase the number of stocks that are assessed than improving the methods for the stocks we are currently assessing. Dr. McClure said both objectives are important.

Ms. Culver noted that the Washington historical catch reconstruction effort has not started, so waiting for that to be concluded before convening a workshop to review harvest reconstruction methods might be best. She noted the NWFSC could accommodate three workshops and the NWFSC is already planning a data-poor workshop and agrees that a post-mortem assessment workshop is a good idea. She asked if the plan is for the Council to recommend one more workshop, and Dr. Hastie said that depends on the workshop and who organizes the workshop. Some of the proposed workshops, such as the post-mortem review are not really workshops, but a one-day meeting to review the process and consider improvements. Other workshops, such as a data-poor assessment review and the harvest management framework workshop require considerable advance work to provide analyses for review at these workshops.

G.10.d Public Comment

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

Mr. Ralph Brown; trawl fisherman; Brookings, OR.

G.10.e Council Action: Prioritize and Plan for 2012 Science Improvements (9/19/2011; 9:16 a.m.)

Mr. Williams asked about the other activities in the GMT report, such as revising the depth-dependent mortality analysis, and Mr. DeVore said the GMT and Council staff are considering many of these refinements/improvements in preparation for the 2015-16 specifications process.

Ms. Lowman asked how many workshops the Council has sponsored in the past and Dr. McIsaac responded the Council has sponsored two annual workshops in the past. He added that he expects the 2012 budget to be reduced relative to our current budget.

Mr. Wolford noted his priority of analyzing the effectiveness of descending devices to reduce barotrauma. NMFS is planning a series of regional workshops to discuss this and he would like members of our SSC and GMT to attend that process.

Ms. Culver moved and Mr. Lincoln seconded a motion (Motion 25) to adopt the six workshops in the SSC report with item 3, the review of historical catch reconstructions, as the lowest priority. Further, the motion includes the items in the GMT report that inform specifications analyses for the 2015-16 cycle.

Ms. Culver said the priorities were based on the advice of all advisory bodies.

Ms. Yaremko moved and Mr. Brizendine seconded a motion to amend the priorities in the main motion (Amendment 1 to Motion 25) to prioritize a workshop to develop non-extractive survey techniques as the top priority.

Ms. Yaremko believes this is the highest priority given the poor performance of our current surveys to catch many of our groundfish species.

Ms. Culver believes items 1 and 2 in the SSC report were going to occur regardless of Council action. The intent of her motion was to recommend all six activities in the SSC report without prioritizing these activities. Ms. Yaremko said it is important to prioritize given limiting resources.

Mr. Williams agrees with all six of these activities. He notes that the SWFSC plans to review acoustic ROV survey techniques regardless of Council action. He is concerned that some of these other activities would not occur without a strong Council recommendation. Ms. Yaremko said the SWFSC initiative is only looking at surveying the Cowcod Conservation Areas to estimate abundance of cowcod and bocaccio; however, these techniques need to apply coastwide.

Amendment 1 to Motion 25 failed on a roll call vote (Mr. Myer, Mr. Sones, Mr. Feldner, Ms. Culver, Mr. Williams, Mr. Lincoln, and Ms. Lowman voted no. Mr. Lockhart abstained).

Mr. Williams believes the harvest policy evaluation workshop is a high priority since it affects the volatility of assessment results.

Motion 25 carried (Ms. Yaremko voted no).

Mr. Williams said he is pleased to hear there will be regional workshops to evaluate descending devices to reduce barotrauma of discarded rockfish. This could be a beneficial management tool.

Ms. Yaremko said the examination of the joint venture hake and sardine survey is important.

Mr. Sones said this work will also aid development of an ecosystem management plan.

[Break from 9:37 a.m. to 9:51 a.m.]

G.11 Consideration of Inseason Adjustments – Part 2, if needed

G.11.a Agenda Item Overview 9/19/2011; 9:51 a.m.)

Ms. Ames provided the agenda item overview.

G.11.b Reports and Comments of Advisory Bodies and Management Entities

Mr. Dan Erickson presented Agenda Item G.11.b, Supplemental GMT Report.

G.11.c Public Comment

None.

G.11.d Council Action: Adopt Final Recommendations for Adjustments to 2011 Groundfish Fisheries

Mr. Frank Lockhart said that NMFS will review the record on the Council's intent for managing the primary and daily trip limit fisheries for the limited entry fixed gear fleet north of 36° N. latitude. If the record is unclear or inconsistent, the issue will return to the Council for a two-meeting process.

Ms. Michele Culver moved (Motion 26) that NMFS review the record on the Council's intent for the limited entry fixed gear primary tier fishery and the application of the daily trip limit as the threshold and the Council's intent with regard to chafing gear in the mid-water whiting fishery. These items should be corrected outside the Council process in time for the 2012 fisheries. Mr. Dale Meyer seconded the motion.

Ms. Culver said these issues appear to be unintended consequences of the regulations. When the Council removed the daily trip limit in 2010 there was no discussion about potential impacts to the primary sablefish fishery. The current regulatory structure and interpretation is preventing fisherman from attaining their tier. There is a similar situation with regard to chafing gear. The Council was focused on the mid-water rockfish fishery for yellowtail and widow rockfish. There was no discussion in applying the chafing gear requirements in the directed Pacific whiting fishery. Ms. Culver said she believes the record will demonstrate the Council's intent.

Motion 26 passed unanimously.

The Council concluded this agenda item on Monday September 19, 2011 at 10:02 a.m.

H. Salmon Management

H.1 Progress Reports on Columbia River Tule and Sacramento Winter Run Chinook Management Issues

H.1.a Agenda Item Overview (9/17/2011; 8:27 a.m.)

Mr. Chuck Tracy presented the agenda item overview.

H.1.b Columbia River Tule Chinook Report

Mr. Ray Beamesderfer presented Agenda Item H.1.b, Supplemental TCW PowerPoint: Columbia River Tule Chinook Report, which summarized Agenda Item H.1.b, TCW Report: Exploration of Abundance-Based Management Approaches for Lower Columbia River Tule Chinook.

Mr. Rich Lincoln asked if the risk analysis was particularly sensitive to the assumed frequency bins for abundance. Mr. Beamesderfer replied it was very sensitive in absolute terms, but less so in relative terms compared with the fixed 0.37 exploitation rate base case. The future frequency will be driven largely by ocean productivity.

Mr. Roth noted that about 2.8 million Spring Creek Hatchery stock will be released below Bonneville Dam, which would increase the assumed hatchery release number and potentially result in increased frequencies in higher abundance forecast bins.

Mr. Williams asked at what exploitation rate on lower Columbia River (LCR) tules other stocks would constrain fisheries. Mr. Beamesderfer replied in the Salmon Advisory Subpanel (SAS) discussions, something in the 0.40 to 0.47 exploitation rate range was considered near the top end.

[Break from 9:44 a.m. to 10:01 a.m.]

H.1.c Sacramento Winter Run Chinook Report

Mr. Helvey presented Agenda Item H.1.b, Supplemental NMFS Report: Progress Report on the Sacramento Winter Run Biological Opinion Reasonable and Prudent Alternative and Development of a New Management Framework.

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

Dr. Martin Dorn presented Agenda Item H.1.d, Supplemental SSC Report. Mr. Butch Smith and Ms. Irene Martin presented Agenda Item H.1.d, Supplemental SAS Report.

Mr. Williams asked what the low abundance bin of 30,000 was based on. Ms. Martin replied it provided for adequate hatchery escapement considering the effects of northern fisheries, and the 0.30 exploitation rate was the minimum rate necessary to accommodate expected impact from northern fisheries, consideration of treaty Indian troll fisheries, Puget Sound fisheries, south of Cape Falcon fisheries, and Chinook non-retention fisheries in non-Indian north of Cape Falcon and in-river fisheries.

Mr. Bob Turner asked if the SAS would entertain an alternative that did not have the large exploitation rate steps but would be based on a gradual change in exploitation rate. Mr. Smith replied yes, that the SAS had discussed that possibility and would consider it further if the TCW could model the effects.

Dr. McIsaac asked if Snake River wild Chinook would constrain fisheries at an LCR tule exploitation rate of 0.40. Mr. Smith replied no, that the high exploitation rate bin was not as important as the next lower bin where fisheries would operate most of the time. Ms. Martin added that the SAS requested the 3-year review of the management approach to allow reconsideration of the exploitation rate bins, and the possibility of reverting to the fixed 0.37 exploitation rate approach. Mr. Anderson replied that it may be unrealistic to reduce population risk to the equivalent of a fixed 0.36 exploitation rate under the abundance-based approach, then go back to a scenario with risks equivalent to a fixed 0.37 exploitation rate approach. Mr. Turner agreed with Mr. Anderson.

H.1.e Public Comment

Mr. Mark Cedergreen, Westport Charter Boat Association, Westport, WA.
Mr. Duncan MacLean, salmon troller, Half Moon Bay, CA.

H.1.f Council Action: Guidance on the Abundance Based Methodology for Tule Chinook and Progress of Sacramento Winter Run Biological Option Revisions (9/17/2011; 10:49 a.m.)

Mr. Anderson recommended the objectives for an abundance-based management approach for tule fall Chinook should include risk reduction of at least 3.5 percent, a harvest benefit of around 5 percent if possible, and a minimum exploitation rate of 0.30 as recommended by the SAS. The 3-year review of the management approach should be conducted by the Council. Adjustment to tiers between now and November would be acceptable, including smoothing the steps out, provided objectives were met.

Mr. Steve Williams supported Mr. Anderson's guidance, and recommended exploration of higher exploitation rate tiers before the November meeting.

Mr. Lincoln recommended the TCW model some alternatives under various ocean conditions to see what a best and worst-case scenario would look like.

Mr. Sones recommended basing future management approaches on wild stock abundance if sufficient information could be obtained.

Mr. Turner noted that the abundance-based harvest management approach was only one part of tule recovery planning.

Mr. Gordy Williams noted that the 2009 Pacific Salmon Treaty (PST) Chinook annex reduced exploitation in northern fisheries, which should also contribute to recovery of tule stocks.

Mr. Turner remarked that the risk reduction objective of 3.5 percent was consistent with 2010 NMFS guidance to reduce exploitation rate from 0.37 to 0.36 if progress wasn't being made to reduce absolute risk.

Mr. Wolford recommended the Salmon Technical Team (STT) and SAS have an opportunity to test the Sacramento winter Chinook harvest model prior to the 2012 preseason process.

Ms. Yaremko noted NMFS expressed support for Mr. Wolford's suggestion and committed to have the model ready in time for the California public meeting in February.

H.2 2011 Salmon Methodology Review

H.2.a Agenda Item Overview (9/17/2011; 11:22 a.m.)

Mr. Tracy presented the agenda item overview.

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

Mr. Chuck Tracy read Agenda Item H.2.b Supplemental MEW Report into the record. Dr. Martin Dorn presented Agenda Item H.2.b, Supplemental SSC Report. Dr. Robert Kope presented Agenda Item H.2.b, Supplemental STT Report – with correction in the first paragraph moving “3)” before the word “and” on the same line. Mr. David Sones presented Agenda Item H.2.b, Supplemental Tribal Comments.

H.2.c Public Comment

None.

H.2.d Council Action: Adopt Final Review Priorities.

Mr. Steve Williams confirmed that the revisions to Amendment 13 Control Rules for Oregon coastal natural (OCN) coho will not be available for the 2011 methodology review.

Mr. Roth asked if the tribal comments for mark selected fisheries referred to post season assessment. Mr. Sones replied the primary need was for inseason management of Columbia River tribal fisheries.

Ms. Lowman asked if the Council had provided adequate guidance for the methodology review. Mr. Tracy replied that Council consensus to review the topics listed in the SSC Report was adequate.

Mr. Gordy Williams asked if the Fishery Regulation Assessment Model (FRAM) bias issue would include Chinook FRAM. Mr. Tracy replied not at this time.

[Break from 11:57 a.m. to 1:01 p.m.]

Dr. McIsaac introduced the NOAA Fisheries law enforcement director Mr. Bruce Buckson, and he provided some remarks to the Council.

I. Pacific Halibut Management

I.1 2012 Pacific Halibut Regulations

I.1.a Agenda Item Overview (9/17/2011; 1:07 p.m.)

Mr. Tracy presented the agenda item overview and introduced the informational reports on record below.

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

Ms. Michele Culver presented Agenda Item I.1.b, WDFW Report: Washington Department of Fish and Wildlife Report on Proposed Changes to Catch Sharing Plan and 2012 Annual Regulations. Mr. Steve Williams presented Agenda Item I.1.b, ODFW Report: Oregon Department of Fish and Wildlife Report on Proposed Changes to the Pacific Halibut Catch Sharing Plan for the 2012 Fishery.

Ms. Maria Vojkovich reported that California had not had any public hearings to entertain proposed changes to the catch sharing plan.

Mr. Tracy read Agenda Item I.1.b, IPHC Report: Letter to Dan Wolford from Bruce Leaman into the record. Mr. Tommy Ancona presented Agenda Item I.1.b, Supplemental GAP Report.

I.1.c Public Comment

Mr. Butch Smith, Ilwaco Charter Association, Ilwaco, WA.

Mr. Mark Cedergreen, Westport Charter Boat Association, Westport, WA.

I.1.d Council Action: Adopt for Public Review Proposed Changes for the 2012 Pacific Halibut Catch Sharing Plan and Annual Fishing Regulations

Ms. Culver moved (Motion 15) the Council adopt for public review the proposed alternatives for the 2012 Area 2A Pacific Halibut Catch Sharing Plan and proposed changes to the Federal regulations contained in Agenda Item I.1.b, WDFW Report. Mr. Dale Myer seconded the motion.

Motion 15 carried unanimously.

Mr. Williams moved (Motion 16) the Council adopt for public review the proposed alternatives for the 2012 Area 2A Pacific Halibut Catch Sharing Plan and proposed changes to the Federal regulations contained in Agenda Item I.1.b, ODFW Report, plus an additional alternative for the Columbia River subarea stating the Oregon contribution to the subarea allocation would be equal to the Washington contribution. Mr. Feldner seconded the motion.

Ms. Culver asked if the additional alternative was contingent on revising the Catch Sharing plan with alternative 1 or 2 from the WDFW report. Mr. Williams replied the alternative would be independent of the WDFW alternatives.

Motion 16 passed unanimously.

Mr. Steve Williams moved (Motion 17) the Council adopt for public review the proposed alternative for the 2012 Area 2A Pacific Halibut Catch Sharing Plan contained in the last paragraph of Agenda Item I.1.b, IPHC Report. Mr. Lockhart seconded the motion.

Ms. Culver asked if there was currently authority for NMFS to close the South of Humbug Mt. halibut fishery if the allocation had been exceeded. Ms. Lynch replied that the inability to close the fishery was contingent on lack of timely data, so if the data were available, the language should be clarified to provide authority if appropriate.

Ms. Culver moved to amend Motion 17 (Amendment 1 to Motion 17) to include another alternative that would establish a fixed season based on allocation and expected catch per day, starting no earlier than May 1 and ending no later than October 31. Mr. Lockhart seconded the motion.

Ms. Vojkovich recommended the process of changing halibut fisheries in California not occur until a public process could be conducted in California, and that status quo in 2012 would be appropriate until that process could be carried out.

Amendment 1 to Motion 17 carried; Mr. Crabbe, Mr. Brizendine and Ms Vojkovich voted no.

Motion 17 carried; Mr. Crabbe, Mr. Brizendine and Ms Vojkovich voted no.

[Break from 2:01 p.m. to 2:12 p.m.]

I.2 Pacific Halibut Bycatch Estimate for the 2012 Groundfish Fisheries.

I.2.a Agenda Item Overview (9/17/2011; 2:13 p.m.)

Mr. Tracy presented the agenda item overview.

Mr. Seger reported that on a conference call he, Vice Chair Lowman, Ms. Jamie Goen (NMFS NWR) and Mr. Gregg Williams (IPHC) discussed the carry-over provision for Pacific halibut IBQ under the trawl rationalization program. Under this provision, the Council could report to IPHC an expected bycatch mortality of 130,000 IBQ pounds for the 2012 limited entry trawl fishery, then if necessary, allocate the additional 13,000 carry-over pounds from 2011, without impacting the 2012 trawl fishery. Any catch in 2012 below the 143,000 IBQ would be used in the IPHC stock assessment, but would not impact 2013-2014 IBQ allocation and allocation to other groundfish sectors.

I.2.b National Marine Fisheries Service Recommendation

Mr. Jason Jannot presented the NWFSC PowerPoint summarizing, Agenda Item I.2.b, NMFS Report and Agenda Item I.2.b, Supplemental NMFS Report 2.

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

Dr. Martin Dorn presented Agenda Item I.2.c, Supplemental SSC Report. Ms. Heather Reed presented Agenda Item I.2.c, Supplemental GMT Report. Mr. Tommy Ancona presented Agenda Item I.2.c, Supplemental GAP Report.

I.2.d Public Comment

None.

I.2.e Council Action: Review and Provide Guidance on the Pacific Halibut Bycatch Estimate for use by the International Pacific Halibut Commission in 2012 Fisheries (9/17/2011; 2:42 p.m.)

Ms. Culver moved (Motion 18) to: 1) recommend NMFS transmit to IPHC Agenda Item I.2.b, NMFS Report and I.2.b, Supplemental NMFS Report, representing the best available science for the Area 2A Pacific halibut bycatch estimate for use in the IPHC stock assessment, and 2) recommend use of 130,000 pounds as the expected halibut bycatch mortality in 2012 Area 2A trawl fisheries. Mr. Myer seconded the motion.


Ms. Culver noted the motion recommending 130,000 pounds as the expected halibut bycatch mortality comports with the conversation Mr. Seger and others had with IPHC, and that the additional 13,000 pounds of roll-over IBQ could be allocated at a later date if necessary.

Motion 18 carried unanimously.

This agenda item concluded on Saturday, September 17, 2011 at 2:46 p.m.

ADJOURN

Mr. Steve Williams moved and Mr. Lockhart seconded (Motion 34) to adjourn. Motion 35 passed unanimously. The Council adjourned Monday, September 19, 2011 at 10:33 a.m.



November 7, 2011

Dan Wolford
Council Chairman

Date