

**MINUTES**  
**220th Session of the**  
**Pacific Fishery Management Council**  
**September 12-17, 2013**  
The Riverside Hotel  
2900 Chinden Blvd, Boise, Idaho 83714

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## **A. Call to Order (September 12, 2013)**

### **A.1 Opening Remarks**

Ms. Dorothy Lowman, Chair, called the 220<sup>th</sup> meeting of the Pacific Fishery Management Council (Council) to order at 8:06 a.m. on Thursday, September 12, 2013. She announced that there would be a closed session held after the regular business concludes this afternoon to discuss litigation and personnel matters.

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

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

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

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

Mr. Chuck Bonham (State of California Official); Mr. Troy Buell (State of Oregon Official, designee); Ms. Michele Culver (State of Washington Official, designee); Mr. Bob Turner (NMFS, Northwest Region, designee); and Ms. Marci Yaremko (State of California Official, designee).

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

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

Dr. Donald McIsaac briefly reviewed the following informational reports with Council members:

- Informational Report 1: Pacific Dawn II, Motion for Summary Judgment; Memorandum of Points and Authorities in Support Thereof;
- Informational Report 2: *Federal Register* Notice Dated August 7, 2013 Regarding Proposed Information Collection from DOC – Statement of Financial Interests, RMFCs;
- Informational Report 2.1: DRAFT Financial Disclosure Report for RFMC Voting Members, Nominees and Members of a Scientific and Statistical Committee;
- Informational Report 3: Groundfish Essential Fish Habitat Review: Summary of Proposals Received and Process for Completion;
- Informational Report 4: Letter to Dr. McIsaac From Sam Rauch Regarding Final Action to Amend Guidelines for National Standard 2 of the MSA;
- Supplemental Informational Report 5: Notice for Vessel Owners/Operators of California Thresher Shark/Swordfish Drift Gillnet ( $\geq 14$  inches mesh) Fishing Vessels;
- Supplemental Informational Report 6: News Release from the National Academies dated September 5, 2013 “Interactive Chart on Status of U.S. Fish Populations”; and Web Article from Saving Seafood – “National Research Council study finds rebuilding timelines for fish stocks inflexible, inefficient;” and
- Supplemental Informational Report 7: Status report of the 2013 Ocean Salmon Fisheries off Washington, Oregon, and California.

Dr. McIsaac informed the Council regarding the recent record increase in Bonneville Dam adult anadromous fish counts and commented on the Council Coordination Committee (CCC) meeting to be held October 23-24 via webinar. The primary CCC agenda item will be a review of the results of the Managing Our Nation’s Fisheries 3 (MONF3) Conference with regard to recommendations for the reauthorization of the Magnuson-Stevens Act (MSA). He also reviewed information regarding North Pacific albacore tuna management and referenced the following Supplemental Attachments:

- Agenda Item A.3, Supplemental Attachment 1: Letter to Michael Tosatto, PIRO, Regarding the Following Report “Pacific Fishery Management Council General Recommendations for the North Pacific Precautionary Management Framework proposed by the Western and Central Pacific Commission Northern Committee;”
- Agenda Item A.3. Supplemental Attachment 2: Pacific Fishery Management Council General Recommendations for the North Pacific Albacore Precautionary Management Framework Proposed by the Western and Central Pacific Commission Northern Committee;
- Agenda Item A.3, Supplemental Attachment 3: Framework for a Precautionary Approach for North Pacific Albacore, Preliminary Draft Proposal, Version U.S. 2; and
- Agenda Item A.3, Supplemental Attachment 4: Draft Northern Committee 9 Results Report.

Dr. McIsaac continued by raising a concern over limiting the November Council meeting to no more than five-and-one-half days. He asked Council members to review the proposed agenda in H.5 with an eye to limiting possible agenda candidates to keep the November meeting within the desired timeframe. He also identified planning for a special workshop just prior to the November Council meeting (October 30) in which a variety of ecosystem modeling experts



would take a look at the groundfish Tier 1 analysis to make sure it adequately covers ecosystem impacts.

Mr. Bob Turner presented Agenda Item A.3, Supplemental NMFS Report: Draft Division Organization Charts of the NMFS West Coast Regional Office.

#### **A.4 Agenda**

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

Mr. Pollard moved and Mr. Lincoln seconded (Motion 1) for the Council to approve the agenda as shown in Agenda Item A.4, Proposed Detailed Agenda (September 11-17, 2013).

Motion 1 carried unanimously.

#### **B. Open Comments**

##### **B.1 Comments on Non-Agenda Items (9/12/2013; 8:33 a.m.)**

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

None.

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

Agenda Item B.1, Open Comment 1: American Albacore Fishing Association Paper on Biological Reference Points and Harvest Control Rules.

Mr. Brad Pettinger, Oregon Trawl Commission, Brookings, Oregon, asked for Council consultation and review of the trawl fishery management strategy evaluation (MSE) action plan in November for the industry certification process.

Mr. Richard Carroll, Ilwaco Fish Company, Ilwaco, Washington, spoke to problems in maintaining waterway access for small fishing ports such as Ilwaco.

Ms. Melissa Stevens, The Nature Conservancy; Monterey, California, presented Agenda Item B.1, Supplemental Open Comment 2: PowerPoint from TNC, California Central Coast RCA Study.

Mr. Ben Enticknap, Oceana, Portland, Oregon and Mr. Seth Atkinson, Natural Resources Defense Council, San Francisco, California – Agenda Item B.1, Supplemental Open Public Comment 3: Proposal to the Pacific Fishery Management Council to Modify Groundfish EFH Designation, Conservation, and Enforcement.

Mr. Steve Scheiblaue, Harbormaster, Monterey, California, reported on a lack of observers for the trawl fishery based in Monterey that is preventing fishermen from fishing.

##### **B.1.c Council Discussion of Comments as Appropriate**

Mr. Anderson inquired of LCDR Gregg Casad concerning a lack of funding for maintaining the small fishing harbors along the coast – an issue raised by Mr. Carroll in his public testimony with particular attention to Ilwaco. LCDR Casad agreed to explore the issue with the appropriate U.S. Army Corps of Engineers (USACE) representatives and see if they could provide information on this issue for the November Council meeting.

Mr. Crabbe spoke concerning the observer problem noted by Mr. Stephen Scheiblauber and the disparity between the availability of state observers in the halibut fishery and lack thereof in the groundfish trawl fishery. He asked if NMFS could provide any further information with regard to operation of the observer program in the Monterey Bay area.

Mr. Lockhart stated he had no information about the state program of observers for the halibut fishery. However, he was aware of an issue with NMFS observers and the trawl catch shares program that was recognized prior to the implementation of trawl rationalization. Prior to the catch shares program, some vessels had received exemptions from carrying an observer for various reasons. However, this is not possible under the catch shares program. Prior to implementation, meetings and notices were held to advise fishers of this issue. The issue is that the observer has some leeway as to whether or not they view the vessel as safe. Mr. Lockhart thought that this was the issue in this particular case. He also noted the larger economic issue of the higher costs for observers in the smaller ports.

Mr. Crabbe asked if there were additional options that would make it more favorable for observer providers in the Monterey area.

Mr. Lockhart responded that staff are now working on the observer provider rule and it is to be ready early next year so that new providers can come into the program. In response to a question from Mr. Wolford, Mr. Lockhart stated that the rule does not include the issue of observer qualifications. That is a separate and more complex issue that includes restrictions contained in the MSA and other national regulations. However, NMFS and the National Observer Program are looking into that issue.

With regard to a place in the Council's agenda to consider the trawl fishery MSE certification introduced by Mr. Brad Pettinger, Dr. McIsaac stated it would be considered under agenda planning on the last day of the meeting.

## **C. Enforcement**

### **C.1 Tri-State Enforcement Report (9/12/2013; 9:33 a.m.)**

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

Mr. Jim Seger presented the Agenda Item Overview.

#### **C.1.b Tri-State Enforcement Report**

Lt. David Anderson and Sgt. Dan Chadwick presented Agenda Item C.1.b, Supplemental Tri-State Enforcement Report (PowerPoint) with additional remarks from Mr. Bob Farrell.

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

None.

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

None.

#### **C.1.e Council Action: Discussion and Guidance as Needed**

Mr. Anderson recalled some concerns our Council has had with regard to changes in the NMFS Office of Law Enforcement and the Joint Enforcement Agreement (JEA). Those changes were driven primarily by East Coast enforcement concerns. He asked how this situation has progressed over time with regard to the efficiency of our law enforcement.

Lt. Anderson responded that, with regard to Oregon, they have two uniformed officers stationed in Astoria and one in Newport. There have been no negative impacts on the JEA funding. There have been fiscal concerns with the disparity in pay levels between using Federal and state enforcement officers.

Mr. Matthews reported that the enforcement officers have been hired and trained. The task now is to incorporate them into the daily dock and patrol work so that it is complementary to the state patrols. He believes they will be an asset to both state and Federal participation, and the purpose is not to supplant the JEA program.

### **D. Pacific Halibut Management**

#### **D.1 Pacific Halibut Bycatch Estimate (9/12/2013; 10:49 a.m.)**

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

Ms. Kelly Ames presented the Agenda Item Overview.

##### **D.1.b National Marine Fisheries Service Recommendation**

Dr. Jason Jannot presented Pacific Halibut Bycatch Report (PowerPoint) which summarized the following documents:

- Agenda Item D.1.b, WCGOP Report: Pacific Halibut Bycatch in U.S. West Coast Groundfish Fisheries (2002-2012);
- Agenda Item D.1.b, WCGOP Response to SSC: Supplemental Material for SSC Review of the NWFSC Observer Program Annual Report on Pacific Halibut Bycatch in the U.S. West Coast Groundfish Fisheries: Response to 2012 SSC Comments and Suggestions;
- Agenda Item D.1.b, WCGOP Request: Council Request for WCGOP Data;
- Agenda Item D.1.b, Trawl Survey Request: Council request for the NWFSC Bottom Trawl Survey Data; and
- Agenda Item D.1.b, Supplemental WCGOP Data: Supplemental WCGOP Data.

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

Dr. Bob Conrad presented Agenda Item D.1.c, Supplemental SSC Report.

Mr. Brad Pettinger presented Agenda Item D.1.c, Supplemental GAP Report.

#### **D.1.d Public Comment**

None.

#### **D.1.e Council Action: Review and Provide Guidance on the Pacific Halibut Bycatch Estimate for use by the International Pacific Halibut Commission in 2014 Fisheries**

Based on the Scientific and Statistical Committee (SSC) review and conclusion that the science used is appropriate, Mr. Anderson moved and Mr. Myer seconded Motion 2 that the Council provide NMFS with our recommendation to transmit the document, Pacific Halibut Bycatch in U.S. West Coast Groundfish Fisheries (2002-2012), to the International Pacific Halibut Commission (IPHC) with the recommendation that they use it for 2014 planning.

Motion 2 carried unanimously.

Ms. Marci Yaremko commented that it would be helpful if the total catch accounting in the table on page 6 of the report could be partitioned out geographically into the three subareas. She also suggested the Council needed to consider the SSC recommendation that there was not a need to review the estimates annually.

Mr. Anderson suggested that if there hasn't been a significant change in the science or methodology, NMFS could so inform the Council, and there would be no need for the SSC to review it in that particular case. Mr. Lockhart agreed.

#### **D.2 2014 Pacific Halibut Regulations (9/12/2013; 11:27 a.m.)**

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

Ms. Kelly Ames presented the Agenda Item Overview and referenced Agenda Item D.2.a, Attachment 1: 2013 Pacific Halibut Catch Sharing Plan for Area 2A.

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

Mr. Frank Lockhart referenced Agenda Item D.2.b, NMFS Report: Report on the 2013 Pacific Halibut Fisheries in Area 2A. [He noted two corrections in the report: 1) on page 3, in the bulleted sentence near the top and in the table on page 6 for "sablefish incidental" - strike "15587" and replace it with "5823;" and 2) in the table on page 6, under "sablefish incidental," change the percentage taken to 27.2 percent, and change the total catch to 878,072 and percent of quota taken to 88.7 percent.]

Ms. Heather Gilroy presented Agenda Item D.2.b, Supplemental IPHC Report.

Mr. Phil Anderson presented Agenda Item D.2.b, WDFW Report: Washington Department of Fish and Wildlife Report on Proposed Changes to the Catch Sharing Plan and 2014 Annual Regulations and Agenda Item D.2.b, Supplemental WDFW Report 2.

Ms. Lynn Mattes and Mr. Kevin Duffy presented Agenda Item D.2.b, Supplemental SOH Workgroup/Policy Group PowerPoint that combines Agenda Item D.2.b, Workgroup Report: South of Humbug Pacific Halibut Workgroup Preliminary Management

Measures Analysis and Agenda Item D.2.b, Policy Committee Report: Summary of the South of Humbug Pacific Halibut Policy Committee Meeting.

[Council broke from 12:08 p.m. to 1:15 p.m. and, due to a delay in the availability of Agenda Item D.2.b, Supplemental CDFW Report 2, started Agenda Item E.1. Council resumed Agenda Item D.2 at 2:24 p.m.]

Ms. Gway Kirchner presented Agenda Item D.2.b, ODFW Report: Oregon Department of Fish and Wildlife Report on Proposed Changes to the Pacific Halibut Catch Sharing Plan for the 2014 Fishery.

Ms. Marci Yaremko presented Agenda Item D.2.b, CDFW Report: California Department of Fish and Wildlife Report on Proposed Changes to the 2014 Pacific Halibut Catch Sharing Plan; Agenda Item D.2.b, Supplemental CDFW Report 2; and Agenda Item D.2.b, Supplemental CDFW PowerPoint.

Mr. Tom Marking presented Agenda Item D.2.b, Supplemental GAP Report.

Lt. Dave Anderson presented Agenda Item D.2.b, Supplemental EC Report.

### **D.2.c Public Comment**

Agenda Item D.2.c, Public Comment.

Mr. Mark Cedergreen, Ilwaco Charter Association, Westport, Washington.

Mr. Tom Marking, Eureka, California.

### **D.2.d Council Action: Adopt for Public Review Proposed Changes to the 2014 Pacific Halibut Catch Sharing Plan and Annual Fishing Regulations**

Regarding the recreational Pacific halibut fishery, Mr. Anderson moved and Mr. Lincoln seconded Motion 3 that the Council adopt, for public review, the proposed changes for the 2014 Pacific Halibut Catch Sharing Plan (CSP) and regulations as shown in Agenda Item D.2.b, WDFW Report, except for #3 under the Columbia River Subarea, which is replaced by the recommendation in Agenda Item D.2.b, Supplemental WDFW Report 2.

Mr. Anderson noted that the justification for these proposed regulations was pretty well covered during the presentation and is adequate for consideration in the public review. One area that he would particularly like to get public comment on before final action is in regard to using a 30 fathom line from Leadbetter to Falcon without a break. He would like to discuss that more with Oregon.

Ms. Kirchner asked if an alternative of a 40 fathom line would need to be added now or if we can consider it in November. Mr. Anderson thought it best to include it now.

Ms. Kirchner moved and Mr. Feldner seconded Amendment 1 to Motion 3 for the Council to include an alternative for the nearshore fishery proposal (referenced in Agenda Item D.2.b, Supplemental EC Report) from Leadbetter Point to Cape Falcon to reflect a 40 fathom line in the area.

Ms. Kirchner stated that this incorporates the recommendation of the Enforcement Consultants (EC) and allows consideration of such an alternative by the public and for final adoption.

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

Ms. Kirchner moved and Mr. Feldner seconded Motion 4 that the Council adopt, for public review, the proposed changes for the 2014 Pacific Halibut CSP and annual fishing regulations as shown in Agenda item D.2.b, ODFW Report.

Ms. Kirchner stated that the rationale for the motion was covered in the state's presentation and reflects many of the recommendations resulting from public meetings and is ready for further public review.

Motion 4 carried unanimously.

Ms. Yaremko moved and Mr. Wolford seconded Motion 5 that the Council adopt, for public review, the proposed changes for the 2014 Pacific Halibut CSP and annual fishing regulations for 2014 as shown in Agenda Item D.2.b, Supplemental CDFW Report 2.

Ms. Yaremko stated that her earlier presentation covered the rationale for this motion. She reaffirmed that the motion is consistent with the recommendation of the policy committee for a new sport fishery allocation that reduces sport catch in this area to a level of 40-60 percent of the average catch from 2008-2012. Regarding management measures, because no inseason management is proposed for this area, the actual language of the regulations must appear up front as a piece of the CSP. She then presented some supplemental data concerning availability of access and launching facilities for some of the North Coast ports that were factored into the management measures, especially concerning the impacts of block seasonal closures.

Ms. Kirchner asked to have Ms. Heather Gilroy of the IPHC provide more information with regard to their expectations for Council actions south of Humboldt Mountain this year.

Ms. Gilroy stated that the IPHC staff supports the adaptive approach that California and the policy committee are taking which provides for a 40-60 percent decrease in the 2014 sport catch from the five-year average, and after that a reduction of catch to stay within the allocation.

Ms. Kirchner asked if the IPHC would see it as adequate progress if we reduced the catch by 40-60 percent from the five-year average in 2014, but the catch exceeded the allocation.

Ms. Gilroy replied that staff believes the answer is yes. We realize that a lot of work has gone into this and you are working toward a step-wise solution to have the catch be within the allocation after 2014.

Mr. Anderson recounted the issues and process which have brought us to this point in making a decision for future halibut management under a new quota off California. He noted the disparity in the proposal which attempts to reduce the catch, but adds up to more than 100 percent of the available allocation. We can either address the allocation and management issues at one time, or

we can take this step for the management measures for public review, and whatever we adopt is not going to get down to the allocation range. Setting the allocation will come later. Given the conservative quota management in the other areas, there is little risk that going over the proposed new allocation by 5,000 to 6,000 pounds will have any significant conservation effect in this one year. He felt the allocation decision could come later.

Council members proceeded with further discussion which included general agreement on the need to reduce the catch beginning in 2014 and the stepwise approach to bring the catch within the allocation in the long term. However, there was some confusion and disagreement over the proposed changes, including allocation percentages that summed to more than 100 percent and using a range for the California sport allocation. Ms. Yaremko clarified that she supported using a range (1.4 to 2.1 percent) for the California sport allocation at this time.

Ms. Kirchner moved and Mr. Feldner seconded Amendment 1 (to Motion 5) to change the California sport fishery allocation on page 1 under (b) to “1 percent for 2014” and on page 3, under the California subarea, change the wording to “this sport fishery is allocated 1 percent for 2014” and add that “the Council will continue to address South of Humbug issues, including allocation, for potential changes in 2015.”

Ms. Kirchner noted that up to this point we have not had an opportunity to consider alternative allocations and now there is not time to address big allocation issues. She has also heard concern that if we do not address these allocations now they will not be addressed in the near or distant future. To help us move forward, her motion reflects using the 1 percent that comes from Oregon and is time-limited to 2014 which will get public input now and force us to deal with it further for 2015 and beyond. In response to questions, she clarified that her intent in the motion was to deal narrowly with the California allocation issue (not “South of Humbug”) and not to open a discussion of the other sport and commercial allocations.

To clarify the amendment, Mr. Wolford moved and Mr. Brizendine seconded Amendment 1a (to Amendment 1 to Motion 5) to replace “South of Humbug” with “California.”

Amendment 1a carried unanimously. Amendment 1, as amended, carried unanimously. Motion 5, as amended, carried unanimously.

[Council concluded this agenda item at 4:02 p.m. and entered into closed session.]

## **E. Salmon Management**

### **E.1 2013 Salmon Methodology Review (9/12/2013; 1:17 p.m.)**

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

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

- Agenda Item E.1.a, Attachment 1: June 12, 2013 Email to the Agencies from Mike Burner Regarding Preliminary Topic Selection; and

- Agenda Item E.1.a, Attachment 2: August 1, 2013 Letter from Dr. McIsaac to Mr. Will Stelle Regarding SRWC.

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

Ms. Marci Yaremko reported on Sacramento River winter run Chinook (SRWC) recovery operations.

Mr. Bob Turner presented Agenda Item E.1.b, Supplemental NMFS Report.

Mr. Mike Burner read the following documents into the Council Record: Agenda Item E.1.b, Supplemental STT Report; Agenda Item E.1.b, Supplemental MEW Report; and Agenda Item E.1.b, Supplemental SAS Report.

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

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

None.

### **E.1.d Council Action: Adopt Final Review Priorities and Consider Recommendations for Sacramento Winter Chinook Harvest Control Rules**

Mr. Anderson noted that the Council has identified the key methodology topics for review and that the MEW and STT concur on those which can be completed for the SSC review in October. The Council agreed to let the process continue for inclusion in 2014 management.

Regarding guidance and recommendations on SRWC harvest control rule alternatives, Mr. Wolford encouraged NMFS to proceed with their *Federal Register* (FR) notice in a manner that would allow us to give a response as soon as possible. He asked for, and Mr. Turner agreed to, ensure that the Council was notified when the FR is published.

Mr. Wolford also asked that the information regarding escapement and entrapment of the fish be provided as soon as possible.

Mr. Lincoln expressed concern about the trade-offs of NMFS providing the control rule FR as soon as possible versus ensuring a quality review. Mr. Turner stated there are controversial issues which must be adequately considered and that could determine the completion of the proposed rule.

Mr. Wolford clarified that he was not asking to impose a time certain on the review, only that it proceed as expeditiously as possible.

[Council concluded this agenda item at 2:10 p.m. and resumed with D.2 at 2:20 p.m.]

## **E.2 Fishery Management Plan Amendment 18 – Update of Essential Fish Habitat (EFH) for Salmon (9/13/2013; 8:03 a.m.)**

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

Mr. Kerry Griffin presented the Agenda Item Overview and introduced the following documents:

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- Agenda Item E.2.a, Attachment 1: Draft Environmental Assessment and Initial Regulatory Impact Review – Pacific Coast Salmon Plan Amendment 18: Incorporating Revisions to Pacific Salmon Essential Fish Habitat;
- Agenda Item E.2.a, Attachment 2: Draft Appendix A to the Pacific Coast Salmon Fishery Management Plan: Identification and Description of Essential Fish Habitat, Adverse Impacts, and Recommended Conservation Measures for Salmon;
- Agenda Item E.2.a, Attachment 3: Pacific Salmon Amendment 18, Incorporating Changes to Essential Fish Habitat: Overview of Alternatives; and
- Agenda Item E.2.a, REVISED Supplemental Attachment 4: FMP Strikethrough Language.

### **E.2.b Summary of Amendment 18 Alternatives**

Mr. Kerry Griffin and Mr. John Stadler presented Agenda Item E.2.a, Supplemental PowerPoint on Amendment 18: - Update of Essential Fish Habitat (Griffin/Stadler).

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

Mr. Mike Burner presented Agenda Item E.2.c, Supplemental SAS Report.

Mr. Bob Conrad presented Agenda Item E.2.c, Supplemental SSC Report.

Ms. Jennifer Gilden presented Agenda Item E.2.c, Supplemental HC Report.

Agenda Item E.2.c, Supplemental NMFS Report: Salmon EFH Notice and Comment Rulemaking.

### **E.2.d Public Comment**

None.

### **E.2.e Council Action: Final Adoption of Salmon EFH Updates**

Mr. Bob Turner moved and Mr. Rich Lincoln seconded Motion 6 that the Council select the following set of action alternatives from Table 2-1 of Attachment 3 to Agenda Item E.2.a as the final preferred alternatives: 1B, 2B, 2D, 3B (with the exception of 18060002 (Pajaro)), 3C, 4B, 5B, 6B, 6D, 7B, 8B, 9B-9F, 10B, 10C, 11B, 11C1-11C9, 12B, and 13B (Agenda Item E.2.e, Supplemental NMFS Motion in Writing) with the table summarized in that attachment.

Mr. Turner stated that his motion attempts to provide a starting point for a discussion that will include those alternatives which will be as close as possible to a consensus of the Council family.

Mr. Pollard noted that the motion pretty well lines up with the recommendations of the Habitat Committee (HC) except for C10 (coal export facilities). He asked for clarification from Mr. Turner on that issue.

Mr. Tuner replied that NMFS believes the activities associated with any terminal, including a coal terminal, are otherwise covered in the essential fish habitat (EFH) provisions with the exception of the existence of coal in that facility. NMFS believes we currently do not have the science behind what mitigation measures would be associated with whatever impacts are created with the existence of the coal.

Mr. Anderson moved and Mr. Lincoln seconded Amendment 1 (to Motion 6) to add Lower Crab Creek Hydrologic unit 17020015 to the Chinook salmon freshwater EFH (2B) and to substitute the words “48° N. latitude” for “Cape Flattery” in 7B (Marine & Estuarine EFH).

Mr. Anderson stated that lower Crab Creek (tributary to the Columbia River between Priest Rapids and Wanapum dams) is spawning habitat for Chinook salmon that should be protected. Also, as pink salmon leave Puget Sound, they occupy areas south of Cape Flattery down to the area denoted by 48° N. latitude.

Amendment 1 carried unanimously.

Mr. David Ortmann moved and Mr. Lincoln seconded Amendment 2 (to Motion 6) to strike “six” and replace it with “five” under 3B, Coho Salmon freshwater EFH.

Mr. Ortmann stated that this was just an editorial amendment.

Amendment 2 carried unanimously.

Mr. Feldner expressed concern about not including 11C10 (coal export terminals). He moved and Ms. Kirchner seconded Amendment 3 (to Motion 6) to add 11C10 “coal export terminal facilities” under non-fishing activities that may adversely affect EFH.

Mr. Feldner stated that both the SSC and HC had included 11C10 in their recommendations and it isn't a huge requirement for someone who is proposing the facilities, and it does have the potential for adversely affecting EFH.

Several Council members spoke in support of the amendment as there would seem to be a fairly direct nexus to pollution of fish habitat with coal dust and it is also currently an issue of concern within the region.

Mr. Turner and Dr. Stadler attempted to clarify NMFS' concern that they did not have the science to describe the impacts the coal would have on EFH. Dr. Stadler noted that with regard to LNG terminals, they knew that there would need to be certain criteria for the intake and outflow of cooling water. However, they did not have any science-based criteria to place in Appendix A that would describe the probable impacts of the coal in a terminal and the necessary mitigation measures to avoid harm.

Amendment 3 carried, Mr. Turner abstained. Motion 6, as amended, carried unanimously.

### **E.3 Lower Columbia River Double-Crested Cormorant Management Plan (9/13/2013; 9:30 a.m.)**

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

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

- Agenda Item E.3.a, Attachment 1: Cormorant EIS e-Newsletter; and
- Agenda Item E.3.a, Attachment 2: Draft Report: Benefits to Columbia River Anadromous Salmonids from Potential Reductions in Predation by Double-Crested Cormorants Nesting at the East Sand Island Colony.

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

Mr. Burner read Agenda Item E.3.b, Supplemental SAS Report.

### **E.3.c Public Comment**

None.

### **E.3.d Council Action: Provide Comments to the U.S. Army Corps of Engineers**

Mr. Pollard stated that it is important that the U.S. Army Corps of Engineers (Corps) receives the Council's comments regarding the Cormorant predation. He noted that the single cormorant colony during the 100-day nesting period accounts for predation of 20 million anadromous smolts. This is a huge impact compared to what benefit we get from other rather extensive habitat improvement efforts. He also noted that this is an impact that didn't exist 40 years ago.

Mr. Roth agreed and was concerned about the timing of the release of the Environmental Impact Statement (EIS) and suggested April might be the right meeting to have the Corps report to us. He recommended a letter to the Corps advising them of our timing needs with regard to commenting on the EIS. Other Council members agreed and spoke of the state efforts in dealing with this issue.

Ms. Lowman confirmed Council consensus that a letter be sent to the Corps describing the importance of this issue to the Council and asking that the comment period extend beyond the April Council meeting.

Mr. Anderson wondered about the status of a NMFS analysis and recommendation in terms of the needed reduction in the number of breeding pairs. Mr. Turner was not aware of the current status, but would find out. Mr. Anderson recommended that the information should be available for the April meeting.

## **F. Habitat**

### **F.1 Current Habitat Issues (9/13/2013; 10:00 a.m.)**

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

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

- Agenda Item F.1.a, Attachment 1: Final Letter to the Northwest Power and Conservation Council;
- Agenda Item F.1.a, Attachment 2: Draft Letter to the Bureau of Ocean Energy; and
- Agenda Item F.1.a, Attachment 3: Draft Letter to the Department of Energy.

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

Ms. Fran Recht presented Agenda Item F.1.b, Supplemental HC Report.

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

None.

### **F.1.d Public Comments**

Mr. Brent Paine, United Catcher Boats, Seattle, Washington, presented Agenda Item F.1.d, Supplemental Public Comment.

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

Mr. Ralph Brown, Brookings, Oregon.

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

Council discussion started with the proposed letter to the U.S. Department of Energy concerning development of offshore wind energy (Agenda Item F.1.a, Attachment 3).

Mr. Troy Buell spoke in support of the proposed letter and noted its similarity to one previously sent by the State of Oregon. He would also support inclusion of verbage suggested during public comment emphasizing that the user conflicts be identified before site selection. Ms. Yaremko agreed and recommended also including the comments by Mr. Brown that we request the Department of Energy to exam the human and fishery impacts in great detail.

The Council approved sending the letter as drafted and including the suggested comments.

Mr. Crabbe supported going forward with the proposed letter to the Bureau of Ocean Energy Management (Attachment 2) which requests membership on the Oregon Intergovernmental Renewable Energy Task Force and would allow us to weigh in on the taskforce process to mitigate impacts.

Ms. Yaremko disagreed with Mr. Crabbe. She was concerned that the Council should not get weighed down by interacting in local issues that were better handled by the states and others, but should rather respond at a broader, more regional level.

Mr. Anderson requested information on who the current members of the taskforce were. He agreed with Ms. Yaremko that the Council could get hamstrung by membership on too many committees and local issues.

Mr. Myer spoke in favor of the letter and request for taskforce membership. While this particular issue was off Oregon, it was affecting Washington fleets as well. These developments are just the beginning of many conflicts over ocean and coastal developments. If you are not at the table, you are on the menu.

Mr. Buell stated that Oregon has a seat on the taskforce and supports membership by the Council, which he would not see as a conflict. He read a long list of other members, which

includes Federal and state agencies. He noted that the issues and facilities include the Federal waters and may have impacts on the fisheries. They would benefit from the Council having a seat on this taskforce.

No one was aware of any other intergovernmental, renewable energy taskforce for Washington or California.

Ms. Lowman noted that, ideally, the Coastal Marine Spatial Planning Organization would be the umbrella body that the Council could act in. However, that doesn't look like it is getting started in a timely manner. The actions are moving forward and affecting fisheries, which makes it important for the Council to be involved.

Mr. Crabbe reiterated his support for Council participation, given no other venue and considering the potential impact on the coastal pelagic fishery.

Council members discussed the likely involvement that this membership would entail for the Council, who that member might be, and what comments they might be authorized to provide.

Mr. Myer felt it would be more beneficial to provide someone from the Council family who could provide information on the impacts on the fishing fleet.

Mr. Crabbe suggested we obtain more information and table this letter for now. Mr. Buell agreed.

Ms. Yaremko agreed that these local committees are important and thought the issue was how to ensure that the local fishing entities have standing and input on them. The Council's role may be to stress the need for representation and information from the fishing industries.

Mr. Pollard confirmed Council consensus to table this issue, get additional information, and, if necessary, receive a report on this in November.

The Council continued their discussion with concerns about the renegotiation of the U.S.-Canada Columbia River Treaty and the recommendation in the HC Supplemental Report for a letter. It is uncertain as to the exact deadline for comments to the U.S. State Department on this issue. Therefore, the Council decided to have staff communicate the importance of the renegotiation, seek further information on the probable comment deadline, and, if necessary, request that Council comments be considered following our November meeting. If that is not possible, Council staff should communicate that the Council strongly supports the comments of the bordering states with regard to protecting the anadromous fishery resource.

The Council completed its habitat agenda item with a discussion of the Columbia River Biological Opinion information.

Mr. Buell stated that Oregon Department of Fish and Wildlife (ODFW) strongly supports the comments of the HC on the Columbia River Biological Opinion and supports the Council

making comments, though the timing would not allow for Council review at the November Council meeting.

Dr. McIsaac noted that there has only been a cursory review of the biological opinion, and any letter would be very general since there would not be time to develop well-coordinated and comprehensive recommendations for approval by Council members.

Mr. Anderson noted that Washington, Oregon, Idaho, and the tribes would all be responding in detail to the opinion. He suggested that given the lack of time, this would suffice in covering Council concerns better than a brief general letter. Council members agreed.

## **G. Groundfish Management**

### **G.1 National Marine Fisheries Report (9/13/2013; 1:32 p.m.)**

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

Ms. Kelly Ames presented the Agenda Item Overview.

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

Mr. Frank Lockhart introduced Sarah Biegel, who is working on West Coast Regional NEPA activities.

Mr. Dayna Matthews introduced Agenda Item G.1.b, Supplemental NMFS Report 2: Initial Decision and Order (F/V Risa Lynn).

Mr. Frank Lockhart introduced Agenda Item G.1.b, Attachment 1: *Federal Register* Notices Published since the Last Council Meeting; and Agenda Item G.1.b, Supplemental NMFS Report: Draft Rulemaking Plan for 2013 Groundfish and Halibut.

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

Dr. John Stein and Dr. Michelle McClure presented Agenda Item G.1.c, Groundfish Science Report PowerPoint.

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

Mr. Gerry Richter presented Agenda Item G.1.d, Supplemental GAP Report.

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

Mr. Jeff Miles, Port Orford, Oregon.

Mr. Dan Platt, Fort Bragg, California.

#### **G.1.f Council Discussion.**

The Council primarily discussed ways of dealing with the ping rate issue, including use of electronic logbooks and potential use of the electronic monitoring system.

## **G.2 Sablefish Permit Stacking Program Review (9/13/2013; 2:47 p.m.)**

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

Mr. Jim Seger presented the Agenda Item Overview (Agenda Item G.2.a, Supplemental Agenda Overview PowerPoint) and introduced:

- Agenda Item G.2.a, Attachment 1: Draft Sablefish Permit Stacking Review Calendar;
- Agenda Item G.2.a, Attachment 2: Possible Advisory Body Structure and Composition;
- Agenda Item G.2.a, Attachment 3: Draft Outline for the Pacific Coast Groundfish Limited Entry Fixed Gear Sablefish Permit Stacking Program Review; and
- Agenda Item G.2.a, Attachment 4: NOAA Catch Share Performance Indicator Series: Pacific Coast Sablefish Permit Stacking Program.

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

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

Ms. Michelle Longo-Eder presented Agenda Item G.2.b, Supplemental GAP Report.

Mr. Dayna Matthews presented Agenda Item G.2.b, Supplemental EC Report.

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

Ms. Michelle Longo-Eder, F/V Timmy Boy, Newport, Oregon.

Mr. Jeff Miles, Brookings, Oregon.

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

### **G.2.d Council Action: Provide Guidance on Calendar, Process, and Content of Program Review (9/13/2013; 3:59 p.m.)**

Ms. Culver suggested that one option on these issues would be to move the ownership and control issues forward on the schedule in Attachment 1 with a draft Environmental Assessment (EA) that would also serve as the draft sablefish permit stacking program review document. The draft alternatives for public review could be approved in April and final action potentially in June. There would be nothing to prepare for November or March. This would give time for NMFS to have the rulemaking prior to April 2015 when the tier program would start.

Mr. Lockhart responded that Ms. Culver's approach is potentially doable, but not the NMFS preference since it would require two rulemakings. In response to questions, he noted that we are past the 5-year review timeline for this program and need to move forward with it. With regard to what the review requires, it is pretty much a comparison of the goals and objectives of the program with the actual results we have obtained.

Mr. Seger noted some difficulties in completing an analysis for November.

In response to questions, Mr. Seger and Mr. Lockhart confirmed that the Council had taken final action in April 2012 to allow fixed gear and trawl permits on a vessel at the same time (dual permits), combined with an action to clarify that at-sea processing by fixed gear vessels moving

into the trawl fishery through the gear switching program would not be allowed within the auspices of the fixed-gear program.

Before NMFS implements the program, Mr. Lockhart stated they would like to look into whether further analysis is needed with regard to some concerns raised by the EC. This is not an uncommon occurrence and does not necessarily require it to come back before the Council. It is possible that the analysis could be completed by April. Regarding alternatives for the ownership issue, he thought it could be possible to work with Council staff in 2014 to develop a range of alternatives and some analysis for review at the April Council meeting, and then final action could be taken at the June 2014 meeting.

Ms. Culver moved and Mr. Lincoln seconded Motion 7 that the Council approve the review calendar as shown in Agenda Item G.2.a, Attachment 1 with the following changes:

Add the following to the month of April:

- Consider a draft range of alternatives for the ownership and control of the limited entry sablefish tier permit issue as recommended in Agenda G.2.b, Supplemental GAP Report, for public review, with a preliminary analysis for that item and additional analysis to support the Council's decision for allowing trawl and fixed gear permits on a vessel at the same time.

Add to the month of June:

- Adopt a final preferred alternative to address the ownership and control issue of permits.

Ms. Culver stated that the Council has had discussions of the ownership and control issue for sablefish tier permits several times and has tried to find a way to address the problems it causes and move it forward. An example of the problem is that if a permit owner owns only 20 percent of the permit, that permit owner is assigned 100 percent of ownership and control, which then runs into limits on ownership and control. A fix for this would be to attribute the actual amount of ownership to the amount of control, which is what the Council chose to do for the trawl IFQ program. Since that time, the fixed-gear fishery segment has asked for that same assignment of ownership and control. This has also caused problems with vessels involved in gear-switching between fixed gear and trawl. She views these actions as primarily housekeeping items and does not want them to be delayed by a program review which should be kept fairly simple.

Mr. Lockhart clarified that NMFS does not think the issue of allowing a trawl and fixed-gear permit on a vessel at the same time needs to come before the Council again, unless some new issues are raised.

Dr. McIsaac suggested that there may be other alternatives that should be identified early in the process if they can be handled expeditiously and avoid more work later.

Mr. Lockhart stated that the motion does not preclude further discussion of the issue in November, but reiterated that NMFS staff will not be able to do much on this until after December. The motion clearly puts a priority on trying to complete the control and ownership issue by June, which may slow work on the program review. However, it does not preclude moving forward on the program review at the same time.



Motion 7 carried unanimously.

Council members discussed the sablefish permit stacking program review and agreed that there did not seem to be a ground swell for any major changes to the program or any major complaints about how it was achieving its objectives. There did not seem to be a need for forming a special review group at this time and it appears that the review could narrowly focus on whether the program is meeting its stated objectives. If the need arises further down the road, the Council could appoint a review group at that time. Mr. Buell asked that the Council remain open to considering other issues and information in the review, such as the information provided by Mr. Miles in public testimony. Ms. Culver, Mr. Buell, and Mr. Farrell spoke about the need for timely and consistent information in the fishery and the possibilities for using electronic fish tickets.

Mr. Lockhart requested that the Council also include looking further into the issue of MSA cost recovery as one of the items to be brought before the Council in April.

### **G.3 Approve Stock Assessments (9/14/2013; 9:37 a.m.)**

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

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

- Agenda Item G.3.a, Attachment 1: Stock Assessment of Aurora Rockfish in 2013;
- Agenda Item G.3.a, Attachment 2: STAR Panel Report for Aurora Rockfish;
- Agenda Item G.3.a, Attachment 3: The Status of Rougheye Rockfish (*Sebastes aleutianus*) and Blackspotted Rockfish (*S. melanostictus*) as a Complex Along the U.S. West Coast in 2013;
- Agenda Item G.3.a, Attachment 4: STAR Panel Report for Rougheye (and Blackspotted) Rockfish;
- Agenda Item G.3.a, Attachment 5: Stock Assessment of Shortspine Thornyhead in 2013;
- Agenda Item G.3.a, Attachment 6: Shortspine Thornyhead STAR Panel Report;
- Agenda Item G.3.a, Attachment 7: Stock Assessment and Status of Longspine Thornyhead (*Sebastolobus altivelis*) off California, Oregon, and Washington in 2013;
- Agenda Item G.3.a, Attachment 8: Longspine Thornyhead STAR Panel Report;
- Agenda Item G.3.a, Attachment 9: Status and Productivity of Cowcod (*Sebastes levis*) in the Southern California Blight, 2013;
- Agenda Item G.3.a, Attachment 10: Cowcod STAR Panel Report;
- Agenda Item G.3.a, Attachment 11: Status of the U.S. Pacific Sanddab Resource in 2013; and
- Agenda Item G.3.a, Attachment 12: Pacific Sanddab STAR Panel Report.

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

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

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

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Mr. Gerry Richter presented Agenda Item G.3.b, Supplemental GAP Report.

### **G.3.c Public Comment**

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

### **G.3.d Council Action: Adopt Final Stock Assessments for Rougheye, Aurora, Shortspine Thornyhead, Longspine Thornyhead, and Cowcod Rockfishes, and Pacific Sanddab**

Ms. Culver moved and Ms. Yaremko seconded Motion 11 that the Council approve the following stock assessments: aurora, rougheye, blackspotted, shortspine thornyhead, longspine thornyhead, and cowcod; and include the recommendation by the SSC relative to the China rockfish, and include in the SSC's review of data-moderate assessments for nearshore rockfish species that they consider having the stock assessments for brown and copper rockfish truncated at 42° N. latitude.

Ms. Culver stated that the supplemental advisory body reports provide strong recommendations for the approval of all of the stock assessments under review, with the exception of the sanddab assessment. The SSC report indicates that the stock assessments represent the best available science to use in the 2015-2016 groundfish management process. There have been considerable discussions at both the June meeting and this meeting, relative to the management of the nearshore rockfish species and the data that were used to inform the data-moderate assessments for China, brown, and copper rockfish. This was in terms of using a CPUE index in one area to inform the status of the stock in other areas. She thought that this is something that is inherent in most of the stock assessments. She noted that we do have examples of where assessments have been truncated due to a lack of data or because the application of a CPUE index for one area to a much larger area may not be appropriate, given the management and fishery differences. She appreciates the SSC's recommendation for China rockfish and believes it warrants further attention. She is glad they will update the Oregon recreational catch data for all three of these assessments. However, the SSC statement indicating that the modeling wasn't attempted in the case of brown rockfish in the north, because no CPUE index could be derived and it is not feasible to conduct assessments for either brown or copper rockfish north of 42° N. latitude, lends weight to having the assessment that has been conducted for those stocks apply south of 42° N. latitude. The SSC indicated there is very little catch of copper and brown rockfish to the north, and the adjustment to the assessment should be minimal.

Mr. Buell expressed concern about using information for an index outside of the area of management.

Mr. DeVore noted that this is not an unusual situation. The SSC looks at the assessments and tries to determine if it is the best available science. The Council would have information to compare the results of the assessments and make a determination in November.

Motion 11 carried unanimously.

Mr. DeVore noted that there was some value for adopting the sanddab assessment for the purpose of understanding the status of the stock.

Ms. Yaremko moved and Mr. Crabbe seconded Motion 12 that the Council adopt the recommendations of the SSC regarding the sanddab assessment contained in Agenda Item G.3.b, Supplemental SSC Report.

Ms. Yaremko appreciated Mr. DeVore bringing this issue to our attention. There was valuable information in the assessment even though it not be used for deciding harvest specifications. It should remain a category three stock.

Motion 12 carried unanimously.

[Council concluded this agenda item at 10:56 a.m. and moved to H.1.]

#### **G.4 Science Improvements for the Next Groundfish Management Cycle (9/15/2013; 8:02 a.m.)**

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

Mr. John DeVore presented the Agenda Item Overview and introduced Agenda Item G.4.a, Attachment 1: STAR Panel Recommendations for Off-Year Science Improvements.

##### **G.4.b Northwest Fisheries Science Center Report**

Dr. Michelle McClure presented Agenda Item G.4.b, Supplemental NWFSC PowerPoint.

##### **G.4.c Reports and Comments of Advisory Bodies and Management Entities**

Ms. Marci Yaremko provided Agenda Item G.4.c, Supplemental CDFW Report.

Dr. Owen Hamel presented Agenda Item G.4.c, Supplemental SSC Report.

Mr. Rob Jones presented Agenda item G.4.c, Supplemental GMT Report.

Mr. Louis Zimm presented Agenda Item G.4.c, Supplemental GAP Report.

##### **G.4.d Public Comment**

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

##### **G.4.e Council Action: Prioritize and Plan for 2014 Science Improvements**

Ms. Culver moved and Mr. Lincoln seconded Motion 17 that for the off-year science improvements for the next groundfish management cycle, that the Council adopt the recommendations as shown in Agenda Item G.4.c, Supplemental SSC Report relative to priority workshops; from Agenda Item G.4.c, Supplemental GMT Report, include the spatial analysis of exploitation; and support ongoing socio-economic discussions between the Groundfish Management Team (GMT) and SSC.

Ms. Culver stated that there are a lot of really good ideas presented here. However, she wanted to be cognizant of the Northwest Fisheries Science Center's (NWFSC) ability to put on multiple

workshops. The SSC did a good job of identifying the priorities based on the Council discussions. She liked the inclusion of the two items identified by the GMT, which only need further discussions rather than a workshop. She did not add anything from the California Department of Fish and Wildlife (CDFW) report, but would look to California to amend the motion if they would like to include any of those issues.

LCDR Casad asked if the social and economic discussions in the motion would also include National Standard 10 (safety of human life at sea).

Mr. DeVore clarified that the discussion in the motion referred to modeling issues and that the safety of human life at sea would be part of the National Environmental Policy Act (NEPA) Analysis.

In response, LCDR Casad noted the important link between safety and economic performance, and the need to adequately weigh those issues in the analysis of regulatory impacts.

Ms. Yaremko noted that there were a lot of good suggestions in the advisory body input. In addition to any selected here by the Council, she hoped that the stock assessment authors, analysts, and researchers would do what they can to incorporate them into all of their work.

Mr. Wolford moved and Ms. Yaremko seconded Amendment 1 (to Motion 17) to include research into the Cowcod Conservation Areas (CCA) using non-extractive methods to assess the population.

Mr. Wolford stated that the proposed research was recommended in the CDFW and Groundfish Advisory Subpanel (GAP) reports. He noted that while we just saw a cowcod stock assessment which showed a population increase, the assessment also noted that the lack of data was hampering the movement of this stock into a Category I assessment. This stock has a great effect on the California fisheries, especially the recreational fishery, and deserves to move forward with this important research.

The Council discussed the potential impacts of the proposed amendment, including recently-completed science center research, the aspects of extractive versus nonextractive research, and the importance of Council direction on this issue.

Mr. Buell spoke in support of the non-extractive research in the CCA. He noted that there are many other areas up and down the coast where we are not getting good fishery-independent information due to the non-trawlable nature of those habitats and the fact that we only have a trawl survey. Also, there are other stocks in these areas which can constrain the fishery and where non-extractive research would be beneficial. Ms. Yaremko expressed her support for broadening the research beyond the CCA.

Mr. Buell moved and Mr. Feldner seconded Amendment 1a to strike CCA and replace it with “non-trawlable areas” and add “hook-and-line survey methods” after non-extractive.

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

In response to questions from Mr. Buell, Ms. Culver clarified that the spatial analysis and socio-economic discussion could be less than a full workshop or just discussions with the SSC Subcommittee and members of the GMT. The trans-boundary stocks fall into a different category in which there needs to be further discussion by the GMT and SSC as to the specific questions or objectives they would like to achieve before it would be developed into a workshop.

Ms. Yaremko moved and Mr. Brizendine seconded Amendment 2 (to Motion 17) for the Council to submit all advisory body reports provided to the Council to the NWFSC for consideration by staff.

Amendment 2 carried unanimously.

Ms. Culver reiterated that the intent of the motion is to highlight the Council's "super" priorities for 2014, but also to include all the good ideas in the advisory body statements as worthy of further discussions. She viewed the two discussion items between the SSC and GMT as Council-sponsored items and the priority workshops identified by the SSC as being planned by the fisheries science centers.

Motion 17, as amended, carried unanimously.

## **G.5 Consideration of Inseason Adjustments (9/14/2013; 8:02 a.m.)**

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

Ms. Kelly Ames presented the Agenda Item Overview.

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

Mr. Dan Erickson presented Agenda Item G.5.b, Supplemental GMT Report and Agenda Item G.5.b, Supplemental GMT Report 2.

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

### **G.5.c Public Comment**

Agenda Item G.5.c, Public Comment (email from Mr. Bill James, Salem, Oregon).

Mr. Louis Zimm, San Diego, California.

### **G.5.d Council Action: Adopt Inseason Adjustments to 2013 Groundfish Fisheries, Including Petrale Sole Carryover**

Mr. Wolford said that he had some concern with the proposed deeper nearshore change that would increase the impact projection on canary rockfish when it appeared that fishery was already going to exceed its canary projection. However, hearing that the change in projection to be over the harvest guideline is largely a result of modeling changes, rather than fishing activity changes, greatly eased his mind and enabled him to be supportive of the change.

Mr. Myer moved and Ms. Culver seconded Motion 8 that the Council adopt the inseason adjustment recommendations of the GMT as shown in Agenda Item G.5.b, Supplemental GMT Council Meeting Minutes

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Report, Table 2, page 4, in Alternative 2 for all three sectors (Limited Entry North, Open Access North, and Open Access South).

Mr. Myer stated that his motion does not threaten any conservation concerns. It is apparent that the numbers will still be under the attainment, and this is what the GAP recommended.

Motion 8 carried unanimously.

Ms. Yaremko moved and Mr. Wolford seconded Motion 9 that the Council adopt the recommendation from Agenda Item G.5.b, Supplemental GAP Report, page 3, to increase to 1,000 lbs for the 2-month period for deeper nearshore rockfish south of 40° 10' N. latitude in Period 6 (November and December).

Ms. Yaremko noted that earlier this morning she had some significant concerns about this proposed adjustment, as the scorecard projected an overage in this sector of a ton. While the full canary attainment is still projected to go under, so we are not at a conservation risk, she still had concerns about exceeding sector allocations. She appreciated the GMT bringing this issue forward, as well as the GAP discussion of the situation and the clarification that canary is not the constraint. She alluded to Mr. Wolford's description that fishing activity is not the reason for the change in impacts. This is the GAP recommendation and she supports it.

Ms. Ames noted that for clarity in the record prior to the vote, this action would be an increase for the limited entry and open access fixed-gear fisheries from 900 to 1,000 lbs for two months.

Motion 9 carried unanimously.

Ms. Culver moved and Mr. Ortmann seconded Motion 10 that the Council recommend NMFS issue 10 percent of the eligible surplus carryover of petrale sole from 2012 to 2013.

Ms. Culver stated that the Council had considerable discussion of this issue at the June meeting and requested that the GMT do a more thorough analysis as to the expectation of petrale sole catch in 2013 and how the issuance of surplus carryover would affect the attainment of the annual catch limit (ACL) in 2013. On page 7 (Item #2) of the GMT analysis, they reference that NMFS has established a policy to not issue surplus carryover when 100 percent of the preceding year's trawl allocation was caught. The trawl allocation in 2012 had been exceeded by 0.3 percent. She noted that in Table 7 on page 9, the GMT displayed that while the trawl allocation had been exceeded by 0.3 percent, the overall total catch and attainment of the ACL was 97.7 percent. The maximum amount of surplus carryover that is eligible to be carried over is 10 percent. With that maximum amount carried over into 2013, the ACL projected attainment is expected to be 97.5 percent. She did not want to debate the merits of exceeding a sector's allocation versus a total, however, it is a factor the Council needs to consider. There is an eligible surplus of 20 mt available for carryover (20 mt is 10 percent of the surplus). That, and the fact that the allocation was exceeded by 0.3 percent, indicates that a few vessels within the trawl sector exceeded their individual quotas while several were under their quotas in order to have a 200 mt surplus. At some point the Council should have a discussion about individuals exceeding their quota that comes with a penalty that requires obtaining quota to cover the

overage while remaining tied up at the dock while in deficit. Additionally, on a cumulative basis, we need to consider the impacts of the actions of those individuals potentially jeopardizing the ability for the entire sector to receive surplus carryover in the following year. The GMT also pointed out in June the reminder from the SSC that the annual catch is expected to vary and the ACL attainment should be looked at on an average basis, not one year independently. In conclusion, she thought that with the 20 mt of carryover that we will still be under our ACL attainment for 2013. In response to a question, she confirmed that the motion is recommending carryover of the full 20 mt surplus and not 10 percent of the 20 mt.

Motion 10 carried, Mr. Lockhart abstained.

[Council concluded this agenda item at 9:18 a.m. and moved to Agenda Item G.3]

## **G.6 Consideration of Trawl Rockfish Conservation Area (RCA) Boundary Modifications (9/15/2013; 9:48 a.m.)**

### **G.6.a Agenda Item Overview**

Ms. Kelly Ames presented the Agenda Item Overview.

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

Agenda Item G.6.b, Supplemental NMFS Report: *Federal Register* for Proposed Rule Dated September 13, 2013 – Proposed Rule to Implement Revisions to the Boundaries of the RCA That is Closed to Vessels Fishing Groundfish with Bottom Trawl Gear.

Mr. Colby Brady presented Agenda Item G.6.b, Draft EA: Trawl Rockfish Conservation Area Boundary Modifications.

Mr. Rob Jones presented Agenda Item G.6.b, Supplemental GMT Report.

Ms. Heather Mann presented Agenda Item G.6.b, Supplemental GAP Report.

Sgt. Dan Chadwick presented Agenda Item G.6.b, Supplemental EC Report.

### **G.6.c Public Comment**

Agenda Item G.6.c, Supplemental Public Comment (Letter from Midwater Trawlers Cooperative),

Mr. Ben Enticknap, Oceana, Portland, Oregon.

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

Mr. Paul Kujala, F/V Cape Windy, Hammond, Oregon.

Mr. Blair Miner, Fishermen's Marketing Association, Astoria, Oregon.

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

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

Mr. Tom Libby, California Shellfish Company, Astoria, Oregon.

Mr. Jeff Lackey, F/V Miss Sue, Newport, Oregon.

Mr. Kevin Dunn, Trawler, Astoria, Oregon.

Ms. Heather Mann, Midwater Trawlers Cooperative, Newport, Oregon.

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

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

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

**G.6.d Council Action: Consider Recommendations for Trawl RCA Boundary Modifications for 2013-2014 Groundfish Fisheries (9/15/2013; 1:40 p.m.)**

Ms. Kirchner moved and Mr. Feldner seconded Motion 18 that the Council reconfirms the Final Preferred Alternative (Alternative 1) shown in Agenda Item G.6.b, Draft EA.

Ms. Kirchner stated that the Rockfish Conservation Areas (RCAs) were created to reduce impacts to the overfished species. They were not developed to provide reserves for habitat, nor for any ecological purpose. Additionally, we did not hear in the advisory body reports or from anyone that we should not select Alternative 1. In fact, the GAP was very clear in their support of Alternative 1. Also, the EC identified that Alternative 1 provides for consistent RCAs up and down the coast and simplifies the regulations. Previous evaluations from the GMT showed that impacts to overfished species were not a concern with this alternative. Harvest in 2011 and 2012 did not exceed 50 percent of overfished rockfish species likely to be encountered under this alternative.

Ms. Kirchner continued by saying that the industry, as represented by the GAP and in the public comments, has been clear about the need for this change and in their request for it. The opportunity to access underutilized species such as dover sole, yellow tail, Pacific cod, lingcod, and others were mentioned. Making this change shortens the distance that vessels must travel to harvest underutilized species, and also provides opportunities to target species such as dover sole and other flatfish. She noted that harvest in the trawl fishery in 2011 and 2012 for all non-whiting allocations was extremely low, 24 percent and 29 percent respectively.

Ms. Kirchner noted that the difference between Alternative 1 and Alternative 2 is 534 square miles which, in relation to the marine fishing area, is very small. The GAP gave some good estimates of the benefits that can be achieved with this alternative. She believes the draft EA is a good document and supports this decision. The draft EA says that the area has been largely closed since 2004. However, she believes that is misleading. There has been activity in the area and bottom impacts in this area with both fixed-gear fishing and the annual trawl survey. For the 150 to 200 fathom range, the EA identifies a probable substrate type through the entire area that is 93 percent soft sea bed. For the area from 40°10' N. latitude to 45°46' N. latitude, which some consider the "core" area, soft sea bed amounts to 92 percent of the terrain. Deep mud slope is identified as the primary habitat fished by bottom trawlers outside of the Heceta banks region. For soft bottom substrate, recovery time from bottom trawl impacts was identified to be as little as 0.4 to 1 year and up to 2.8 years for harder substrate. The data utilized to develop this information is the same as that available to the EFH review process, and recent research was used to evaluate these alternatives.

Ms. Kirchner stated that with regard to gear conflicts, the GAP discussed this issue with fixed-gear and bottom trawl participants in attendance and did not identify it as an issue of concern. In public comment we heard that Alternative 1 could even help alleviate gear conflicts by allowing the fishermen to spread out more. Waiting to take action will only delay the realization of economic benefits. Trawlers generally avoid fishing in areas with structure because it ruins their gear and is not cost-effective. They also want to avoid constraining and overfished species. The risk to taking action now is minimal for the habitat, but the benefits to coastal communities could



be great, especially for vulnerable communities that are in the area of concern. Some of these communities in Oregon have suffered negative impacts from the individual trawl quota (ITQ) program which could be somewhat alleviated by the proposed action.

Finally, Ms. Kirchner stated that when developing the rationalization program, we considered what to do with the RCAs. With 100 percent individual accountability, our intent was that the RCAs would not be permanent and could be removed after the IFQ program was well established. She believes that these first two years of the IFQ have proven that the fisherman can access the fish with a reduction of the bycatch and habitat impacts.

Mr. Myer expressed support for the motion, reiterated the role of accountability by fishermen in the IFQ program, and noted the support this action gives toward National Standards 5, 7, and 8. He also noted how this action would help avoid unexpected negative impacts on the fishery from constraining species.

Mr. Sones commented in support of the motion. He noted that establishment of the RCAs was a management measure based on protecting constraining species. It should not be morphed into different purposes that were not intended by the Council. To do so erodes the confidence of the industry and public to which the Council is accountable. Another concern is the assumption that the coral habitats are the ultimate answer to EFH. He is not convinced of that and has not seen enough evidence to show him that they are even relevant to protecting species. He has not seen millions of juvenile fish in these coral areas. He sees a few adult rockfish. He believes the sensitive areas are those near shore, the kelp beds and rocky reefs where the critical life stages bring these fish. Our biggest concerns are agricultural run-off, silt from logging operations, and storm water runoff. These are things we are not even considering. It is important for the tribes to work collaboratively. To do so, there must be trust. Trust is not gained by changing the goal posts and threatening legal action. Alternative 1 is a good option, it is supported by the GAP, and it doesn't raise any conservation concerns.

Mr. Ortmann stated that, similar to the implementation of the IFQ program, industry has willingly supported and moved this program forward at some cost. Rather than delaying the program, he believes it should move forward now and intends to support the motion for Alternative I.

Ms. Culver noted that she did not disagree with most of the comments that have been made in support of the motion regarding the purpose of the RCA and the goals and objectives of the IFQ program and the need to find ways to get additional access to the targeted stocks. However, she has some serious concerns with the analysis in the EA, particularly for Alternative 1.

Ms. Culver moved and Mr. Lincoln seconded Motion 19, as a substitute motion, that the Council adopt Alternative 2 in Agenda Item G.6.b, Draft EA.

Ms. Culver stated that she supports considering RCA changes and favors a strategic approach that supports hot spot closures and RCA review. She agrees that the purpose of RCAs is not to protect EFH. The purpose is to address risk relative to catch and bycatch. She agrees and understands that the IFQ program promotes individual accountability. However, there still a

degree of risk for others in the IFQ sector, and potentially for other sectors as well. The analysis in the EA is lacking, particularly for Alternative 1. Petrale sole isn't mentioned in the affected environment (Chapter 4), is not included in the targeted stocks, and is not included in the overfished stocks. There is a parenthetical under overfished stocks that states it is not included because it is included in targeted stocks, but it is not listed there. In Chapter 3 it is included in the overfished stocks and it is included in the socio-economic analysis as a target species. However, there is no analysis of how petrale sole is being affected. She pointed out what she believed to be additional inconsistencies or lack of analysis for the issues of carryover, RCA boundary adjustments, and non-IFQ species in the fisheries. The analysis includes bycatch rates, but not amounts, and applies them to 2011 and 2012. However, she believes that would not reflect what would happen through the end of 2013 and in 2014. It is misleading due to the fact that the petrale ACL was half of what it is now. She believes that there is a significant difference between the 150 fathom line and the modified 200 fathom line. This was supported by the GAP and public testimony. The GMT and the GAP worked together to determine the modified 200 fathom line with the inclusion of only two petrale hot spots so as not to compromise the line. While she does not believe the RCAs are intended to protect EFH; she believes there is some merit to the fact we are going through a deliberative EFH review process, and there are proposals that could be affected by modifying the seaward RCA boundary. Going with Alternative 1 could affect the ability of some of the EFH closures to achieve their objectives.

Mr. Lincoln spoke in support of the substitute motion and Ms. Culver's rationale for supporting it. He was not compelled that legal action was a threat or that Alternative 2 implies limited economic benefit to the industry. He believes Alternative 2 could be a significant step toward individual accountability. With respect to the habitat connection, he believes there is a potential connection and wants to preserve our opportunities to consider them in the future.

Mr. Crabbe spoke in opposition to the substitute motion. With regard to Ms. Culver's concern about the description of species accountability in the EA, especially petrale sole, he noted that the accountability is still there with the onboard monitoring, including for non-IFQ species. Alternative 1 does not create a new risk. Regarding habitat, he supports the collaborative RCA process, and Alternative 1 doesn't undermine this in any way. He also supports the EFH process, but noted that we are not getting any new information in that process which indicates there is habitat out there that is unknown or not considered in the EA. He believes we can move forward with Alternative 1 without undermining the EFH process.

Mr. Wolford stated that he believes the individual accountability of the IFQ program is overwhelming and he sees no risk to overfished species by either alternative. The only thing that holds weight with him is to weigh the benefit to the fishery in economic returns versus the potential risk to the environment. He believes that there is an economic difference between the alternatives. While no one has put a dollar value it, Mr. Kevin Dunn discussed the opportunity which equates to the area that is open to the fisherman. Alternative 1 opens more area. Mr. Brad Pettinger discussed the importance of the area available for Dover sole, and Mr. Leipzig discussed the issue of quality. This testimony helped quantify the significant economic benefit to the fleet between Alternatives 1 and 2. Balancing that economic benefit with the risk to the habitat, the EA states that the risk is pretty much the same between the two alternatives. The habitat is not virgin habitat and has been fished and is currently fished by longline gear. The

habitat recovery time is probably a year or two at best. The adverse impact of making a mistake and opening an area now that we might close two years later is not fatal. Considering this information, he stated that he would not support the substitute motion.

Ms. Kirchner agreed with the statements by Mr. Crabbe, was supportive of the EFH process, and did not see either of the alternatives degrading that process in any way. She was not supportive of the substitute motion.

Ms. Culver made further comments regarding her concerns for petrale sole, including the aggregation of petrale on their spawning grounds where they are especially vulnerable to the fishery. She noted examples where this risk might cause problems for the entire fishery and carryover for the following year.

Ms. Kirchner noted that fishermen do take these kind of issues into account when they make their decisions to fish, knowing that the regulations allow a carryover of a deficit to the next year.

Substitute Motion 19 failed (Mr. Myer, Mr. Wolford, Mr. Crabbe, Mr. Pollard, Mr. Feldner, Mr. Sones, Mr. Brizendine, Mr. Farrell, Mr. Ortmann, and Ms. Kirchner voted no; Mr. Lockhart abstained).

Motion 18 carried (Ms. Culver and Mr. Lincoln voted no; Mr. Lockhart abstained).

## **G.7 Initial Actions for Setting 2015-2016 Groundfish Fisheries (9/15/2013; 2:43 p.m.)**

### **G.7.a Agenda Item Overview**

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

- Agenda Item G.7.a, Attachment 1: Proposed Overfishing Limits and Potential Acceptable Biological Catches for 2015 and 2016 Groundfish Fisheries;
- Agenda Item G.7.a, Attachment 2: Briefing Paper authored by Dr. André Punt: Management Strategy Evaluation for Rebuilding Revision Rules: A Proof of Concept;
- Agenda Item G.7.a, Attachment 3: Proposed Revisions to COP 9;
- Agenda Item G.7.a, Attachment 4: New Management Measures Process; and
- Agenda Item G.7.a, Supplemental Attachment 5: Update to Tables 4 and 5 (Attachment 1).

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

Agenda Item G.7.b, SSC Groundfish Subcommittee Report: SSC Groundfish Subcommittee Statement Regarding a Change in Target SPR Rate for West Coast Elasmobranch Species.

Agenda Item G.7.b, Supplemental GMT Report: GMT Report on the SSC Economics and GF Subcommittees' Reports on Data Models to be Used in the Socioeconomic Analysis for the 2015-16 Groundfish Biennial Specifications Process.

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

Ms. Heather Reed presented Agenda Item G.7.b, Supplemental GMT Report 2.  
Mr. Gerry Richter presented Agenda Item G.7.b, Supplemental GAP Report.  
Ms. Marci Yaremko presented Agenda Item G.7.b, Supplemental CDFW Report.  
Mr. Frank Lockhart noted that they have not reached a final agreement with all of the tribes (top of page 3 of the GMT report) and therefore are not yet ready to propose a COP amendment at this time.  
Ms. Michele Culver noted that Washington Department of Fish and Wildlife (WDFW) is considering changes to its recreational regulations, including time-and-area and depth restrictions, season structures, and yelloweye RCAs.  
Mr. Troy Buell noted that regulations considered by ODFW are all listed in the table in the GMT report. However, as suggested by the GAP, they intend to withdraw the regulation allowing crab pots to be fished on groundfish vessels as allowing these vessels to participate in crab fisheries may degrade enforceability of some other state provisions.

### **G.7.c Public Comment**

Agenda Item G.7.c, Public Comment letter from Bill James.  
Mr. Jeff Miles, Fisherman, Port Orford, Oregon.

### **G.7.d Council Action: Adopt Final Overfishing Limits and Preliminary P\*s/Acceptable Biological Catches, Consider New Management Measures and Modifications to Council Operating Procedure 9 (9/15/2013; 4:08 p.m.)**

Ms. Yaremko moved and Mr. Crabbe seconded Motion 20 that the Council adopt the 2015-2016 overfishing limits (OFLs), stock categories, and sigma values recommended by the SSC (Agenda Item G.7.b, Supplemental SSC Report).

Ms. Yaremko stated that the SSC has done a thorough job in its analysis and the report speaks for itself.

Regarding the sigma values, Mr. DeVore clarified that the SSC report cross-references Agenda Item G.7.a, Attachment 1.

Motion 20 carried unanimously.

Ms. Culver moved and Mr. Lincoln seconded Motion 21 that the Council adopt the F<sub>SPR</sub> 50 percent as the default proxy fishing mortality rate for elasmobranch species managed by the Council as recommended by the SSC, and request that the B<sub>0</sub> workshop in 2014 include a discussion about the B<sub>MSY</sub> proxy for elasmobranchs.

Ms. Culver stated that the motion captures the recommendation of the SSC. In our discussion with Dr. Hamel, he indicated that the SSC did not do a data-mining or literature review to explore whether changing the MSY proxy for elasmobranchs was justified at this time, so she would like to have them look at this as part of the B<sub>0</sub> workshop in 2014.

Motion 21 carried unanimously.

Ms. Culver moved and Mr. Lincoln seconded Motion 22 that the Council adopt for 2015-2016 a preliminary range (with updated values for longspine and shortspine thornyhead) of 0.25 and 0.45 for acceptable biological catches (ABCs) for all species for analysis (Agenda Item G.7.a, Supplemental Attachment 5), and the default P\* for 2013-2014 for spiny dogfish, other flatfish, and sablefish.

Ms. Culver stated that her motion represents an adequate range of expectations for management in 2015-2016 and beyond for the Amendment 24 Tier I analysis. Given that the Amendment 24 process might have a default P\*, this would help inform us as to what that could look like.

Motion 22 carried unanimously.

Ms. Lowman noted that the Council was not required to take action regarding COP 9 at this meeting, and asked Ms. Ames for further clarification.

Ms. Ames replied that staff has proposed action on COP 9 at this meeting so that as we move through the biennial process, everyone would know the rules of the road and ensure the new management measures comport with Council action in March 2013. If you are deferring action on COP 9, you should at least clarify how you are defining management measures that are eligible for consideration for this cycle. Further discussion clarified what the two proposed changes in COP 9 were and that the changes would be adopted later under Agenda Item H.4.

Ms. Culver recommended that we include the proposed language changes for COP 9 that are found in the Supplemental GMT Report 2 for adoption under Agenda Item H.4.

The Council discussed and staff clarified what was involved in adopting a prioritized range of new management measures for preliminary analysis, as well as the role of the proposed changes in COP 9 to allow consideration of items that have not previously been in the specifications process. The Council concurred in deferring action on these issues to November.

## **G.8 Consider Stock Complex Aggregations (9/16/2013; 8:29 a.m.)**

### **G.8.a Agenda Item Overview**

Mr. John DeVore presented the Agenda Item Overview.

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

Mr. Dan Erickson and Mr. Corey Niles presented Agenda Item G.8.b, Supplemental GMT Report 4 – Summary PowerPoint (Summary of the following GMT Reports: Agenda Item G.8.b, GMT Report 1: Groundfish Management Team Report on Additional Methods that May be Used to Evaluate Alternatives for Stock Complex Reorganization; Agenda Item G.8.b, GMT Report 2: Groundfish Management Team Report on the Classification of Stocks in the Groundfish Fishery Management Plan; Agenda Item G.8.b, GMT Report 3: Groundfish Management Team Report on Port Sampling Surveys; Agenda Item G.8.b, Supplemental GMT Report 5: GMT Report on Restructuring West Coast Groundfish Stock Complexes; Agenda Item G.8.b, Supplemental GMT Report 6: Proposed

Alternatives for Classifying Stocks in the Groundfish Fishery Management Plan; and Agenda Item G.8.b, Supplemental GMT Report 7: GMT Report on Consider Stock Complex Aggregations.

Mr. John DeVore presented Agenda Item G.8.b, Supplemental SSC Report.

Mr. Dan Erickson presented Agenda Item G.8.b, Supplemental GAP Report.

### **G.8.c Public Comment**

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

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

Mr. Gerry Richter, Santa Barbara, California.

### **G.8.d Council Action: Consider Analysis of Stock Complex Aggregations Alternatives (9/16/2013; 11:31 a.m.)**

Mr. Buell moved and Ms. Yaremko seconded Motion 23 that the Council defer further consideration of the "in or out of the fishery" question (except for consideration for the other fish complex), restructuring slope rockfish, shelf rockfish, and other flatfish to the 2017-2018 specifications cycle. For the other fish complex, adopt for public review the range of alternatives contained in Agenda Item G.8.b, Supplemental GMT Report 7.

Mr. Buell stated that there was good public testimony about changes in the way the fishery operates to prevent overfishing, which supports that there is not a burning need to change the complexes at this time, other than limiting the alternatives for the other fish complex.

The Council proceeded with considerable discussion about the effects of this motion with regard to which stocks were included in the other fish complex in this motion, how it might not be possible to develop OFLs for some stock complexes in November, and the impact of delaying some of the actions to the 2017-2018 specifications cycle.

Ms. Culver moved and Mr. Lincoln seconded Amendment 1 (to Motion 23) that following "restructuring" strike out "slope rockfish." In the second sentence add "and slope rockfish complexes" after "other fish" (refer to Agenda Item G.8.b, Supplemental GMT Reports 5 and 7).

Ms. Culver stated that consideration of restructuring the stock complexes was originally proposed for the 2013-2014 specifications cycle. However, for many reasons, the Council chose to keep that cycle narrowly focused and delay stock complex considerations to the 2015-2016 cycle. She noted that there has been a lot of work done on the complexes and the GMT has delved into this issue. It is difficult to imagine what more information and consideration we would need to have for the other fish and slope rockfish complexes to make a decision to move forward for this cycle. She believes that from a conservation perspective, the Council does need to consider the changes for this cycle, if any, that are needed with the other fish and slope rockfish complexes. The tables in GMT Supplemental Report 5 relative to slope rockfish show the percent of years we have exceeded the ABCs and OFLs, and needs to be addressed. This is a complex issue, and the GMT has done an outstanding job in creating fairly-structured alternatives.

Mr. Crabbe asked what could be expected in an analysis in November if this amendment passed and if there was sufficient time to respond to that analysis and make any necessary management changes as a result of this amendment.

Ms. Culver stated that she would expect an analysis of these alternatives in November would include any reallocation considerations that were necessary. She plans to include in a subsequent motion some suggestions for management measures and other ways of looking at this.

Mr. Lincoln noted that in November the most logical choice may be no action. However, there have been quite a few discussions today about the various management measures that could be used to address potential overfishing or changes in behavior. He would like to have more analysis before we make a decision to exclude certain stocks.

Mr. Wolford spoke in opposition to the amendment and the motion. While there may be better ways to organize the complexes, at the end of day the tools we have to manage the fish are pretty much the same. Creating new complexes is not going to allow us to do anything different. We have met our obligation.

Ms. Yaremko was in considerable agreement with Mr. Wolford, and spoke in opposition to the amendment. Considering all the work and reports of the GMT, she noted that we have met the obligation of the new National Standard 1 (NS1) guideline. The question regarding slope and shelf rockfish has been answered with regard to whether there is a need to restructure these complexes. The next step is to look at if there is a benefit to restructuring and a need to shift stocks around. She does not believe it is a priority and worth the risk at this time, and could require a disruptive change in the allocations to the fishery. The possible consequences are not worth the risks.

Mr. Lockhart strongly supported the amendment. There are issues beyond the NS1 guideline that NMFS previously identified as conservation problems. While some of those problems are diminished, not all are gone, particularly in the slope complex (e.g., roughey rockfish). The issue is, can we adequately prevent all of the stocks from being caught at too great of a rate in the current complexes. We need to look at that in more detail and fix the problems, regardless of how this is done. The ultimate goal is to ensure we address all of the conservation problems. At this point in time, stopping further work on the slope rockfish complex seems a bit premature. While there could be a no action decision in November, he is not comfortable with making that determination now, based on the information in front of us. Through this amendment we could look at the allocation issues and see if they are necessarily required with all of these options.

Mr. Pollard expressed some concern with the amendment and to some extent supported the position expressed by the California delegation. He noted that the advisory bodies and Council have taken a hard look at the issues, as they were instructed to do, and he does not find compelling reasons to restructure at this time. The compelling reasons were from catches two bienniums ago, and there have been important changes in the fishery since 2011 that make them less of a concern.

Mr. Buell spoke in opposition to the amendment. He addressed the issue of conservation concerns for the stock complexes. GMT Supplemental Report 5, Table 10 identifies the risk of exceeding a coast-wide OFL. It shows there is little risk of any conservation concern for aurora rockfish (based on a new full assessment and other consideration since June). The management measures for blackgill rockfish may not be absolutely effective, but are likely effective based on testimony before the Council. He noted that for rougheye rockfish, the projected catches appear to increase the stock size. More information on this may help provide better clarity in the future. While there is some concern about shortraker rockfish (based on a data-poor assessment), information and testimony indicate that much of the biomass of shortraker rockfish is outside the Exclusive Economic Zone (EEZ), and he does not feel it is at an extreme risk of overfishing or of becoming overfished. We also need to consider the recent full assessments of aurora and rougheye and how they compare to the data-poor assessments for those species to get some indication of the precision of the data-poor methods. Regarding what more information could be considered, there has been a hard look at this. On questions of “in or out of the fishery” he previously pointed out that there are some potential issues with the retention rate, which is an important consideration. He agrees with many of the comments of the California delegation. There is not a burning conservation need now with overfishing on other fish. Spiny dogfish is very close, but could be considered for individual management.

Ms. Culver noted that we are only taking action for public review. The GMT has produced a substantial amount of material to describe their approach in structuring the alternatives for the Council to consider. While there isn't enough information here to lead to a final answer about staying with status quo or which alternative to adopt, she is hopeful that the GMT can provide the necessary analysis for the November meeting.

Ms. Yaremko noted that the GMT and SSC reports say nothing about additional information that would be helpful with regard to conservation concerns. She asked Mr. Lockhart to elaborate on what additional analysis he thought would better inform a decision in November.

Mr. Lockhart stated the analysis would be to look at the implications (e.g., any necessary allocation changes) of the options that are before us and how we could manage under the various options. There may be options that do not require re-allocation, but more analysis is needed to make sure. A lot of information has been presented, most of it supplemental at the meeting with a limited time for review. We are not making a final decision now, and some concerns with slope rockfish might be clarified and lead to a more informed decision in November. There probably will not be further analysis regarding the conservation concerns. There is enough information here now to give me conservation concerns (e.g., rougheye). The analysis would look at the alternatives, and we may be able to determine something to make the impacts easier. We could still adopt the no action alternative as well.

Mr. Wolford stated that he certainly understood that part of the issue may be in regard to allocation, which we would have to deal with downstream. However, he mostly did not see the value of changing species from one complex to another unless it is better and easier to manage, not that it is just more logical to put it together. If we still have to go through and compare each stock to its OFL individually, then it doesn't matter which complex the stock is in.



Mr. Feldner stated that if we consider this in November, there is still one big piece of information that we won't have. That is the performance of the fishery. In almost all cases, the trajectory of the catch history has these discontinuities that happened when the IFQ program was implemented. It seems the best science to help us make our decisions wouldn't be until the performance of the fishery is identified in the future. He is inclined to oppose this amendment because we are unlikely to have that information in November.

Amendment 1 failed (Mr. Ortmann, Mr. Wolford, Ms. Yaremko, Mr. Feldner, Mr. Brizendine, Mr. Crabbe, Mr. Pollard, and Mr. Buell voted no).

Mr. DeVore asked for guidance regarding the new species in the other fish complex in this motion.

Referring to GMT Supplemental Report 7, Mr. Buell clarified that the intent of the motion for adding species to the Fishery Management Plan (FMP), or taking them out, or reclassifying them as ecosystem component species, would be limited to those species in the Other Roundfish Alternative 1 (page 7) and the Cartilaginous Alternative I between pages 2 and 3.

Motion 23 carried (Mr. Lockhart, Mr. Wolford, and Ms. Culver voted no).

Mr. Lockhart noted that NMFS would need to look at the record of this action, consult with General Counsel, and report back with the results of that consideration at the November meeting.

Ms. Culver moved and Mr. Lincoln seconded Motion 24 that the Council add an alternative to be considered for 2015-2016 management that would require the use of an excluder device for roughey rockfish for the trawl fishery (all sectors) when fishing seaward of the RCA.

Ms. Culver stated that it is her understanding that some trawl fishermen have been exploring the use of excluder devices on the slope with the intent of excluding roughey rockfish. Also, the GAP indicated they were looking for some management measure alternatives to restructuring complexes. She would like this to be considered as an alternative, and anticipates the GMT would provide additional analysis through the specifications process for comments by the GAP and public and maybe some refinement or other alternatives.

Council members discussed how data from the fishery might be used in a study to assess the effectiveness of the excluders and the role of the GMT.

Ms. Lowman assumed that if this motion passed, the GMT would look at what is available and provide further input for the Council.

Motion 24 carried unanimously.

Ms. Yaremko moved and Mr. Brizendine seconded Motion 25 that, in the biennial specifications process, management entities and advisory bodies continue examining the prospective use of harvest guidelines within a complex to manage harvests of individual species.

Ms. Yaremko stated that there was a significant amount of testimony suggesting the harvest guideline within an overall ACL complex has been shown, at least in the early part of the year with black gill rockfish, to effectively constrain catches of that species while still allowing it to remain within the complex. She encourages its consideration for the 2015-2016 process.

Ms. Culver supported the motion and asked staff to provide information in November that would show where we have used harvest guidelines in the past to manage within the complexes.

Motion 25 carried unanimously.

## **G.9 Trawl Rationalization Trailing Actions Scoping, Process and Prioritization (9/16/2013; 1:43 p.m.)**

### **G.9.a Agenda Item Overview**

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

- Agenda Item G.9.a, Attachment 1: Trawl Trailing Action Scoping Issue Overview;
- Agenda Item G.9.a, Attachment 2: Trawl Rationalization Regulatory Evaluation Committee Report on Trailing Actions (from 2011); and
- Agenda Item G.9.a, Attachment 3: Trawl Gear Regulation Change Proposals Developed at Trawl Fishery Gear Workshop.

### **G.9.b NMFS Reports**

Mr. Frank Lockhart presented Agenda Item G.9.b, NMFS Report 2: National Marine Fisheries Service Report on the Adaptive Management Program for the Trawl Rationalization Program.

Ms. Jamie Goen presented Agenda Item G.9.b, Supplemental NMFS PowerPoint: Flexibility and Efficiency in Groundfish Trawl Regulations (which incorporated Agenda Item G.9.b, NMFS Report 1: Initial Review of Pre- and Post-Trawl Rationalization Regulations).

### **G.9.c Reports and Comments of Advisory Bodies and Management Entities.**

Mr. Dan Erickson presented Agenda Item G.9.c, Supplemental GMT Report.

Mr. Shems Jud presented Agenda Item G.9.c, Supplemental GAP Report.

### **G.9.d Public Comment**

Agenda Item G.9.d, Public Comment.

Agenda Item G.9.d, Supplemental Public Comment 2.

Mr. Rod Moore, West Coast Seafood Processors Association, Portland, Oregon and Ms. Ana Kujundzic commented on the Adaptive Management Program Proposal.

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

Mr. Shems Jud, Environmental Defense Fund, Portland, Oregon; Mr. Brad Pettinger, Oregon Trawl Commission, Brookings, Oregon; and Mr. Pete Leipzig, Fishermen's Marketing Association, McKinleyville, California, commented on a comprehensive approach to

RCA modification through a collaborative effort (Agenda Item G.9.d, Supplemental Public Comment 2).

Mr. Mike Okoniewski, Pacific Seafoods, Seattle, Washington, spoke in favor of the GAP Position.

#### **G.9.e Council Action: Prioritize Trailing Actions for the Trawl Rationalization Program**

Mr. Lockhart spoke about the connection between workload and the implementation of trailing actions by NMFS. He suggested we work on completing those items already started and hold off on any new issues until we develop a plan for them next June when the specifications process is off the table.

Ms. Culver expressed appreciation for the GAP's prioritized list of trailing actions that the Council has acted on or is currently considering, as well as the items identified in the NMFS reports and Mr. Lockhart's comments. She thought it would be helpful to have one comprehensive list of all of these trailing actions, including those identified for the specifications process. She noted the proposal for RCAs and thought we need a broad and comprehensive consideration of this issue.

Other Council members agreed with the need to finish those actions which are already started and delay introducing new issues until there has been a thorough listing, review, and prioritization of the remaining trawl trailing actions.

Mr. Seger summarized the guidance for completing current actions and considering a comprehensive plan for new items at the June Council meeting. He asked for clarification on NMFS' position for allowing the risk pools to operate under current regulations and not take up that issue until the five-year review. Mr. Lockhart confirmed that as NMFS' preference.

Mr. Lockhart summarized the schedule for further considerations. He stated that there would be no items for November. The Adaptive Management Program (AMP) would be discussed in March with more analysis. The trawl flexibility package and the other issues would come back in June.

Regarding the AMP consideration in March, Mr. Seger noted that the Council would also need to take up the continuation of the pass-through. It would also be a good time to receive a progress report on implementation of the delayed actions, and any other minor issues that might need follow-up.

Ms. Lowman expressed concern with how long some issues would be delayed if we were just going through another scoping session in June.

Mr. Lockhart responded that he did not want to overpromise, but if possible, they would try to have the trawl flexibility program fleshed out some for June. Mr. Seger indicated that Council staff could use the list in the GAP report to guide any effort that was available for preparation prior to the June meeting.

## **G.10 Electronic Monitoring Scoping (9/17/2013; 7:59 a.m.)**

### **G.10.a Agenda Item Overview**

Mr. Brett Wiedoff presented the Agenda Item Overview and introduced Agenda Item G.10.a, Attachment 1: Information for Public Scoping of Electronic Monitoring of the Pacific Coast Limited Entry Trawl Groundfish Fishery.

### **G.10.b Reports and Comments of Advisory Bodies and Management Entities.**

Mr. Brett Wiedoff presented Agenda Item G.10.b, Supplemental GEMPC Report.

Mr. Brad Pettinger presented Agenda Item G.10.b, Supplemental GAP Report.

Mr. Dayna Matthews presented Agenda Item G.10.b, Supplemental EC Report.

Agenda Item G.10.b, Supplemental NMFS Report.

### **G.10.c Public Comment**

Agenda Item G.10.c, Public Comment from Jiri Nozicka, F/V San Giovanni.

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

### **G.10.d Council Action: Consider Range of Issues and Alternatives for Electronic Monitoring Regulations in the Rationalized Groundfish Trawl Fishery**

Ms. Culver expressed concern that, at some point, we need to discuss the role of the Groundfish Electronic Monitoring Policy Committee (GEMPC). Her impression was that it was not a policy committee. She noted on the bottom of page 1 of the GEMPC Report that it says the committee assumed the West Coast Groundfish Observer's Program (WCGOP) would continue to collect the scientific data at some level of coverage and the fisheries would be monitored for compliance 100 percent of the time through a combination of EM and the continued use of industry-funded observers. She wondered if the science centers and WCGOP have considered how all of this would take place and be coordinated.

Mr. Lockhart replied that these issues have been discussed in some detail with regard to the transition to electronic monitoring (EM). Consistent in these discussions is that WCGOP believes they can maintain a level of coverage that would allow them to meet all of their other requirements for biological sampling, somewhere in the range of 20-30 percent. It is also important to have WCGOP involved in the design of the compliance monitors duties since, if they have any biological sampling duties, it would be designed by the science center. He thinks NMFS can design a monitoring program that is consistent for compliance monitoring and biological sampling as well.

Council members discussed issues with regard to prosecuting violations based on video or EM information which has not yet been put to a court test. They also discussed how monitoring plans might need to be developed to fit differences in individual vessels and how the EM components and observer components had different strengths and weaknesses that will take careful consideration in any program.

Ms. Culver asked Mr. Lockhart if the science center has done an assessment for what the level of coverage would need to be to get biological samples of those rare species such as yelloweye. She believes the reduction in catch under the IFQ program needs to be taken into account and that the current 20 to 30 percent biological sampling might no longer be sufficient.

Mr. Lockhart responded that cataloguing rare events is one of the primary concerns that have been discussed for the program. One thought is that the biological sampling could be augmented by a 100 percent monitoring of the first receivers.

Mr. Crabbe expressed the need to move quickly on this and provide a more workable option for some of the smaller ports such as those in the area of Monterey.

Council members noted the problem of determining viability of halibut.

Ms. Kirchner supported the statements made by Mr. Crabbe. She recommended not narrowing the considerations too much this early in the process. If the EM program were implemented today, she believes the important components would include that it be optional and maximize retention, bearing in mind how that might be a problem with halibut and salmon. She believes electronic log books are a very important component (using data loggers at a minimum) and would include our current capability to capture location and hydraulics data. Again, she would want maximized retention for all species, including the prohibited species, and the least amount of discard possible.

Ms. Culver moved and Mr. Lincoln seconded Motion 37 that, at their October meeting, the GEM committees review the supplemental EC Report and discuss specifically the two recommendations of:

1. A “phased in approach” starting with midwater trawl and fixed gear (FG) in the first phase; bottom trawl as a separate phase; and
2. A data logger system (e logbook) as a component of the EM program.

Also, for the GEM committees to discuss:

1. How maximized retention could be feasible (i.e., provide specific alternatives for what could be discarded); and
2. Limiting tow times to reduce the necessity of safety discards.

And, request the NWFSC to provide a report on how the WCGOP program may move forward with an EM program in place for midwater trawl, fixed gear, and potentially bottom trawl at the November meeting. Specific questions for the WCGOP are:

1. What level of coverage would be needed to meet biological sampling goals, particularly for rare species, such as yelloweye rockfish?
2. What level of coverage would be needed to assess halibut size and viability?

Ms. Culver stated that there has been a lot of good public comment on this issue today. The EC and GEM committees have done good work in developing and reviewing the information and providing their recommendations. We should now move forward with further consideration of EM. She noted that the EC had some good suggestions about developing the program slowly and how the electronic logbook or a data logger system would be helpful as a good first step, regardless of whether or not we implemented an EM program. She also thought it would be good for the committees to discuss how a maximum retention component could be feasible. She was looking for some alternatives for what exactly could be discarded. We still need safety discards, but she also wanted recommendations for how we reduce the need for them, including reducing tow times. The second half of the motion is a request to the science center to provide a report on the WCGOP program and to discuss the biological sampling and halibut viability questions. She clarified that her motion would not preclude consideration of any industry proposals that could be provided at the November Council meeting, nor does it set any priorities or limits on what the committees should consider. While she specifically included looking at tow times as a way to reduce safety discards, the motion does not preclude exploring other options as well.

Motion 37 carried unanimously.

Mr. Lockhart noted that a NMFS Headquarters program for implementing regional EM plans is being developed and could be available for review by the Council before the Council's final decision on its EM program next September.

Mr. Lockhart spoke to a prior discussion of groundfish Amendment 10. He reported that NMFS staff believe they could refine the old draft and provide a regulatory framework to guide further consideration by the GEM committees. A lot of the information is already in regulation under the trawl rationalization program. This should be ready in the next week or two.

[Council concluded this agenda item at 9:49 a.m. and resumed at 10:20 a.m. with H.5]

## **H. Administrative Matters**

### **H.1 Managing Our Nation's Fisheries 3 Conference Follow-ups and Unrelated Legislative Matters (9/14/2013; 11:16 a.m.)**

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

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

- Agenda Item H.1.a, Attachment 1: Matrix of Findings from the Managing Our Nation's Fisheries 3 Conference;
- Agenda Item H.1.a, Attachment 2: Preliminary Staff Compilation of Possible Magnuson-Stevens Act Reauthorization Priorities for Consideration by the Pacific Council;
- Agenda Item H.1.a, Attachment 3: September 2013 Staff Summary of Federal Legislation;
- Agenda Item H.1.a, Attachment 4: Comparison of 2012 and 2013 Version of REFI Act; and
- Agenda Item H.1.a, Attachment 5: S269 Original with Notations.

### **H.1.b Report of the Legislative Committee**

Ms. Jennifer Gilden presented Agenda Item H.1.b, Supplemental Legislative Committee Report.

### **H.1.c Reports and Comments of Advisory Bodies and Management Entities (9/14/2013; 1:02 p.m.)**

Mr. Scott McMullen presented Agenda Item H.1.c, Supplemental EAS Report.  
Dr. Owen Hamel presented Agenda Item H.1.c, Supplemental SSC Report.  
Mr. Mike Burner presented Agenda Item H.1.c, Supplemental SAS Report.  
Mr. Tim Roth presented Agenda Item H.1.c, Supplemental HC Report.  
Mr. Rob Jones presented Agenda Item H.1.c, Supplemental GMT Report.  
Mr. John Holloway presented Agenda Item H.1.c, Supplemental GAP Report.

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

Mr. Seth Atkinson, Natural Resources Defense Council, San Francisco, California.  
Ms. Heather Mann, Midwater Trawlers Cooperative, Siletz, Oregon.  
Mr. Rod Moore, West Coast Seafood Processors Association, Portland, Oregon.

### **H.1.e Council Action: Identify Priorities for Consideration in Amending the Magnuson-Stevens Act, and Consider Other Legislative Committee Recommendations (9/14/2013; 2:25 p.m.)**

Dr. Hanson moved and Mr. Wolford seconded Motion 13 that the Council adopt the table on pages 3, 4, and 5 of Agenda Item H.1.b, Supplemental Legislative Committee Report as Council priority assignments at this time.

Dr. Hanson stated that we are early in the process and, at this point, we do not have enough definition on any of the issues to know how they will come out. He recognized that some of the other committees may have different recommendations, but his motion will get things started and there will likely be amendments.

Ms. Culver moved and Mr. Feldner seconded Motion 14 (as a substitute for Motion 13) that the Council approve the recommendations of the Legislative Committee (LC) for the buyback loan bills and the international highly migratory species (HMS) fisheries bills as described in Agenda Item H.1.b, Supplemental Legislative Committee Report; and with regard to the Magnuson-Stevens Act (MSA) reauthorization, that the Council and its representatives at the CCC meeting communicate and express the following:

1. In general, the Council views the current MSA as being positive as it provides significant flexibility to the councils to address fishery management issues on a regional basis.
2. Proposed changes to the MSA should be focused on items that necessitate a change to the MSA to resolve, for example, those items currently prescribed in the MSA or that would benefit from clarification in MSA language.
3. As has been expressed, “the devil’s in the details;” as such, it is difficult for the Council to provide many specific changes at this time.

4. Move forward with providing the interpretation and comments of the Legislative Committee, Scientific and Statistical Committee, and Salmon Advisory Subpanel with regard to Items 1, 2, 7, and 24 in the Legislative Committee Report.
5. If Council members or staffs are asked what the Council's views are for items not listed above, then the response should be, "The Council has not developed a position on that."

Ms. Culver stated that her motion referenced parts of the recommendations of the LC, SSC, and SAS. She preferred to start small, focused on items that were previously discussed and have some Council consensus that, as MSA issues, they are problematic and changes could provide some flexibility to our Council. She is open to consideration of amendments for specific items. For each of the items listed in the LC Report, she could support or oppose it, depending on how the legislation is written. It is very difficult to provide a general sense of pro or con on these items without seeing the specific language and how it will affect our fisheries in the Pacific. Under #4 in her motion, she has included a limited number of recommendations from the table in the LC Report. For item 1 (revise the rebuilding time requirements) she favors the SSC interpretation of that item. The ten year requirement is something that we have discussed previously and it is particularly difficult to deal with for our long-lived groundfish species. Item 2 (stocks mistakenly determined to be overfished should not be held to rebuilding plan provisions) has also been discussed and seems to have some consensus. Item 7 (the carryover exception) allows for some needed flexibility and variability for managing the fisheries as long as the SSC determines there are negligible impacts. Finally, item 24, addressed in the LC, SSC, and SAS reports, seeks to replace the term "overfished" with "depleted." She noted there are a lot of items in the reports that would take a long time to develop a position on here today. We would likely need more information to reach a resolution on them.

Regarding #5 in her motion, Mr. Crabbe asked how Ms. Culver saw this agenda item proceeding into the future.

Ms. Culver responded that it was her understanding that the CCC would hold a meeting on October 23 and 24. At that time the CCC would discuss their priority topics for the eight regional councils and the Pacific Council would be expected to present their initial priorities. By including #5 in her motion, she is suggesting that the Pacific Council priorities be identified as those items listed in #4. If we are asked about any other item on the list or any new item, our response at that time would be that we have not yet developed a position on that. In terms of when the Council would take up this agenda item again or how the conversation continues, she expects that as we are asked to comment on specific legislation, or as we know there are going to be specific opportunities to provide some priorities, the Council can decide if we want to have another discussion to consider additions to our list.

Dr. Hanson stated that he thought it was inappropriate to use a motion to direct what Council members can say. He moved and Ms. Kirchner seconded Amendment 1 (to Motion 14) to strike #5.

Mr. Wolford indicated he would support the amendment. He thought #5 would impose too great a limit on the type of productive discussion that should occur in the CCC.



Ms. Culver noted that #5 only limited what could be stated as the official Pacific Council position. It did not prevent individual Council members from expressing their own personal views or positions. She thought it was important to clearly represent the Council's views as a whole. If the amendment passes, she would suggest we take considerably more time to discuss the other items that may come up in later discussions.

Further Council discussion considered some additional aspects of this issue, including agreement that advisory body statements can always be noted as such and that actions of the CCC seeking consensus across all eight councils does not prevent our Council from having other positions.

Mr. Wolford moved and Mr. Brizendine seconded Amendment 2 (substitute for Amendment 1 to Motion 14) to change #5 to read: “. . . then the response should be “While the Council has not developed a position on that, we have had discussions and here are some of the things we have talked about.”

Mr. Wolford stated that the intent here is to clearly indicate that we have not reached a final consensus or taken a vote, but we have had considerable discussion and input from the advisors and public.

After further discussion of the pros and cons and intent of #5 and the amendments, Mr. Wolford withdrew the motion with the consent of the second.

Amendment 1 carried (Mr. Myer and Ms. Culver voted no, Mr. Lockhart abstained).

Mr. Myer noted that regarding the buyback loan bills, we now have a request from Congresswoman Herrera-Beutler's office and may get one from Senator Cantwell. He would like to ensure the Council respond to those requests under this motion. Mr. Pollard confirmed that appeared to be the intent.

Mr. Sones stated he intended to support the substitute motion. However, it felt to him that the motion might be covering two separate questions that might benefit from a separation.

Mr. Brizendine expressed his strong support for creating a seat for the Pacific Council on the Inter-American Tropical Tuna Commission (IATTC).

Ms. Kirchner moved and Mr. Crabbe seconded Amendment 3 (to Motion 14) to add item 27 (IATTC representative from LC Report table) and the issue from Agenda Item H.1.c, Supplemental GAP Report, identified on page 1, that reads “address social and economic issues (e.g., “Possible” to “practicable”) in MSA Section 304(e)(4)(A)(i).

Ms. Kirchner stated that adding item 27 would address and clarify the discussion concerning the items on the list and the other LC recommendations. The issue identified in the GAP report is under item 26. However, she did not want to add item 26, but just the very narrow issue that MSA requires us to rebuild a stock in the shortest time possible taking into account the needs of the fishing communities. That essentially requires us to declare a disaster before we can take those needs into account. By changing “possible” to “practicable,” this more closely reflects the

court rulings that we have had and how this Council operates in taking into account the needs of communities to set the harvest levels.

Amendment 3 carried (Mr. Lincoln voted no, Lockhart abstained).

In response to a request for further clarity on the substitute motion, Council discussion confirmed that the motion does not eliminate items from future consideration, analysis, and prioritization. Ms. Culver noted that the motion (in the second paragraph) speaks to official Council communications at the CCC meeting. If the Council wishes to include other items in the CCC discussions, they should be included in amendments to the substitute motion. Further consideration and next steps for items not included in the substitute motion could be discussed after action on this motion.

Mr. Wolford pointed out the very large number of items that came from the MONF3 Conference and also that there are many items that should be considered that are not MSA issues. He was particularly concerned with regard to changes in the observer qualifications which could be MSA-related, but may not be, and he is not sure how to include it.

Ms. Culver responded that the observer qualifications are in regulations, not in the MSA. However, if Mr. Wolford wanted to include it in what is discussed at the CCC, he should include it in an amendment to the motion.

In thinking about the role of the Chair and Vice Chair at the CCC meeting, Mr. Crabbe noted that his tendency is to not support the motion. He would rather see an amendment to the original motion that says these five items are highest priority—as simple as that. He wants to give the Chair and Vice Chair some flexibility.

Mr. Farrell agreed with Mr. Wolford and Mr. Crabbe concerning the fact that many of the items are not MSA issues and this motion negates the importance of these issues. He would support Mr. Crabbe's suggestion for amending the original motion rather than trying to amend and broaden the very narrow scope of issues in item 4 of the substitute motion.

The Council continued with considerable discussion of how the substitute motion would govern inclusion of a broader array of issues and not limit the Council's future actions. There was considerable confusion and disagreement over this issue.

Substitute Motion 14 failed (Mr. Brizendine, Mr. Farrell, Mr. Crabbe, Mr. Sones, Mr. Ortmann, Mr. Wolford, and Ms. Lowman voted no, Mr. Lockhart abstained).

The Council returned to deliberation on Motion 13 (Hanson/Wolford).

Ms. Culver moved and Ms. Kirchner seconded Amendment 1 (to Motion 13) to remove the items that the Legislative Committee recommends dropping in Agenda Item H.1.b, Supplemental LC Report (items 10, 13, and 15) and also remove items 3, 6, 9, 16, 17, 18, 19, 20, 22, and 26.

Ms. Culver stated that, in general, the items dropped are those which need further analysis, information, and discussion in order to formulate a Council position on whether or not they require changes in the MSA. Item 3, trans-boundary stock rebuilding exception, has been addressed in the past, but the SSC pointed out that it depends on the definition of “trans boundary” stocks, which is not yet clear, and at one time or another could include almost any stock. Regarding item 6, exemption for short-lived species, the SSC again raised the question of how you define “short-lived species.” This needs to be looked at on a species-by-species basis with further guidance from the SSC. Regarding item 9, broadening the authority to address non-compliance with RFMO measures, she was not aware of what authority this was referring to and we need a better understanding of what is proposed here. Ms. Culver raised similar concerns (lack of definition, need for further clarification and development) with the remaining items.

Ms. Kirchner agreed with the items proposed for removal. However, she wished to add additional language from the Supplemental GAP Report and so moved (Amendment 1a). However, because this appeared to be an amendment to the main motion (Motion 13) rather than to Amendment 1, she withdrew the motion prior to a second to allow consideration of Amendment 1.

Mr. Farrell moved and Mr. Crabbe seconded Amendment 2, as a substitute amendment to Amendment 1, to insert after “as” - “well as items outlined by committees under Agenda Item H.1.c and those items contained in Agenda Item H.1.a, Attachment 1 as recommended by Council staff after consultation as potential priority assignments.”

Mr. Farrell stated that rather than using an exclusionary approach to cull down the list of items, he thought there were many items that appeared in the advisory body statements as well as the long list from the MONF3 Conference that should not be discounted without the opportunity to identify them as potential priorities to act on. He appreciated the work by staff and others to vet and reduce the items, but felt strongly that some items were not vetted or accounted for in the Legislative Committee document. In response to questions, he clarified that his motion was intended to capture the entire list of items in the MONF3 report as Council priorities. He did not believe our task was to identify priorities for the CCC. However, he also believes that the advisory body statements provide information that helps further prioritize the items, and such could be communicated to the CCC.

Council members expressed several questions and concerns about the approach offered by Mr. Farrell’s amendment.

Amendment 2 (substitute to Amendment 1 to Motion 13) failed (Mr. Feldner, Mr. Lincoln, Ms. Kirchner, Ms. Culver, Mr. Myer, Mr. Sones, Mr. Ortmann and Ms. Lowman voted no; Mr. Lockhart abstained).

The Council continued with consideration of Amendment 1 (Culver/Kirchner Amendment).

Ms. Culver confirmed that the intent of Amendment 1 does not preclude further discussion and prioritization in the future of any of the items excluded by the Amendment at this time.

Amendment 1 to Motion 13 carried (Mr. Wolford, Mr. Farrell, and Mr. Sones voted no; Mr. Lockhart abstained).

Ms. Kirchner moved and Mr. Feldner seconded Amendment 3 to Motion 13 (as amended by Amendment 1) to include an item 28 that reads “Address social and economic issues (e.g., ‘possible’ to practicable”); MSA Section 304 (e)(4)(A)(i).

Ms Culver expressed concern about the parenthetical portion of the motion (“possible” to “practicable”). In the GAP statement they are recommending it’s the rebuilding times that should be revised. She is supportive of adding the social and economic issues, but not in changing the rebuilding time.

Ms. Kirchner stated that this issue arose from the 2007/2009 specifications that were challenged by a lawsuit. The opinion in the lawsuit seems to support the idea that to rebuild a stock in the shortest time “possible,” we would need to be in a disaster situation to take into account the needs of the community. Changing the word to “practicable” gives us the flexibility to take into account the fishing community needs in a comprehensive manner, not just under a disaster situation.

Amendment 3 carried (Ms. Culver and Mr. Lincoln voted no; Mr. Lockhart abstained).

Ms. Lowman moved and Ms. Kirchner seconded Amendment 4 (to Motion 13 as amended by Amendments 1 and 3) to include an item 29 to read “better-align and streamline NEPA and MSA Section 304 (i)”.

Ms. Lowman stated that this wasn’t on the list, we haven’t been able to accomplish this, and the Council strongly endorsed it in the past for the CCC comments.

Amendment 4 carried (Mr. Lockhart abstained).

Mr. Wolford moved and Mr. Brizendine seconded Amendment 5 (to Motion 13 as previously amended) to include an item 30 to provide flexibility in requirements and qualifications for observers. This relates to MSA Title IV Fishery Monitoring and Research.

Mr. Wolford stated that this is one of the items that has been spoken to many times and clearly impacts the ability to provide observers in the small boat harbors. We need to make it economically viable for this to happen. We need to have observers with the right qualifications to meet the necessary requirements of the job, but not such high qualifications and requirements that small boat fishermen cannot afford them.

Amendment 5 carried (Mr. Lockhart abstained).

Ms. Culver moved and Mr. Lincoln seconded Amendment 6 (to Motion 13 as previously amended) to include items 1, 2, and 3 from the previous substitute motion (Motion 14) which were:

1. In general, the Council views the current MSA as being positive, as it provides significant flexibility to the councils to address fishery management issues on a regional basis).
2. Proposed changes to the MSA should be focused on items that necessitate a change to the MSA to resolve (i.e., those items currently prescribed in the MSA or would benefit from clarification in MSA language).
3. As has been expressed, “the devil’s in the details;” as such, it is difficult for the Council to provide many specific changes at this time in terms of providing guidance to the CCC.

Ms. Culver stated that she wanted to convey some positive comments with regard to the existing MSA. We are bringing forth a fairly large list of priority changes, and she didn’t want to give the impression that we had a lot of problems with the MSA.

Amendment 6 carried (Mr. Lockhart abstained).

Mr. Farrell moved and Mr. Crabbe seconded Amendment 7 (to Motion 13 as previously amended) to include: “Remove the requirements for three candidate names under MSA Section 302(b)(5).

Mr. Farrell stated that it is difficult for the state agencies to provide three names for consideration to each appointment on the Council.

Council members discussed the fact that this was a completely new item which did not come from the MONF3 Conference and had not been discussed in the Council, or had tribal input. They also questioned if the advisory bodies had considered it. Mr. Crabbe agreed that it may not have been appropriately vetted, and while it may be a priority, it should receive further consideration before the Council decides to move it forward.

Mr. Farrell withdrew Amendment 7 and Mr. Crabbe (the second) agreed.

Motion 13, as amended, carried (Mr. Farrell and Mr. Lincoln voted no; Mr. Lockhart abstained).

Mr. Myer moved and Ms. Kirchner seconded Motion 15 for the Council to send a letter to Congress Member Herrera-Beutler, Senator Cantwell, and any other congressional members that should request input regarding HR. 2646 and S. 1275, including the four bullets on page 1 of Agenda Item H.1.b, Supplemental LC Report.

Mr. Myer stated that we have received a request for comments from Representative Herrera-Beutler, and the bill is very important to the trawl industry. It reduces the interest rate that participants in the IQ program pay for the buyback and other programs. He included S.1275, which is the same as the House Bill. The four bullets in the LC report are essentially the same as in the GAP statement.

Ms. Lowman asked that cost recovery that is coming on line in January also be included in any response. Mr. Myer agreed that cost recovery, for which the GAP gave several good examples of cost in their report, could be part of the guidance if his motion passes.

Motion 15 carried (Lockhart abstained).

Mr. Brizendine moved and Mr. Sones seconded Motion 16 that upon receiving a request for comment that we direct the Executive Director to write a letter to speak to (in support of) HR. 69 and S. 269 stating the Council's interest in this seat (on the IATTC).

Mr. Brizendine stated that this seat and another seat have been suggested and we can make good use of it. We want to make sure we state our interest in this seat rather than having it go to another council.

In response to questions, Dr. McIsaac clarified that this motion was different from item 27 referred to in a previous motion. The present motion involved speaking to the legislation, not to setting an MSA priority for further discussion.

Mr. Gregg Casad noted that the U.S. Coast Guard has been on record in support of these bills in their various forms and to strengthen the IUU regulations.

Motion 16 carried (Mr. Lockhart abstained).

Dr. Hanson noted the request on page 5 of the LC report by the Makah Tribe to consider eliminating the term limit and requirement for three candidate names for the tribal Council position at each appointment. The recommendation of the LC is to solicit information from the public and tribes and discuss this issue at the next Council meeting. He hoped the Council could treat this as guidance rather than needing a formal motion.

Mr. Sones noted that he would be discussing this further with the Northwest Indian Fisheries Commission and Columbia River Inter-Tribal Fish Commission. It isn't an attempt to limit participation. It would allow more than one name, but there are times when it is difficult to have at least three candidates that seek to serve on the Council. It would also mean the tribes are treated more like the states with regard to nominations and term limits.

Mr. Pollard confirmed that this would be guidance to staff to follow through for a request for comments and consideration at the November Council meeting.

[Council concluded this agenda item at 5:32 p.m. and continued with G.4 on 9/15/2013.]

## **H.2 Approval of Council Meeting Minutes (9/16/2013; 6:58 p.m.)**

### **H.2.a Council Member Review and Comments**

Mr. Ortmann asked if there were any corrections to the minutes (Agenda Item H.2.a, Supplemental Attachment 1: Draft April 2013 Minutes: 218<sup>th</sup> Session of the Pacific Fishery Management Council). Council members had none.

## **H.2.b Council Action: Approve Previous Council Meeting Minutes**

Mr. Ortmann moved and Mr. Pollard seconded Motion 28 for the Council to approve the minutes as provided in Agenda Item H.2.a, Supplemental Attachment 1: Draft April 2013 Minutes of the 218<sup>th</sup> Session of the Pacific Fishery Management Council.

Motion 28 carried unanimously.

## **H.3 Fiscal Matters (9/16/2013; 7:00 p.m.)**

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

Mr. Chuck Tracy presented the Agenda Item Overview.

### **H.3.b Budget Committee Report**

Mr. Chuck Tracy presented Agenda Item H.3.b, Supplemental Budget Committee Report. There were no recommendations for Council action in the report.

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

None.

### **H.3.d Public Comment**

None.

### **H.3.e Council Action: Consider Budget Committee Report**

Ms. Lowman commented on the consistency of the Council staff receiving a top rating for the audit report. She especially commended the work of Ms. Patricia Crouse.

Ms. Culver noted that the Council funding for 2013 was cut about 10 percent below the 2012 level and the level of funding for state liaison contracts is also reduced. With the ongoing budget reductions experienced at the state level, she was concerned with the ability of the states to participate in Council activities without additional staff, especially with more ad hoc committees. It is important for the states to be able to participate and help resolve the management issues. She encouraged staff and Council members to get that message to NOAA Headquarters.

Ms. Lowman noted that the hard work of the states and Federal entities in partnership has made our Council strong, and that we are challenged by the erosion of adequate financial support.

## **H.4 Membership Appointments and Council Operating Procedures (9/16/2013; 7:07 p.m.)**

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

Mr. Chuck Tracy presented the Agenda Item Overview and noted Agenda Item G.7.a, Attachment 3: Proposed Revisions to COP 9, which was scheduled for action under this agenda item.

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

None.

#### **H.4.c Public Comment**

None.

#### **H.4.d Council Action: Appoint Individuals to Advisory Bodies and Consider Changes to Council Operating Procedures**

Mr. Myer moved and Ms. Culver seconded Motion 29 that the Council recommends reappointment of Mr. Phil Anderson to the Joint Management Committee for Pacific Whiting (JMC).

Mr. Myer stated that Mr. Anderson has done a great job and should be reappointed to the JMC.

Motion 29 carried unanimously.

Mr. Feldner moved and Ms. Kirchner seconded Motion 30 that Ms. Dorothy Lowman be recommended to the Departments of State and Commerce to fill the United States Commissioner seat to the Western and Central Pacific Fisheries Commission designated for the Chair or a member of the Pacific Fishery Management Council, effective after the completion of the current annual Commission cycle and in such a manner that there is no gap between the current appointment of Ms. Marija Vojkovich and Ms. Dorothy Lowman. The intent of this recommended synchrony is that this Commission seat not be unfilled at any point in time.

Mr. Feldner stated that Ms. Vojkovich has done a good job in this seat. However, she is moving off of the Council, and the person holding the seat must be a member of our Council.

Motion 30 carried (Mr. Lockhart abstained).

Mr. Bonham moved and Mr. Wolford seconded Motion 31 for the Council to appoint a designee from the State of California for those committees currently held by Ms. Vojkovich.

Motion 31 carried unanimously.

Mr. Bonham moved and Mr. Brizendine seconded Motion 32 that the Council appoint Captain Robert Puccinelli to the California Department of Fish and Wildlife seat on the Enforcement Consultants.

Motion 32 carried unanimously.

LCDR Casad moved and Mr. Sones seconded Motion 33 that the Council appoint Lieutenant Cody Dunagan to the U.S. Coast Guard seat on the Enforcement Consultants.

Motion 33 carried unanimously.



Ms. Culver moved and Mr. Myer seconded Motion 34 that the Council appoint Ms. Jennifer Quan to the WDFW seat on the Habitat Committee.

Motion 34 carried unanimously.

Mr. Wolford moved and Mr. Sones seconded Motion 35 that the Council appoint Dr. Andrew Cooper to the vacant at-large seat on the Scientific and Statistical Committee.

Motion 35 carried unanimously.

Ms. Kirchner moved and Mr. Wolford seconded Motion 36 that the Council appoint the following people to seats on the Groundfish Endangered Species Workgroup:

NMFS Protected Resources Division: Ms. Alison Agness

USFWS: Ms. Laura Todd

West Coast Groundfish Observer Program: Dr. Jason Jannot

ODFW: Dr. Caren Braby

CDFW: Ms. Joanna Grebel

WDFW: Mr. Corey Niles

Washington Coast Tribal: Mr. Jonathan Scordino

Fish Taxa Expert: Dr. Richard Gustafson

Sea Turtle Taxa Expert: Dr. Rhema Bjorkland

Marine Mammal Taxa Expert: Dr. Brad Hanson

Seabird Taxa Expert: Dr. Thomas Good

Motion 36 carried unanimously.

Ms. Lowman noted that the Council had discussed COP 9 in Agenda Item G.7 and was not ready to take action on it at this time.

[Council concluded this agenda item at 7:25 pm and reconvened in the morning with G.10]

## **H.5 Future Council Meeting Agenda and Workload Planning (9/17/2013; 10:20 a.m.)**

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

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

- Agenda Item H.5.a, Attachment 1: Pacific Council Workload Planning: Preliminary Year-at-a-Glance Summary;
- Agenda Item H.5.a, Attachment 2: Preliminary Proposed Council Meeting Agenda, November 1-6, 2013 in Costa Mesa, California;
- Agenda Item H.5.a, Supplemental Attachment 3: Pacific Council Workload Planning: Preliminary Year-at-a-Glance Summary; and
- Agenda Item H.5.a, Supplemental Attachment 4: Preliminary Proposed Council Meeting Agenda, November 1-6, 2013 in Costa Mesa, California.

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

Mr. Louis Zimm presented Agenda Item H.5.b, Supplemental REVISED GAP Report.  
Mr. Mike Burner presented Agenda Item H.5.b, Supplemental EAS Report.  
Ms. Kelly Ames presented Agenda Item H.5.b, Supplemental GMT Report.  
Mr. Frank Lockhart presented Agenda Item H.5.b, Supplemental NFMS Report.

### **H.5.c Public Comment**

Mr. Steve Marx, Pew Charitable Trust, Portland, Oregon.  
Ms. Theresa Labriola, Wild Oceans, Leesburg, Virginia.  
Mr. Ben Enticknap, Oceana, Portland, Oregon - discussed the EFH proposal to move forward for the Phase 2 process for the November Council Meeting and the sardine management agenda items.  
Mr. Brad Pettinger, Oregon Trawl Commission, Brookings, Oregon - discussed the Marine Stewardship Council (MSC) Certification Action Plan.

### **H.5.d Council Discussion and Guidance on Future Meeting Agenda and Workload Planning (9/17/2013; 11:36 a.m.)**

Dr. McIsaac suggested the Council discussion start with the MSC Certification Action Plan to see if it would actually need Council consideration in November or could just be handled by staff.

Ms. Kirchner expressed comfort with moving the MSC certification process forward with just a letter drafted by the Council staff. Other Council members felt it was necessary for the Council to deal with it directly if there was something that had not been anticipated during this agenda item. It is likely there will be similar requests for Council comments on the certifications in the future from other parts of the industry.

LCDR Casad noted that the proposed November agenda drops the agenda item for Federal Enforcement Priorities. He stated that this item is an Office of Law Enforcement requirement and the Coast Guard takes great value in and seeks that type of guidance from the Council. He understands why it may not be on the November agenda, but it is troubling to not see it anywhere on the agendas for the following year.

Mr. Lockhart provided some guidance for the GMT regarding the management strategy evaluation. He recommended they restrict their consideration of that issue to work that will help move the 2015-2016 specifications process forward. Regarding the request by the Ecosystem Advisory Subpanel for guidance on moving forward with developing indicators, he indicated NMFS staff will work with the science centers to move that forward.

Regarding the Ecosystem Advisory Subpanel request, Mr. Lincoln thought that required a NMFS lead. As an alternative to having it on the November Council agenda, he suggested that the science centers might be able to host a webinar or something well in advance of their March report.

Mr. Lockhart was open to considering that and will work with Dr. McIsaac on a resolution of how best to proceed.

Mr. Wolford commented on the barotrauma item in March. He expected it was just an update and if so, an information report would be sufficient rather than an agenda item. With regard to the midwater sport fishery proposal, he would like to see that moved forward so that it does not jeopardize the intent for a 2015 start.

Mr. Lockhart responded that the best course of action to ensure implementation of a Council action in the following year is to take final action in April. The latest opportunity is June.

Ms. Kirchner requested that the shading on the midwater sport fishery item in March and April be removed.

Mr. Lincoln noted that a U.S. Army Corps of Engineers contact had been provided by LCDR Casad regarding the need for dredging the channel at the port of Ilwaco. He suggested the Executive Director draft a letter seeking answers to the questions that were raised during open comment at this meeting.

Ms. Yaremko stated that it was very important for the Council to hear a report on the 2013 survey prior to considering the sardine management measures and the issue of the harvest guideline for the six-month period. She would support hearing the NMFS report (in November) before the management measures. One thing that concerns her is the predominance of the groundfish items on each agenda. She believes we need to ensure adequate time for each of our FMPs. With regard to groundfish, she supports the must-do items to complete the specifications and management measure process for 2015-2016. We have put off the EFH for too long and would support moving forward with that. With regard to EM, she is not completely confident that it is a must-do for November, and if we are in a time crunch there doesn't seem to be a risk to delay that item.

Dr. McIsaac thought Ms. Yaremko made a good point in regard to moving the sardine harvest parameter review to March or some other time. If there is a NMFS report on the 2013 survey, that could come before the Council in November and that reduction in agenda could allow for consideration of the Federal Enforcement Priorities Report.

Ms. Lowman stated that to stay on schedule with the EM, it would be essential to have a range of alternatives to work on over the winter months.

Dr. McIsaac spoke to the sablefish permit stacking issues. He suggested noticing the public that the Council would be looking at a selection of all candidate measures to be considered for change, and if that is a light process, we would schedule it in as a phase one effort. If it proves to be a heavier task, we would revert to the prior plan. If we followed this plan, we would request the public to come forward with all of their ideas for changes at the November meeting.

Council members were generally in support of that approach. Mr. Lincoln hoped that we could advise the public that the issues already identified and scheduled for an expedited review need not be resubmitted.

Dr. McIsaac summarized the Council input. He noted the Council staff will look carefully at the MSC certification request. If it is straightforward, staff will draft a letter of support. If it has some unexpected implications, we will consider it for the November agenda. Staff will make contact with the U.S. Army Corps of Engineers concerning the Ilwaco dredging needs. Follow-up with NMFS will include consideration of a webinar, or perhaps an evening program, at the November Council meeting on the forage fish indicators. A barotrauma fact sheet will be added to guide the Council on where we are with regard to this issue prior to the March meeting. Also, we would exchange F.5 (sardine management measures) for the three agenda items we just spoke to, and opening up the sablefish permit stacking without reconsidering the changes already in an expedited review should capture the intent of the Council for agenda planning for the November Council Meeting

## **I. Ecosystem Based Management**

### **I.1 Update List of Fisheries (9/16/2013; 4:17 p.m.)**

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

Mr. Mike Burner presented the Agenda Item Overview.

Ms. Yvonne deReynier presented Agenda Item I.1.a, Attachment 1: Ad hoc Ecosystem Workgroup Report.

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

Mr. Paul Dye presented Agenda Item I.1.b, Supplemental EAS Report.

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

#### **I.1.c Public Comment**

None.

#### **I.1.d Council Action: Final Adoption of Updates to the List of Fisheries**

Mr. Crabbe moved and Mr. Brizendine seconded Motion 26 that the Council adopt the updated List of Fisheries contained in Agenda Item I.1.a, Attachment 1, Ecosystem Workgroup Report, with the addition of the recommendations in Agenda Item I.1.b, Supplemental GAP Report.

Mr. Crabbe stated that this list has been well-reviewed by the advisory bodies and should be ready to adopt.

Ms. Culver moved and Mr. Myer seconded Amendment 1 (to Motion 26) to add at the end of the original motion “do not include crab loop for Dungeness crab fisheries for the State of Washington.” She clarified that crab loop should not be included for either crab fishery in Washington.

Amendment 1 carried unanimously. Motion 26, as amended, carried unanimously.

## **I.2 Unmanaged Forage Fish Protection Initiative (9/16/2013; 4:40 p.m.)**

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

Mr. Mike Burner presented the Agenda Item Overview.

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

Ms. Yvonne deReynier presented Agenda Item I.2.b, Supplemental Ecosystem Workgroup Report.

Mr. Paul Dye presented Agenda Item I.2.b, Supplemental EAS Report.

Mr. Mike Burner presented Agenda Item I.2.b, Supplemental SAS Report.

Mr. Mike Burner presented Agenda Item I.2.b, Supplemental HC Report.

Mr. John Holloway presented Agenda Item I.2.b, Supplemental GAP Report with a change to the document relating to a reference to a Fishery Ecosystem Plan (FEP) rather than an FMP.

Mr. Mike Burner presented Agenda Item I.2.b, Supplemental CPSMT Report.

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

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

Agenda Item I.2.c, Public Comment.

Agenda Item I.2.c, Supplemental Public Comment 2 (Beginning with comment by Greenburger's).

Agenda Item I.2.c, Supplemental Public Comment 2 (Beginning with comment by the Association of Northwest Steelheaders).

Mr. Steve Marx, PEW Charitable Trusts, Portland, Oregon; commented in support of Initiative 1.

Mr. Greg Helms, Ocean Conservancy, Santa Barbara, California, spoke in support of continuation of the protection of unmanaged forage fish.

Mr. Ben Enticknap, Oceana, Portland, Oregon, spoke in support of the commitment to the Forage Fisheries Initiative 1.

Mr. John Ellsworth, Idaho Council of Trout Unlimited, Boise, Idaho, provided comments on Agenda Item I.2.c, Supplemental Public Comment 3, Idaho Council of Trout Unlimited.

Ms. Theresa Labriola, Wild Oceans, Leesburg, Virginia.

Mr. Phil Pirone, Pro-cure Bait Scents, Salem, Oregon.

Mr. Norm Ritchie, Association of Northwest Steelheaders, Portland, Oregon, discussed the forage species.

### **I.2.d Council Action: Provide Guidance on Amending Fishery Management Plans to Protect Forage Species**

Ms. Kirchner moved and Mr. Feldner seconded Motion 27 that the Council adopt the purpose and need statement for public review as shown in Agenda Item I.2.b, Supplemental Ecosystem Workshop Report; and that the Council adopt the following list of species and identify them as species needing additional protection against development of new unmanaged fisheries:

1. Round and thread herring
2. Mesopelagic fishes

3. Pacific sandlance
4. Pacific saury
5. Silversides
6. Osmerid smelts
7. Pelagic squids, with the exception of Humboldt squid.

Additionally, direct the Ecosystem Workgroup to develop alternatives and analysis of options which would prohibit development of new commercial fisheries on these species groups by way of amending one or more FMPs. These species should be analyzed for FMP inclusion as either ecosystem component species or fishery management unit (FMU) species. The analysis shall include descriptions of existing directed commercial fisheries and existing incidental take levels in other commercial fisheries, and recommendations as to which existing FMPs are best suited for amendment. From the Supplemental Ecosystem Workgroup Report, section E, pages 8 and 9, direct the Ecosystem Workgroup to proceed with bullet items 1, 2, 5, and 6.

Ms. Kirchner stated that the draft purpose and need statement of the Ecosystem Workgroup reflects the Council's intent and what they seek to do with this initiative. The seven species in the motion represent species that may not have as much management as others, represent the species that most think of as forage fish, and provide a good starting place for the initiative. We needed to direct the team regarding what species to look at and what components to analyze so that they can come back in the spring with some alternatives. She tried to provide some flexibility so that they could use additional tools as appropriate (e.g., gear requirements, bycatch allowance, etc.). She thinks the numbered (bulleted) items provide a good way to get comments and information from the workgroup. However, she did not feel a workshop is needed. The last bullet (6) requests the workgroup to report to the Council in the spring. When that report comes back, we need to have collaboration between the workgroup and the other teams that oversee the FMPs that may be impacted.

Mr. Lincoln was supportive of the motion and the rationale. He moved and Mr. Myer seconded Amendment 1 (to Motion 27) to include eulachon as item 8 in the list of species.

After further Council discussion, Ms. Kirchner stated she was in agreement with having eulachon on the list and noted that in the original motion eulachon is included as an osmerid smelt.

Mr. Lincoln removed the amendment with consent of the second.

Mr. Wolford asked for further clarification about the other species that were left off of the list that are not managed.

Ms. Kirchner responded that she had focused on the highest priority species. American shad is an introduced species which she feels is not appropriate to protect. With respect to the other two species, they are mostly noted to be in nearshore water. She wanted to focus on the higher-priority species with large biomass that extended well into the EEZ and groups of like species.

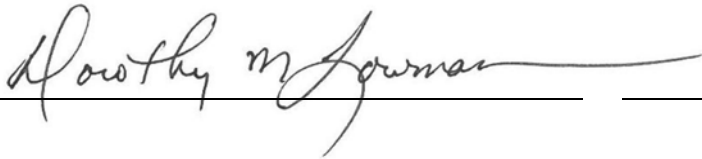
In response to a question concerning bullet 2, Ms. Kirchner said she did not think we need to add a person to the workgroup. Someone from the fisheries science centers can provide assistance.

Motion 27 carried unanimously.

[Council concluded this agenda item at 6:58 pm and moved to H.2]

**ADJOURN**

The Council adjourned September 17, 2013 at 12:00 p.m.



March 13, 2014

Dorothy Lowman  
Council Chair

Date