

MINUTES
213th Session of the
Pacific Fishery Management Council
April 1-6, 2012
 Sheraton Seattle Hotel
 1400 Sixth Avenue; Seattle, WA 98101

Table of Contents

A. Call to Order (April 1, 2012) 7

 A.1 Opening Remarks..... 7

 A.2 Roll Call..... 7

 A.3 Executive Director’s Report 7

 A.4 Agenda 8

 A.4. a. Council Action: Approve Agenda..... 8

B. Open Comment..... 8

 B.1 Comments on Non-Agenda Items (4/1/2012; 2:14 p.m.) 8

 B.1.a Advisory Body and Management Entity Comments 8

 B.1.b Public Comment 8

 B.1.c Council Discussion and Comments as Appropriate..... 8

C. Habitat 8

 C.1 Current Habitat Issues (4/1/2012; 2:15 p.m.)..... 8

 C.1.a Agenda Item Overview 8

 C.1.b Report of the Habitat Committee 8

 C.1.c Reports and Comments of Advisory Bodies and Management Entities 8

 C.1.d Public Comment 9

 C.1.e Council Action: Consider Habitat Committee Recommendations (4/1/2012; 3:02 p.m.) ... 9

D. Enforcement Issues 11

 D.1 Current Enforcement Issues (4/2/2012; 8:02 a.m.)..... 11

 D.1.a Agenda Item Overview 11

 D.1.b U.S. Coast Guard Annual West Coast Fishing Enforcement Report 11

 D.1.c Reports and Comments of Advisory Bodies and Management Entities 11

 D.1.d Public Comment 11

 D.1.e Council Discussion 11

E.	Salmon Management.....	11
E.1	National Marine Fisheries Service (NMFS) Report (4/2/2012; 9:18 a.m.).....	11
E.1.a	Agenda Item Overview	11
E.1.b	Regulatory Activities.....	11
E.1.c	Reports and Comments of Advisory Bodies and Management Entities	11
E.1.d	Public Comment	12
E.1.e	Council Discussion	12
E.2	Tentative Adoption of 2012 Ocean Salmon Management Measures for Analysis (4/2/2012; 9:22 a.m.).....	12
E.2.a	Agenda Item Overview	12
E.2.b	Update of Estimated Impacts of March 2012 Alternatives	12
E.2.c	Summary of Public Hearings.....	12
E.2.d	Recommendations of the U.S. Section of the Pacific Salmon Commission	12
E.2.e	Recommendations from the North of Cape Falcon Forum	12
E.2.f	Reports and Comments of Advisory Bodies and Management Entities	13
E.2.g	Public Comment (4/2/2012; 10:43 a.m.).....	13
E.2.h	Council Action: Adopt Tentative 2012 Ocean Salmon Management Measures for Analysis (4/2/2012; 2:02 p.m.).....	13
E.3	Sacramento Winter Run Chinook Impact Specifications (4/2/2012; 11:27 a.m.).....	14
E.3.a	Agenda Item Overview	14
E.3.b	NMFS Report	14
E.3.c	Reports and Comments of Advisory Bodies and Management Entities	15
E.3.d	Public Comment	15
E.3.e	Council Discussion of Issues Concerning the Fishery Impact Specifications for Sacramento Winter Run	15
E.4	Methodology Review Process and Preliminary Topic Selection for 2012 (4/2/2012; 2:35 p.m.)	15
E.4.a	Agenda Item Overview	15
E.4.b	Reports and Comments of Advisory Bodies and Management Entities	15
E.4.c	Public Comment	16
E.4.d	Council Guidance on Potential Methodologies to Review in 2012	16
E.5	Clarify Council Direction on 2012 Management Measures (4/3/2012 4:07 p.m.)	17

E.5.a	Agenda Item Overview	17
E.5.b	Reports and Comments of Advisory Bodies and Management Entities	17
E.5.c	Public Comment	17
E.5.d	Council Guidance and Direction	17
E.6	Southern Oregon- Northern California Coastal Coho (SONCC) Recovery Plan (4/5/12; 11:39 a.m.)	18
E.6.a	Agenda Item Overview	18
E.6.b	NMFS Report	18
E.6.c	Reports and Comments of Advisory Bodies and Management Entities (4/5/2012; 1:03 p.m.)	18
E.6.d	Public Comment	18
E.6.e	Council Action: Provide Comments on the Plan.....	18
E.7	Final Action on 2012 Management Measures (4/5/2012; 1:35 p.m.)	19
E.7.a	Agenda Item Overview	19
E.7.b	Reports and Comments of Advisory Bodies and Management Entities	19
E.7.c	Public Comment	19
E.7.d	Council Action: Adopt Final Management Measures for 2012 Ocean Salmon Fisheries...	19
F.	Pacific Halibut Management.....	20
F.1	Final Incidental Catch Recommendations for 2012 Salmon Troll and Fixed Gear Sablefish Fisheries (4/2/2012; 3:42 p.m.)	20
F.1.a	Agenda Item Overview	20
F.1.b	Reports and Comments of Advisory Body and Management Entities	21
F.1.c	Public Comment	21
F.1.d	Council Action: Adopt Final Incidental Catch Regulations for 2012.....	21
G.	Coastal Pelagic Species Management.....	22
G.1	National Marine Fisheries Service (NMFS) Report.....	22
G.2	Exempted Fishing Permit (EFP) for 2012 Northwest Aerial Sardine Survey (4/2/2012; 4:15 p.m.)	22
G.2.a	Agenda Item Overview	22
G.2.b	Reports and Comments of Advisory Bodies and Management Entities	22
G.2.c	Public Comment	22
G.2.d	Council Action: Adopt Final EFP Recommendations	22

H.	Administrative Matters.....	23
H.1	Coastal Marine Spatial Planning Update (4/3/2012; 8:07 a.m.).....	23
H.1.a	Agenda Item Overview	23
H.1.b	Reports and Comments of Advisory Bodies and Management Entities	23
H.1.c	Public Comment	23
H.1.d	Council Discussion	23
H.2	Legislative Matters (4/3/2012; 8:26 a.m.)	24
H.2.a	Agenda Item Overview	24
H.2.b	Report of the Legislative Committee.....	24
H.2.c	Reports and Comments of Advisory Bodies and Management Entities.	24
H.2.d	Public Comment	24
H.2.e	Council Action: Consider Legislative Committee Recommendations	24
H.3	Draft Memorandum of Understanding (MOU) for the Conservation of Migratory Birds (4/6/12; 10:40 a.m.)	25
H.3.a	Agenda Item Overview	25
H.3.b	Reports and Comments of Advisory Bodies and Management Entities	25
H.3.c	Public Comment	25
H.3.d	Council Action: Provide Comments on the MOU.....	26
H.4	Membership Appointments and Council Operating Procedures (4/6/12; 11:08 a.m.).....	26
H.4.a	Agenda Item Overview	26
H.4.b	Reports and Comments of Advisory Bodies and Management Entities	26
H.4.c	Public Comment	26
H.4.d	Council Action: Consider Changes to Council Operations and Procedures and Appointments to Advisory Bodies.....	26
H.5	Future Council Meeting Agenda and Workload Planning (4/6/12; 1:13 p.m.).....	28
H.5.a	Agenda Item Overview	28
H.5.b	Reports and Comments of Advisory Bodies and Management Entities	28
H.5.c	Public Comment	28
H.5.d	Council Discussion and Guidance on Future Meeting Agenda and Workload Planning	29
I.	Groundfish Management.....	30
I.1	National Marine Fisheries Service (NMFS) Report (4/3/2012; 8:55 a.m.).....	30
I.1.a	Agenda Item Overview	30

I.1.b	Regulatory Activities.....	30
I.1.c	Fisheries Science Center Activities	30
I.1.d	Reports and Comments of Advisory Bodies and Management Entities	30
I.1.e	Public Comment	30
I.1.f	Council Discussion	30
I.2	Implementation of the 2012 Pacific Whiting Fishery under the U.S. – Canada Pacific Whiting Agreement (4/3/2012; 9:14 a.m.).....	31
I.2.a	Agenda Item Overview	31
I.2.b	Joint Management Committee (JMC) Report	31
I.2.c	Reports and Comments of Advisory Bodies and Management Entities	32
I.2.d	Public Comment	32
I.2.e	Council Action: Consider any Necessary Action for Implementation of the 2012 Pacific Whiting Fishery.....	32
I.3	Tentative Adoption of 2013-2014 Biennial Harvest Specifications and Management Measures (4/3/2012; 10:16 a.m.).....	32
I.3.a	Agenda Item Overview	32
I.3.b	Reports and Comments of Advisory Bodies and Management Entities	33
I.3.c	Public Comment (4/3/2012; 4:34 p.m.)	34
I.3.d	Council Action: Adopt Tentative Preferred Annual Catch Limits and Preliminary Preferred Management Measures and Allocations (4/4/2012; 9:30 a.m.)	34
I.4	Trawl Rationalization Trailing Actions (4/4/2012; 1:21 p.m.).....	41
I.4.a	Agenda Item Overview	41
I.4.b	Report on Electronic Monitoring.....	41
I.4.c	Reports and Comments of Advisory Bodies and Management Entities	41
I.4.d	Public Comment	41
I.4.e	Council Action: Adopt Final Preferred Alternatives as needed and Provide Guidance on other Trailing Actions. (4/4/2012; 3:50 p.m.).....	42
I.5	Reconsideration of Initial Individual Fishery Quotas in the Mothership and Shoreside Pacific Whiting Trawl Fisheries. (4/5/2012; 8:07 a.m.)	45
I.5.a	Agenda Item Overview	45
I.5.b	Reports and Comments of Advisory Bodies and Management Entities	45
I.5.c	Public Comment	45

1.5.d	Council Action: Consider Preliminary Alternatives Responsive to Litigation Requiring Reconsideration of the Allocation of Catch Shares for the Shoreside and Mothership Whiting Fisheries (4/5/2012; 9:47 a.m.)	45
1.6	Groundfish Essential Fish Habitat Review (EFHR) (4/5/12; 2:19 p.m.)	51
1.6.a	Agenda Item Overview	51
1.6.b	EFHR Committee Report.....	51
1.6.c	Reports and Comments of Advisory Bodies and Management Entities	52
1.6.d	Public Comment	52
1.6.e	Council Action: Consider Request for Proposals and Clarify Other Process Issues (4/4/2012; 3:45 p.m.)	52
1.7	Consideration of Inseason Adjustments (4/5/2012; 4:45 p.m.)	54
1.7.a	Agenda Item Overview	54
1.7.b	Reports and Comments of Advisory Bodies and Management Entities	54
1.7.c	Public Comment	55
1.7.d	Council Action: Adopt Recommendations for Adjustments to 2012 Groundfish Fisheries, including the Carry Over issue.....	55
1.8	Adoption of 2013-2014 Biennial Harvest Specifications and Management Measures (4/6/2012; 8:06a.m.)	57
1.8.a	Agenda Item Overview	57
1.8.b	Reports and Comments of Advisory Bodies and Management Entities	57
1.8.c	Public Comment	58
1.8.d	Council Action: Adopt Preferred Harvest Specifications and Preliminary Preferred Management Measures and Allocations (4/6/2012; 9:01 a.m.)	58
ADJOURN	62

A. Call to Order (April 1, 2012)

A.1 Opening Remarks

Mr. Dan Wolford, Chairman, called the 213th meeting of the Pacific Fishery Management Council (Council) to order at 2:04 p.m. on Sunday, April 1, 2012. He said there would be a closed session held after Agenda Item E.1 that day to discuss litigation and personnel matters.

A.2 Roll Call

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

Mr. Phil Anderson (Washington State Official)
Mr. William L. "Buzz" Brizendine (At-Large)
Mr. David Crabbe (California Obligatory)
Mr. Jeff Feldner (At-Large)
Mr. Mark Helvey (National Marine Fisheries Service, Southwest Region, designee)
Ms. Gway Kirchner, (Oregon State Official, designee)
Mr. Rich Lincoln (Washington Obligatory)
Ms. Dorothy Lowman, Vice Chair (Oregon Obligatory)
Mr. Dale Myer (At-Large)
Mr. David Ortmann (Idaho State Official, designee)
Mr. Herb Pollard (Idaho Obligatory)
Mr. Tim Roth (U.S. Fish and Wildlife Service, nonvoting designee)
Mr. David Sones (Tribal Obligatory)
RADM Keith Taylor (U.S. Coast Guard, nonvoting)
Mr. Gordon Williams (Alaska State Official, nonvoting designee)
Mr. Dan Wolford, Chair (At-Large)
Ms. Marci Yaremko (California State Official, designee)

During the week the following people were present in their designated seats for portions of the meeting: LCDR Brian Chambers (U.S. Coast Guard, nonvoting, designee); Mr. Brian Corrigan (U.S. Coast Guard, nonvoting designee); Ms. Michele Culver (Washington State Official, designee); Mr. Cal Groen (Idaho State Official, designee); Dr. Dave Hanson, Parliamentarian (Pacific States Marine Fisheries Commission, nonvoting designee) was absent on April 1 and part of April 2; Ms. Sara LaBorde (Washington State Official, designee); Mr. Frank Lockhart (National Marine Fisheries Service (NMFS), Northwest Region, designee); Mr. Bob Turner (NMFS, Northwest Region, designee), Ms. Marija Vojkovich (California State Official, designee).

The following Council member was absent for the entire meeting: Mr. David Hogan, U.S. State Department, nonvoting.

A.3 Executive Director's Report

Dr. Donald McIsaac reported that the FY 2012 Council funding has not been completely allocated yet; the observer data workshop scheduled for Wednesday evening has been cancelled;

the Electronic Monitoring session is still being held on Tuesday evening; the integrated ecosystem assessment meeting will be held on Wednesday evening; the Chair's Reception will be held tonight in the Cirrus Room at 6 p.m.; and the complex motions worksheet has been distributed to Council members.

A.4 Agenda

A.4. a. Council Action: Approve Agenda

Mr. Ortmann moved and Mr. Pollard seconded (Motion 1) that the agenda be approved as presented in Agenda Item A.4.a with the change that agenda item G.1 be cancelled, as suggested by the Executive Director. Motion carried unanimously.

B. Open Comment

B.1 Comments on Non-Agenda Items (4/1/2012; 2:14 p.m.)

B.1.a Advisory Body and Management Entity Comments

None.

B.1.b Public Comment

Agenda Item B.1.b, Supplemental Open Comment: Comments on CROOS Program.

No public presented oral comments at the meeting.

B.1.c Council Discussion and Comments as Appropriate

None.

C. Habitat

C.1 Current Habitat Issues (4/1/2012; 2:15 p.m.)

C.1.a Agenda Item Overview

Ms. Jennifer Gilden provided the Agenda Item Overview which references the following items:

Agenda Item C.1.a, Attachment 1: Letter on Levee Vegetation.

Agenda Item C.1.a, REVISED Attachment 2: Letter on Klamath Water.

Agenda Item C.1.a, Attachment 3: Letter from Humboldt County on Klamath Water.

C.1.b Report of the Habitat Committee

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

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

Mr. Mike Orcutt presented Agenda Item C.1.c, Supplemental SAS Report.

Mr. Dave Hillemeier presented information regarding the Yurok Tribe, and Mr. Mike Orcutt presented information regarding the Hoopa Tribe.

C.1.d Public Comment

Jason Griffith, Stillaguamish Tribe of Indians, Arlington, Washington.

C.1.e Council Action: Consider Habitat Committee Recommendations (4/1/2012; 3:02 p.m.)

Mr. Ortmann said the levee vegetation letter (Agenda Item C.1.a, Attachment 1) should be sent. The Council concurred.

Regarding the Klamath water letter, Mr. Wolford discussed the reference to 50,000 acre feet of water, and whether that water would put more stress on Sacramento River salmon. He suggested supporting the 50,000 acre feet reference, but qualified it to say that the salmon runs on both the Sacramento and Klamath river systems needed water.

Ms. Yaremko supported the edits to the letter but was not comfortable specifying the mechanism to ensure that flows are maintained.

Mr. Sones said the fish need advocates; the counties and tribes need to work together to support the fish. He supported including the language about the 50,000 acre feet.

Mr. Wolford said this is a difficult year for Klamath fish; he supported including the 50,000 acre feet language.

Mr. Wolford moved and Mr. Sones seconded (Motion 2) that the Council forward the letter as shown in Agenda Item C.1.a, REVISED Attachment 2: Letter on Klamath Water to Ken Salazar, including the strikeouts and revisions, with the following correction:

Therefore, in the event flow augmentation is deemed necessary to maintain the quality of salmon EFH and minimize the likelihood of another fish kill, we recommend you pursue all necessary measures to ensure additional water will be available for release from the Trinity and/or Upper Klamath basins, *including among other things the use of the Humboldt County request for 50,000 acre feet of water from the Trinity Division.*

[Council was on break from 3:17 to 3:29 p.m.]

Mr. Wolford spoke in support of his motion, saying this was needed to reduce the likelihood of a fish kill. Mr. Roth also spoke in support of the motion; the language was artfully done and doesn't limit the Bureau of Reclamation's actions, but gives direction. Mr. Crabbe agreed.

Ms. Yaremko moved and Mr. Brizendine seconded to amend the motion (Amendment 1) by making the following edits after the word "ensure": add "an adequate amount of" and strike the italicized wording in the motion.

Ms. Yaremko spoke to her motion, saying the reference to the 50,000 acre feet would raise concerns and could limit the amount of water allocated; spelling out a number isn't necessary and could distract from the main focus of the letter, which is to prevent a fish kill.

Amendment 1 – carried (Mr. Sones, Mr. Lincoln, Mr. Ortmann, Mr. Feldner and Mr. Wolford voted no).

Mr. Ortmann spoke about the importance of including the reference to the 50,000 acre feet in the letter to make it consistent with tribal and Humboldt County concerns.

Mr. Feldner moved and Mr. Ortmann seconded (Amendment 2) to replace the italicized text with “including but not limited to the Humboldt County request for 50,000 acre feet from the Trinity Division.”

Mr. Feldner, Mr. Crabbe and Mr. Wolford discussed this amendment.

Amendment 2 failed on a voice vote.

Ms. Kirchner said she understood the desire to support Humboldt County's request, and moved (Amendment 3), seconded by Ms. LaBorde, that at the end of this section, before the forecasted run size paragraph, add the following:

The Council received the letter from Humboldt County to the Department of the Interior dated March 13, 2012 requesting the release of 50,000 feet of water; we recommend consideration of this request.

Mr. Brizendine was opposed to citing a specific number. Ms. Kirchner said this number was requested by the County, but it could still be stricken.

Amendment 3 failed (Mr. Brizendine, Ms. Yaremko, Mr. Crabbe, Mr. Ortmann, Mr. Pollard, Mr. Wolford and Mr. Lincoln voted no).

Motion 2, as amended by Amendment 1 (with minor edits, and removing the italicized reference to the 50,000 acre feet of water) – carried unanimously.

Closed Executive Session

[Council was in closed session from 4 p.m. to 4:47 p.m.]

[Council reconvened 4/2/2012 at 8:02 a.m.]

D. Enforcement Issues

D.1 Current Enforcement Issues (4/2/2012; 8:02 a.m.)

D.1.a Agenda Item Overview

Mr. Jim Seger provided the Agenda Item Overview

D.1.b U.S. Coast Guard Annual West Coast Fishing Enforcement Report

RADM Keith Taylor introduced RADM Joseph Castillo (District 11 Commander), LCDR Brian Corrigan, Mr. Dan Hardin, Mr. Brian Chambers, and LCDR Elisa Garrity, as representatives of the U.S. Coast Guard.

LCDR Brian Corrigan and Mr. Dan Harding presented Agenda Item D.1.b, Supplemental USCG Report, and Agenda Item D.1.b, Supplemental USCG Report 2.

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

None.

D.1.d Public Comment

None.

D.1.e Council Discussion

Council Members expressed appreciation for the work of the U.S. Coast Guard.

[Council was on break from 9:03 to 9:18 a.m.]

E. Salmon Management

E.1 National Marine Fisheries Service (NMFS) Report (4/2/2012; 9:18 a.m.)

E.1.a Agenda Item Overview

Mr. Chuck Tracy presented the Agenda Item Overview.

E.1.b Regulatory Activities

Mr. Bob Turner presented Agenda Item E.1.b, Supplemental NMFS Report: NOAA Fisheries / Fisheries and Oceans Canada Workshops to examine the Effects of Salmon Fisheries on Southern Resident Killer Whales, and Agenda Item E.1.b, Supplemental NMFS Report 2: Letter to Chair Wolford Regarding Printed Salmon Regulation Booklets.

Mr. Turner also reported that NMFS has determined listing the upper Klamath Basin Chinook Evolutionarily Significant Unit was not warranted.

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

None.

E.1.d Public Comment

None.

E.1.e Council Discussion

None.

E.2 Tentative Adoption of 2012 Ocean Salmon Management Measures for Analysis (4/2/2012; 9:22 a.m.)

E.2.a Agenda Item Overview

Mr. Chuck Tracy presented the Agenda Item Overview and referenced the following documents:

Agenda Item E.2.a, Attachment 1: Emergency Changes to the Salmon FMP.

Agenda Item E.2.a, Attachment 2: FR 97-22094: Policy Guidelines for the Use of Emergency Rules.

Agenda Item E.2.a, Attachment 3: Salmon Technical Team Proposed Rebuilding Plan for Sacramento River Fall Chinook.

E.2.b Update of Estimated Impacts of March 2012 Alternatives

Dr. Robert Kope summarized Preseason II: Proposed Alternatives and Environmental Assessment – Part 2 for 2012 Ocean Salmon Fishery Regulations, with the following updates:

- Table 5 page 48, Columbia Lower River Natural Tule exploitation rates were below the 41.0 percent limit for all three Alternatives as a result of Pacific Salmon Commission (PSC) action setting aggregate abundance based management quotas for Canadian and Alaskan fisheries.
- Table 5 page 49, Interior Fraser coho impacts were reduced from 12.0 percent to 11.3 percent in Alternative I, and from 11.3 percent to 10.6 percent in Alternative II as a result of ongoing negotiations in the North of Falcon process.

E.2.c Summary of Public Hearings

Council members provided a summary of the public hearings as follows:

Mr. Dale Myer presented Agenda Item E.2.c, Supplemental Public Hearing Report 1: Westport, Washington.

Mr. Jeff Feldner presented Agenda Item E.2.c, Supplemental Public Hearing Report 2: Coos Bay, Oregon.

Mr. David Crabbe presented Agenda Item E.2.c, Supplemental Public Hearing Report 3: Eureka, California.

E.2.d Recommendations of the U.S. Section of the Pacific Salmon Commission

Mr. Gordy Williams presented Agenda Item E.2.d, Supplemental PSC Report.

E.2.e Recommendations from the North of Cape Falcon Forum

Mr. Phil Anderson reported the North of Cape Falcon process was making progress but was not ready to advance any recommendations. Outstanding issues include compliance with

conservation objectives for Nisqually, Skagit, and Mid-Hood Canal Chinook and Interior Fraser coho.

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

Messrs. Herbert Jackson, Bruce Jim, Wilbur Slockish, Jr., and Chris Williams, representing the Columbia River Treaty Tribes, presented Agenda Item E.2.f, Supplemental Tribal Report. Mr. Mike Orcutt presented Agenda Item E.2.f, Supplemental Comments of Hoopa Valley Tribe. Messrs. Butch Smith, Jim Olson, Gerry Reinholdt, Duncan MacLean, Steve Watrous, Mike Sorenson, Richard Heap, and Craig Stone presented Agenda Item E.2.f, Supplemental SAS Report: Proposed 2012 Ocean Salmon Management Measures for Tentative Adoption.

E.2.g Public Comment (4/2/2012; 10:43 a.m.)

Mr. Joel Kawahara, Salmon Troller, Quilcene, Washington.
Mr. Steve Wilson, Salmon Troller, Federal Way, Washington.
Mr. Duncan MacLean, Salmon Troller, El Granada, California.
Mr. Ben Doane, Sport Fisherman, Eureka, California.
Agenda Item E.2.g, Public Comment.
Agenda Item E.2.g, Supplemental Public Comment 2.

[Council suspended this item until afternoon and took a ten minute break at 11:02 a.m. and reconvened with E.3 at 11:26 a.m.]

E.2.h Council Action: Adopt Tentative 2012 Ocean Salmon Management Measures for Analysis (4/2/2012; 2:02 p.m.)

Mr. Anderson moved (Motion 3) the Council adopt for preliminary analysis by the Salmon Technical Team (STT), the management measures for non-Indian commercial and recreational fisheries north of Cape Falcon in Agenda Item E.2.f, Supplemental SAS Report, with changes reflected in Agenda Item E.5.b, Supplemental STT Report, and to model inside fisheries as follows: in area 5 (Strait of Juan de Fuca) the second half of October (October 16-31) would be closed; in area 6 (Port Angeles) change the coho fishery from September 16-13 to a mark-selective fishery for coho; in Area 7 (San Juan Islands) change the October coho fishery from a non-mark-selective to a mark-selective fishery, and; in Hales Pass institute the same closure for the commercial that fishery was in place in 2011. Mr. Myer seconded the motion.

Mr. Anderson stated the changes in the coho quota and inside fisheries were made in an effort to reach the conservation objectives for Interior Fraser coho and Puget Sound Chinook stocks.

Motion 3 carried unanimously.

Mr. Sones moved (Motion 4) that the Council adopt for preliminary analysis by the STT, the management measures for Treaty Indian ocean fisheries north of Cape Falcon in Agenda Item E.2.h, Supplemental Tribal Motion. Mr. Anderson seconded the motion.

Mr. Sones stated the coho quota was intended to make progress toward reaching the conservation objective for Interior Fraser coho, and Columbia River and Puget Sound Chinook stocks.

Motion 4 carried unanimously.

Ms. Kirchner moved (Motion 5) that the Council adopt for preliminary analysis by the STT, the management measures for non-Indian commercial and recreational fisheries between Cape Falcon and the Oregon/California border in Agenda Item E.2.f, Supplemental SAS Report, with changes reflected in Agenda Item E.5.b, Supplemental STT Report. Mr. Feldner seconded the motion.

Motion 5 carried unanimously.

Ms. Vojkovich moved (Motion 6) that the Council adopt for preliminary analysis by the STT, the management measures for non-Indian commercial and recreational fisheries south of the Oregon/California border in Agenda Item E.2.f, Supplemental SAS Report with changes reflected in Agenda Item E.5.b, Supplemental STT Report. Mr. Brizendine seconded the motion.

Motion 6 carried unanimously.

Ms. Vojkovich directed the Enforcement Consultants (EC) to consider boilerplate language relative to the genetic stock identification (GSI) sampling during closed time periods.

[This agenda item concluded at 2:35 p.m.]

E.3 Sacramento Winter Run Chinook Impact Specifications (4/2/2012; 11:27 a.m.)

E.3.a Agenda Item Overview

Mr. Chuck Tracy presented the Agenda Item Overview.

E.3.b NMFS Report

Mr. Rod McInnis reported that the Biological Opinion relating to water management in the Central Valley required a change in management when a trigger of two percent of the forecasted run was observed at the pump site; the two percent was not a limit on impacts, and actual impacts are greater than two percent of the forecasted run.

Mr. McInnis reported that the Sacramento River Winter Chinook (SRWC) Endangered Species Act (ESA) consultation standard control rule requiring zero fishery-related impacts at low abundance levels was a unique requirement among fishery and nonfishery-related consultation standards for other ESA-listed salmon stocks. That requirement was intended to avoid exacerbating a serious population status. The water management consultation standard allowed low levels of pumping (1,500 cubic feet per second) to address health and welfare issues.

Mr. McInnis reported that the threshold of a 3-year geometric mean spawning escapement of 500 SRWC was based on Lindley et al. 2007, which was based on the technical recovery team literature review and, in particular, Allendorf et al. 1997.

Dr. McIsaac asked what the range of pumping was. Mr. McInnis replied that the upper end of the pumping capacity was 15,000 cubic feet per second, and 1,500 represented the lower end to supply domestic use for health and welfare issues.

Dr. McIsaac asked if there were plans to consider revising the 500 spawner threshold, including use of a population viability models. Mr. McInnis replied not until new information was available.

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

None.

E.3.d Public Comment

Duncan MacLean, Salmon Troll Fisherman, Half Moon Bay.
Ben Platt, PCFFA, Fort Bragg, California.

E.3.e Council Discussion of Issues Concerning the Fishery Impact Specifications for Sacramento Winter Run

Ms. Vojkovich asked what process the Council could use to provide new information to NMFS that might be used to reinitiate consultation. Mr. McInnis replied the salmon methodology process would probably be appropriate.

Mr. Wolford stated that Council area fisheries do not target Sacramento Winter Chinook any more than water management, and to uniquely single out Council fisheries to be reduced to zero was not justified.

[Council was on break from 12:21 p.m. until 2:02 pm]

E.4 Methodology Review Process and Preliminary Topic Selection for 2012 (4/2/2012; 2:35 p.m.)

E.4.a Agenda Item Overview

Mr. Chuck Tracy presented the Agenda Item Overview.

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

Dr. Robert Kope presented Agenda Item E.4.b, Supplemental STT Report.
Mr. Larry LaVoy presented Agenda Item E.4.b, Supplemental MEW Report.
Mr. Duncan MacLean presented Agenda Item E.4.b, Supplemental SAS Report.
Dr. Owen Hamel presented Agenda Item E.4.b, Supplemental SSC Report.
Mr. David Sones presented Agenda Item E.4.b, Supplemental Tribal Comments.

Mr. Wolford asked Dr. Kope if the modified Sacramento Index forecast would include age-structured data. Dr. Kope replied there was probably not sufficient information for an age-

structured analysis yet, but the proposal would be to look at alternatives in light of the recent bias in the forecast.

Ms. Vojkovich asked if the California Coastal Chinook abundance-based management approach was going to be investigated by NMFS scientists in the STT. Mr. Tracy replied the NMFS Southwest Region volunteered to lead the initial investigation of feasibility. She asked Dr. Hamel if the list of methodology topics were in priority order. Dr. Hamel replied generally yes.

In response to the tribal comments concerning the mark selective fishery (E.4.b), Dr. Kope replied that the coho release rates were fairly stable in the charter fleet at around two percent, while the private fleet was more variable at around seven percent. The annual rate of six percent is a conservative value, but the STT will review those rates under topic 3 of the Agenda Item E.4.b, supplemental STT Report.

E.4.c Public Comment

Ben Platt, PCFFA, Fort Bragg, California.

Duncan MacLean, PCFFA, El Granada, California.

Agenda Item E.4.b, Supplemental Public Comment: Letter from Pacific Coast Federation of Fishermen's Association.

E.4.d Council Guidance on Potential Methodologies to Review in 2012

Mr. Wolford moved (Motion 7) that the Council adopt the Salmon Methodology Review process topics for 2012 as presented in Agenda Item E.4.b, Supplemental SSC Report, to add a topic for evaluating a *de minimis* fishery impact allowance for SRWC with the lead agency being NMFS, and to identify this topic as a priority item. Mr. Crabbe seconded the motion.

Mr. Anderson asked if the SRWC topic would be at the same priority as topics 1-3 from the Scientific and Statistical Committee (SSC) Report. Mr. Wolford replied yes.

Mr. Anderson expressed concern that the Council assigning another agency a workload project would exceed the Council's authority. Mr. Wolford agreed, but stated that NMFS suggested this topic would be appropriate for the methodology review process.

Mr. Turner stated that because NMFS must also conduct the ESA consultation, it may be awkward to have NMFS both defend and evaluate such a proposal, and therefore would not be able to support the motion.

Mr. Turner suggested the Council could take an approach similar to that for the lower Columbia River natural tule consultation standard.

[Council was on break 3:26 p.m. to 3:38 p.m.]

Mr. Turner moved to amend Motion 7 (Amendment1) to replace the topic of evaluating a *de minimis* fishery impact allowance for SRWC with a topic to develop recommendations on management methodologies for SRWC that better achieve Council's objective, particularly at low abundance, as a task for the STT. Ms. Vojkovich seconded the motion.

Amendment 1 carried unanimously. Motion 7 carried unanimously.

[Agenda item concluded at 3:42 p.m.]

E.5 Clarify Council Direction on 2012 Management Measures (4/3/2012 4:07 p.m.)

E.5.a Agenda Item Overview

Mr. Chuck Tracy presented the Agenda Item Overview.

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

Dr. Robert Kope presented Agenda Item E.5.b, Supplemental STT Report: Preliminary Analysis of Tentative 2012 Ocean Salmon Fishery Management Measures.

E.5.c Public Comment

None.

[Council suspended this agenda item until 4:35 p.m. in the afternoon on 4/4/2012]

E.5.d Council Guidance and Direction

Mr. Anderson directed the STT to analyze the management measures for non-Indian commercial and recreational fisheries north of Cape Falcon in Agenda Item E.5.b, Supplemental STT Report, with changes reflected in Agenda Item E.7.b, Supplemental STT Report.

Mr. Sones directed the STT to analyze the management measures for Treaty Indian ocean commercial fisheries north of Cape Falcon in Agenda Item E.5.b, Supplemental STT Report, with changes reflected in Agenda Item E.7.b, Supplemental STT Report.

Ms. Kirchner directed the STT to analyze the management measures for non-Indian commercial and recreational fisheries between Cape Falcon and the Oregon/California border in Agenda Item E.5.b, Supplemental STT Report, with changes reflected in Agenda Item E.7.b, Supplemental STT Report.

Ms. Vojkovich directed the STT analyze the management measures for non-Indian commercial and recreational fisheries south of the Oregon/California border in Agenda Item E.5.b, Supplemental STT Report, with changes reflected in Agenda Item E.7.b, Supplemental STT Report.

[Council concluded this agenda item at 4:50 p.m. and resumed with I.5 at 8:00 a.m. on 4/5/2012]

**E.6 Southern Oregon- Northern California Coastal Coho (SONCC) Recovery Plan
(4/5/12; 11:39 a.m.)**

E.6.a Agenda Item Overview

Mr. Chuck Tracy presented the Agenda Item Overview and introduced the following Documents for consideration under this agenda item:

Agenda Item E.6.a, Attachment 1: Southern Oregon Northern California Coast Coho Salmon Recovery Plan Summary - Keys to Understanding.

Agenda Item E.6.a, Attachment 2: Council Staff Comments on the Public Review Draft SONCC Coho Recovery Plan.

E.6.b NMFS Report

Ms. Julie Weeder presented Agenda Item E.6.b, Supplemental NMFS PowerPoint.

[Council break from 11:56 a.m. to 1:03 p.m.]

**E.6.c Reports and Comments of Advisory Bodies and Management Entities (4/5/2012;
1:03 p.m.)**

Mr. Joel Kawahara presented Agenda Item E.6.c, HC Report: Draft Letter to NMFS Recovery Coordinator Julie Weeder, and Agenda Item E.6.c, Supplemental HC Report 2.

Mr. Richard Heap presented Agenda Item E.6.c, Supplemental SAS Report.

E.6.d Public Comment

Ben Doane, Humboldt Area Saltwater Anglers/KMZFC, McKinleyville, California

E.6.e Council Action: Provide Comments on the Plan

Mr. Feldner recommended the Council direct the Salmon Advisory Subpanel (SAS) and Habitat Committee (HC) to draft a letter from the Council to NMFS relating comments from Council staff, the HC and SAS. Mr. Tracy replied the Council could direct staff to complete the task because there is no scheduled meeting of the HC and SAS prior to the comment deadline.

Mr. Turner suggested the Council just forward the Council staff, HC, and SAS reports to NMFS.

Mr. Wolford noted the proposed recovery plan actions were voluntary, but that if a new harvest consultation standard was developed, it would not be voluntary, and asked how a new consultation standard would affect fisheries. Mr. Turner replied that would depend on the new information available, and noted that a recovery standard was different than a jeopardy standard.

Mr. Tracy asked if there were other examples of viable salmonid population-based consultation standards for harvest. Mr. Turner replied yes, including Puget Sound Chinook recovery exploitation rate standards were based on existing habitat productivity estimates.

Ms. Lowman recommended Council staff forward comments from the Council Staff, the HC, and SAS to NMFS. The Council concurred.

[Council concluded this agenda item at 1:35 p.m.]

E.7 Final Action on 2012 Management Measures (4/5/2012; 1:35 p.m.)

E.7.a Agenda Item Overview

Mr. Chuck Tracy provided the Agenda Item Overview

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

Dr. Robert Kope presented Agenda Item E.7.b, Supplemental STT Report: STT Analysis of Tentative 2012 Ocean Salmon Fishery Management Measures.

Mr. Sones referred the Council to Agenda Item E.7.b, Supplemental Tribal Report 2: Comments of the Hoopa Valley Tribe.

Mr. Stuart Ellis presented Agenda Item E.7.b, Supplemental Tribal Report: Statement of the Columbia River Treaty Tribes.

E.7.c Public Comment

None.

E.7.d Council Action: Adopt Final Management Measures for 2012 Ocean Salmon Fisheries

Mr. Sones moved and Mr. Anderson seconded (Motion 26) that for the 2012 salmon fishery in the area from the U.S./Canada border to Cape Falcon, Oregon, the following management structure be adopted by the Council for the Treaty Indian ocean salmon troll fisheries:

The Treaty Indian ocean troll fishery would have a quota of:

- ❖ 55,000 Chinook and
- ❖ 47,500 coho.

The overall Chinook quota would be divided into a 27,500-Chinook sub-quota for the May 1 through June 30 Chinook only fishery and a 27,500-Chinook sub-quota for the all species fishery in the time period of July 1 through September 15.

The Treaty troll fishery would close upon the projected attainment of either of the Chinook or coho quota.

Any remainder of Chinook from the May/June Chinook only fishery may be transferred on an impact neutral basis to the July-September all species fishery.

Other applicable regulations are shown in Table 3 of STT Report Analysis of Tentative 2012 Ocean Salmon Fishery Management Measures – Agenda Item E.7.b.

Motion 26 carried unanimously.

Mr. Anderson moved (Motion 27) that the Council adopt the management measures and quotas for the commercial and recreational non-Indian fisheries north of Cape Falcon for submission to

the Secretary of Commerce as shown in Agenda Item E.7.b, Supplemental STT Report. Ms. Kirchner seconded the motion.

Motion 27 carried unanimously.

Ms. Kirchner moved (Motion 28) that the Council adopt the management measures and quotas for the commercial and recreational non-Indian fisheries between Cape Falcon and the Oregon/California border as shown in Agenda Item E.7.b, Supplemental STT Report, including the commercial and recreational requirements, definitions, restrictions, or exceptions. Mr. Feldner seconded the motion.

Motion 28 carried unanimously.

Ms. Vojkovich moved (Motion 29) that the Council adopt the management measures and quotas for the commercial and recreational non-Indian fisheries south of the Oregon/California border as shown in Agenda Item E.7.b, Supplemental STT Report, including the commercial and recreational requirements, definitions, restrictions, or exceptions. Mr. Crabbe seconded the motion.

Motion 29 carried unanimously.

Ms. Vojkovich moved (Motion 30) that the Council adopt the current Fishery Management Plan (FMP) control rule and the default FMP rebuilt criteria as the rebuilding plan for Sacramento River fall Chinook, with an expected rebuilding time of one year, as contained in Agenda Item E.2.a, Attachment 3. This results in an expected rebuilding time of one year. Mr. Crabbe seconded the motion.

Ms. Vojkovich noted that the control rule manages SRFC for an exploitation rate not to exceed 70 percent while providing at least 122,000 natural and hatchery adult spawners, and defines allowable levels of *de minimis* mortality when spawning escapement is projected to be below 122,000 spawners. The rebuilt criterion is based on S_{MSY} and uses a 3-year geometric mean of 122,000. Managing for these constraints in 2012 results in a projected rebuilt status in one year, the shortest time possible.

Motion 30 carried unanimously.

[Council concluded this agenda item at 2:08 p.m. and went on break].

F. Pacific Halibut Management

F.1 Final Incidental Catch Recommendations for 2012 Salmon Troll and Fixed Gear Sablefish Fisheries (4/2/2012; 3:42 p.m.)

F.1.a Agenda Item Overview

Mr. Chuck Tracy presented the Agenda Item Overview

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

Mr. Gerry Reinholdt presented Agenda Item F.1.b, Supplemental SAS Report and Agenda Item F.1.b, Supplemental SAS Report 2.

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

Ms. Kirchner asked if the SAS discussed the language in the Catch Share Plan regarding prioritizing incidental catch for the May-June salmon troll fishery. Mr. Reinholdt replied yes, and noted that in the past, remaining allocation to the salmon troll fishery after the May-June fishery could be transferred to the directed commercial halibut fishery.

Ms. Yaremko asked if the SAS considered access of halibut by fisheries with openings later than May 1. Mr. Reinholdt replied yes, that reducing the halibut trip limit would allow more access for such fisheries.

F.1.c Public Comment

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

F.1.d Council Action: Adopt Final Incidental Catch Regulations for 2012.

Mr. Anderson moved (Motion 8) that the Council adopt option 2 in Agenda Item F.1, Situation Summary, as final incidental landing restriction recommendations for 2012 Salmon troll fisheries: beginning May 1, license holders may possess or land no more than one halibut per each four Chinook, except one halibut may be possessed or landed without meeting the 1:4 ratio requirement, and no more than 20 halibut may be possessed or landed per trip. Halibut retained must be no less than 32 inches in total length (with head on). Mr. Lincoln seconded the motion.

Motion 8 carried unanimously.

Mr. Anderson moved (Motion 9) that the Council adopt option 2 From Agenda Item F.1, Situation Summary, as final recommendations for 2012 landing limits on halibut harvest in the fixed gear primary sablefish fishery north of Point Chehalis: beginning May 1, restrict incidental halibut possession and landings to 50 pounds dressed weight) of halibut for every 1,000 pounds (dressed weight) of sablefish landed and up to two additional halibut may be possessed or landed in excess of the 50 pounds per 1,000 pound ratio per landing. Mr. Lincoln seconded the motion.

Motion 9 carried unanimously.

Ms. Kirchner recommended the SAS consider alternatives to the Catch Sharing Plan (CSP) language regarding the priorities for setting landing restrictions in the salmon troll fishery when the opportunity arises in September, 2012. Mr. Wolford recommended it be included in the five-meeting planner under Agenda Item H.5.

Mr. Anderson recommended a coordinated response to the letters received by the State Agency Directors from the International Pacific Halibut Commission (IPHC) (Supplemental Informational Report 3) indicating that a data gathering program for recreational halibut discard was unnecessary for Area 2A. Ms. Kirchner and Ms. Yaremko concurred.

[This agenda item concluded at 4:13 p.m. on 4/2/2012]

G. Coastal Pelagic Species Management

G.1 National Marine Fisheries Service (NMFS) Report

Cancelled.

G.2 Exempted Fishing Permit (EFP) for 2012 Northwest Aerial Sardine Survey (4/2/2012; 4:15 p.m.)

G.2.a Agenda Item Overview

Mr. Kerry Griffin provided the Agenda Item Overview and introduced Agenda Item G.2.a, Attachment 1: West Coast Aerial Sardine Survey 2012 Application for Exempted Fishing Permit, revised. He noted that at the March, 2012 meeting, the Council expressed interest in possibly streamlining the CPS EFP process and suggested that the CPSMT look into that issue.

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

Dr. Bob Emmett presented Agenda Item G.2.b, Supplemental CPSMT Report.
Mr. Mike Okoniewski presented Agenda Item G.2.b, Supplemental CPSAS Report.
Dr. Owen Hamel presented Agenda Item G.2.b, Supplemental SSC Report.

G.2.c Public Comment

None.

G.2.d Council Action: Adopt Final EFP Recommendations

The Council discussed the possibility that a relatively high second period harvest allocation could mean that vessels won't be available for EFP research. Mr. Okoniewski expressed optimism that the Northwest Sardine Survey would be able to arrange for fishing vessels to be able to participate in EFP research.

The Council also asked whether Oregon and Washington state permits would be required to land fish in those states. State representatives replied that yes, individual state permits are required to land fish in each state.

Ms. Yaremko moved and Mr. Crabbe seconded (Motion 10) to have NMFS recommend approval of the Exempted Fishing Permit as shown in Agenda Item G.2.a, Attachment 1.

Motion 10 carried unanimously.

Mr. Wolford raised the question of streamlining the EFP process, and Mr. Griffin suggested that the CPSAS and CPSMT could take up the issue at the June Council meeting and report back to the Council then.

[Council concluded this agenda item at 4/2/2012 4:34 p.m.]

[Council reconvened at 4/3/2012 8:04 a.m.]

H. Administrative Matters

H.1 Coastal Marine Spatial Planning Update (4/3/2012; 8:07 a.m.)

H.1.a Agenda Item Overview

Mr. Kerry Griffin provided the Agenda Item Overview and presented the following materials:

Agenda Item H.1.a, Attachment 1: Draft National Ocean Policy Implementation Plan.

Agenda Item H.1.a, Attachment 2: Draft National Ocean Policy Implementation Plan Power Point Briefing to the Council Coordination Committee.

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

Dr. John Stein presented Agenda Item H.1.a, Supplemental Attachment 3: National Ocean Policy Update. He said that invitation letters and guidance are being sent to state governors to stimulate the development of regional planning bodies, and that the National Ocean Council values the expertise of regional fishery management councils relative to coastal and marine spatial planning.

H.1.c Public Comment

None.

H.1.d Council Discussion

Mr. Helvey noted that the West Coast Governors Alliance has experienced some turnover and retirements, but that he expected the Alliance to work towards getting points of contact for states, tribes, and councils, to initiate discussions of regional planning body membership.

The Council discussed what qualifies as a “government official” who would then be eligible for membership on the regional planning body. Dr. Stein said that he would have to clarify whether local government employees would qualify.

Ms. Culver asked Dr. McIsaac what would be the Council’s process to determine this. Dr. McIsaac said that the approach would be up to the Council, and a Council Operating Procedure (COP) could be developed within the 1-12 month window.

Mr. Griffin noted that the Council Coordination Committee (CCC) PowerPoint presentation indicates that Federal, State, Tribal, and local government officials who are voting members of regional fishery management councils would be eligible for membership in regional planning bodies.

H.2 Legislative Matters (4/3/2012; 8:26 a.m.)

H.2.a Agenda Item Overview

Mr. Mike Burner presented the Agenda Item Overview and introduced the following documents for this agenda item:

Agenda Item H.2.a, Attachment 1: April 2012 Staff Summary of Federal Legislation in the 112th Congress.

Agenda Item H.2.a, Attachment 2: H.R. 1837, the Sacramento-San Joaquin Valley Water Reliability Act.

Agenda Item H.2.a, Attachment 3: Congressional Research Service Report on H.R. 1837, the Sacramento-San Joaquin Valley Water Reliability Act.

Agenda Item H.2.a, Attachment 4: Comparison of CVPIA and H.R. 1837 as amended.

Agenda Item H.2.a, Attachment 5: List of Groups Opposed to H.R. 1837 including the Council.

Agenda Item H.2.a, Attachment 6: July 5, 2011 formal request for Council Comments on H.R. 1837 from U.S. Congresswoman Grace Napolitano.

Agenda item H.2.a, Attachment 7: Draft Council Staff Report on H.R. 1837.

H.2.b Report of the Legislative Committee

Mr. Mike Burner presented Agenda Item H.2.b, Supplemental Legislative Committee Report.

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

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

H.2.d Public Comment

Agenda Item H.2.d, Supplemental Public Comment letter from Golden Gate Salmon Association.

H.2.e Council Action: Consider Legislative Committee Recommendations

Chairman Wolford emphasized the bill's potential to influence water use in both the San Joaquin and Sacramento basins, and noted that Council-managed salmon fisheries rely heavily on Sacramento River salmon stocks.

Ms. Lowman moved and Mr. Crabbe seconded (Motion 11) that the Council adopt the recommendations as in Agenda Item H.2.e, Supplemental LC Report as follows:

- 1) Direct the Council Executive Director forward the Council staff report, "*A General Review of Potential Effects of H.R. 1837 the Sacramento-San Joaquin Valley Water Reliability Act, on Central Valley Salmon Productivity and Salmon Fisheries In Ocean and Inland Waters*" (Agenda Item H.2.a, Attachment 7) to Congresswoman Napolitano as amended by the Committee's comments above.
- 2) Direct Council staff to follow up on the economic reports by Southwick Associates as referenced in the letter from the Golden Gate Salmon Association (Agenda Item H.2.d, Supplemental Public Comment).
- 3) Direct Council staff to track H.R.1837 and S.2184 for future Committee consideration.

4) Tentatively schedule a June Committee meeting.

Ms. Lowman stated that it is important for the Council to voice concerns regarding H.R. 1837, and the staff has done a good job with the report to Congresswoman Napolitano. She also felt it would be beneficial for the Council to track and further discuss S. 2184 because of its support for fishery management and its potential for action in Congress this year.

Mr. Groen stated his support for the motion and noted that H.R. 1837 has elements that could become precedent-setting in salmon management and mitigation matters.

Mr. Wolford noted that although H.R.1837 has passed the U.S. House of Representatives, the report is still timely, as the matter is taken up in the U.S. Senate. The Council's obligation was to Congresswoman Napolitano who may pass the report on to others in Congress. Ms. Lowman added that the report is now part of the Council record and will have use and application by others in the Council family and the public.

Motion 11 carried unanimously.

[Council break from 8:40 a.m. to 8:55 a.m.]

H.3 Draft Memorandum of Understanding (MOU) for the Conservation of Migratory Birds (4/6/12; 10:40 a.m.)

H.3.a Agenda Item Overview

Dr. John Coon provided the Agenda Item Overview and outlined the materials for this agenda item:

Agenda Item H.3.a, Attachment 1: Memo from Samuel Rauch to the Pacific Fishery management Council.

Agenda Item H.3.a, Attachment 2: Executive Order 13186.

Agenda Item H.3.a, Attachment 3: Draft MOU between the National Marine Fisheries Service and the U.S. Fish and Wildlife Service.

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

Mr. Tim Roth presented Agenda Item H.3.b, Supplemental HC Report.

Mr. Chuck Tracy presented Agenda Item H.3.b, Supplemental SAS Report. He noted that the avian predation cited in the SAS report for the Columbia River also occurs in other areas such as the Sacramento Delta and other coastal estuaries.

H.3.c Public Comment

Agenda Item H.3.c, Supplemental Public Comment (Letter from Audubon Society of Portland, Seattle Audubon Society and California Audubon).

No oral public comment was presented.

H.3.d Council Action: Provide Comments on the MOU.

Mr. Roth noted that he is unsure about the statement in the SAS report, which states the Caspian tern is not native to the Columbia River. Mr. Herb Pollard referred the Council to the website <http://www.birdresearchnw.org/>, which provides information on the significant problem of bird predation at the mouth of the Columbia River.

Mr. Roth moved and Mr. Lincoln seconded a motion (Motion 40) that the Council send a cover letter of support for the draft MOU for the Conservation of Migratory Bird Populations to NMFS by the April 13, 2012 comment period due date and include the Supplemental HC Report (Agenda Item H.3.b) and Supplemental SAS Report (Agenda Item H.3.b) as attachments to the Council letter so that NMFS has the benefit of the Council advisory body comments for their consideration.

Mr. Roth said that the draft MOU is a culmination of the process required by Executive Order 13186 issued in 2001, and the document has been a collaborative effort between the U.S. Fish and Wildlife service and NMFS. Inclusion of the localized concerns identified by the SAS and HC reports should be brought to the attention of the agencies as they complete the document.

Motion 40 carried (Mr. Lockhart abstained).

H.4 Membership Appointments and Council Operating Procedures (4/6/12; 11:08 a.m.)

H.4.a Agenda Item Overview

Dr. John Coon provided the Agenda Item Overview and introduced Agenda Item H.4.a, Attachment 1, March 2012 Council Meeting Motion Establishing an Amendment 24 Ad Hoc Workgroup.

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

Mr. Tommy Ancona presented Agenda Item H.4.b, Supplemental GAP Report.
Ms. Marci Yaremko presented Agenda Item H.4.b, Supplemental CDFG Report.

H.4.c Public Comment

Tom Marking, McKinleyville, CA; comments regarding the small allocation of Pacific halibut for California and historically large catches.

H.4.d Council Action: Consider Changes to Council Operations and Procedures and Appointments to Advisory Bodies

Ms. Yaremko moved and Mr. Crabbe seconded (Motion 41) that the Council appoint Mr. Nick Jurlin to the vacant California commercial position on the Coastal Pelagic Species Advisory Subpanel. Motion 41 carried unanimously.

Mr. Sones stated that the tribes were still working to fill the tribal vacancies on the Habitat Committee and Groundfish Advisory Subpanel (GAP) and hope to have nominations ready for June.

Mr. Wolford announced his appointments to the Ad Hoc Groundfish Amendment 24 Workgroup which were as follows:

- Council Staff: Dr. Kit Dahl
- SSC: Dr. Martin Dorn
- Washington Groundfish Management Team (GMT): Mr. Corey Niles
- Oregon GMT: Ms. Lynn Mattes
- California GMT: Ms. Joanna Grebel
- GAP: Mr. Rod Moore (for the GAP)
- NOAA General Counsel: Ms. Mariam McCall
- NMFS Northwest Region (NWR): Mr. Kevin Duffy
- Northwest Fisheries Science Center (NWFSC): Dr. Jim Hastie
- National Environmental Policy Act (NEPA) Coordinator: Ms. Sarah Biegel

[Break from 11:39 a.m. to 1:07 p.m.]

In response to questions on the Pacific halibut issue, Ms. Yaremko stated that the main objective of the workgroup would be guidance on estimating the biomass of Pacific halibut south of Humber Mountain. The key issue brought up by the IPHC was that biological data was lacking. If the issue of allocation is addressed, then the composition of the workgroup would need to change.

Ms. Kirchner moved and Ms. Culver seconded (Motion 42) that the Council adopt the following objectives and membership composition for the ad hoc South of Humber Pacific Halibut Workgroup:

Objective #1 Develop a common understanding of halibut biology, the current assessment and apportionment methodology, and data used.

Objective #2 Review of current Area 2A recreational sampling programs and catch and effort estimation methodology.

Objective #3 Evaluate additional available data for use in assessment and apportionment methodology.

Additionally:

- The workgroup will be comprised of representatives from each state, IPHC, NMFS NWR, and Council Staff.
- Council staff to draft a letter to IPHC requesting them to host the meetings of the workgroup.
- In addition, the Council to establish an Area 2A policy ad-hoc committee to discuss policy-related items. The formation of this committee will occur at the June 2012 Council meeting, and the first task will be to develop recommended changes to management of the South of Humber area for implementation in 2014.

Ms. Kirchner stated that the Council has previously discussed the increased catches south of Humber Mountain, but there is a lack of common understanding for halibut management and biology in that area which needs to be addressed to move the issue forward. The workgroup, as proposed, is a technical group to look at biological data and sampling issues. To address policy

issues that may arise, another group should be formed to look at management alternatives. The objectives of that group should be developed for the June Council meeting.

Motion 42 carried unanimously.

H.5 Future Council Meeting Agenda and Workload Planning (4/6/12; 1:13 p.m.)

H.5.a Agenda Item Overview

Dr. Don McIsaac presented the Agenda Item Overview, which included the documents needed for consideration of this agenda item:

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, Jun 21-26, 2012 in San Mateo, California.

Agenda Item H.5.a, Supplemental Attachment 3: Final Motion on an Ecosystem Fishery Management Plan From the June 2011 Council Meeting.

Agenda Item H.5.a, Supplemental Attachment 4: Pacific Council Workload Planning: Year-at-a-Glance Summary.

Agenda Item H.5.a, Supplemental Attachment 5: Preliminary Proposed Council Meeting Agenda, June 21-26, 2012 in San Mateo, California.

Mr. Chuck Tracy presented Agenda Item H.5.a, Supplemental Attachment 6: Salmon Workload Assessment.

Regarding the salmon Amendment 17 workload (Supplemental Attachment 6), Dr. McIsaac recommended the part which proposes to change the season start dates is much simpler and could go forward separately for earlier implementation than the rest of the amendment. He noted the proposed addition of a report on the barotrauma workshop and suggested the SSC could give their initial thoughts on the issue at that time. He also suggested that the CPS EFP process could be streamlined so that it would not require Council action in both March and April.

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

Dr. John Coon presented Agenda Item H.5.b, Supplemental SSC Report. Ms. Marci Yaremko presented Agenda Item H.5.b, Supplemental CDFG Report.

H.5.c Public Comment

Steve Marx, Pew Environmental Group, Portland, Oregon; spoke to Agenda Item H.5.c, Supplemental Public Comment 2 concerning time on the June agenda to consider how to move forward on protecting forage fish species.

Ben Enticknap, Oceana, Portland, Oregon; spoke to Agenda Item H.5.c, Supplemental Public Comment 2.

Agenda Item H.5.c, Supplemental Public Comment 2: Letters regarding Forage Species.

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

Mr. Roth stated his support for the June agenda item on forage fish management and a Council determination of where to address this issue, either under CPS or the FEP.

Ms. Culver was in support of dealing with the forage fish. However, the Council's June 2011 motion was clear as to directing the Ecosystem Plan Development Team (EDPT) to draft a plan without regulatory authority which could then be added sometime in the future. She did not want to load the EPDT with the forage fish issue for June. She was concerned that the June agenda looks very heavy and two hours may not be enough for the forage fish issue. The June agenda could be an initial discussion with no assignment at this time to the EPDT. She did not disagree with the points in the California Department of Fish and Game (CDFG) report, but wanted to limit the workload for now.

Ms. Kirchner was also in support of dealing with the forage fish issue in June while trying to limit workload.

Ms. Yaremko clarified that she did not have an expectation of a report from the EPDT on regulatory authority. At the Council's November meeting we requested NMFS take a look at the regulatory authority question and get back to us for mechanisms to prohibit fishing on un-fished species. She would expect that report from NMFS in June and it isn't above and beyond what was requested in November.

Mr. Lockhart confirmed that report was in progress for June.

Dr. McIsaac asked Council members if there were agenda items that could be postponed to September or eliminated to allow room for the forage fish issue.

Council members agreed to keep the forage fish item on the June agenda and suggested removal of the Washington Department of Fish and Wildlife (WDFW) enforcement report, remove or condense the NMFS reports for HMS and CPS and schedule at least three hours for the forage fish agenda item. Ms. Kirchner suggested removing the barotrauma workshop report, however, there was no consensus on that suggestion. Chairman Wolford stated that it needed to be a regular agenda item and not a night session in order to task the SSC with initiating a review of the issue.

With the previously suggested changes, Mr. Lincoln noted that there no longer appeared to be a scheduling problem even with the barotrauma item on the agenda. Other Council members agreed.

Mr. Lockhart commented that regarding evening workshops, he would prefer they start a half-hour after the Council meeting adjourns, rather than at 7 p.m.

Ms. Kirchner noted that under previous Council action we adopted a schedule for the widow reallocation for either March or April and did not see it showing under either meeting on the

meeting planner. Dr. McIsaac noted it was mistakenly listed under November and we will make that adjustment to the planner.

[Council concluded this agenda item at 2:23 p.m. on 4/6/2012]

I. Groundfish Management

I.1 National Marine Fisheries Service (NMFS) Report (4/3/2012; 8:55 a.m.)

I.1.a Agenda Item Overview

Ms. Kelly Ames provided the Agenda Item Overview.

I.1.b Regulatory Activities

Mr. Frank Lockhart presented Agenda Item I.1.b, Supplemental NMFS Report: Groundfish and Halibut Notices, 2/13/12 through 3/16/12.

I.1.c Fisheries Science Center Activities

Dr. Michelle McClure and Dr. John Stein presented Agenda Item I.1.c, Supplemental NWFSC Report: Shelf Rockfish Hook and Line Survey. This report detailed the Center for Independent Experts' review of the Center's shelf rockfish hook and line survey. Additionally, they presented Agenda Item I.1.c, Supplemental NMFS PowerPoint which outlined ongoing research and recent publications.

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

None.

I.1.e Public Comment

None.

I.1.f Council Discussion

Ms. Marija Vojkovich expressed interest in the allocation report referenced in the NWFSC PowerPoint. Mr. Lockhart said the report was recently released and proposes a process for evaluating commercial and recreational allocations. The Council should consider this information as guidance, but the Council is not required to use the approach.

Ms. Michele Culver asked Mr. Lockhart to elaborate on the timelines for the various upcoming rules. She noted the draft rulemaking plan under Agenda Item I.4 for trawl rationalization trailing items includes the Pacific whiting harvest specifications. Mr. Lockhart said the process has gotten complicated due to changes in workload and priorities. At the last Council meeting, NMFS noted that the Program Improvements and Enhancement Rule 2 would be delayed. The agency discussed the issues that could be combined into different rulemakings. Pacific whiting harvest specifications was one item that could be folded into a larger rulemaking.

I.2 Implementation of the 2012 Pacific Whiting Fishery under the U.S. – Canada Pacific Whiting Agreement (4/3/2012; 9:14 a.m.)

I.2.a Agenda Item Overview

Mr. John DeVore provided the Agenda Item Overview.

I.2.b Joint Management Committee (JMC) Report

Mr. Frank Lockhart presented information regarding the Joint Management Committee (JMC) meeting held in Vancouver, British Columbia. He explained the details in setting the 2012 total allowable catch (TAC) of whiting for U.S. and Canadian fisheries. The Scientific Review Group recommendation was to implement a 2012 hydroacoustic survey. They also recommended there be an annual hydroacoustic survey, although it is recognized that might take some time to implement. Another JMC meeting has been scheduled this year.

Mr. Phil Anderson added the new process was a success from his perspective. He emphasized the importance of the role of industry advisors to the process. Carryover of quota is a central tenet in the Canadian management system where fishermen intentionally leave quota unharvested to be carried over to the next year. Working that into the U.S. harvest specification framework was a challenge, although both U.S. and Canadian delegates were very cooperative and collaborated well. The next step is to develop a Terms of Reference to make the process completely transparent and orderly.

Mr. Wolford asked if the U.S. allocation is fixed in the treaty and Mr. Lockhart said yes.

Mr. Sones asked if the carryover provision was based on the allocation percentage and Mr. Lockhart said the initial allocation is fixed and the carryover provision is based on a percentage of unharvested quota from each country. Mr. Anderson added that there is a 15 percent cap on carryover quota. Both countries had at least 15 percent of unused quota from the 2011 fishery. The carryover provision rules will be a subject of further discussion of the parties.

Mr. Lockhart explained how the U.S. rulemaking process will occur in general. The whiting agreement as originally drafted had the Secretary of Commerce make the final determination on the U.S. TAC. NMFS is now delegated to make the final decision. The final rulemaking first considers whether NMFS accepts the recommendations of the JMC and then considers the final rule to implement regulations. He asked Mr. Kevin Duffy to explain details of the rulemaking process.

Mr. Duffy explained there was a proposed tribal allocation rule published on February 25 that covered the 2012 allocation and the process for tribal reapportionment of quota from tribal to nontribal sectors. The proposed rule is to re-establish the reapportionment rules that were in place in 2010. The agency will decide the tribal allocation which comes off the top of the TAC, as well as the 2,000 mt set-aside recommended by the Council. The final rule is being prepared, and they are targeting a May 1 publication of the rule in the *Federal Register*. The starting dates are a May 15 start to the at-sea fishery and a June 5 start to the shoreside fishery.

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

Mr. Dan Waldeck presented Agenda Item I.2.c, Supplemental GAP Report.

I.2.d Public Comment

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

There was no oral public comment.

I.2.e Council Action: Consider any Necessary Action for Implementation of the 2012 Pacific Whiting Fishery

Mr. Dave Sones asked about the Canadian process to do final rulemaking and Mr. Lockhart said their process is similar to that of the U.S. The JMC has submitted their recommendations to the respective regional administrators in each Federal system.

Mr. Crabbe asked if unused tribal harvest is part of the carryover provision, and Mr. Lockhart said yes.

Mr. Myer asked about a timeline and process for the tribal allocation and when nontribal sectors can have an allocation to develop business plans this year. Mr. Lockhart said the final rule deadline is May 1. Quota will be allocated and individual fishing quota (IFQ) accounts will be populated with quota pounds (QP) after the final rule is published. NMFS has received recommendations from the Makah and Quileute tribes, and negotiations with both tribes are underway.

Mr. Lockhart said that NMFS will also contact the states before the final rule is published. Mr. Anderson said the process for deciding tribal allocations appears to be different this year. The Quileute tribal allocation request came in late this year, which limits opportunity for the states to engage in discussions with NMFS and the tribes before a final rule is published. He was curious if there were conversations between the tribes and NMFS this past winter to understand tribal intent to participate in the 2012 fishery, and Mr. Lockhart said discussions started last fall. The Quileute explained they were unlikely to participate in the 2013 and 2014 fisheries but wanted to further consider their participation in the 2012 fishery. NMFS did not learn of the Quileute allocation request until recently.

[This agenda item concluded at 10:01 a.m. on 4/3/2012 with a break until 10:16 a.m.]

I.3 Tentative Adoption of 2013-2014 Biennial Harvest Specifications and Management Measures (4/3/2012; 10:16 a.m.)

I.3.a Agenda Item Overview

Mr. John DeVore and Ms. Kelly Ames provided the Agenda Item Overview and introduced the following documents for consideration under this agenda item:

Agenda Item I.3.a, Attachment 1: Anticipated Council Actions and References Relevant to Decision Making.

Agenda Item I.3.a, Attachment 2: Preferred 2013 and 2014 overfishing limits (OFLs in mt) and acceptable biological catches (ABCs in mt) and preliminary preferred 2013 and 2014 annual catch limits (ACLs in mt) for west coast groundfish stocks and stock complexes.

Agenda Item I.3.a, Attachment 3: Estimated time to rebuild and spawning potential ratio (SPR) harvest rate relative to alternative 2013-2014 ACLs for overfished west coast groundfish stocks.

Agenda Item I.3.a, Attachment 4: Summary of the Management Measures Analysis.

Agenda Item I.3.a, Attachment 5: Excerpts from the Preliminary DEIS.

Agenda Item I.3.a, Attachment 6: Further Excerpts from the Preliminary DEIS.

Agenda Item I.3.a, Supplemental Attachment 6: Projected Mortality and Allocations Under the Preferred Alternative and a Summary of Longnose Skate and Dogfish Shark Management Measures.

Agenda Item I.3.a, Supplemental Attachment 7: Appendix D – Detailed Management Measure Analysis; 2013-2014 Groundfish Harvest Specifications Preliminary DEIS.

Ms. Kelly Ames and Mr. Jim Seger provided a PowerPoint briefing of detailed information requested by the Council at the April 1 briefing on analyses of biennial specifications and management measures.

There was further discussion and clarification on widow sector allocations, carryover of surplus quota in the IFQ fishery, catch accounting in limited entry and open access sectors, and accumulation limits.

Mr. Seger explained how carryover provisions are structured and implemented in other regions of the country and in Canada.

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

Mr. Tim Roth presented Agenda Item I.3.b, Supplemental FWS Report: Proposed Seabird Conservation Measures to Mitigate and Track Expected Impacts on Short-tailed Albatross.

Ms. Marija Vojkovich presented Agenda Item I.3.b, Supplemental CDFG Report.

Mr. David Sones presented Agenda Item I.3.b, Supplemental Tribal Report.

[Council break from 11:46 a.m. until 1:02 p.m.]

Mr. Corey Niles and Mr. Dan Erickson presented Agenda Item I.3.b, Supplemental GMT Report.

Ms. Vojkovich asked for an explanation of Figures 1 and 2 in the GMT report and asked about the secondary axis of coefficients of variation (CVs) of sector catches, and Mr. Niles and Dr. Jason Cope explained the meaning of CVs and discussed the difference in scale of sector catches in both figures. Mr. Lockhart asked about the temporal trends in sector catches, and Mr. Niles said the GMT could provide that information under Agenda Item I.8.

[Council went on break from 2:35 until 2:50 p.m., and resumed with GMT report]

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

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

[4/3/2012; 3:59 p.m.—Council tabled Agenda Item I.3 and returned to it at 4:31 p.m., after completing Agenda Item E.5.]

Ms. Vojkovich introduced Agenda Item I.3.b, Supplemental CDFG Report 2.

I.3.c Public Comment (4/3/2012; 4:34 p.m.)

Agenda Item I.3.c, Supplemental Public Comment 2 (Letters from Oceana and Joint letter from Oceana and NRDC).

Donna Parker, Arctic Storm, Seattle, Washington.

James Mize, Phoenix Processor Limited Partnerships, Seattle, Washington.

[Council adjourned for the evening at 5:01 p.m. on 4/3/2012 and reconvened at 8:09 a.m. on 4/4/2012 with I.3.]

Brent Paine, United Catcher Boats, Seattle, Washington.

Mike Deach, Fisherman, Lopez Island, Washington.

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

Seth Atkinson, National Resources Defense Council, San Francisco, California and spoke to Agenda Item I.3.c, Public Comments and Agenda Item I.3.c, Supplemental Public Comment 3 (letter from NRDC).

Jeff Miles, Fisherman, Port Orford, Oregon.

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

Bill James, Port San Luis Fisherman's Association, Salem, Oregon.

Brad Pettinger, Oregon Trawl Commission, Brookings, Oregon.

[Council break from 9:00 a.m. to 9:15 a.m.]

I.3.d Council Action: Adopt Tentative Preferred Annual Catch Limits and Preliminary Preferred Management Measures and Allocations (4/4/2012; 9:30 a.m.)

Mr. DeVore introduced the Council action on this item as presented on the screen with the relevant Council actions.

Mr. Roth offered corrections on the Agenda Item I.3.b, Supplemental FWS Report: in the first sentence in paragraph 3 – the reference to vessels over 60 feet should be changed to vessels over 55 feet. The goal was to match Alaska regulations, which have 55-foot length regulation. He checked the Alaska regional website to check the regulations and confirmed this.

Ms. Culver explained that the preliminary Draft Environmental Impact Statement (DEIS) provides the background for all her motions. Ms. Culver moved and Mr. Myer seconded (Motion 12) that the Council, in an effort to reduce the analytical workload, ensure that the 2013 regulations are implemented on January 1, 2013, and provide sufficient time for the Council and its advisory bodies to effectively consider major changes to the groundfish harvest specifications, rebuilding plans, stock complexes, and management process, the Council reiterates its intent to

keep the harvest specifications and management measures for 2013 and 2014 as close to the 2012 harvest specifications and management measures (i.e., status quo) as much as possible with minimal exceptions. With regard to Harvest Specifications for all groundfish (Items 1 and 2 in Attachment 1), I move that the Council:

1. Reconfirm the lingcod ABCs for 2013 and 2014 for north of 40°10' N. latitude as 3,036 mt and 2,878 mt, respectively, as described in Agenda Item I.3.b, Supplemental SSC Report.
2. Tentatively adopt preferred ACLs for 2013 and 2014 for all groundfish stocks and stock complexes, as described in Agenda Item I.3.a, Attachment 2 with the exception for lingcod which would have ACLs equal to the ABCs.

Ms. Culver said these harvest specifications use the best available science. For longnose skate, the 2,000 mt ACL will maintain the stock in a healthy status. The vulnerability of this stock to overfishing is relatively low. For sablefish, the ACL is precautionary and is based on a lower ABC which takes into account assessment uncertainty. For widow rockfish, the preliminary preferred alternative (PPA) is confirmed. She appreciates the GAP's creative recommendation (1,650 mt ACL), but it addresses allocation not sustainability of the stock. It keeps the stock from dipping below the minimum stock size threshold (MSST) under the more pessimistic state of nature ($h=0.41$). While the base case represents the best available science, the uncertainty in the steepness for the stock is a reason to specify a precautionary ACL. With regard to the Other Fish complex, the contribution of spiny dogfish is based on a precautionary ABC contribution using a lower P^* (0.3). For canary rockfish, there is a need to modify the rebuilding plan. The preferred ACL maintains the spawning biomass per recruit (SPR) harvest rate and provides a level of harvest that is precautionary, yet robust enough to keep the fishery and dependent fishing communities from suffering avoidable harm. For Pacific ocean perch (POP), the ACLs of 150 mt and 153 mt in 2013 and 2014, respectively maintain the SPR harvest rate and provide a level of harvest that should not cause unavoidable harm to fishing communities.

Ms. Vojkovich asked if the lingcod management line shift to 40°10' N. latitude is confirmed in the motion, and Ms. Culver said yes.

Ms. Kirchner said she supports the motion for the most part; however, she is interested in further exploring canary ACL alternative e under Agenda Item I.8. She asked if that was doable and Mr. DeVore said information regarding the higher canary ACL alternative can be excerpted from the preliminary DEIS and provided under Agenda Item I.8.

Mr. Feldner said he would also like to further explore a widow ACL of 1,650 mt as recommended by the GAP. He asked if a constant catch of 1,650 mt would still project a biomass increase, and Mr. DeVore said the projections for even lower catch levels such as the 1,500 mt ACL show a decline in biomass for the next few years before larger year classes mature and reverse the trend. The request was made at the "mop-up" panel last September to model the highest constant catch scenario for widow that would predict the stock's spawning biomass would stay above the MSST, assuming the more pessimistic state of nature (i.e., steepness assumed to be 0.41). The 1,500 mt ACL was the result. Ms. Lowman asked if a 1,650 mt ACL alternative could be analyzed this week. Mr. DeVore said no, but such an analysis could be done in time for the June Council meeting.

Motion 12 carried unanimously.

Ms. Kirchner moved and Mr. Feldner seconded (Motion 13) to have the GMT and GAP provide further information on the PPA ACL alternative d (i.e., 116 mt and 119 mt in 2013 and 2014, respectively) and ACL alternative e (i.e., 147 mt and 151 mt in 2013 and 2014, respectively) for canary rockfish under Agenda Item I.8.

Ms. Kirchner noted that both ACL alternatives are predicted to rebuild in the same year and she would like more information, particularly on the need of fisheries and fishing communities for more canary yield, to make her decision.

Motion 13 carried unanimously.

Mr. Lockhart asked about the process for deciding preferred ACL alternatives and if there could be some minor changes between now and June. Mr. DeVore explained the proposed action under Agenda Item I.8 is to decide preferred ACLs. However, the Council could make it clear that these are final preferred ACLs or, alternatively, the ACLs decided at this meeting could be characterized as preliminary preferred in the DEIS. We need to come out of the April meeting with enough information to characterize the decision correctly in the DEIS. This allows public understanding of the Council's intent in the DEIS to solicit public comment at the June meeting, where all specifications decisions are finalized.

Mr. Feldner moved and Ms. Kirchner seconded (Motion 14) to further explore a widow ACL of 1,650 mt under Agenda Item I.8.

Mr. DeVore explained the GMT will not be able to run widow stock projections under that alternative by tomorrow. This could be a widow Stock Assessment Team (STAT) assignment for June.

Ms. Culver, Mr. Lockhart, and Ms. Vojkovich spoke in opposition to the motion and explained they don't believe this is an appropriate use of the GMT's time this week.

Motion 14 failed (Mr. Feldner, Ms. Kirchner, and Mr. Pollard voted for the motion).

Ms. Culver moved and Mr. Lincoln seconded (Motion 15) that the Council tentatively adopt the following as part of its PPA:

1. A short-term modification to the within-trawl allocation of widow rockfish for 2013 and 2014 consistent with Option 3, as described in Agenda Item I.3.a, Attachment 4. With a preliminary preferred ACL alternative of 1,500 mt for widow rockfish, this would provide 200 mt of widow rockfish to the at-sea trawl sectors, which would be shared pro rata between the at-sea sectors with 82.8 mt for the mothership sector and 117.2 mt to the catcher-processor sector, and 1,086.2 mt to the shoreside sector. This short-term allocation would sunset on December 31, 2014, and the within-trawl allocation for widow

rockfish would be implemented consistent with Amendment 21 beginning January 1, 2015.

2. The preferred allocations for overfished species for 2013 and 2014 as described in Agenda Item I.3.a, Supplemental Attachment 6, Table 1.
3. The harvest guidelines for black rockfish, blackgill rockfish, and blue rockfish for 2013 and 2014 as described in Agenda Item I.3.b, Supplemental GMT Report (pages 9-10).
4. Harvest guidelines for longnose skate for 2013 and 2014 consistent with a 90 percent trawl, 10 percent nontrawl sharing.
5. Continue to manage spiny dogfish as part of the Other Fish stock complex in 2013 and 2014, and do not set trawl/non-trawl harvest guidelines for spiny dogfish at this time.

With regard to the flexible management of set asides, request the GMT review the materials on this topic and provide recommendations and comments under Agenda Item I.8.

Ms. Culver said she appreciated the comments from the at-sea sector representatives regarding within-trawl allocation of widow. However, she believes the Amendment 21 allocation needs to be reconsidered, and this motion allows further exploration in the next two years. The 200 mt of widow is higher than the 2005-2011 maximum catch by at-sea sectors.

Mr. Wolford asked what the trawl allocation of widow sunsets to in 2015 and Ms. Culver said the allocation would revert back to the Amendment 21 allocation.

Mr. Myer moved and Ms. Vojkovich seconded to amend the motion (Amendment 1 to Motion 15) by striking option 3 and substituting option 1 (FMP Allocation) for the within-trawl widow allocation.

Mr. Crabbe asked about option 3 and the associated workload. Mr. DeVore said the DEIS analyzed all options; however, any option other than the No Action FMP allocation under Option 1 would require an FMP amendment. Mr. Lockhart said there is additional workload with an FMP amendment but, if no other deviations from the expected action are decided, then this could be done by January 1, 2013.

Ms. Culver asked if there were other issues in the specifications package that would require an FMP amendment, and Mr. Lockhart said catch accounting between LE and OA requires an FMP amendment.

Ms. Vojkovich said she supports the amendment and believes the Amendment 21 action considered a rebuilt widow stock. The issue is a dispute of 90 mt a year in 2013-2014 of reallocated widow, which seems somewhat trivial. If widow reallocation remains an issue over time, then we can address solutions later.

Mr. Lockhart spoke against the amendment since it seems this is an allocation dispute that needs more discussion.

Ms. Kirchner said this is a tough issue; she believes things have changed since Amendment 21 was passed and she would like further exploration of within-trawl allocation. Therefore, she is not in favor of amending the motion.

Mr. Myer thought the GAP will not be able to resolve this since they are divided in this issue.

Amendment 1 to Motion 15 carried on a roll call vote (Ms. Kirchner, Mr. Lincoln, Mr. Crabbe, Mr. Feldner, Ms. Culver, and Mr. Lockhart voted no).

Ms. Vojkovich moved and Mr. Brizendine seconded to amend the main motion (Amendment 2 to Motion 15) to analyze a 34 percent trawl-66 percent non-trawl allocation of cowcod south of 40°10' N. latitude.

Ms. Vojkovich said this will set up a buffer for managing cowcod. The 2011 catch data suggest a negligible trawl catch and an increased encounter rate of cowcod in the nontrawl sectors.

Amendment 2 to Motion 15 carried unanimously.

Ms. Vojkovich moved and Mr. Brizendine seconded to amend the main motion (Amendment 3 to Motion 15) to reaffirm the PPA for blackgill to manage the stock in the southern Minor Slope Rockfish complex with harvest guidelines (HGs) of 106 mt in 2013 and 110 mt in 2014.

Amendment 3 to Motion 15 carried unanimously. Motion 15 as amended carried unanimously.

Ms. Culver moved and Mr. Lincoln seconded (Motion 16) that the Council tentatively adopt the following as part of its PPA:

1. The nontrawl RCA configurations for the nearshore and non-nearshore fisheries as described in Agenda Item I.3.b, Supplemental GMT Report (pages 11-12).
2. The recommendations for season dates, bag limits, and area closures for the recreational fisheries in Washington, Oregon, and California as described in Agenda Item I.3.b, Supplemental GMT Report (pages 12-16) and in the preliminary DEIS (Attachment 5).

With regard to trawl RCA configurations for the IFQ fishery, request the GMT include a review of estimated effects on spiny dogfish, and provide recommendations and comments under Agenda Item I.8.

The motion does not include the new California recreational options.

Ms. Vojkovich moved and Mr. Brizendine seconded to amend the main motion (Amendment 1 to Motion 16) to replace the California recreational season structures and RCA configurations as shown in Figures 1 and 2 in Agenda Item I.3.b, Supplemental CDFG Report.

Ms. Vojkovich indicated that the GMT report only shows the dates for 2013; the 2014 date is September 1, not September 2. Relative to the Southern management area, there is a change to the depth to 50 fm instead of 60 fm in 2013-2014.

Amendment 1 to Motion 16 carried unanimously.

Ms. Vojkovich moved and Mr. Wolford seconded to amend the main motion (Amendment 2 to Motion 16) to include the information presented in Agenda Item I.3.b, Supplemental CDFG Report, Page 2. In addition to the management measures discussed under No Action (i.e., groundfish bag limits and size limits), to include the following management measures within the PPA:

- Retention of shelf rockfish within 20 fm or less inside the Cowcod Conservation Area when the recreational season for groundfish is open;
- Increase the recreational sub-bag limit of bocaccio to three fish;
- Removal of the recreational ten inch size limit for bocaccio; and
- Increase the recreational sub-bag limit of greenling to ten fish.

Ms. Vojkovich said these management measures are designed to minimize discard mortalities in the California recreational fishery.

Amendment 2 to Motion 16 carried unanimously.

Ms. Kirchner moved and Mr. Feldner seconded to amend the main motion (Amendment 3 to Motion 16) to adopt Integrated Alternative 1b as described in the preliminary DEIS as the PPA for the nontrawl RCA (i.e., 30 fm RCA, lower trip limits).

Ms. Kirchner said that shifting the shoreward boundary of the nontrawl RCA to deeper water is intended to spread effort across a larger area and reduce the risk of localized stock depletion.

Amendment 3 to Motion 16 carried unanimously. Motion 16 as amended carried unanimously.

Ms. Culver moved and Mr. Myer seconded (Motion 17) that the Council tentatively adopt the following as part of its PPA:

1. The RCA boundary modifications in Washington, Oregon, and California as described in Agenda Item I.3.b, Supplemental GAP Report (pages 6-7).
2. Catch accounting between limited entry and open access as described in Agenda Item I.3.a, Attachment 4.
3. Regulatory correction for moving between the sablefish primary fishery to the daily trip limit fishery, and proposed changes to limited entry and open access bimonthly cumulative landing limits for sablefish, as described in Agenda Item I.3.b, Supplemental GMT Report (page 22).

Implement the No Action alternative for bimonthly cumulative landing limits and RCA boundaries for longnose skate and spiny dogfish, and include the tools necessary for inseason

monitoring and action to implement potential trip limit and RCA changes discussed in Agenda Item I.3.a, Supplemental Attachment 6 (Options 1-6), and exclude Option 7.

Mr. Lockhart asked about the sorting requirement for aurora, rougheye, and shortraker and Ms. Culver said this is not included because she is not sure what is gained by implementing this regulation.

Motion 17 carried unanimously.

Ms. Vojkovich moved and Mr. Crabbe seconded (Motion 18) to adopt Table 8 on page 23 of Agenda Item I.3.b, Supplemental GMT Report that addresses 100 percent attainment of blackgill trip limits south of 40°10' N. latitude.

Motion 18 carried unanimously.

Mr. Lockhart announced his intent to request additional analysis of the sorting requirement for aurora, rougheye, and shortraker under Agenda Item I.8 for the June Council meeting.

Ms. Culver said there were additional issues that need to be explored in the future that were suggested in public comment which were: the carryover provision for bycatch quota; take a hard look at management of spiny dogfish and elasmobranchs for the 2015-2016 cycle; and further explore the owner on board issue for limited entry fixed gear brought up by Bob Alverson (ownership and control issues should be as we have specified for the limited entry trawl fishery).

Mr. Sones moved and Ms. Culver seconded (Motion 19) to tentatively adopt Agenda Item I.3.b, Supplemental Tribal Report.

Mr. Sones said these management measures would meet the needs of the tribes in the 2013-2014 management cycle, and the tribes are comfortable with the analysis for consideration in the DEIS.

Motion 19 carried unanimously.

Ms. Vojkovich announced her interest in eventually changing the Amendment 21 allocation for blackgill in time for 2015 implementation.

Mr. DeVore said that changing trawl lingcod length limits, the shorebased carryover provision, and shorebased IFQ accumulation limits would also come up under Agenda Item I.8. Ms. Culver said these items were specifically omitted from her motions and she would not expect to address these items under Agenda Item I.8.

Mr. Lockhart said that all analyses that are in the DEIS will remain in the DEIS. There is also the ability to adopt a different preferred alternative in June. NMFS will take a hard look at the sorting requirement and the carryover provision between now and June. Mr. Lockhart said he is very interested in looking at canary and the OFS ACLs more closely under Agenda Item I.8 and in June.

Ms. Culver said she agrees and is looking for guidance on specific items for Agenda Item I.8, and wanted to prioritize the issues to be looked at more closely under Agenda Item I.8.

[Council completed this agenda item at 1:21 p.m.]

I.4 Trawl Rationalization Trailing Actions (4/4/2012; 1:21 p.m.)

I.4.a Agenda Item Overview

Mr. Jim Seger provided the Agenda Item Overview and outlined the materials used for decision-making under this agenda item:

Agenda Item I.4.a, Attachment 1: Trawl Rationalization Trailing Actions: Descriptions and Next Steps.

Agenda item I.4.a, Attachment 2: Trawl Rationalization Trailing Actions: Whiting Season Opening Date and Southern Allocation, Draft Council Decision Analysis Document.

Agenda Item I.4.a, Attachment 3: Trawl Rationalization Trailing Actions: Chafing Gear, Draft council Decision Analysis Document.

Ms. Jamie Goen introduced Agenda Item I.4.c, NMFS Trailing Actions: NMFS List of Trailing Actions

I.4.b Report on Electronic Monitoring

Dr. Mark Holliday presented Agenda Item I.4.b, NMFS Electronic Monitoring: 2012 Electronic Monitoring Feasibility Plan and Agenda Item I.4.b, Supplemental NMFS PowerPoint.

Mr. Barry Thom presented information on the Northwest Region Electronic Monitoring Process.

Mr. Randy Fisher and Mr. Dave Colpo presented Agenda Item I.4.b, Supplemental PSMFC Report.

[Council break from 2:24 to 2:43 p.m.]

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

Mr. Frank Lockhart updated information on the Council action for application period of exemption for nonwhiting at sea processing, and noted there were two vessels that did qualify for exemption.

Ms. Jamie Goen presented Agenda Item I.4.c, NMFS Draft Rulemaking Plan: Draft Rulemaking Plan.

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

Ms. Lynn Mattes presented Agenda Item I.4.c, Supplemental GMT Report.

Mr. Tommy Ancona presented Agenda Item I.4.c, Supplemental GAP Report.

I.4.d. Public Comment

Mr. Paul Kujala, F/V Cape Windy Warrenton, Oregon and presented Agenda Item I.4.d, Supplemental Public Comment.

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

Ms. Sarah McTee, Environmental Defense Fund, San Francisco, California presented Agenda Item I.4.d, Supplemental Public Comment 2 – Letter from Environmental Defense Fund.
 Mr. James Mize, Phoenix Processor Limited Partnership, Seattle, Washington.

[Council was on break from 3:37 p.m. to 3:50 p.m.]

I.4.e Council Action: Adopt Final Preferred Alternatives as needed and Provide Guidance on other Trailing Actions. (4/4/2012; 3:50 p.m.)

Ms. Culver asked about opportunity for Council input on the study design. Mr. Lockhart indicated that this would be something that would continue to be evolving and that there would likely be opportunity for the Council to provide additional thoughts, though he had not yet identified how that would happen.

Ms. Culver noted that she is not necessarily concerned about increased bycatch of dogfish in the whiting fishery, but noted that there is seasonality in that rate and that she would like to have information about the expected changes in bycatch rates that might be expected with a change in season opening date to May 15.

Ms. Vojkovich moved and Ms. Culver seconded (Motion 20) for the Council to select final preferred alternatives for those trailing actions on which the Council is ready to move forward as in the following table:

PIE Rule 2, Council list (covered in this attachment)	Council Action
1. Allow fixed gear and trawl permits to be registered to the same vessel at the same time.	Page 3 PPA - Agenda Item I.4.a Attachment 1, April 2012
2. Change the opt-out requirement for QP deficits	Page 7 PPA - Agenda Item I.4.a Attachment 1, April 2012
3. Eliminate the double filing of co-op reports	Page 8 PPA - Agenda Item I.4.a Attachment 1, April 2012
5. Chafing gear (also see Agenda Item I.4.a, Attachment 3)	Page 10 PPA - Agenda Item I.4.a Attachment 1, April 2012
PIE Rule 2, NMFS list (covered in Agenda Item I.4.c, NMFS Trailing Actions)	
1. First receive site license changes	As indicated in Agenda Item I.4.c NMFS Trailing Actions – April 2012
2. Catch monitor certification requirements	As indicated in Agenda Item I.4.c NMFS Trailing Actions – April 2012
3. Start renewal process 9/15 for LE permit, vessel account, and QS permits	As indicated in Agenda Item I.4.c NMFS Trailing Actions – April 2012
4. Remove 12/15-31 ban on QP transfer	As indicated in Agenda Item I.4.c NMFS Trailing Actions – April 2012
5. Observer provider certification	As indicated in Agenda Item I.4.c

	NMFS Trailing Actions – April 2012
6. Clarify processor obligation	As indicated in Agenda Item I.4.c NMFS Trailing Actions – April 2012
7. Observer program regulatory changes	As indicated in Agenda Item I.4.c NMFS Trailing Actions – April 2012
8. Change “permit holder” to “vessel owner”	As indicated in Agenda Item I.4.c NMFS Trailing Actions – April 2012
9. Process for changes vessel ownership	As indicated in Agenda Item I.4.c NMFS Trailing Actions – April 2012

Item 4 under the Council list on whiting season opening date was removed from the motion.

Ms. Vojkovich said that she didn’t change any of the PPAs from the last Council action. The rationale for the choices are in Agenda Item I.4.a, Attachment 1. With the information listed under Pie Rule 2, we are essentially affirming the Agenda Item I.4.c NMFS Trailing actions that we are in agreement that they should move forward as indicated. Number 5 (Observer Provider Certification) is highlighted as it is the new item that was discussed prior and the language in the document isn’t what would be in federal rule but would follow that process.

Motion 20 carried unanimously.

Ms. Kirchner moved and Ms. Lowman seconded (Motion 21) that the Council recommends suspending transfer of widow rockfish quota share through June 2014. A range of alternatives should be approved at the November 2012 meeting of the Pacific Fishery Management Council. A PPA should be selected at the March or April 2013 meeting and a final preferred alternative should be selected at the June 2013 meeting with the goal of implementation in early 2014.

Ms. Kirchner spoke to her motion stating that suspending the quota share transfer would give us time to implement the rules. She delayed the dates from what was adopted previously, so as to not interfere with other agenda items that would be going on at that time. The final selection in June of 2013 may allow for implementation by January 1, but it may not, so she included June 2014 to allow some time for transfers.

Ms. Vojkovich supported the motion because of the importance of the issue, but was concerned that the Council not be trying to handle too many things at one time. Therefore, she agreed that the delayed schedule was a wise thing.

Mr. Lockhart expressed concern as to whether or not a suspension of widow quota share trading had been properly noticed. Ms. McCall stated it would be better to take final action in June to ensure proper notice.

Ms. Culver supported the motion, and urged the Council to keep the options narrow and build on previous analysis as much as possible.

Ms. Culver moved and Mr. Lincoln seconded (Amendment 1) to strike out “recommend” and replace with “consider,” and add the sentence, “The Council plans to select a final PPA on the suspension of Quota Shares transfer for widow rockfish at the June 2012 meeting.”

Amendment 1 carried unanimously. Motion 21 as amended carried unanimously.

Ms. Culver moved and Ms. Kirchner seconded (Motion 22) that the Council to forward the design consideration as contained in Agenda Item I.4.c, Supplemental SSC Report to NMFS and PSMFC for their consideration in the design of the proposed experiment.

Ms. Culver spoke to her motion, stating that it is important that the Council be able to provide input on the study design; she thought that NMFS would welcome that input. Since they are providing \$400,000 for the experiment, it would be prudent to ensure that the data collected in the experiment would be useful for Council management. And to the extent that we could have input on the design to ensure we collect the information that would help us evaluate the use of electronic monitoring in the future for compliance and/or quota monitoring, she thought that would be beneficial to the Council action.

Ms. Vojkovich moved and Mr. Crabbe seconded (Amendment 1) that the Council include Agenda Item I.4.d, Supplemental Public Comment 2 – Letter from Environmental Defense Fund.

Amendment 1 carried unanimously. Motion 22 as amended carried unanimously.

Ms. Lowman expressed concern that electronic monitoring be included in the Council schedule as we move forward. There had been a strong discussion on the need for human observers for the original program. That will be something the Council will have to carefully reconsider in now including electronic monitoring. From talking with Mr. Fisher, she understands that they see this as a collaborative and adaptive study to be conducted over the summer. So, if there are opportunities and if there is a greater definition to the study design in June that our SSC and our advisory panels could also comment on and provide those for consideration, we should make sure we have that opportunity in the schedule.

Ms. Vojkovich expressed concerns about this moving forward that there hasn't been mentioned the enforcement aspects of these techniques and consideration of the ability to prosecute infractions. Having this come to the Council on a schedule, having the opportunity to provide feedback and raise issues, is very important for us if we want this to become a tool that we can utilize.

Mr. Seger noted that the Council has left open the Pacific whiting season date and that absent Council action otherwise, he would expect that to come back to the Council for a Final Preferred Alternative in September.

[Council concluded this agenda item at 4:35 p.m.]

I.5 Reconsideration of Initial Individual Fishery Quotas in the Mothership and Shoreside Pacific Whiting Trawl Fisheries. (4/5/2012; 8:07 a.m.)

I.5.a Agenda Item Overview

Mr. Jim Seger provided the Agenda Item Overview and introduced the materials for this discussion:

Agenda Item I.5.a, Attachment 1: February 29, 2012 Letter from Frank Lockhart.

Agenda item I.5.a, Attachment 2: March 16, 2012 Letter from Frank Lockhart.

Agenda Item I.5.a, Supplemental Attachment 3: Guidance for Making Allocation Decisions relating to Catch Shares.

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

Mr. Lockhart presented Agenda Item I.5.b, Supplemental NFMS Report: ANPR.

Mr. Tommy Ancona presented Agenda Item I.5.b, Supplemental GAP Report.

I.5.c Public Comment

Mark Cooper, Cooper Fishing, Inc, Newport, Oregon.

Pierre Marchand, Jessie's Ilwaco Fish, Ilwaco, Washington.

James Walsh, Davis Wright Tremaine LLP, San Francisco, California.

Craig Urness, Joe Plesha, Robert Smith, Mike Story and Tom Libby, Pacific Seafood & Pacific Fishing LLC.

Tim Hobbs, Mid-water Trawlers Cooperative (MTC) & David Jinks, MTC, Newport, Oregon.

Steve Hughes & Chris Peterson, Pacific Dawn Plaintiffs Group.

Jim Seavers, Fisherman, Newport, Oregon.

Brent Paine & Bob Dooley, United Catcher Boats, Seattle, Washington.

Donna Parker, Arctic Storm, Seattle, Washington.

Agenda Item I.5.c, Supplemental Public Comment, Letter from NRC, Inc.

[Council break from 9:29 a.m. to 9:47 a.m.]

I.5.d Council Action: Consider Preliminary Alternatives Responsive to Litigation Requiring Reconsideration of the Allocation of Catch Shares for the Shoreside and Mothership Whiting Fisheries (4/5/2012; 9:47 a.m.)

Mr. Anderson asked questions in the context of the list of seven items for Council consideration for direct allocation of the resource found on page 13 of Agenda Item I.5.a, Supplemental Attachment 3. He noted the Council made its decision in November 2008. Not surprisingly, it took two years to implement in January 2011, and that was fast given the immense complexity of the program.

Mr. Anderson continued that the qualifying periods used in determining the resource allocations were part of a long process—about three to four years. At the same time, the Council considered the American Fisheries Act and put in place Amendment 15 in 2007. He wondered if the options presented for analysis took into account the fact that there were three years that had transpired from the end of the latest qualifying period until we made our decision in 2008, that there were

fisheries in that time, and did we consider the catch history that was a result of that fishing activity during that time frame? He was trying to think about whether or not the Council properly considered all of the factors listed here in 2008. The allegation is that we did not, and that our action was arbitrary and capricious, without a solid rationale. So, in looking at the alternatives, we want to make sure that we have an alternative that covers through 2007, and make sure that we considered the more recent history between our control date and the decisions we made in 2008. The time period between that point in time and 2010 is a little bit more of a struggle to understand.

Mr. Anderson continued that in reading the judge's decision there is a reference to the length of time between our November 2008 decision and implementation in January 2011 being beyond reasonable. Looking at our motions in 2008 (Motions 23 and 24) there was recognition at the time in the record of Council discussion that given the complexity of the program, it would take three years to implement. So we knew about that situation. The question is, should we have considered the fact that fishery activity was going on during that time? The new alternatives should allow us to consider those questions.

Mr. Lockhart agreed those are all good questions and certainly when the decision came forth these were all questions that we had thought about. The first item is that the judge did find that the record did not adequately explain our consideration beyond recent history, beyond 2003 and 2004. The rest of your comments concern if it is possible to just go back in time and explain our actions.

Mr. Anderson responded it was his understanding that the judge said, given the record that was presented in the briefing material, that we didn't adequately explain and fully reflect the rationale on the record for making our decision for the base period. So, in September we need to do a better job of explaining our justification. On top of that, though, is this issue of an unreasonable amount of time having lapsed from the time we made the decision until the time we had the program implemented. Those two issues are key to determining an appropriate range of alternatives that we would have analyzed.

Mr. Lockhart agreed there needs to be a better explanation of our rationale for whatever action the Council takes. With regard to the length of time, if that is an important issue in the decision, we need to clearly explain why it is a fair and equitable decision.

Mr. Anderson responded that his understanding now was that we needed to have a good understanding and rationale on the record for what we did in 2008, and also need to think of the other considerations that have happened since 2008.

Mr. Lockhart agreed that it's not inappropriate to go back and consider the rationale for the initial decision, but you do have to consider what has happened since. There is nothing that says you have to go in one direction or another. The bottom line is that the Council will have to be able to explain why their decision is fair and equitable and meets the requirements of the Magnuson-Stevens Act, as well as meeting the goals of the FMP, including Amendments 20 and 21. The decision also has to be consistent with the court remedy order. Attachment 3 does a

good job of explaining what the Council should look to in deciding what is a fair and equitable allocation. The order does not go back to the decision to allocate to the processors.

Ms. Vojkovich said the comment letter from Natural Resources Consultants (NRC) opted that we should be using a different beginning date for everyone and that's why she wondered about adding 1994 for processors. Mr. Meyer agreed that the Council could consider that.

Mr. Lockhart stated he had presented the minimum range of what the Council has to consider when moving forward. The Council can explore other alternatives and are not limited by that range.

Mr. Anderson moved and Ms. Lowman seconded (Motion 23) that the Council adopt for analysis the alternatives listed on page one of Agenda Item I.5.a, Attachment 2: March 16, 2012 Letter from Frank Lockhart, to respond to the requirement to reconsider the allocation of catch shares for the shoreside and mothership whiting fisheries.

Mr. Anderson said that this motion considers the letter of Mr. Hughes (March 23, 2012) and his suggestions for alternatives to be considered for analysis in response to the directions given by counsel. We need to ensure we have alternatives that look at the control date to November 2008, and those years which were recent history as we reconsider our decision. Myself and others believe we need to look at the period from 2008 through 2010, given the judge's statement that the time period between when we made our decision and when it was implemented may be beyond a reasonable period. Dropping years and those things go beyond what we need to do. We had our analysis of alternatives to drop certain years leading up to our decision in 2008. If we need to go back and look at the analysis for the record of decision as we move to September, we can do that. I am also guided by looking at the catch sharing plan and would like to keep that in mind when we reach a decision. Lastly, we want to ensure our decision in September, as I believe it was in 2008, is fair and equitable, promotes conservation, is determined in such a way that no group, person, or entity receives an undue or excessive share of the resource, and considers the seven items on page 13 of Attachment 2.

Mr. Meyer spoke in favor of the motion and reiterated some of the comments that were heard from people during the testimony. He believes the range of alternatives needs to be crafted as narrow as possible to get a proper analysis and to allow it to be done on time to avoid potentially vacating the whole whiting program. He believes that the proposed range meets that objective. He believes 1994 is an appropriate year to go back to because that's when the limited entry dates started. It's important to analyze the 2003 control data because having that helps to support the principle of the control date. In November 1998 we had consensus on that date as was stated in 6.3.1 of Supplemental Attachment 3. It may not have been 100 percent consensus, but we had a lot of people come up to the table and provide testimony in agreement with the date. The year 2007 is important for a couple of different reasons. First, it was the last full year of fisheries data that we could analyze in the NEPA document prior to making our decision. Also, 2007 was important with respect to Amendment 15 and the American Fisheries Act (AFA). Through the analysis we might see what the benefit was to AFA qualified boats after 2007. Additionally, 2010 is a good bookend in that it gives us the flexibility to consider a more current period. Finally, when I read Mr. Hughes' letter, I had to think a little bit more about the drop years.

Having participated in the trawl individual quota (TIQ) program from the beginning and being with the TIQ Committee, I remember the reason people gave for drop years was that in case they had a breakdown in a mechanical part of their boat or perhaps an injury or sickness to the skipper or the owner of the boat that prevented them from participating, it did not penalize that person for not being able to participate. I believe extending that four years is inappropriate, and that dropping years hurts the participants that are there every year. A vessel that is there every year is showing dependencies on the fisheries.

Mr. Lockhart asked Mr. Anderson if he expects that his motion encompasses, with perhaps the exception of the drop years, the range of options that are in the NRC letter.

Mr. Anderson replied no. The motion encompasses most of it, but not, for example, Alternative 3 for both Harvesters and Processors 1999 through 2008. If you're asking if the analysis is going to include every possible combination of years that are embodied in those alternatives, I guess the answer would be yes, but that's not the intent of my motion. Nor did I think it was the intent of the alternatives that you are recommending to the Council.

Mr. Lockhart replied that he was interested in exploring ways the analysis could potentially look at some of the issues raised in his letter. He is struggling with how they could do that without getting to an infinite number of combinations of the beginning and ending years. He asked for a five-minute recess.

[Council break from 10:33 a.m. to 10:42 a.m.]

Mr. Lockhart said the concept that he was particularly looking at exploring is recent history, but to meet the court-ordered deadline you can't analyze every permutation of every start and end date. He thought the range of alternatives under the current motion do provide a good bookend for Council consideration. However, he thought it would be interesting to have an additional option for analysis that looks at the issue of recent history.

Mr. Lockhart moved and Mr. Pollard seconded (Amendment 1 to Motion 23) to include for analysis, the range of allocation years of 2001 to 2010 in Option 1 of Alternative 3 for Harvesters and Processors on page 2 of Agenda Item I.5.c, Supplemental Public Comment. The amendment includes only the range of years, not any of the other text under Alternative 3.

Mr. Lockhart stated that given the decision and public testimony, we need to have the capability for staff to show us the impact of looking at a range of years that would be more recent than what has been done and to have a different starting year. He was struggling with how to do that without having an infinite number of options and permutations given the range of alternatives in the main motion. His proposed option includes the most recent 10-year period that we can look at and is achievable in the timeframe that we have.

Mr. Pollard noted that in public testimony Ms. Donna Parker said something about displaying the distribution changes that might take place under these different options.

Mr. Lockhart said we can cover that shortly, but wanted to talk about what types of analysis we expect.

In trying to understand the action, Mr. Anderson asked the purpose of looking at an option that does not look at history prior to 2001.

Mr. Lockhart noted the NMFS letter did not look at changing the beginning years, but that he is compelled by public testimony at this and the prior meeting which expresses a belief that the judge's order requires examining a range of years that reflects the recent history of the whiting fishery. Analyzing initial allocation based on the period 2001 through 2010 would provide a good basis for considering which are the most appropriate years for making that initial allocation.

Mr. Anderson stated that the alternatives included in the main motion were intended to look at and include an analysis of more recent history as directed by the court which could be compared to our original decision. By eliminating the years 1994 through 2000, Mr. Lockhart's alternative weights the more recent years more heavily than the alternatives that are in the main motion.

Mr. Lockhart replied that his motion does not include any statistical weighting of any individual year. It basically discounts every year prior to 2001 and that's not considered in the initial allocation.

Ms. Lowman said she believes it does weight the recent years. From the list of things we need to look at we are also supposed to look at historical fishing practices and dependence on the fishery. She has heard no concerns that the inclusion of historical participation was not appropriate. This option would look at nothing except two years prior to when we began to look at this program. This option would diminish consideration of historical commercial fisherman.

Mr. Lockhart noted that we still have the older alternatives that do explore historical fishing practices. This is just adding one more alternative that moves a range of consideration to the most recent 10 years. It's just expanding the consideration that will be before the Council in June and September.

Ms. Kirchner said that part of the reason that so much time was put into developing this very complex program was that there are many moving parts and pieces. As we start looking at changing pieces, it's going to have bigger effects in the program. The program was developed with consideration of each of the parts and pieces and how they interact.

Mr. Anderson asked if there was anything in the judge's decision that indicated we inappropriately considered historic catch participation in the 1990s.

Mr. Lockhart replied no. He is basing this motion on the public testimony that we have received over the past two years and including it so we can weigh the choice of initial allocation between going back to the original years versus going with a more recent time period.

Amendment 1 failed (Mr. Groen, Ms. Kirchner, Mr. Pollard, Mr. Lincoln, Ms. Lowman, Mr. Anderson, Mr. Myer and Mr. Sones voted no). Motion 23 carried unanimously.

The Council Chair asked for further guidance on the analysis.

Ms. Vojkovich stated that one of the things to consider in the allocation guidance document is present participation and dependence on the fishery, including alternative fisheries, especially for the processing portion of this analysis. The other item is that while we are doing our analysis for the shore-based portion of the sector, that we also include the effect of any change in this whiting allocation to the entire shore-based groundfish fishery as a whole.

Ms. Lowman noted that there are a lot of interrelated decisions that have impacts on each other. We have chosen to modify one element, but the elements are interconnected. She wants to be sure that we see the interplay between all of the elements related to this and impacts particularly on coastal communities by any change.

Mr. Lockhart stated that, in spite of the last motion, he is interested in the Council staff being given the flexibility to explore, in a general way, the impact of changing the range of years, the upfront dates. He understands it's not going out as an alternative of the Council; however, he is interested in receiving an analysis on the potential impact of changing the initial year.

Mr. Anderson said that seems like a little different way to get at what you just proposed in a motion that failed. His thinking and voting against the amendment was that our November 2008 decision was challenged and we were told to reconsider that decision. In addition, we are to think about what's happened since then, given the length of time that it took to implement the program. Regarding the analysis, we already have 2008 through 2010 covered, and we will be able to consider the appropriateness or lack thereof in considering those years given the length of time it took to implement the program. Then, we reconsider our 2008 decision with the control date of 2003. We used time periods in the decision that went from 1994 through 2003 and 1997 through 2004. At that time (2008) would we have considered other alternative base years, such as 2001 through 2003, or 2001 through 2004. That, to me, is the question you're posing. Should we have analyzed those other base years, and in our reconsideration should we be looking at them? That is the challenge of our decision, not the challenge of not considering 2008, 2009, or 2010. Did we consider appropriate years? My conclusion is that we would not have just considered three or four years of history by having the first year be 2001. What decision from 2008 does the court say we need to reconsider that had insufficient recognition provided in the record of decision? I have a hard time understanding the merit of doing an analysis on lopping off six or seven years of our base.

Mr. Lockhart stated that he was coming from a different interpretation of where we are right now with respect to the court's guidance. In his mind, in September, the Council has to be able to make a decision on what is a fair and equitable allocation for whiting in the mothership and shoreside sectors. The choice requires that you not only say why your final choice is a good decision, but also what other choices do not have as many of the positive benefits as your final decision. The overall range of alternatives includes the appropriate range. We have a lot in front

of us, but we will not have additional information on what the impacts of changing that initial year may be on that final allocation.

Mr. Lockhart moved and Ms. Vojkovich seconded (Motion 24) that we provide, as guidance to the Council staff, to explore the general impact of changing the initial allocation year.

Ms. Vojkovich expressed concerns about the priority of this proposed analysis and the workload it might entail.

Mr. Lockhart said that the prior motion would have the primary priority for the Council, and in this motion he was looking for a more qualitative discussion of the general impact of the initial years.

Mr. Anderson stated that from his perspective this is too open-ended.

[Council break from 11:18 a.m. to 11:24 a.m.]

Mr. Anderson moved and Mr. Crabbe seconded a substitute motion (Motion 25) to create a fifth alternative that would include all three sectors with a base period of 2000-2010.

Mr. Anderson proposed this alternative to contrast the impacts of using a recent base period with the decision based in 2008. The analysis would include a different start date and be a valuable analysis to show the impacts on the current program and have an additional place from which to judge fairness and equity.

Mr. Lockhart spoke in support of the motion.

Motion 25 carried unanimously.

Ms. Lowman wanted to be sure that we are going to look at the impacts of the capacity of the program and not the full analysis of capacity.

[Council concluded this agenda item at 11:34 a.m.]

I.6 Groundfish Essential Fish Habitat Review (EFHR) (4/5/12; 2:19 p.m.)

I.6.a Agenda Item Overview

Mr. Kerry Griffin provided the Agenda Item Overview.

I.6.b EFHR Committee Report

Mr. Brad Pettinger and Dr. John Stadler presented Agenda Item I.6.b, EFHRC Report and Agenda Item I.6.b, Supplemental EFHRC Report 2.

Ms. Culver asked when Council advisory bodies would be able to review external proposals when they are received. Mr. Griffin said that the job of the EFHRC is to provide a review of the

proposals and report back to the Council. Dr. McIsaac noted that the schedule indicates that any proposals would be available for general review at the April meeting.

I.6.c Reports and Comments of Advisory Bodies and Management Entities

Mr. Joel Kawahara presented Agenda Item I.6.c, Supplemental HC Report.
Mr. Owen Hamel presented Agenda Item I.6.c, Supplemental SSC Report.
Mr. David Sones presented Agenda Item I.6.c, Supplemental Tribal Report.

I.6.d Public Comment

Mr. Ben Enticknap, Oceana, Portland, Oregon.
Mr. Joel Kawahara, Salmon Troll Fisherman, Quilcene, Washington.
Mr. Seth Atkinson, NRDC, San Francisco, California.
Agenda Item I.6.d, Supplemental Public Comment, Letter from Association of Monterey Bay Area Governments.

[Council break from 3:29 p.m. to 3:45 p.m.]

I.6.e Council Action: Consider Request for Proposals and Clarify Other Process Issues (4/4/2012; 3:45 p.m.)

Ms. Culver moved and Ms. Kirchner seconded (Motion 31 [later withdrawn]) for the Council to adopt a revised groundfish EFH schedule as presented in Agenda Item I.6.b, EFHRC Report with the following changes: the advisory bodies would receive the proposals and comments of the EFHRC at the same time they are distributed to the EFHRC for review.

The Council discussed the merits of advisory bodies receiving proposals at the same time that the EFHRC would. Some Council members expressed concern about the motion because it could be viewed as conflicting with the EFHRC's primary function of providing the initial review of external proposals.

Ms. Culver withdrew the motion with the second's consent (Motion 31 withdrawn).

Ms. Culver moved and Ms. Kirchner seconded (Motion 32) that the Council adopt a revised groundfish EFH schedule as presented in Agenda Item I.6.b, EFHRC Report with the following changes: the advisory bodies would receive the proposals and comments of the EFHRC at the April meeting; with final Council action scheduled for June 2013.

Ms. Kirchner asked for clarification about whether there would be preliminary action in April followed by final action in June. Dr. McIsaac responded that there would be no action in April. Rather, the proposals would be distributed in April, with a review opportunity between April and June, and comments and final action in June 2013.

Mr. Griffin clarified that although the EFHRC would be soliciting and evaluating proposals, once the Council takes final action, it would only be a decision to consider changes to EFH. At that point, a Council team would develop a suite of reasonable alternatives that may or may not be based on the submitted proposals.

Motion 32 carried unanimously.

Mr. Sones moved and Mr. Pollard seconded (Motion 33) that the Council should adopt the Request for Proposals drafted by the EFHRC in Agenda Item I.6.b, EFHRC Report, with the following addition: The three standards put forward by the Tribes and reflected in Agenda Item I.6.c, Supplemental Tribal Report, should also be included in the RFP.

Ms. Culver moved and Ms. Kirchner seconded to amend the motion (Amendment 1), such that the first sentence should include—The Council should “adopt for public review.” Ms. Culver said that if the motion passes, the RFP would be amended to add the three bullets. It would then be sent out for public review and brought back before the Council at the September meeting.

Amendment 1 carried unanimously. Motion 33 as amended carried unanimously.

Ms. Culver moved and Ms. Vojkovich seconded (Motion 34) that the Council should adopt option 2, No Recusal; as contained in Agenda Item I.6.b, EFHRC Report.

Ms. Culver spoke to her motion, stating that the EFHRC should be able to manage their disagreements and that at the next meeting of the EFHRC, the Executive Director or Council staff should speak to the committee and express the Council’s desire that the committee focus on their task, and that members respect each other during deliberations.

Mr. Feldner spoke in support and noted that another way to address perceived conflicts would be to disclose potential conflicts to both Council and committee members to consider.

Motion 34 carried unanimously.

Ms. Vojkovich discussed concern that the EFHRC may be focused too much on the proposals that are submitted and not enough on addressing the FMP goals and objectives. She would like to see if the closed areas are really protecting habitat where they should be, and suggested that the EFHRC could be analyzing the effectiveness of existing EFH.

Mr. Lockhart also expressed concern and noted that what we did five years ago (in 2006) was real habitat protection to close 150,000 square miles, and that the EFHRC’s review of that should include a determination of how it is working.

Mr. Griffin responded that analyzing the effectiveness of EFH is not part of the charge as described in the EFH regulations. Rather, the review is designed to seek out information, data, and analyses that have been conducted, and to determine whether the new information might indicate that changes to the existing EFH should be made. He agreed with Mr. Lockhart’s statement that the EFH review is not a chance to reinvent groundfish EFH. Rather, it is a chance to see if the existing identification and descriptions still make sense.

Dr. McIsaac said that with regard to the question of whether existing EFH would be reviewed, COP 22 says that EFH designations as well as closed areas would be reviewed. With regard to

the RFP, the EFHRC will review any proposals that are submitted, prior to reporting back to the Council. Dr. McIsaac said there will be at least some information included that addresses trawl rationalization. With regard to confidentiality issues, he said that there will be some confidential information used, but confidentiality will be protected, especially to the extent that data can be aggregated and used without exposing the confidential information.

Mr. Sones asked whether the review will include consideration of any new management measures that have been implemented in the past five years. Dr. McIsaac said that yes, to the extent that we have data oriented to that, it would be included in the review.

I.7 Consideration of Inseason Adjustments (4/5/2012; 4:45 p.m.)

I.7.a Agenda Item Overview

Ms. Kelly Ames provided the Agenda Item Overview.

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

Mr. Frank Lockhart provided an update on the issuance of 2011 surplus carry-over QP into the 2012 vessel accounts in shorebased IFQ fishery. He noted that the surplus carry-over provision was adopted about the same time that the new ACL provisions were being implemented. The Council never discussed the relationship of the surplus carry-over provisions to the new ACL requirements. The agency has been having these discussions and is very close to making a decision for 2012. Any eligible 2011 surplus carry-over QP would be issued with the Pacific whiting QP in late April or early May 2012.

Mr. Lockhart said there are two pieces of the surplus carry-over discussion 1) the upfront design of management measures to meet the ACL and 2) the actual performance of the fishery inseason. NMFS believes that managers must design measures to meet the ACL; however that is different than the inseason performance of the fishery. The National Standards do provide flexibility with regard to exceeding an ACL inseason, however, managers cannot design the management system upfront with an expectation of exceeding the ACL.

Mr. Lockhart said the regulations at 660.140(e)(5) say it's required every year that NMFS determine whether issuing surplus carry-over for each species is within the conservation requirements of the Magnuson-Stevens Act. We currently consider this language to mean that we must ensure that issuance of surplus carry-over is not expected to exceed the ACL. The agency is reviewing this on a species-by-species basis. The agency has decided that you can allocate more than the ACL as long as your management system and projections indicate a likelihood of staying within the ACL. Mr. Lockhart said there does need to be a commitment to stay within the ACL, both up front in the specifications cycle when the measures are developed and under inseason.

Mr. Lockhart said that at this time the agency believes that 2011 surplus carry-over QP will be issued for most species, however, he acknowledged that the agency is struggling with the decision for Pacific whiting, sablefish (north and south), and petrale. He understands that surplus carry-over for these species is very important to industry, and the agency will be making this decision very soon.

Dr. Don McIsaac asked Mr. Lockhart to speak to the focus on the ACL instead of the overfishing limit (OFL). Mr. Lockhart said this question gets to the heart of the two issues: 1) the upfront design of the system, and 2) the actual performance of the fishery. The ACL is an annual catch limit, and the agency believes the Council must design management measures to meet the ACL. Mr. Lockhart acknowledged that it is more crucial if an OFL is exceeded. There is some flexibility to exceed an ACL inseason, however, the agency still believes the Council must design management measures to stay within the ACL.

Ms. Marija Vojkovich presented Agenda Item I.7.b, Supplemental CDFG Report.

Dr. Sean Matson presented Agenda Item I.7.b, Supplemental GMT Report.

Mr. Tommy Ancona presented Agenda Item I.7.b, Supplemental GAP Report.

I.7.c Public Comment

None.

I.7.d Council Action: Adopt Recommendations for Adjustments to 2012 Groundfish Fisheries, including the Carry Over issue.

Ms. Culver moved and Mr. Lincoln seconded (Motion 35) to adopt the GMT recommendation in Agenda Item I.7.b, Supplemental GMT Report to reduce trip limits in the limited entry sablefish daily trip limit fishery north of 36° N. latitude from “1,300 pounds per week, not to exceed 5,000 pounds per two months” to “1,000 pounds per week, not to exceed 4,000 pounds per two months, beginning May 1, 2012” (Alternative 1, in Table 2).

Ms. Culver spoke to her motion, noting the rationale for the adjustment was clearly presented in the GMT report, and the GAP agreed with the reduction since it would provide meaningful opportunity and prevent a larger decrease later in the year.

Motion 35 carried unanimously.

Ms. Vojkovich made a clarification to the GMT report. She said California is already in the process of increasing the recreational kelp greenling sub-bag limit from 2 to 10 fish within the 10 fish rockfish, cabezon, and greenling bag limit in state waters. She is not making a motion, but is requesting that NMFS adopt conforming regulations, if possible, for 2012. If not, Ms. Vojkovich noted the measure is included in the 2013-2014 harvest specifications and management measures package. Mr. Lockhart said that NFMS will explore the request and talk with California.

Ms. Culver noted that the GMT statement requests some guidance regarding the use of descending devices for cowcod in California. She said the CDFG report indicates this practice, including survival credits for those fish released with descending devices, has already been adopted for 2012 and she would like further clarification (Agenda Item I.7.b, Supplemental CDFG Report). Ms. Vojkovich stated that this is not a regulatory issue, it's a catch accounting issue. CDFG has put the methods in place for 2012 and notified the RecFIN Technical Committee. She assumes the committee will discuss it further, if necessary.

Ms. Culver noted that in the past the GMT developed discard mortality assumptions based on the best available data, which were presented and approved by the SSC, and then adopted by the Council for use in management. These rates are consistently used in all three state recreational fisheries. Once the agreement was reached within the Council process, the discussions occurred within RecFIN. She recommends the same process be followed here. Ms. Culver understands that cowcod is only encountered in California, however, she is concerned about consistency and the level of discussion and consensus that has occurred on this issue to date. She is also concerned about changing the discard mortality rates inseason. Ms. Culver said that in Washington, they have explored the use of different descending devices, and constituents are also interested in survival credits. However, Washington is adhering to the agreement to use the rates developed by the GMT, approved by the SSC, and adopted by the Council for use by RecFIN. Ms. Culver asked Mr. Lockhart if the discard mortality rates were something that could be changed inseason if it was not analyzed previously.

Mr. Lockhart said, in general, if something was not previously analyzed then it is generally not available inseason as a routine management measure.

Ms. Vojkovich asked Mr. Lockhart what type of analysis would be necessary, since it is not a management measure that would be implemented in regulation.

Mr. Lockhart said it depends on the action. He is unclear about the Council action on this issue. If the Council recommends an inseason measure, it would need to be analyzed.

Mr. Wolford said the cowcod descending device matter is not a regulatory action but a matter of catch accounting.

Ms. Ames elaborated on the process that was used in 2009-2010 to develop the discard mortality rates that are currently used.

Mr. Wolford asked about the disposition of the fish under the current discard mortality rates. Ms. Ames confirmed the discard mortality rates estimated surface mortality. Mr. Wolford noted that when release devices are used, the disposition is release at depth. Therefore, it would be appropriate to review rates under this different disposition.

Ms. Gway Kirchner said the Council has not been asked to take any action on this item. She noted that Oregon Department of Fish and Wildlife (ODFW) previously asked for inseason changes which were denied until the next cycle to ensure that adequate analysis was completed. Ms. Kirchner does not see this issue being different.

Ms. Culver added that the catch estimation methodology is described in detail in the Environmental Impact Statement and she is concerned about changing methodology inseason. She supports moving forward to explore the use of descending devices and revising the discard mortality estimates for all three states; however, she asked California to postpone implementation of the new discard mortality assumptions until the 2013-2014 cycle.

Ms. Vojkovich said she believes the discard assumptions are within the purview of the states, especially since cowcod occurs only in California and the revised rates apply to one sector. The agency will be implementing the new rates in 2012.

Ms. Kirchner asked if this issue will be included under Agenda Item I.8 and whether it would receive SSC review.

Ms. Ames noted that the use of descending devices is not currently in the range of alternatives for 2013-2014. She noted that the Council could move forward implementing the 2013-2014 management measures but initiate a separate process for considering this methodology for implementation in the next biennium. The separate process could be discussed later in the week under future meeting agenda and workload planning.

Mr. Lockhart noted that the GMT report only proposes only two options for considering this issue 1) implement the new methodology mid-cycle, or 2) for 2015-2016. Mr. Lockhart noted that some items had been rejected for 2013-2014 since they were out of the range of alternatives currently analyzed.

Dr. McIsaac noted that the Council is interested in good science, which needs to be reviewed to ensure it is the best available. He did not anticipate any regulatory adjustments as a result of this proposal, therefore he recommended the material be submitted for further review.

Ms. Kirchner appreciates Dr. McIsaac's comments about a review of the science, but she is concerned about setting a precedent by dealing with one species and one proposed methodology. ODFW also has data that would inform discard mortality assumptions for fish released at depth. She supports a coordinated effort between the three states to ensure coastwide consistency. She recommends that if the SSC is tasked with reviewing this issue, that it is expanded to include other species and recreational data from all three states.

Ms. Ames recommended that the discussion occur under the future meeting agenda and workload planning.

[Council concluded this item at 5:48 p.m.]

I.8 Adoption of 2013-2014 Biennial Harvest Specifications and Management Measures (4/6/2012; 8:06a.m.)

I.8.a Agenda Item Overview

Mr. John DeVore and Ms. Kelly Ames provided the Agenda Item Overview and presented Agenda Item I.8.a, Supplemental Attachment 1.

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

Mr. Corey Niles answered questions regarding Agenda Item I.8.b, Supplemental GMT Report.
Mr. Tommy Ancona presented Agenda Item I.8.b, Supplemental GAP Report.
Mr. Mike Cenci presented Agenda Item I.8.b, Supplemental EC Report.

I.8.c Public Comment

Seth Atkinson, National Resources Defense Council, San Francisco, California (Agenda Item I.8.c, Supplemental Public Comment).

Brad Pettinger, Oregon Trawl Commission, Brookings, Oregon.

Tommy Ancona, Fisherman Marketing.

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

I.8.d Council Action: Adopt Preferred Harvest Specifications and Preliminary Preferred Management Measures and Allocations (4/6/2012; 9:01 a.m.)

Ms. Michele Culver said in keeping with the Council's intent to keep the harvest specifications and management measures for 2013-2014 as close to the 2012 harvest specifications and management measures (i.e., status quo) as much as possible with minimal exceptions, she moved and Mr. Lincoln seconded (Motion 36) that the Council:

1. Reaffirm its PPA for the lingcod acceptable biological catches (ABC) and ACL and the ACLs for all groundfish stocks and stock complexes for 2013-2014 as adopted under Agenda Item I.3.
2. Reaffirm action taken under Agenda Item I.3 relative to allocations and harvest guidelines (HG); including the tribal requested set-asides, allocations for widow rockfish (Amendment 21), overfished species allocations (including cowcod), black rockfish HG, blackgill rockfish HG, blue rockfish HG, and longnose skate HG. There would be no spiny dogfish HG.
3. Reaffirm action taken under Agenda Item I.3 relative to season structures, rockfish conservation area configurations, and recreational fisheries.
4. Reaffirm action taken under Agenda Item I.3 relative to management measures.

Ms. Culver said her motion reaffirms action taken under Agenda I.3 and includes all of the motions and amendments under Agenda I.3. She specifically wanted to focus discussion on her motion relative to the canary ACL, since the Council requested further information to inform this decision. Based on the GMT report, there does not appear to be sufficient data to distinguish between the higher ACL alternative (147 mt in 2013; 151 mt in 2014) and the preferred alternative (116 mt in 2013; 119 mt in 2014). The GMT indicated the choice of a higher ACL is related to risk and it's a policy call. Ms. Culver agrees with that statement.

Ms. Culver said 12 years ago, when the canary stock was declared overfished, the stock was below 25 percent of unfished biomass. Current depletion is at 23.3 percent, yet the Council has shortened the original T_{TARGET} or the median time to rebuild. Ms. Culver said early in the rebuilding process, the mortality of canary exceeded the optimum yield in several of those years. In recent years (including 2011), however, management performance has improved and the ACL is no longer exceeded. She supports rebuilding in as short of time as possible and increasing the probability of rebuilding by T_{TARGET} .

Ms. Culver noted the requirement to select an alternative with a 50 percent probability of rebuilding by the T_{TARGET} . However, she noted the latest stock assessment and rebuilding analysis indicates that it is impossible, even under a zero harvest strategy. Ms. Culver thinks the

Council should maintain the current SPR harvest rate in the current rebuilding plan. Ms. Culver is sympathetic to the GAP statement and public testimony about the canary quota pound trading issues in the shorebased IFQ fishery; however, she does not believe that increasing the ACL is the appropriate solution since it would modify the SPR and reduce the probability of rebuilding by T_{TARGET} . She said the Council's intent was to maintain status quo as much as possible, including allocations. If the Council is going to consider increases, including allocations, to provide greater comfort for the trawl fisheries, then the Council should be considering changes for other fisheries.

Mr. Sones asked if the motion included the tribal request for set-asides from Agenda Item I.3. Ms. Culver said yes.

Mr. Lockhart spoke in support of the motion, agreeing with Ms. Culver's statements on the canary rebuilding plan.

Mr. David Crabbe said he has been struggling with the canary ACL. He said we are managing to an ACL that increases our probability of rebuilding by T_{TARGET} , however, in reality, the harvest will be well below that number. Therefore, he is struggling with the ACL decision because he would like to provide opportunity to fisherman and support individual accountability.

Mr. Lockhart noted the GMT Report indicated a slow start to the 2011 fishery, but once fishermen became comfortable with the rationalized fishery system, participation increased. In the first four months of 2012, it appears canary is not as restrictive as it was in 2011. Mr. Lockhart said it appears fishermen are managing their risk better since there has been an increase in target species landings. He believes the preferred canary ACL is appropriate at this time, but he would like to explore the issue further in the DEIS for consideration in June.

Ms. Gway Kirchner asked Mr. DeVore to explain the process for choosing the final preferred alternative. Mr. DeVore said Council action in June is restricted to those alternatives analyzed in the DEIS. Any action outside the range analyzed would delay the schedule and implementation of the regulations. If the Council would like to combine the existing alternatives – for example, the higher canary ACL alternative with the preferred POP ACL- we would need that information today to include in the DEIS.

Ms. Mariam McCall supported Mr. DeVore's statement. She said if final Council action in June is outside the range in the DEIS, a supplemental DEIS would be required and the schedule would be modified.

Ms. Kirchner asked whether the Council could delay the choice of a preferred canary ACL alternative at this time. Mr. DeVore said the Council should take action on a preferred alternative – even if it includes a two ACLs options. It is important to signal the Council's intent in the DEIS so the public can provide comment.

Mr. Dan Wolford said the GMT report indicates it is difficult to differentiate between the canary alternatives and he did not anticipate any new analysis in June. Therefore, he does not support identifying two canary ACLs as preferred range in the DEIS.

Mr. Cal Groen asked if the fishery does not operate as anticipated in 2013-2014, is there an opportunity to increase the ACL? Mr. DeVore said normally the ACLs would not be modified until the next biennium (2015-2016); however, there is a point of concern framework in the FMP that could provide the opportunity for a mid-biennium ACL change.

[Council was on break from 9:24 a.m. to 9:40 a.m.]

Mr. Crabbe asked further questions about the DEIS process and identification of a preferred alternative. Ms. McCall reiterated that the DEIS must contain the range of alternatives considered by the Council. Ms. McCall said if final action in June varies from the range in the DEIS, then additional analysis and additional time for public comment would be needed.

Motion 36 carried unanimously.

Ms. Kirchner moved (Motion 37), utilizing Agenda Item I.8.b, Supplemental GMT Report (Table 1, page 8), that staff analyze an alternative that pairs the preferred POP ACL (150 mt in 2013; 153 mt in 2014) with the higher canary ACL (147 mt in 2013; 151 mt in 2014). This alternative should be included in the DEIS, and staff should present the results to the Council in June. Mr. Feldner seconded the motion.

Ms. Kirchner spoke to her motion, noting that several Council members were struggling with this decision. Analyzing this integrated alternative will help Council members make an informed decision in June. Ms. Kirchner said that Mr. Lockhart indicated that trawl fishery performance in 2012 is different than in 2011. In June, we will have nearly six months of data from that fishery, which will also help inform the decision.

Ms. Marija Vojkovich said that she thought the DEIS only included data through December 2010.

Ms. Kirchner said public testimony and the GAP statement spoke to the trawl fishery performance in 2011 and 2012. More information will be available in June.

Mr. DeVore said the 2011 trawl fishery data was included in the DEIS. He also said analyzing a new integrated alternative could be accomplished within the existing DEIS schedule for Council consideration in June.

Ms. Culver said she did not believe the new alternative would provide any more information than alternative 7. She also does not believe the Council should set the canary ACL based on inseason performance of the fishery in 2012.

Motion 37 carried (Ms. Vojkovich, Ms. Culver, Mr. Lincoln, Mr. Myer, and Mr. Wolford voted no).

Ms. Culver said in keeping with the Council's intent to keep the harvest specifications and management measures for 2013-2014 as close to the 2012 harvest specifications and

management measures (i.e., status quo) as much as possible with minimal exceptions, she moved and Mr. Myer seconded (Motion 38) that the Council:

1. Tentatively adopt as its PPA the No Action alternative relative to sorting requirements for aurora, shortraker, roughey, and blackgill rockfish, as described in Agenda Item I.3.a, Attachments 4 and 5, and Agenda Item I.3.b, Supplemental GMT Report.
2. Tentatively adopt as its PPA the removal of the minimum size limit for lingcod in IFQ fisheries, as described in Agenda Item I.3.a, Attachments 4 and 5.
3. Tentatively adopt as its PPA the No Action alternative relative to modifications to the shorebased-IFQ accumulation limits, as described in Agenda Item I.3.a, Attachments 4 and 5.
4. Request that the National Marine Fisheries Service continue to explore the usage of the IFQ surplus carryover provision and provide an update at the June Council meeting.
5. Request that the GMT and GAP provide further comments and recommendations on the lingcod minimum size limit at the June Council meeting.

Ms. Culver said relative to the sorting requirements that she does not, at this time, see any benefit to the sorting requirement. Further, implementing the sorting requirement would require changes on the state side and within PacFIN including creating new species codes and outreach to the affected parties to ensure sorting is done properly, prior to first weighing. If we explore changes to the stock complexes in the future, it would be appropriate to put people on notice now and plan for the transition. There may be additional information on this management measure coming forward in June, however, at this time she supports the No Action alternative.

Ms. Culver said it is not possible to distinguish biological impacts between the current size limit, reducing the size limit, or removing the size limit. The existing regulations force discards when, according to the stock assessor and the SSC, there is no biological benefit as a result of the size limit. Ms. Culver said when the lingcod stock was declared rebuilt, the stock assessor said the minimum size limit was no longer necessary. She would like the GMT and GAP to comment further on this item in June.

Ms. Culver said relative to the accumulation limits in the shorebased-IFQ fishery, she reviewed the analysis but was not compelled to revise the limits. She also thought revisions to the accumulation limits were more appropriately considered under a trawl rationalization trailing amendment.

Ms. Culver said she would also like NMFS to explore the legal and policy issues related to the shorebased surplus carry-over matters and report back in June.

Mr. Lockhart asked if the quality of the estimates for aurora, shortraker, and roughey noted in the GMT report would be resolved for the DEIS. Mr. DeVore said Council staff and the GMT have been working on that issue but cannot guarantee that it will be available in the DEIS.

Motion 38 carried unanimously.

Ms. Culver noted that the GMT report contained spiny dogfish bycatch data for the at-sea Pacific whiting sectors, which informs estimated impacts for 2013-2014. Additionally, this information should be considered when discussing options for modifying the Pacific whiting season start dates, which will be discussed under the future meeting planning agenda item.

Ms. Culver also noted the existing regulations exempt mid-water trawl gear from the RCA during the primary whiting season dates, even if they are targeting nonwhiting species (e.g., yellowtail and widow). The impacts of such activities should be considered, especially since the proposed widow ACL is higher and we anticipate a widow rockfish target fishery in 2013-2014. Ms. Culver is not proposing any changes for 2013-2014; she is just acknowledging the emerging fishery.

Ms. Culver moved and Ms. Vojkovich seconded (Motion 39) that the Council tentatively adopt alternative 4 as the preliminary preferred option for flexible management of set-asides.

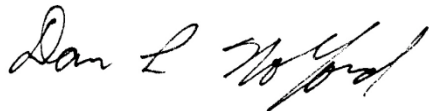
Ms. Culver spoke to her motion, stating that alternative 4 provides the most flexibility to the Council and NMFS to reallocate any unused portions of the set-asides. This option allows the Council to deviate from the start of the year allocations to help address emerging issues in any sector. Additionally, the option is supported by the GAP.

Motion 39 carried unanimously.

[Council concluded this agenda item at 10:14 a.m.]

ADJOURN

The Council adjourned April 6, 2012 at 2:23 p.m.



Dan Wolford
Council Chairman

June 26, 2012

Date