

MINUTES
212th Session of the
Pacific Fishery Management Council
March 2-7, 2012
 Doubletree Hotel Sacramento
 2001 Point West Way, Sacramento, CA 95815

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A. Call to Order (March 2, 2012; 8:05 a.m.)

A.1 Opening Remarks

Mr. Dan Wolford, Chairman, called the 212th meeting of the Pacific Fishery Management Council (Council) to order at 8:05 a.m. on Friday, March 2, 2012. It was noted that there would be a closed session held after Agenda Item E.1 on Saturday, March 3, 2012, to discuss litigation and personnel matters.

Ms. Vojkovich introduced Dan Yparraguirre, Wildlife & Fisheries Division Deputy Director and Stafford Lehr, Fisheries Branch Chief.

Mr. Phil Anderson introduced Ms. Sarah LaBorde as an official designee of Washington Department of Fish and Wildlife.

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. Brian Corrigan (U.S. Coast Guard, nonvoting designee)
Mr. David Crabbe (California Obligatory)
Mr. Jeff Feldner (At-Large)
Mr. Cal Groen (Idaho State Official, designee)
Dr. Dave Hanson, Parliamentarian (Pacific States Marine Fisheries Commission, nonvoting designee)
Mr. Mark Helvey (National Marine Fisheries Service (NMFS), Southwest Region (SWR), designee);
Mr. Rich Lincoln (Washington Obligatory)
Ms. Dorothy Lowman, Vice Chair (Oregon Obligatory)
Mr. Dale Myer (At-Large)
Mr. Herb Pollard (Idaho Obligatory)
Mr. Tim Roth (U.S. Fish and Wildlife Service, nonvoting designee)
Mr. David Sones (Tribal Obligatory)
Ms. Marija Vojkovich (California State Official, designee)
Mr. Gordon Williams (Alaska State Official, nonvoting designee)
Mr. Steve Williams (Oregon State Official, designee)
Mr. Dan Wolford, Chair (At-Large)

During the week, the following people were present in their designated seats for portions of the meeting: LCDR Brian Chambers (U.S. Coast Guard, nonvoting designee), Ms. Gway Kirchner (Oregon State Official, designee), Ms. Sarah LaBorde (Washington State Official, designee); Mr. Frank Lockhart (NMFS, Northwest Region (NWR), designee), Mr. David Ortmann (Idaho State Official, designee), Mr. Pat Pattillo (Washington State Official, designee), Mr. Bob Turner (NMFS, NWR, designee), Ms. Marci Yaremko (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 (3/2/2012; 8:12 a.m.)

Dr. McIsaac introduced the following informational reports:

Informational Report 1: Long-Term Effectiveness, Failure Rates, and "Dinner Bell" Properties of Acoustic Pingers in a Gillnet Fishery.

Informational Report 2: Summary of 2011 Climate and Ecological Conditions in the California Current LME.

Supplemental Informational Report 3: Obituary for John Royal.

The Council took a few moments to honor Mr. John Royal by recalling some of their memories of his life with the Council.

Dr. McIsaac introduced information regarding the January 24-26 Council Coordination Committee (CCC) meeting and ideas for improving Council meetings as developed by Council staff (Agenda Item A.3 and Attachment 1). Dr. McIsaac reported on the discussion at the CCC meeting concerning the Managing our Nation's Fisheries 3 Conference, for which our Council has the lead and is working on planning that event for the first week in May of 2013. The conference theme of sustainable fisheries will include issues involved in the Magnuson-Stevens Act reauthorization in 2013. There will be some keynote speakers, council input from each region, and an interactive discussion for findings to improve sustainability of our fisheries to be considered by all the stakeholders. The next step is a briefing at the annual CCC meeting in May and then follow-up with our Council in June.

Regarding 2012 Council funding, Dr. McIsaac reported Congress is still reviewing parts of the 2012 NMFS spending plan which includes part of the funding for regional councils and it has not yet been finalized. NMFS has indicated they are trying to provide councils with funding near the 2011 level. For 2013, NMFS has alerted the regional councils of a significant reduction in the President's proposed budget. The cuts also include proposed consolidation of the NMFS regions on the west coast. The CCC will propose a letter to be sent challenging the budget reduction.

Dr. McIsaac also reviewed some of the improvements that have been made in Council meetings over the past year, including live streaming of Council meetings, the video monitor carrying the live streaming in the hall outside the Council meeting room, and limiting Council meetings to five and one-half days. He also reported on some ideas the staff has developed this year for Council consideration. The primary suggestion concerns facilitating Council actions through improvements in the making of motions.

Dr. John Coon provided a short presentation to the Council regarding facilitating Council actions (Agenda Item A.3, Supplemental Attachment 3) which provided suggestions for procedures that could help make the Council's actions more efficient, effective, and clear. Council members responded favorably to most of the suggestions and also expressed additional suggestions, concerns, and some questions, including: consider making a reference card on how to present motions; mixed feelings about the suggestion of using lead Council members for certain agenda

items, especially in regard to attending advisory body meetings; support for using breaks, time-outs, and staff assistance at strategic moments; and putting motions up on the screen.

Dr. McIsaac expressed his thanks for the Council feedback. Council and staff can react to the suggestions and make the improvements that are obvious.

Dr. McIsaac continued with a review of other staff suggestions, including working toward shorter meetings, which might be aided by reducing the scope of the NMFS' reports, limiting workload to avoid working late nights, reducing supplemental Briefing Book items, and ordering in lunches if needed to facilitate Council actions.

A.4 Agenda

A.4.a Council Action: Approve Agenda

Mr. Myer moved and Mr. Pollard seconded (Motion 1) to approve the agenda as shown in Agenda Item A.4, Proposed March 2012 Council Meeting Agenda. Motion 1 passed unanimously.

[Break for 15 minutes on 3/2/2012 at 9:27 a.m.]

B. Highly Migratory Species Management

B.1 National Marine Fisheries Service Report (3/2/2012; 9:46 a.m.)

B.1.a Agenda Item Overview

Dr. Kit Dahl provided the Agenda Item Overview

B.1.b Regulatory Activities

Mr. Mark Helvey presented Agenda Item B.1.b, Attachment 1: HMS Regulatory Activities Report.

B.1.c Fisheries Science Center Activities

No report for this meeting.

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

None.

B.1.e Public Comment

None.

B.1.f Council Discussion

None.

B.2 Update on and Recommendations for International Management Activities (3/2/2012; 9:54 a.m.)

B.2.a Agenda Item Overview

Dr. Kit Dahl provided the Agenda Item Overview and introduced the following reference materials:

Agenda Item B.2.a, Attachment 1: United States and Canada, Treaty on Pacific Coast Albacore tuna vessels and port privileges (with annexes).

Agenda Item B.2.a, Attachment 2: Joint Letter to Mr. David Hogan on U.S. – Canada Albacore Treaty – Joint Position of WFOA & AAFA.

Agenda Item B.2.a, Attachment 3: Report on Negotiations between the U.S. and Canada on the Albacore Treaty by Buzz Brizendine.

Agenda Item B.2.a, Attachment 4: Letter to Russell Smith from Donald McIsaac with Council Recommendations to the U.S. Delegation to WCPFC8.

Agenda Item B.2.a, Supplemental Attachment 5: Meeting of the Permanent Advisory Committee to the U.S. Section to the Western and Central Pacific Fisheries Commission.

Agenda Item B.2.a, Supplemental Attachment 6: Information about Bilateral Negotiations on U.S. –Canada Albacore Treaty.

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

Mr. Mark Helvey summarized Agenda Item B.2.b, NMFS Report on International HMS Activities.

Mr. Buzz Brizendine summarized Agenda Item B.2.a, Attachment 3: Report on Negotiations between the U.S. and Canada on the Albacore Treaty.

Mr. Kirt Hughes and Dr. Suzie Kohin presented the HMSMT reports (Agenda Item B.2.b, HMSMT Report, and Agenda Item B.2.b, Supplemental HMSMT Report 2.

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

B.2.c Public Comment (3/2/2012; 11:03 a.m.)

Agenda Item B.2.c, Public Comment: U.S.-Canada Albacore Treaty.

Agenda Item B.2.c, Supplemental Public Comment 2: Letter from Paul Hill.

Doug Fricke, Washington Troller, Westport, Washington.

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

Wayne Heikkila, WFOA, Redding, California.

John Harder, Albacore Fisherman, Monterey, California.

Chip Bissell, American Albacore Fishing Association, Oak View, California (Agenda Item B.2.c, Supplemental Public Comment 3).

Bob Osborn, Recreational Fisherman, Surfside, California.

[Break from 11:55 a.m. to 1:04 p.m.]

B.2.d Council Action: Consider and Adopt Recommendations on International Management Activities Concerning a Management Framework for Albacore Tuna and the U.S. – Canada Treaty. (3/2/2012; 1:05 p.m.)

Ms. Vojkovich sought clarification about how albacore are managed under the U.S.-Canada treaty compared to the Council's role in managing other fisheries. Mr. Feder noted that the implementing regulations for the Treaty are found in sections of the Code of Federal Regulations different from those regulating Federal fisheries on the west coast.¹ This is because this activity is authorized by a different statute giving authority to the Secretary of State in consultation with the Secretary of Commerce. Ms. Vojkovich then asked about the Council's role in recommending management measures for Canadian vessels. Mr. Feder responded that the Council may make recommendations on provisions governing fishing activities by Canadian vessels in U.S. waters under the Treaty.

Mr. Anderson asked what the Federal objective is with respect to renegotiating the Fishing Regime that governs reciprocal access under the Treaty. He noted that the information presented to the Council spoke against agreeing to a renewed Fishing Regime for 2012. Mr. Helvey said no decision has been made and Council input will help form the U.S. position going into the next bilateral meeting scheduled for April 2012. If there is no agreement for 2012, a decision will have to be made on additional information needed to inform future negotiations.

Ms. Vojkovich moved and Mr. Crabbe seconded (Motion 2) that the Council send a letter to NMFS clearly supporting continuation of the U.S.-Canada Albacore Treaty, although the Fishing Regime should be renegotiated consistent with the points made on page 1 of Agenda Item B.2.b, Supplemental HMSMT Report 2. Finally, the U.S. should continue cooperating with Canada on international management objectives and research on North Pacific albacore whether or not a Fishing Regime (reciprocal access agreement) is agreed to.

Ms. Vojkovich noted that the Council is not recommending termination of the Treaty. She hopes that future negotiations can lead to a mutually beneficial agreement. Whether or not a new Fishing Regime is agreed to, all parties are interested in cooperative research on the albacore stock and the west coast fishery.

Mr. Williams asked if the recommendation would include continued data-gathering. Ms. Vojkovich said more information is needed to improve the health and stability of the U.S. albacore fishery.

Mr. Anderson said that the Supplemental Highly Migratory Species Advisory Subpanel (HMSAS) Report emphasizes the need to gather the requisite information about the U.S. fishery before a new Fishing Regime is negotiated. This suggests that the Regime should be suspended long enough to complete this information-gathering.

Based on this comment, Ms. Vojkovich said she would support a friendly amendment to the motion for additional clarification.

¹ Fishing by U.S. vessels in Canadian waters is regulated by 50 CFR 300 Subpart L and Canadian vessels in U.S. waters by 50 CFR 600.530. Other Federal west coast fisheries are regulated under 50 CFR Part 660.

Mr. Anderson moved and Mr. Myer seconded (Amendment 1 to Motion 2) to add the wording that “relative to the Fishing Regime there is a need to renegotiate that element of the treaty, and information gathering and data analysis are needed prior to such a renegotiation. The Council does not support continuing the expired Fishery Regime or attempting to renegotiate the Fishing Regime for implementation in 2012.”

Mr. Anderson described the information presented to the Council showing how much the fishery has changed since the Treaty was first agreed to. Canadian vessels are now larger and deliver less of their fish to U.S. ports, resulting in inequity for U.S. fishermen and ports. In addition, public comment has highlighted the aggressive behavior of Canadian vessels on fishing grounds in U.S. waters. Reaching agreement on an equitable Fishing Regime satisfactory to U.S. interests will take time, and the Council does not want the State Department to rush into agreeing to a Fishing Regime for 2012.

Mr. Brizendine supported the amendment to the motion but asked for clarification of the wording with respect to the status of the Fishing Regime. In response, Mr. Anderson proposed changing the description of the Fishing Regime that ended on December 31, 2011, from “current” to “expired” or “suspended.” (This change has been incorporated into the amendment to the motion transcribed above.)

Amendment 1 to Motion 2 passed (Mr. Helvey abstained). Motion 2 passed as amended (Mr. Helvey abstained.)

Ms. Vojkovich asked if the Highly Migratory Species Management Team (HMSMT) and HMSAS would be involved in the data collection and analysis discussed earlier, or if it would be carried out by others. Mr. Helvey noted that a Data Working Group and Socioeconomic Working Group have been formed with participation from both governments. He expected the HMSMT and HMSAS would advise the Council on their work products when they have been completed.

Mr. Anderson suggested the Council take up these results after the bilateral meeting in April, so that the results of that meeting can be considered in any future Council deliberation.

Mr. Sones noted the lack of support for the Treaty among U.S. fishery participants. He suggested data-gathering and future cooperation with Canada on albacore management should occur in international forums (e.g., the Western and Central Pacific Fisheries Commission (WCPFC) and Inter-American Tropical Tuna Commission (IATTC)).

Ms. Vojkovich turned to the albacore management framework described in Supplemental HMSMT Report 2. She expressed concern with the timeline and tasks proposed by the HMSMT in the Report. She does not believe that work should begin by focusing on domestic management of the albacore fishery, but rather a more general consideration of potential management options that could be proposed at the international level. In this regard she thought that the HMSMT timeline could be truncated to the tasks proposed through November 2012. Mr. Anderson and Ms. Lowman agreed with this assessment.

Mr. Williams noted the difficulty of specifying potential measures and positions in the context of international negotiations.

Ms. Vojkovich discussed some of the timing issues related to the next Northern Committee meeting (provisionally scheduled for September 2-8, 2012) and the September 13-18, 2012, Council meeting. The Northern Committee is scheduled to discuss reference points for North Pacific albacore, and the Council has not been adequately briefed on the potential range of reference points that may be considered. The timeline proposed by the HMSMT could compromise the Council's ability to provide advice to the U.S. delegation to the 2012 Northern Committee meeting. Ms. Vojkovich recommended that the Council receive a report at their June 2012 meeting on these issues. This report would principally focus on international management issues, with ideas for domestic responses following at a later date.

Mr. Anderson recommended any further consideration of a schedule wait until the June Council meeting, when the report outlined by Ms. Vojkovich could help inform the decision.

Ms. Vojkovich agreed and recommended that NMFS convene a meeting that could include HMSMT and HMSAS to develop information on reference points and management responses. Any resulting report would discuss a range of options without recommending a particular course of action at this time. In response to a question from Mr. Williams, Ms. Vojkovich clarified that the options for management responses could include both international and domestic measures. Mr. Helvey emphasized that the report should discuss any such measures in the broadest terms possible.

Dr. Dahl suggested organizing a joint meeting of the HMSMT and HMSAS with participation from the Scientific and Statistical Committee (SSC) HMS Subcommittee and any other subject matter experts from within NMFS identified by Mr. Helvey. Mr. Helvey agreed to assist in organizing resource people for the meeting.

Ms. Vojkovich then turned to the question of recommendations to the U.S. delegations to WCPFC8 (scheduled March 26-30, 2012) and the IATTC Annual Meeting (scheduled for June 18-29, 2012). The Council already provided recommendations for WCPFC8 at their November 2011 meeting (because WCPFC8 was originally scheduled for December 2011).

Ms. Vojkovich moved and Mr. Brizendine seconded (Motion 3) that the Council reaffirm the previous recommendations for the U.S. delegation to WCPFC8 made at the November 2011 Council meeting by means of another letter. (The HMSMT and HMSAS Reports attached to the previous letter do not have to be included in this letter.)

Motion 3 passed unanimously.

Ms. Vojkovich moved and Mr. Anderson seconded (Motion 4) that the Council draft a letter with recommendations to the U.S. Delegation to the IATTC Annual Meeting based on the four recommendations found in Agenda Item B.2.b, Supplemental HMSAS Report on page three.

Ms. Vojkovich said that the recommendations to the IATTC complement those made to the U.S. delegation to WCPFC8, thus encouraging cooperation between the two organizations.

Motion 4 carried unanimously.

B.3 Swordfish Management Data Report and Future Management Recommendations

B.3.a Agenda Item Overview (3/2/2012; 1:58 p.m.)

Dr. Kit Dahl provided the Agenda Item Overview.

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

Mr. Kirt Hughes and Dr. Stephen Stohs presented Agenda Item B.3.b, Supplemental HMSMT Report on Management Options for West Coast Swordfish Fisheries; and Agenda Item B.3.b, Supplemental HMSMT Report 2.

Mr. Doug Fricke and Mr. Steve Fosmark presented Agenda Item B.3.b, Supplemental HMSAS Report.

Ms. Tina Fahy, NMFS Protected Resources Division, presented information on the Pacific leatherback sea turtle critical habitat designation and the up listing of the loggerhead sea turtle Pacific DPS.

[Break from 3:04 p.m. to 3:19 p.m.]

Dr. Chugey Sepulveda, Pflugler Institute of Environmental Research, (PIER), presented information on the development and trials of deep-set buoy gear in Southern California.

Mr. Mark Helvey summarized Agenda Item B.3.b, NMFS Report on the West Coast Swordfish Fishery.

Dr. Russ Vetter, NMFS Southwest Fisheries Science Center (SWFSC), described current research aimed at better understanding habitat separation between swordfish and leatherback sea turtles.

B.3.c Public Comment

Geoff Schester, Oceana, presented Agenda Item B.3.c, Supplemental Public Comment 5 “A New Direction for the West Coast Swordfish Fishery” (PowerPoint).

Gary Burke, Commercial Fisherman, Santa Barbara, California.

Steve Scheiblaue, City of Monterey and Rick Algert, City of Morro Bay, presented information from Agenda Item B.3.c, Supplemental Public Comment 4: Letter from City of Morro Bay.

Teri Shore, Turtle Island Restoration Network, Forest Knoll, California, presented Agenda Item B.3.c, Supplemental Public Comment 6: Protecting Marine Species in the West Coast Swordfish and Shark Fishery (PowerPoint).

Tim Mulcahy, Fisherman, Santa Barbara, California.

John Harder, Albacore Troll Fisherman, Monterey, California, presented information from Agenda Item B.3.c, Public Comment letter.

Kathy Fosmark, Fisherman’s Association of Moss Landing, Moss Landing, California.

Steve Fosmark, Fisherman, Moss Landing, California.

Ken Hinman, National Coalition for Marine Conservation, Leesburg, Virginia.

Agenda Item B.3.c, Public Comment by Mr. John Harder (Albacore Troll Fisherman) and Ms. Teri Shore (Turtle Island Restoration Network).

Agenda Item B.3.c, Supplemental Public Comment 2; Letter from World Wildlife Fund.

Agenda Item B.3.c, Supplemental Public Comment 3: Letter from Aquarium of the Pacific.

Agenda Item B.3.c, Supplemental Public Comment 4: Letter from City of Morro Bay.

[Council postponed B.3.d until Saturday, March 3 at 8 a.m. (3/2/2012; 5:10 p.m.)]

B.3.d Council Action: Consider Available Management Data and Determine Whether or Not to Proceed Toward Developing a West Coast Fishery (3/3/2012; 8:02 a.m.)

Ms. Vojkovich moved and Mr. Brizendine seconded (Motion 5) that the Council direct the HMSMT and any appropriate NMFS staff experts with sea turtle and oceanographic data, determine if any changes can be made to the closure dates for, or the southern boundary of, the Pacific Leatherback Turtle Conservation Area (PLCA) to enhance drift gillnet (DGN) fishing opportunities (taking into account the supplemental HMSMT and HMSAS Reports). If the data and analysis show there is any flexibility, then the NMFS Protected Resources and Sustainable Fisheries should determine the next steps in establishing hard take caps for Endangered Species Act (ESA) listed turtles for consideration of establishing them for this fishery.

Ms. Vojkovich noted the Council has considered management changes for the DGN fishery in the past. There appears to be new data since the PLCA was first established to inform consideration of changes to the closure date and southern boundary. She doesn't presuppose a specific outcome of such an evaluation, but it should be used to support future Council considerations. Establishing sea turtle take caps for the fishery would provide some assurance about fishery performance, and insurance that proposed changes would avoid a conservation concern.

Mr. Crabbe asked if the motion precludes extending the PLCA southern boundary southward. Ms. Vojkovich responded that if the analysis suggests a different outcome, that would need to be considered.

Mr. Anderson asked if the criteria that the HMSMT would use for considering the changes to the PLCA include no increase in sea turtle impacts or if it would be broader in scope. Ms. Vojkovich said she assumes there would be no additional turtle impacts, but we won't know the answer to that question until the subject matter experts evaluate the proposal and projected sea turtle impacts.

Mr. Anderson asked if the consideration of sea turtle take caps would be for fisheries throughout the west coast EEZ or just in the time/area that might be considered in a change to the PLCA. He also wondered how this relates to current fishery impacts to sea turtles. Mr. Helvey responded that these questions would be addressed when the proposed action is specified and new information about the distribution of leatherback sea turtles is applied to the proposal.

There was more discussion about how take caps could be established.

Dr. Dahl described how the process for establishing take caps has worked in other circumstances. The caps are based on the incidental take statement in the Biological Opinion evaluating the proposed action. The numbers in the Biological Opinion are then established in regulation as a mitigation measure. Mr. Helvey noted that the Biological Opinion would consider all available information to determine incidental take and whether it avoids a jeopardy determination given the proposed action.

Mr. Williams asked about the timeframe for developing a proposal and bringing it back to the Council. Dr. McIsaac noted that the biennial management process specified in the HMS FMP is scheduled for 2012 in June, September, and November Council meetings. Ms. Vojkovich wondered whether it would be possible to complete this as part of the 2012 biennial process, not knowing the workload involved. Dr. Dahl responded that he didn't think the work could be completed for a Council decision in 2012.

Mr. Anderson thought it would be possible for the HMSMT to bring back a proposal for Council consideration with sufficient information to indicate that it wouldn't increase sea turtle impacts. Then the Council proposal would be subject to a Section 7 consultation with NMFS Protected Resources Division (PRD). The question of take caps for the DGN fishery would be directed to NMFS at the same time.

Ms. Vojkovich said that her motion was intended to capture that process. Mr. Anderson thought the motion did not sufficiently capture this intent and offered an amendment.

Mr. Anderson moved and Mr. Steve Williams seconded (Amendment 1 to Motion 5) to delete the phrase "if the data and analysis show there is any flexibility, then ask" and replace it with "In addition, ask the NMFS Protected Resources and Sustainable Fisheries determine next steps in establishing hard caps for ESA listed turtles for consideration of establishing them for this fishery."

Mr. Anderson stated that this is consistent with the preceding discussion and our Council direction to the HMSMT.

Amendment 1 to Motion 5 carried unanimously.

Mr. Wolford thought the motion was specific to the DGN fishery and impacts to sea turtles; he wondered whether impacts to other protected species would be included in any evaluation. Ms. Vojkovich said that the intent of her motion focused on impacts to sea turtles, but Mr. Anderson thought Council discussion implied that the evaluation include impacts to other species.

Mr. Lincoln said he could not support the motion, because the information presented indicated that a better course would be to transition the DGN fishery to more sustainable fishing practices.

Mr. Helvey spoke in support of the motion.

Motion 5 passed (Mr. Lincoln voted no).

Motion 5 as amended (with some editing for clarity)

The Council directs the HMSMT and any appropriate NMFS staff experts with sea turtle and oceanographic data, to determine if any changes can be made to the closure dates for, or the southern boundary of, the PLCA to enhance DGN fishing opportunities (taking into account the supplemental HMSMT and HMSAS Reports). In addition, the Council asks NMFS PRD and Sustainable Fisheries Division to determine the next steps in establishing hard caps for ESA-listed sea turtles for consideration of establishing them for this fishery.

Mr. Helvey moved and Mr. Lincoln seconded (Motion 6) to have NMFS report to the Council at the March 2013 meeting on the progress of research evaluating the bycatch rates, catch per unit of effort (CPUE), and other useful information about other gear types targeting swordfish, with a view toward considering regulatory changes to expand the list of authorized HMS gear types as part of the 2014 biennial specification process depending on the outcome of the research.

Speaking to his motion, Mr. Helvey noted current research on deep-set longlines targeting swordfish and the buoy fishery.

Dr. McIsaac noted this schedule would miss the biennial process with Council decision-making in 2012.

Dr. Dahl said that the FMP allows some flexibility to shift when the biennial process occurs, so one possibility would be to delay the current cycle to 2013. Mr. Helvey said that NMFS would report back in 2013 with results of this research so the Council could consider authorizing new gear types in 2014.

Ms. Vojkovich expressed concern about the time needed for regulatory changes and preferred not to specify a date for Council decision-making. Mr. Williams concurred, but thought NMFS should report back to the Council in a year. At that time the Council could decide on next steps.

Mr. Anderson moved and Mr. Myer seconded (Amendment 1 to Motion 6) to add “or modify” after the word “expand.”

Mr. Anderson said the Council should maintain flexibility to look at the results of this gear research without necessarily expanding the list. Ms. Vojkovich asked if this includes potentially prohibiting currently legal gear. Mr. Anderson said that is one possible outcome.

Mr. Pollard, Ms. Vojkovich, and Mr. Anderson engaged in a discussion of how carefully the wording of the motion needs to be specified as part of the floor discussion.

Mr. Wolford expressed support for the amendment.

Amendment 1 passed (Mr. Helvey voted no).

Mr. Wolford said he would vote against the amended motion because of his concern about the Council being able to make a decision by 2014.

Motion 6 passed as amended (Ms. Vojkovich and Mr. Wolford voted no).

Motion 6 as amended (with some editing for clarity)

The Council requests NMFS report to the Council at the March 2013 meeting on the progress of research evaluating bycatch rates, CPUE, and other useful information about other gear types targeting swordfish, with a view toward considering regulatory changes to expand or modify the list of authorized HMS gear types as part of the 2014 biennial specification process, depending on the outcome of the research.

[Break from 8:53 a.m. to 9:08 a.m.]

C.1 Comments on Non-Agenda Items

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[Council took a portion of public comment on this agenda item out of order on March 2 in response to the travel schedule of two commenters.]

C.1.a Advisory Body and Management Entity Comments (3/3/2012; 9:08 a.m.)

Dr. Cisco Werner, Director, NMFS SWFSC, provided remarks concerning the article forecasting an imminent collapse of the west coast sardine stock in the Proceedings of the National Academy of Sciences (PNAS). He commented that NMFS did not agree with the authors' interpretation of the data. NMFS scientists believe the population is cyclical and capable of large fluctuations and is not in a state of imminent collapse. The PNAS authors' conclusions differ significantly from NMFS scientists in several peer-reviewed analyses. NMFS and Canadian scientists continue to work cooperatively to review current data, and the results of their analyses will be made available to the public when completed.

Mr. Dan Wolford spoke about the FISHSMART Pacific Workshop on Improving the Survival of Released Fish, which is scheduled for May 8-9, 2012 in Portland, Oregon. The workshop deals primarily with methods of reducing barotrauma and thereby increasing survival of released fish in the recreational groundfish fishery.

C.1.b Public Comment

Agenda Item C.1.b, Public Comment 1, Letters regarding Forage Fish.

Agenda Item C.1.b, Public Comment 2, Letter from Bill James, Port San Luis Commercial Fishermen's Association, requesting a change in the open access fishery.

Agenda Item C.1.b, Public Comment 3, Letter from Mike Pettis concerning the fixed gear fishery.

Agenda Item C.1.b, Supplemental Public Comment 4, Little Fish, Big Deal Postcard Campaign.

Agenda Item C.1.b, Supplemental Public Comment 5, Letter from the Coastal Conservation Association (CCA Washington) Regarding Protection of Forage Species.

Agenda Item C.1.b, Supplemental Public Comment 6, Letter to Sanctuary Advisory Council Members from John Hunt regarding Monterey Bay National Marine Sanctuary Collecting Information for PFMC Ecosystem-Based Management.

Agenda Item C.1.c, Supplemental Public Comment 7, Draft Agenda – FISHSMA Pacific Workshop on Improving the Survival of Released Fish Focusing on Barotrauma; May 8-9, 2012; Portland, Oregon.

[The following two comments were taken at 5:10 p.m. on 3/2/2012]

Kathy Fosmark, Fisherman’s Association of Moss Landing, Moss Landing, California; regarding the Monterey Bay National Marine Sanctuary.

Geoff Schester, Oceana, Monterey, California; presented information from Agenda Item C.1.b, Supplemental Public Comment 8: “A cold oceanographic regime with high exploitation rates in the Northeast Pacific forecasts a collapse of the sardine stock.”

[Council resumed public comment on 3/3/2012]

Bob Alverson, Fishing Vessel Owners Association, Seattle, Washington; requested Council consideration of fixed gear issues (ownership and control).

Shems Jud, Environmental Defense Fund; Tommy Ancona, Steve Bodnar, Joe Bersch (United Catcher Boats); Tom Libby (California Shellfish Company), Kevin James (fisherman), Brad Pettinger (Oregon Trawl Commission); provided a summary of a recent workshop held in Portland, Oregon concerning the current experience in individual quota shares management.

Bill James, Port St. Luis community Fishing Association, presented information from Agenda Item C.1.b, Public Comment 2, Letter from Bill James regarding Open Access Fishery.

Mike Pettis, F/V Challenge, presented information from Agenda Item C.1.b, Supplemental Public Comment 3, Letter from Mike Pettis Regarding Fixed Gear Stacking Provision.

C.1.c Council Discussion and Comments as Appropriate

Mr. Steve Williams, concerning the fixed gear issues brought up by Mr. Alverson, asked where we would address these issues if we chose to.

Dr. McIsaac stated that vessel capacity issues would fall into the biennial management process to provide for a management measure and the next cycle is what comes to mind, since we went narrow on the scope of the current management cycle.

Mr. Ortmann asked if that would be the same answer for Mr. James.

Dr. McIsaac said he believes that would be the same answer.

Regarding Mr. James’ issue, Ms. Vojkovich noted that Council staff could probably provide Mr. James with the information from the fishery management plan that would focus what kind of action or amendment would be needed to allow multiple permit holders in the nearshore fishery to use the same vessel.

Regarding Mr. Alverson's issue, Mr. Anderson noted that he believes NMFS has been made aware of the issue and was working on it, but it has been delayed as their priorities have changed.

Dr. McIsaac said he would have the Council staff look at the current regulation process with regard to the issues so that the information would be brought forward to the Council members and interested parties.

[Council concluded the agenda item at 9:57 a.m. on 3/3/12]

D. Coastal Pelagic Species Management

D.1 Exempted Fishing Permits (EFP) for 2012 (3/3/2012; 9:57 a.m.)

D.1.a Agenda Item Overview

Mr. Kerry Griffin provided the Agenda Item Overview and introduced Agenda Item D.1.a, Attachment 1: Northwest Aerial Sardine Survey 2012 Application for Exempted Fishing Permit. He clarified that the EFP research would apply to the second period of directed fishing (July 1 through September 15), after the directed fishery has closed upon harvesting that period's allocation.

Mr. Crabbe asked whether the potential for directed fishing to continue during the entire second period could diminish the opportunity to conduct the research. Mr. Griffin said that it could present a quandary for the proponents, because the vessels that participate typically participate in the EFP research only after the directed fishing closes for that period.

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

Dr. Martin Dorn presented Agenda Item D.1.b, Supplemental SSC Report. Ms. Yaremko asked how many point sets are necessary to establish the relationship between surface area and biomass. Dr. Dorn stated that there is no fixed number, but generally more is better. Ms. Yaremko asked if the SSC would be comfortable using the point set data from previous years. Mr. Jagielo responded by stating that the point set data are not pooled across years, and that a separate relationship is established each year. Dr. Dorn said that there is likely enough data at this point to determine how many point sets will still be required, but that the SSC has not yet examined the issue.

Mr. Helvey asked if the SSC had reviewed the new protocol allowing point sets to be photographed at less than 4,000 feet. Dr. Dorn said that the SSC was comfortable with relaxing this requirement.

Dr. Bob Emmett presented Agenda Item D.1.b, Supplemental CPSMT Report.

Mr. Mike Okoniewski presented Agenda Item D.1.b, Supplemental CPSAS Report. He expressed his admiration for the late John Royal, stating that he will be greatly missed.

D.1.c Public Comment

None.

D.1.d Council Action: Adopt EFP Proposals for Public Review

Ms. Yaremko moved and Mr. Crabbe seconded (Motion 7) to adopt the EFP Application as described in Agenda Item D.1.a, Attachment 1 for public review.

Ms. Yaremko commended the dedication to the process and the commitment of the aerial survey proponents, and spoke to the value of the survey to the science of the stock assessment. She also noted that the aerial survey is a burden on industry, and hopes there will be ways to continue the work with funding and support from other sources.

Mr. Wolford said that the value of this EFP is well-established, but that it is time to move this to the normal structure of stock assessment research, rather than considering the EFP research every year.

Mr. Williams asked Ms. Yaremko if the CPSMT request to include the general sampling schedule and other items in its supplemental report would be consistent with her motion. Ms. Yaremko replied yes.

Motion 7 passed unanimously.

[Break on 3/3/2012 from 10:29 a.m. to 10:42 a.m.]

E. Habitat

E.1 Current Habitat Issues (3/3/12; 10:42 a.m.)

E.1.a Agenda Item Overview

Ms. Jennifer Gilden provided the Agenda Item Overview and introduced Agenda Item E.1.a, Attachment 1: Letter on Columbia River Biological Opinion.

E.1.b Report of the Habitat Committee (HC)

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

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

None.

E.1.d Public Comment

Joseph Bogard, Save our Wild Salmon, Seattle, Washington

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

Mr. Ortmann said the HC and the Council should maintain an aggressive stance on the Army Corps of Engineers levee issue. He believes it is a shortsighted and insensitive policy. There have to be other ways to ensure the safety of the levees. Regarding the Columbia River stakeholder letter, he said he would like to be convinced that this wouldn't duplicate existing

processes. It would be difficult to limit participation in the process. Also, Mr. Thom's suggestion that we look elsewhere for a lead needs our attention.

Mr. Roth supported Mr. Ortmann's comments and a follow-up letter from the HC. Many of our rivers are lined with levees, and sometimes the only salmon habitat is along those levees. To have an edict to denude that vegetation wouldn't benefit fisheries; we need to remind the Corps of their responsibilities regarding ESA and Magnuson-Stevens Act.

Mr. Roth also spoke in favor of the draft U.S. Fish and Wildlife Service/National Oceanic and Atmospheric Administration (NOAA)/state/tribe Climate Adaptation Strategy. The comment period is this week, so there isn't much opportunity for the Council to weigh in officially, but the HC supported the draft and the Council lending its support in the record of discussion would be good. Regarding the Sacramento water issue, we had a frank discussion in the HC about what is happening with B2 water, and the HC has captured it in their report. How this water is managed is very important. The California Department of Fish and Game (CDFG) is conducting monitoring in order to better manage water and fisheries, but there is a lack of funding which needs to be addressed.

The Federal Columbia River BiOp letter is challenging. The draft letter focuses on the FCRS BiOp, but the issue is much broader. Stakeholder involvement is a significant undertaking, as there are many types of stakeholders. These sorts of processes are important and needed, but he is not sure how we pull them off.

Mr. Williams said he believes there needs to be a more collaborative process for this BiOp. If, as Mr. Thom says, NMFS shouldn't lead this, I'm not sure who would. The current process isn't inclusive enough to include all opinions and viewpoints. We have reviewed and modified this letter; I think it is fairly benign in regard to requesting that a collaborative process be considered, but without more clarity we may not have a good picture of what we're asking for. Many stakeholders around this issue do not feel their viewpoints are being heard and feel the process is not effective; it is seen as a closed system. However, I am not convinced that this letter would result in the desired outcome. I don't know a solution, but the future success of this process is in doubt without more collaborative aspects.

Mr. Sones spoke in support of the levee letter. At this point the Columbia River tribes are not comfortable supporting the Columbia letter. They're not opposed, but the tribes are always very concerned about their government-to-government relationship.

Ms. LaBorde supported the call for the Council to remain strong on the levee issue. The Snake Recovery Board brought the technical people who wrote this levee guidance out to see our levees, and they said they had never even thought these things existed. She expressed appreciation that the HC has supported the Climate Adaptation Strategy. For the Columbia BiOp, she agreed that stakeholders feel outside of these processes, but none of these other collaboration examples (Klamath, etc.) already had several salmon recovery plans in place. We already have several salmon recovery plans in place with counties, landowners, irrigators, etc. She didn't think we need another process. She would like to see what actions are being taken to implement the recovery plans that we know are there.

Ms. Yaremko stated that CDFG has issued a notice of intent to sue the Corps of Engineers on their levee policy, and while we support the HC examining and commenting on this, if there is a motion to draft a letter, she would have to abstain.

Dr. McIsaac said there seems to be a consensus on assigning staff to draft a letter to the Army Corps of Engineers. With regards to the BiOp, there is sympathy for the concepts but not strong support for the letter, so we need a motion. Perhaps the HC could bring a revised letter in April with more clarity.

There was consensus on having the Habitat Committee draft a letter to the Army Corps of Engineers on the levee issue.

[This agenda item concluded at 11:35 a.m. on 3/3/2012 and the Council broke for lunch.]

[Council was in Closed Executive session from 12:41 p.m. to 2:42 p.m.]

F. Groundfish Management

F.1 Consider and Plan Necessary Actions for 2012-2013 Pacific Whiting Fishing Seasons, including Potential Impacts from the Pacific Dawn Litigation (3/3/2012; 2:44 p.m.)

F.1.a Agenda Item Overview

Mr. John DeVore provided the Agenda Item Overview and introduced the following documents:

Agenda Item F.1.a, Attachment 1: Executive Summary of Status of the Pacific hake (Whiting) stock in U.S. and Canadian Waters in 2012 and Agenda Item F.1.a, Supplemental Revised Attachment 1.

Agenda Item F.1.a, Attachment 2: Summary judgment in case no. C10-4829-TEH: Pacific Dawn, LLC, et al. v. John Bryson, et al.

Agenda Item F.1.a, Supplemental Attachment 3: Order on the Remedy in case no. C10-4829 TEH: Pacific Dawn, LLC, et al. v. John Bryson, et.al.

Agenda Item F.1.a, Supplemental Attachment 4: Federal Register Notice for Tribal fishing for Pacific Whiting.

Agenda Item F.1.a, Supplemental Attachment 5: Joint U.S. – Canada Scientific Review Group Report.

Agenda Item F.1.c, Supplemental NMFS Report.

Agenda Item F.1.d, Public Comments.

Agenda Item F.1.d, Supplemental Public Comment 2.

F.1.b NMFS Briefing

Mr. Frank Lockhart provided a briefing on the new treaty process for deciding annual Pacific whiting harvest specifications. The final rule for 2012 Pacific whiting harvest specifications and tribal whiting reapportionment will not likely be published before mid-April, more likely in the third or fourth week of April.

Mr. Phil Anderson remarked that the new assessment indicates a lesser biomass than what was estimated last year and it is likely the total allowable catch (TAC) will be significantly less this year. The Scientific Review Group (SRG) report (Supplemental Attachment 5) indicates the uncertainty in the assessment and the problem with too much reliance on the strength of a single year class. Since these reports are just now available, Council recommendations to the Joint Management Committee (JMC) may be general and conceptual in nature.

Mr. Lockhart explained one flaw in this process is the Council and treaty processes are not in synchronization. Ms. Vojkovich asked if this flaw is because this is the first year of the new process, and Mr. Lockhart said yes and the process can be fixed before next year.

Mr. Lockhart briefed the Council on the Pacific Dawn lawsuit and the proposed process for determining a remedy for complying with the court order (Supplemental NMFS Report). He noted that NMFS will likely be publishing an Advanced Notice of Proposed Rulemaking to indefinitely suspend sales of quota shares in the individual fishing quota (IFQ) fishery until the lawsuit remedy is implemented. Ms. Kirchner asked when the Advanced Notice of Proposed Rulemaking is expected to be published and Mr. Lockhart said in a couple of weeks.

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

Mr. Frank Lockhart presented Agenda Item F.1.c, Supplemental NMFS Report.

Mr. Rob Jones presented Agenda Item F.1.c, Supplemental GMT Report and Agenda Item F.1.c, Supplemental GMT Report 2.

F.1.d Public Comment

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

James Walsh, Davis Wright Tremaine, San Francisco, California; spoke to Agenda Item F.1.d, Public Comment Letter from Davis Wright Tremaine LLP regarding Pacific Dawn Litigation and Agenda Item F.1.d, Supplemental Public Comment 2, Plaintiffs' Reply Brief Filed February 13, 2012 in the Pacific Dawn Case.

Steve Hughes, Seattle, Washington, added comments on the Pacific Dawn litigation.

F.1.e Council Action: Council Decisions and Planning as Necessary for Implementation of the 2012-2013 Pacific Whiting Fishing Seasons (3/3/2012; 3:45 p.m.)

Mr. Anderson asked if, in the unlikely event the JMC cannot reach consensus on a coastwide TAC, is there an opportunity for the Council to take this issue up at the April Council meeting. Mr. Lockhart thought that could be done.

Ms. Vojkovich wanted to know from NMFS how much whiting is estimated to be needed for 2012 research activities, and Dr. McClure said she did not know. She said she will quickly check and get back to the Council on this.

Mr. Lockhart said the set-aside recommendation from the Council could be conceptual. After some discussion, Mr. Lockhart said the set-aside could be decided in April.

Mr. Myer moved and Mr. Pollard seconded (Motion 8) to set aside 3,000 mt of whiting to accommodate 2012 research activities and incidental bycatch in the pink shrimp fishery.

Mr. Anderson believes this set-aside is too high for the incidental bycatch in the pink shrimp fishery now that three-quarter inch grates are mandated in the bycatch reduction devices in shrimp trawls.

Mr. Anderson moved and Ms. Kirchner seconded (Substitute Motion 9) to set aside 2,000 mt of whiting to accommodate 2012 research activities and incidental bycatch in pink shrimp and other fisheries.

Mr. Feldner asked when we would know the incidental catch in the 2011 pink shrimp fishery, and Mr. DeVore responded that this will be reported in the 2011 annual mortality report that is scheduled to be published at the end of the year.

Mr. Myer said he will support the motion. Ms. Vojkovich said she supports the motion but would like more information on shrimp trawl bycatch needs.

Substitute Motion 9 carried unanimously.

Ms. Kirchner said she is struggling with advice on the U.S. TAC without SSC guidance on the assessment.

Mr. Sones said he and others are frustrated with the high variability in whiting stock assessments. He recommended we need an annual whiting survey and that Mr. Anderson bring that recommendation to the JMC.

Mr. Lockhart said he will pursue process improvements with the Executive Director to better synchronize the treaty whiting process with the Council process in time for next year.

Chairman Wolford recommended the Council move on to the Pacific Dawn litigation discussion. Mr. DeVore reminded the Council that there is no action scheduled for this at this meeting and that scheduling the process should be considered for Agenda Item I.3 later in the week.

Ms. Vojkovich noted this is going to be a challenging discussion on Wednesday under Agenda Item I.3, since some other actions will need to be postponed to make room for developing a remedy to the Pacific Dawn court order.

Dr. McIsaac said there will be a display of priorities under Agenda Item I.3, and the Council can expect this issue will be proposed for the next three Council meetings. The commitment is to develop alternatives by the March 15 deadline for the April briefing book. Council staff will need to put in as much information for alternatives as possible to be analyzed in June.

[Council break at 4:11 p.m.]

F.2 Briefing on and Limited Actions for Emerging Issues in the 2013-2014 Biennial Specifications Process (3/3/2012; 4:21 p.m.)

F.2.a Agenda Item Overview

Ms. Kelly Ames and Mr. John DeVore provided the Agenda Item Overview, made a PowerPoint presentation (Agenda Item F.2.a, Supplemental Staff PowerPoint), and introduced the following documents:

Agenda Item F.2.a, Attachment 1: Comparison of Harvest Specifications decided in November with proposed revised Harvest Specifications for Lingcod and the Other Fish Complex.

Agenda Item F.2.a, Attachment 2: Deriving estimates of OFL for species in the “Other Fish” Complex.

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

Dr. Martin Dorn presented Agenda Item F.2.b, Supplemental SSC Report.

Mr. Tommy Ancona presented Agenda Item F.2.b, Supplemental GAP Report.

The Council questioned the table of overfishing limit (OFL) values for stocks in the Other Fish complex that was presented in the SSC report. They questioned whether the zero values for cabezon in Washington and kelp greenling in Washington and Oregon should be reported, since they infer that the maximum sustainable yield (MSY) harvest level is zero when the truth is there is no approved methodology for estimating OFL contributions for those two stocks. Dr. Dorn said he would contact SSC members and attempt to reach consensus to revise the table and the text in the SSC report to make that more clear. [Council reopened F.2.b to receive the revised SSC report on 3/7/2012 at 8:20 a.m. in which Mr. John DeVore reviewed the changes in Agenda Item F.2.b, REVISED Supplemental SSC Report, concerning the OFL values for individual stocks in the Other Fish complex.]

[Council adjourned for the day.]

F.2.c Public Comment (3/4/2012; 8:18 a.m.)

Ralph Brown, Trawl Fisherman, Brookings, Oregon.

Brad Pettinger, Oregon Trawl Commission, Brookings, Oregon; covered details from Agenda Item F.2.c, Public Comment Letters from North Coast Fishing Association and Oregon Trawl Commission.

Gerry Richter, Point Conception Groundfish Fisherman’s Association, Santa Barbara, California.

F.2.d Council Action: Consider and Adopt Preferred Alternatives for Emerging Issues, Including Specifications for the Other Fish Stock Complex and Lingcod (3/4/2012; 8:25 a.m.)

Ms. Gway Kirchner asked if we are on track with implementing specifications by January 1, 2013 and Mr. Lockhart said yes.

Mr. Anderson moved and Ms. Kirchner seconded (Motion 10) to adopt preferred OFLs, ABCs, and ACLs for lingcod north and south of 40°10' N. latitude as per Agenda Item F.2.a,

Attachment 1 and the Other Fish complex as per Table 1 in Agenda Item F.2.b, Supplemental SSC Report. [Table 1 was not change in the Supplemental Revised SSC Report]

Motion 10 carried unanimously.

Ms. Kirchner called for a discussion of the widow reallocation issue. She asked if resolution of this issue would require a plan amendment and Mr. DeVore said yes. This should be independent of the specifications process and would require suspension of the trading and selling of widow quota shares until the reallocation process is complete. He noted that NMFS is proposing suspension of selling or trading quota shares until the Pacific Dawn case is settled. Mr. Lockhart said it may make sense to suspend quota share trading and selling through the entire year next year. He invited Council discussion on this. He also noted that reallocation becomes more controversial once trading and selling of quota shares begins.

Agenda item F.2 was tabled until later in the week.

[Council break on 3/4/2012 from 8:46 a.m. to 9:01 a.m.]

[Council reopened Agenda Item F.2 on 3/7/2012 at 8:20 a.m.]

Mr. Hanson moved and Mr. Brizendine seconded (Motion 23) to accept Agenda Item F.2.b, REVISED Supplemental SSC Report as a complete replacement to the previous report.

Motion 23 carried unanimously.

[Agenda Item concluded at 8:24 a.m. on 3/7/2012]

F.3 National Marine Fisheries Service (NMFS) Report (3/5/2012; 10:05 a.m.)

F.3.a Agenda Item Overview

Ms. Kelly Ames provided the Agenda Item Overview which referenced the following documents:

Agenda Item F.3.b, Attachment 1: *Federal Register* Notices Published Since the Last Council Meeting.

Agenda Item F.3.b, Attachment 2: Risk Assessment of U.S. West Coast Groundfish Fisheries to Threatened and Endangered Marine Species.

Agenda Item F.3.b, Attachment 3: Endangered Species Act Section 7(a) (2) Biological Opinion and Section 7(a) (2) "Not Likely to Adversely Affect" Determination.

F.3.b Regulatory Activities

Mr. Frank Lockhart spoke to the agenda items in the briefing book. Mr. Tim Roth spoke about the process for the U.S. Fish and Wildlife Service consultation for the groundfish fishery relative to the ESA.

F.3.c Fisheries Science Center Activities

Dr. Michelle McClure and Dr. John Stein presented the Fisheries Science Center Activities Reports and presented Agenda Item F.3.c, Supplemental Science Centers PowerPoint.

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

None.

F.3.e Public Comment

None.

F.3.f Council Discussion

None.

[Council concluded this agenda item at 10:49 a.m.]

F.4 Scoping for Amendment 24: Improvements to the Groundfish Management Process (3/5/2012; 10:49 a.m.)

F.4.a Agenda Item Overview

Dr. Kit Dahl presented the Agenda Item Overview which references the following documents:

Agenda Item F.4.a, Attachment 1: Staff White Paper on an FMP Amendment to Change the Groundfish Specifications and Management Measures Process.

Agenda Item F.4.a, Attachment 2: Amendment 24 (Groundfish Harvest Specifications Process Improvement) Ad-Hoc Workgroup.

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

Dr. Martin Dorn presented Agenda Item F.4.b, Supplemental SSC Report.

Mr. Corey Niles presented Agenda item F.4.b, Supplemental GMT Report.

Mr. Tommy Ancona presented Agenda Item F.4.b, Supplemental GAP Report.

F.4.c Public Comment

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

F.4.d Council Action: Provide Direction for Development and Scheduling of the Amendment 24 Process (3/5/2012; 11:37 a.m.)

As a preamble to offering a motion, Ms. Vojkovich noted the difficulties that have been encountered with process and implementation during past biennial management cycles. This included a Secretarial FMP amendment and late implementation of regulations in 2011, and the complexity of analyses and difficulty in understanding the NEPA document. A lot of staff resources and Council floor time are devoted to these decisions. While developing an FMP amendment will add to workload in the short term, she hoped it would reduce the amount of work needed to implement harvest specifications and management measures in the future.

Ms. Vojkovich moved and Mr. Brizendine seconded (Motion 18, edited for clarity) that:

The Council establish an ad hoc Workgroup as described below, tasked with developing and providing analysis of preliminary alternatives at the November, 2012 Council Meeting, as Amendment 24 to the Groundfish FMP, for further Council consideration. The Workgroup should use the staff White Paper (F.4.a, Attachment 1) to develop alternatives that address the problems and objectives contained in Section 3 of the staff White Paper. The workgroup should also utilize the experiences of other Councils as suggested by Agenda Item F.4.b, Supplemental SSC Report. The Workgroup should also consider the comments in Agenda Item F.4.b, Supplemental GMT and GAP Reports, especially about the idea of delaying the season date until March 1. In addition, each of the alternatives, including the status quo, should specifically include the ideas of standardization and simplification of documents and streamlining internal review and process requirements. The report provided at the November Council Meeting should include a draft purpose and need statement with objectives for Amendment 24.

The Ad hoc Workgroup should be composed of representatives from the entities described in Agenda Item F.4.a, Attachment 2 as “potential seats” (for the GAP, that might be someone not on the GAP but recommended by the GAP). Individuals filling the seats would be appointed by the Council Chair, possibly at the April Council Meeting.

Ms. Vojkovich said her motion allows open-ended consideration of solutions while providing direction on specific items the Council is interested in. She noted that simplifying and standardizing the documentation should be pursued even if no FMP amendment is developed. She then talked about workload considerations, noting that this action should not take precedence, but she thought developing a preliminary range of alternatives could be achieved by November 2012.

Ms. Kirchner supported the motion, noting that the Council and agencies have more to do with fewer resources. Mr. Pollard also supported the motion.

Ms. Vojkovich underscored the importance of participation by NOAA GC staff in the workgroup. In response, Ms. McCall said that NOAA GC would do their best to participate, recognizing severe limits on their time. She will contact NOAA GC attorneys from other regions to see if they could provide input based on their experience with harvest specifications processes used by other Councils.

Mr. Anderson supported the motion, but emphasized that more thought needs to be given to the composition of the workgroup and that this should be finalized at the April Council meeting. Ms. Vojkovich agreed with the comment and discussed participation by Council members. Mr. Anderson then recommended starting the FMP development process with a technical workgroup whose work product would then be submitted for review by a policy-oriented committee with Council member participation. Mr. Wolford asked if the quotation marks around potential seats in the wording of the motion provides sufficient flexibility for the Council to consider workgroup

membership different from what is described in Attachment 2. Ms. Vojkovich responded affirmatively.

Motion 18 carried unanimously.

[This agenda item concluded at 1:21 p.m.]

F.5 Stock Assessment Planning for Management Specifications in the 2015-2016 Fisheries (3/5/2012; 1:21 p.m.)

F.5.a Agenda Item Overview

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

Agenda Item F.5.a, Attachment 1: Draft Terms of Reference for the Groundfish and Coastal Pelagic Species Stock Assessment and Review Process for 2013-2014.

Agenda Item F.5.a, Attachment 2: Draft SSC Terms of Reference for Groundfish Rebuilding Analysis.

Agenda Item F.5.a, Attachment 3: Draft Terms of Reference for the Methodology Review Process for Groundfish and Coastal Pelagic Species.

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

Dr. Michelle McClure and Dr. Jim Hastie presented Agenda Item F.5.b, Supplemental NOAA Fisheries PowerPoint, and Agenda Item F.5.b, NMFS Report: Considerations for Selecting Species for Assessment in 2013.

Dr. Martin Dorn presented Agenda Item F.5.b, Supplemental SSC Report.

Mr. Corey Niles presented Agenda Item F.5.b, Supplemental GMT Report.

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

Dr. Bob Emmett presented Agenda Item F.5.b, Supplemental CPSMT Report.

Mr. Mike Okoniewski presented Agenda Item F.5.b, Supplemental CPSAS Report.

In answer to several questions, Dr. Hastie made the following replies 1) the terms “benchmark” and “full assessment” are equivalent, and 2) data reports evaluate rebuilding progress without doing an assessment; they are reviewed by the SSC and presented to the Council in the stock assessment process (e.g., cowcod data reports have been provided in past cycles since there were no new data to inform an assessment, and the recommendation is to provide data reports for canary and yelloweye in 2013).

Ms. Vojkovich asked why cowcod is on the full assessment list, and Dr. Hastie said the scientists at the NMFS SWFSC have been investigating alternative approaches for assessing cowcod and recommend a review of these new methods.

Mr. Anderson asked why some species like yellowtail rockfish are on the list of full assessments and enhanced data-limited assessments. Dr. Hastie said if any of those species are not done as full assessments in 2013, they are candidate stocks for enhanced data-limited assessments.

Ms. Kirchner asked if the recommended delay in finalizing a stock assessment plan until September would affect today's action and Dr. Hastie said no. He further explained how the schedule could be set to optimize the process.

Dr. McIsaac asked what the potential capacity is for doing enhanced data-limited assessments and Dr. Hastie said the science centers believe 5-10 enhanced data-limited assessments could be done. The review is more expeditious than a STAR panel review.

F.5.c Public Comment

None.

F.5.d Council Action: Adopt Preliminary Guidance for the three Terms of Reference, a List of Stocks to be Assessed, and an Assessment Schedule

Mr. Myer moved and Mr. Lincoln seconded (Motion 19) to adopt for public review the following:

- stocks for full assessment: darkblotched, petrale sole, shortspine thornyhead, longspine thornyhead, cowcod, and aurora rockfish;
- stocks for update assessment: Pacific ocean perch, bocaccio, and sablefish; and
- stocks for data reports: canary and yelloweye.

Ms. Vojkovich said there was intent to do a full assessment of bocaccio if the evaluation this spring compelled that. She asked if a bocaccio assessment could be a full assessment.

Ms. Kirchner moved and Ms. Vojkovich seconded (Amendment 1 to Motion 19) to keep a placeholder for a full assessment of bocaccio.

Amendment 1 to Motion 19 carried unanimously.

Mr. Feldner moved and Ms. Kirchner seconded (Amendment 2 to Motion 19) to add Pacific sanddabs to the list of full assessments.

Amendment 2 to Motion 19 carried unanimously. Motion 19 as amended carried unanimously.

Ms. Vojkovich asked how the list of enhanced data-limited assessments should be decided. After some discussion, it was decided that the decision on enhanced data-limited stock assessments would be made at the September Council meeting after the data-poor workshop is conducted.

[The agenda item concluded on 3/5/2012 at 3:30 p.m.]

F.6 Consideration of Inseason Adjustments (3/6/2012; 8:05 a.m.)

F.6.a Agenda Item Overview

Ms. Kelly Ames provided the Agenda Item Overview and referenced Agenda Item F.6.b, Pacific Coast Fisheries Data Committee (PCFDC) Report on Tracking Landings of Sablefish North of 36° N. Latitude.

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

Ms. Gway Kirchner presented Agenda Item F.6.b, Supplemental ODFW Informational Report.
Dr. Sean Matson presented Agenda Item F.6.b, Supplemental GMT Report and summarized Agenda Item F.6.b, Supplemental NMFS Report.
Mr. Tommy Ancona presented Agenda Item F.6.b, Supplemental GAP Report.

[Council break from 9:05 a.m. to 9:17 a.m.]

F.6.c Public Comment

Mr. Paul Kujala, F/V Cape Windy, Warrenton, Oregon.
Mr. John Corbin, Seaside, Oregon.
Mr. Kevin Dunn, Oregon Trawler, Astoria, Oregon.
Agenda Item F.6.c, Public Comment from Port San Luis Commercial Fishermen's Association (Mr. Bill James).

F.6.d Council Action: Adopt Final Recommendations for Adjustments to 2012 Groundfish Fisheries (3/6/2012; 9:29 a.m.)

Mr. Phil Anderson moved and Ms. Kirchner seconded (Motion 20) to move the shoreward Rockfish Conservation Area (RCA) boundary for periods 3 and 5 from 75 to 100 fm for the area between 40°10' N. latitude and 48°10' N. latitude.

Mr. Anderson had concerns with this proposal, however, the results of the 2011 fishery, as outlined in the Supplemental NMFS Report, indicates the opportunity can be provided (i.e., low bycatch of overfished species as well as low attainment for some of the shoreward target species). He supports providing greater opportunity, especially for Dover sole. The fishery performance in 2011 shows that the fishermen are working hard to be successful and we should provide the opportunity to make it as profitable as possible. We can adapt later, if we need to.

Mr. Frank Lockhart spoke in support of the motion and noted the RCA could be moved back to 75 fm in period 5 if bycatch in period 3 is higher than expected. He said public testimony indicated this inseason adjustment would provide increased access to target species, while allowing the individual accountability afforded by the rationalized fishery to minimize bycatch of overfished species.

Motion 20 carried unanimously.

Mr. Lockhart said the agency is still discussing the 2011 surplus carry-over quota pounds for issuance in 2012. Mr. Lockhart appreciated the input on the matter of transferability, and he will

discuss solutions with his staff. Mr. Lockhart will provide an update at the April 2012 Council meeting.

Mr. Anderson expressed support for improving the accuracy of catch accounting between the primary and daily trip limit sablefish fisheries in the Pacific Fisheries Information Network (PacFIN), including initiating dialogue between the state fishery managers, PacFIN, etc. Dr. Don McIsaac said he will initiate dialogue with the Pacific States Fisheries Marine Commission (PSMFC) to that end.

Ms. Dorothy Lowman acknowledged that NMFS will continue to work on the surplus carry-over issue for April. Ms. Lowman encouraged the agency to consider the importance of surplus carry-over for species like petrale sole and sablefish. The surplus carry-over program makes it so fishermen do not have to fish right up to the limit. Ms. Lowman noted that if fishermen fish up to the limit they will often go over since there is little precision in harvesting, which is what the Council wanted to avoid when they implemented the program. Ms. Lowman also noted that if the agency does not issue surplus carry-over from 2011, there would be a substantial loss in revenue.

Mr. Lockhart appreciated Ms. Lowman's concerns and said the agency is waiting for the 2011 individual vessel accounts to be reconciled before they can make a decision. The agency will report back in April.

[Agenda item was completed on 3/6/2012 at 9:38 a.m.]

F.7 Harvest Set-Aside Flexibility (3/6/2012; 9:38 a.m.)

F.7.a Agenda Item Overview

Mr. John DeVore provided the Agenda Item Overview and briefly reviewed Agenda Item F.7.a, Attachment 1: Draft outline of the Environmental Assessment for Set-Aside Flexibility.

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

Mr. Corey Niles presented Agenda item F.7.b, Supplemental GMT Report.

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

F.7.c Public Comment

None.

F.7.d Council Action: Adopt Preliminary Alternatives for Managing the Distribution of Unused Harvest Set-Asides (3/6/2012; 9:55 a.m.)

Ms. McCall said there are subtle differences in the alternatives the Council should consider. Greater NEPA analysis is needed to more flexibly manage set-asides as a routine inseason adjustment. The analysis needs to consider the fair and equitable standard ahead of time to consider the flexibility to allocate differently from prescribed allocation percentages. Therefore, the analysis needs to anticipate the needs of sectors in the analysis to allow the flexibility under Alternative 3.

Mr. Myer asked if a hybrid alternative that uses projected catch data as in Alternative 3 and prescribed allocation percentages as in Alternative 2 could be added to the analysis. Mr. DeVore said yes.

Mr. Pollard said the GAP rationale for Alternative 3 was compelling to him in that the inseason reallocation based on sector needs is more equitable.

Mr. Anderson asked what the consequences are if a range of alternatives for analysis is decided today without a preliminary preferred alternative decided. Mr. DeVore responded the Council could select a range of alternatives at this meeting, the preliminary preferred alternative in April, and the final preferred alternative in June.

Ms. Kirchner moved and Ms. Vojkovich seconded (Motion 21) to adopt, as a range of alternatives for analysis in the 2013-2014 harvest specifications and management measures EIS (considered as a preliminary preferred alternative in April and a final preferred alternative in June) for managing the distribution of unused harvest set-asides as per the following: Alternatives 1, 2, and 3 from Agenda Item F.7.a, Attachment 1 and a hybrid alternative that uses the catch projection methodology from Alternative 3 and the prescribed allocations under Alternative 2.

Motion 21 carried unanimously.

[Council concluded this agenda item on 3/6/2012 at 10:24 a.m.]

F.8 Trawl Rationalization Trailing Actions and Allocation Amendments and Actions (3/6/2012; 10:26 a.m.)

F.8.a Agenda Item Overview

Mr. Jim Seger provided the Agenda Item Overview, referencing the following documents:

Agenda Item F.8.a, Attachment 1: Immediate Time Frame Council Priority Trawl Trailing Actions: Descriptions and Next Steps.

Agenda Item F.8.a, Attachment 2: Trawl Rationalization Trailing Actions: Lenders, Draft Council Decision Analysis Document.

Agenda Item F.8.a, Attachment 3: Trawl Rationalization Trailing Actions: Whiting Season Opening Date and Southern Allocation, Draft Council Decision Analysis Document.

Agenda Item F.8.a, Attachment 4: Trawl Rationalization Trailing Actions: Gear Issues, Draft Council Decision Analysis Document.

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

Mr. Frank Lockhart provided information regarding NFMS Status Report of the Trailing Actions.

Ms. Jamie Goen presented information regarding Agenda Item F.8.b, NMFS Report 1: Draft Rulemaking Plan; Agenda Item F.8.b, NMFS Report 2: NMFS Items for PIE2; and Agenda Item F.8.b, NMFS Report 3: NMFS Items for Correction.

Mr. Martin Dorn presented Agenda Item F.8.b, Supplemental SSC Report.
Mr. Dan Erickson presented Agenda Item F.8.b, Supplemental GMT Report.
Mr. Tommy Ancona presented Agenda Item F.8.b, Supplemental GAP Report.
Mr. Bob Farrell with Mr. Dayna Matthews presented Agenda Item F.8.b, Supplemental EC Report.

[Council break from 12:03 p.m. to 1:16 p.m.]

F.8.c Public Comment (3/6/2012; 1:16 p.m.)

Tommy Ancona, trawl fisherman, Fort Bragg, California.
Rod Moore, West Coast Seafood Processors Association, Portland, Oregon.
Brad Pettinger, Oregon Trawl Commission, Brookings, Oregon.
Michael Lake, Alaskan Observers, Seattle, Washington.
Phoebe Higgins, California Fisheries Funds, San Francisco, California.
Brent Paine and Robert Dooley, United Catcher Boats, Seattle, Washington.
James Mize, Phoenix Processor Limited Partnership, Seattle, Washington; presented information contained in Agenda Item F.8.c, Supplemental Public Comment.
John Corbin, Seaside, Oregon.

Mr. Seger outlined information for the Council to consider in their action for this item at the beginning of the next day.

[At 2:01 p.m. Council tabled this agenda item until Wednesday, March 7 at 8 a.m.]

F.8.d Council Action: Refine and Adopt Appropriate Actions and Preliminary Preferred Alternatives as needed (3/7/2012; 8:24 a.m.)

Dr. McIsaac indicated that the GMT statement (Agenda Item F.8.b, Supplemental GMT Report) on the link between ACL attainment and fishery closure language of Item #2, Agenda Item F.8.b, NMFS Report 2, raised some questions. He asked General Counsel or NMFS to speak to the NMFS recommendations in context of the GMT statement.

Mr. Lockhart responded that in the implementation of the trawl rationalization program and regulatory reorganization, the NMFS ability to close the fishery had been lost. Ms. McCall stated that she agreed with the GMT statement that exceeding an ACL may not necessarily constitute a conservation concern; however, implicit in that is also that it may constitute a conservation concern. The language in the FMP that was approved states that a carryover is appropriate as long as there are no conservation concerns. With respect to item 2, the position of the agency is that the ability to close the fishery needs to be in the tool box in case at the end of the day there is a conservation concern. The issue of dealing with carryovers is also being dealt with nationally.

Ms. Vojkovich moved and Mr. Crabbe seconded (Motion 24) to adopt the following preliminary preferred actions and Council direction:

Cost Recovery Rule	
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Cost Recovery	(no action anticipated)
PIE Rule 2	
2. Quota Share/Quota Pound (QS/QP) Control Rules – Safe Harbors	
A. Risk Pools	(no action anticipated)
B. Lenders	
Lending Entities Qualifying for an Exception	PPA = Alt 1 (page 4, Agenda Item F.8.a - Attachment 1)
Scope of the Exceptions Provided	PPA = Alt 3 (page 4, Agenda Item F.8.a - Attachment 1) include the language from Agenda Item F.8.b Supplemental GAP Report, page 2, paragraph 3
3. Other Lender Issues	No action at this time
4. Develop a process to certify new observer providers (see NMFS Report 2)	As in Agenda Item F.8.b - NMFS Report 2
5. Allow a fixed gear permit and a trawl permit to be registered to the same vessel at the same time	PPA = Alt 2 (page 6, Agenda Item F.8.a - Attachment 1)
6. Change the opt-out requirement for QP deficits	PPA = Alt (1) (page 9, Agenda Item F.8.a - Attachment 1)
7. Eliminate double filing of co-op reports	PPA = Alt (1) (page 11, Agenda Item F.8.a - Attachment 1)
Whiting Season Rule	Council Action
8. Whiting season opening date and southern allocation	PPA = Alt (1) (page 12, Agenda Item F.8.a - Attachment 1)

Ms. Vojkovich stated that we have been discussing all of these items in PIE Rule 2 for several meetings. The GAP has been working on these issues along with the TRREC which has been working on some of them. We have had considerable public testimony. The Council has already chosen many of these alternatives and confirmed them in earlier Council meetings. Choosing these as preliminary preferred alternatives takes us to the next level of public comment and achieving our final preferred alternative.

Ms. Kirchner asked about item #5 (allowing fixed-gear and trawl permit stacking) and how that interacts with the at-sea processing exemption that currently exists in the limited entry fixed-gear fishery? Ms. Goen responded that there is a timing issue. If you move forward with #5, given the current regulations, it would allow the vessel with the sablefish at-sea processing exemption to process sablefish in the IFQ fishery.

Ms. Kirchner moved and Mr. Myer seconded (Amendment 1 to Motion 24) to add that under Item #5, “Use of the limited entry fixed-gear (LEFG) exception for processing sablefish at-sea would be prohibited in the IFQ fishery.” Ms. Kirchner stated that we heard quite adamant opposition against allowing the at-sea processing to happen. It's being considered as a loophole

to let somebody get in to do an activity they have not done in the past. If the Council wanted to move forward with this, it should be more of a holistic discussion rather than allowing one person who hasn't participated in the trawl fishery to participate in this manner.

Amendment 1 carried unanimously. Motion 24 as amended carried unanimously.

Ms. Vojkovich moved and Ms. Lowman seconded (Motion 25) that the Council provide the following guidance to NMFS:

Agenda Item F.8.b NMFS Report 2	Council Action
NMFS Items for PIE 2	
Sablefish at-sea processing exemption fix	Discontinue regulation review and revision
Fishery closure language	Needs further discussion with NMFS – issues brought up in GMT report
First receiver site license changes	As stated in Agenda Item F.8.b -NMFS Report 2
Catch monitor certification requirements	As stated in Agenda Item F.8.b -NMFS Report 2
QS permits and transfers	As stated in Agenda Item F.8.b -NMFS Report 2
Start renewal process 9/15 for LE permit, vessel account, and QS permits	As stated in Agenda Item F.8.b -NMFS Report 2
Observer provider certification	Further NMFS/Council staff work needed
Sorting requirements	Further NMFS/Council staff work needed.
Remove 12/15-31 ban on QP transfer	As stated in Agenda Item F.8.b -NMFS Report 2
Trawl permit requirements for vessel accounts	Further NMFS/Council staff work needed.
Clarify processor obligation (could be to >1 MS permit)	As stated in Agenda Item F.8.b -NMFS Report 2
Observer program regulation changes	As stated in Agenda Item F.8.b -NMFS Report 2
Change “permit holder” to “vessel owner”	As stated in Agenda Item F.8.b -NMFS Report 2
Process for changes vessel ownership	As stated in Agenda Item F.8.b -NMFS Report 2
Delete initial issuance regulations	To be handled through NMFS Lawsuit Response
Revise regulations to reflect gear types in FMP	Further NMFS/Council staff work needed

Ms. Vojkovich noted that for all the items she is recommending be moved forward, the NMFS report contained the reasons for why these issues need to be addressed and has laid out exactly how they plan to approach the issues. We received public comment and the GAP report that

endorsed the report as stated here. The Council had a lot of discussion earlier about the fishery closure language and the issue around the term “conservation,” and it sounds like NMFS is still working on that. She wanted to make sure that the issues brought up in the GMT are taken into consideration in coming to a solution that meets all of our needs. Then there are some of the other items in the report that are just not ready to move forward at this time.

Motion 25 carried unanimously.

With respect to Agenda Item F.8.b, NMFS Report 3, Mr. Lockhart reiterated that this was just for information, Council action is not required and NMFS is moving these items forward as corrections.

Ms. Lowman moved and Ms. Kirchner seconded (Motion 26) that the Council provide the following guidance with respect to the gear issues discussed in Agenda Item F.8.a, Attachment 4:

For the following issues and alternatives described on F.8.d, Council Action Template:

1. Consider allowing multiple gears on board a vessel participating in the IFQ fishery
 - a. Allowing multiple gears on board a vessel on the same trip
 - b. Allowing use of multiple gears on a single trip, and
2. Allow trawl gear modifications that increase efficiency and selectivity.

Defer Council Guidance and action until after a one-day workshop dedicated to gear regulations as they apply to the IFQ program as recommended by the Enforcement Consultants (EC) (Agenda Item F.8.b, Supplemental EC Report) where these issues would be fully discussed.

For the Chafing Gear issue, move forward via the most expeditious vehicle with the goal of implementation by January 2013, using Strawdog Alternative 2 as the preferred alternative.

Ms. Lowman stated we’ve heard that some gear modifications will be important for the greater success of the program. However, some may have unintended consequences, and the EC has recommended a workshop to include GMT and GAP members in which to talk about these issues in greater detail. With respect to chafing gear, it is very important that we move ahead with this via the most expeditious vehicle that could get this in place, if possible, by January 1, 2013. Strawdog Alternative 2 will do that. Mr. Lockhart noted that one of the potential vehicles would have the regulation in place by mid-April [2013], on time for the whiting season and that this would seem to be in line with the intent of the January 1, 2013 goal.

Ms. Kirchner asked if this gives the EC the flexibility as to what is discussed in the workshop, such as fishing across lines. Ms. Lowman responded that would be in the scope of the workshop.

Motion 26 carried unanimously.

Ms. Kirchner moved and Mr. Crabbe seconded (Motion 27) that the Council move forward with developing alternatives for re-allocation of widow rockfish quota shares at the permit level. The appropriate process in which to do so and a refinement of the timeframe will be determined at a later date.

Ms. Kirchner stated that the Council heard some discussion earlier about the importance of looking at reallocation of widow rockfish at the permit level. This is potentially more of a targeted fishery, since it has been rebuilt. Since transfer of quota share is about to start, this may be the appropriate time to consider widow quota share reallocation. This is a very important thing to do and to get right. It potentially sets a precedent for how we address overfished species as they become rebuilt. The motion has been left general with respect to the process and timeline to allow this issue to be addressed in future discussion. Suspension of quota share trading has also been omitted from the motion at this point, since we will likely be considering a suspension of all quota share trading for a period of time. Mr. Crabbe commented that this discussion would put the industry on notice with respect to transactions that take place before formal QS trading is allowed.

Motion 27 passed unanimously.

There was a discussion of the sablefish discard mortality issue and that this would be taken up again under consideration of PIE 3 this fall.

Mr. Seger noted that the need to take action on Pacific Dawn issues in a timely fashion would be slowing progress on finalizing some trailing action items.

[This agenda item concluded on 3/7/2012 at 9:08 a.m.]

[Council Break from 9:09 a.m. until 10:58 a.m.]

G. Salmon

G.1 National Marine Fisheries Service (NMFS) Report (3/4/2012; 9:02 a.m.)

G.1.a Agenda Item Overview

Mr. Chuck Tracy presented the Agenda Item Overview.

G.1.b Regulatory Activities

Dr. Peter Dygert presented Agenda Item G.1.b, Supplemental NMFS PowerPoint: A Bilateral NOAA/Canadian Department of Fisheries and Oceans Evaluation of the Effects of Salmon Fisheries on Southern Resident Killer Whales (SRKW).

Ms Vojkovich asked what the SRKW ESA re-consultation timeframe was. Dr. Dygert replied the SRKW evaluation was scheduled to be completed November 2012, and the Puget Sound Chinook Harvest Management Plan consultation expires April 2013, so if the findings support the need, new consultation standards could be in place by the 2013 management season. Other fisheries could also be affected.

Dr. Dygert presented Agenda Item G.1.c, Southern Oregon/Northern California Coast (SONCC) Coho Recovery Plan Report 1: Instructions for Reviewing the Plan and Submitting Comments: Public Draft SONCC Coho Recovery Plan.

Mr. Bob Turner stated that the Mitchell Act EIS process was being updated and NMFS would determine if a draft supplemental EIS will be released or if a final EIS will be issued; in either case at the end of 2012 or beginning of 2013.

G.1.c Fisheries Science Center Activities

Dr. Pete Lawson and Dr. Steve Lindley presented Agenda Item G.1.c, Genetic Stock Identification (GSI) Report: West Coast Salmon Genetic Stock Identification Collaboration 2011 Winter Season Update.

Mr. Sones asked if the GSI information could be used for inseason management in addition to hindsight. Dr. Lawson replied yes, the scale is fine enough and the processing speed fast enough to have inseason applications.

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

None.

G.1.e Public Comment

None.

G.1.f Council Discussion

None.

G.2 Review of 2011 Fisheries and Summary of 2012 Stock Abundance Forecasts (3/4/2012; 10:07 a.m.)

G.2.a Agenda Item Overview

Mr. Chuck Tracy presented the Agenda Item Overview and referenced Agenda Item G.2.a, Attachment 1: Excerpts from Chapter 3 of the Pacific Coast Salmon Fishery Management Plan Updated Through Amendment 16.

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

Dr. Robert Kope presented Review of 2011 Ocean Salmon Fisheries, with the following corrections:

- The Sacramento River fall Chinook (SRFC) spawning escapement of 121,742 was updated to 114,741, and the 3-year geometric mean spawning escapement of 85,195 was updated to 83,530.
- The Queets River spring/summer Chinook spawning escapement for 2011 was updated from Not Available to 373, and the 3-year geometric mean spawning escapement of 339 was

updated to 363, which is above the minimum stock size threshold and resulted in the stock not being overfished.

Dr. Kope presented Preseason Report I: Stock Abundance Analysis and Environmental Assessment Part 1 for 2012 Ocean Salmon Fishery Regulations.

Dr. Kope noted that a 2011 spawning escapement estimate for Strait of Juan de Fuca coho had become available, and resulted in a 3-year geometric mean spawning escapement of 17,043, which is greater than the default rebuilt criteria for that stock.

Dr. Kope noted the Salmon Technical Team (STT) concern about over-forecasting SRFC the last three years, and reported the 2012 forecast used only the most recent three years' data to address the recent bias.

Dr. McIsaac asked if the SRFC forecast in 2012 affected achievement of MSY spawning escapement. Dr. Kope replied no, that because of constraints for other stocks, the projected SRFC spawning escapement would exceed MSY and result in the 3-year geometric mean spawning escapement exceeding the default criteria for rebuilt status.

Dr. Pete Lawson presented Agenda Item G.2.b, Supplemental SSC Report.

Ms. Vojkovich presented Agenda Item G.2.b, CDFG Report: Central Valley Chinook Salmon In-River Escapement Monitoring Plan Executive Summary and Introduction, and Agenda Item G.2.b, Supplemental CDFG Report 2.

G.2.c Public Comment

Doug Demko, San Joaquin Tributary Association.

Bill Dawson, Seafood Suppliers Inc, San Francisco, California.

Dave Bitts, Pacific Coast Federation of Fisherman's Association, McKinleyville, California.

Ken Petruzzelli, O'Laughlin & Paris, LLC/ San Joaquin Tributaries Association, Sacramento, California.

Aaron Newman, Humboldt Salmon Commission, Eureka, California.

Duncan MacLean, Half Moon Bay, California.

G.2.d Council Action: Review and Discuss Relevant Fishery Information and Act on Relevant Status Determinations, 2012 Abundance Forecasts, and Annual Catch Limits as necessary (3/4/2012; 1:02 p.m.)

Mr. Anderson moved (Motion 11) that the Council adopt the 2012 forecasts, acceptable biological catch (ABC), and OFLs in Preseason Report I, including corrections made by the STT, as the best available science and as recommended by the SSC. Mr. Feldner seconded the motion.

Motion 11 carried unanimously.

G.3 Rebuilding Plan Consideration for Sacramento Fall Chinook (SRFC) and Strait of Juan de Fuca Coho (3/4/2012; 1:05 p.m.)

G.3.a Agenda Item Overview

Mr. Chuck Tracy presented the Agenda Item Overview and referenced Agenda Item G.2.a, Attachment 1: Excerpts from Chapter 3 of the Pacific Coast Salmon Fishery Management Plan Updated Through Amendment 16. He noted that, based on advice from General Counsel, the Council should not adopt a final rebuilding plan at the March meeting, but should adopt rebuilding plan alternatives at the March meeting for analysis and public review, along with the 2012 management alternatives, and take final action at the April 2012 meeting.

Mr. Anderson asked if the Council needed to take action to notify the NMFS Regional Administrator that Strait of Juan de Fuca coho were rebuilt as required under the FMP. Mr. Turner replied that NMFS NWR has already notified NMFS Headquarters that Strait of Juan de Fuca coho were rebuilt, but that NMFS would accept notification from the Council to that effect.

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

Dr. Peter Dygert presented Agenda Item G.3.b, Supplemental NMFS Report: Rationale for 2011 SRFC Status Determination.

Dr. Robert Kope presented Agenda Item G.3.b, Supplemental STT Report.

Mr. Pete Lawson presented Agenda Item G.3.b, Supplemental SSC Report.

Mr. Phil Anderson presented Agenda Item G.3.b, Supplemental WDFW Report.

G.3.c Public Comment

Ken Petruzzelli, O'Laughlin & Paris, LLC/ San Joaquin Tributaries Association, Sacramento, California.

G.3.d Council Action: Adopt Rebuilding Plans for Sacramento Fall Chinook and Strait of Juan de Fuca Coho as Necessary (3/4/2012; 1:36 p.m.)

Mr. Turner asked if adopting rebuilding alternatives now would constrain the management alternatives. Mr. Tracy replied that the rebuilding criteria would be used to evaluate the alternatives but would not dictate the construction of the alternatives.

Ms. Vojkovich asked if there was a need to adopt a preliminary preferred alternative. Mr. Tracy replied no, but it may be helpful for guiding public comment.

Ms. Vojkovich moved and Mr. Brizendine seconded (Motion 12) that the Council adopt the rebuilding alternatives, rebuilt criteria, and rebuilding period recommended in Agenda Item G.3.b, Supplemental STT Report.

Mr. Williams asked if the motion included a preferred alternative. Ms. Vojkovich replied no.

Motion 12 carried unanimously.

Mr. Anderson moved (Motion 13) that the Council notify NMFS NW Region that the Strait Juan de Fuca coho stock has been rebuilt, consistent with the Salmon Fishery Management Plan (FMP). Mr. Williams seconded the motion.

Motion 13 passed unanimously.

G.4 Identification of Management Objectives and Preliminary Definition of 2012 Salmon Management Alternatives (3/4/2012; 1:57 p.m.)

G.4.a Agenda Item Overview

Mr. Chuck Tracy presented the Agenda Item Overview. He noted the Council should include alternatives for a SRFC rebuilding plan at some time in the process before final adoption of management measure alternatives on March 7, 2012.

Dr. Dygert presented Agenda Item G.4.c, Supplemental NFMS Report, and Agenda Item G.4.c, Supplemental NMFS Report 2.

Mr. Wolford requested an explanation of the rationale for the Sacramento Winter Chinook control rule breakpoints. Mr. Dan Lawson replied the three-year geometric mean of 500 spawners was identified as a critical level below which additional protective measures would be necessary, and a policy decision was made that those measures would include no impacts from fishing.

Mr. Wolford asked why the Sacramento Winter Chinook control rule was truncated at a low abundance whereas the SRFC control rule declined linearly to zero. Dr. Dygert replied the Sacramento Winter Chinook were an ESA-listed species, but functionally they were similar.

Mr. Wolford asked if nonfishery impacts would be held to zero if fisheries were held to zero. Mr. Lawson replied that there was no such requirement in current ESA consultation standards for nonfishery impacts.

Ms. Vojkovich asked if new ESA consultations were being contemplated for nonharvest activities. Mr. Turner replied those questions were not in the realm of responsibility of the fishery managers and should be answered by others within NMFS.

Dr. McIsaac recommended addressing the issue in a future agenda item.

G.4.b Report of the Pacific Salmon Commission

Mr. Anderson reported the Pacific Salmon Commission (PSC) released 2011 catch reports which indicate actual catch was similar to the 2011 quota in Southeast Alaska, below the quota in Northern British Columbia, and above the quota in the West Coast Vancouver Island, mostly from growth in the recreational fishery. The PSC expected 2012 quotas to be lower than 2011.

Mr. Sones asked if Canadian coho forecasts would be available in time for March Council meetings. Mr. Anderson replied the Canadians had made progress in moving the forecast timeframe up, but not sufficiently to accommodate the Council needs.

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

Mr. Anderson presented Agenda Item G.4.c, Supplemental WDFW/Tribal Recommendations. Messrs. Bruce Jim, Herb Jackson, Chris Williams, and William Slockish, Jr., representing the Columbia River Treaty Tribes, presented Agenda Item G.4.c, Supplemental Tribal Report.

Messrs. Mike Orcutt and Billy Matilton presented Agenda Item G.4.c, Supplemental Hoopa Valley Tribe Report.

Mr. Dave Hillemeier, representing the Yurok Tribe, supported the testimony of the Hoopa Valley Tribe, and recommended 1) ocean and river fisheries take advantage of the large abundance of Klamath River fall Chinook to the extent possible, and 2) the Council send a letter to the Bureau of Reclamation requesting release of sufficient water to prevent a fish kill in the fall similar to the 2002 event.

Mr. Sones presented Agenda Item G.4.e, supplemental Tribal Recommendations.

Messrs. Butch Smith, Jim Olson, Paul Heikkila, Duncan MacLean, Steve Watrous, Mike Sorenson, Richard Heap, and Craig Stone presented Agenda Item G.4.c, Supplemental SAS Report: SAS Proposed Initial Salmon Management Alternatives for 2012 Non-Indian Ocean Fisheries.

Ms. Vojkovich asked why the commercial size limit south of Point Arena dropped from 27 inches to 26 inches. Mr. MacLean replied the intent was to harvest abundant age-3 SRFC, and size limits smaller than that were not a preferred market size.

Mr. Steve Williams asked for the rationale for having a 24 inch size limit in the Oregon Klamath management zone (KMZ) and a lower size limit in the California KMZ. Mr. Heap replied that the California fisheries impact Klamath fall Chinook earlier in the year when the fish are smaller, and with the 20 fish annual limit in Oregon, anglers would be less likely to keep a smaller Chinook.

G.4.d Public Comment

Aaron Newman, Humboldt Salmon Commission, Eureka, California.

Dave Bitts, Pacific Coast Federation of Fisherman's Association, McKinleyville, California.

Ken Petruzzelli, O'Laughlin & Paris, LLC/ San Joaquin Tributaries Association, Sacramento, California.

Mark Gorelnik, Coastside Fishing Club.

Daniel Platt, Fort Bragg, California.

G.4.e Council Action: Council Recommendations for Initial Alternatives for Salmon Technical Team Collation and Description (3/4/2012; 4:44 p.m.)

Mr. Anderson recommended the alternatives in Agenda Item G.4.c, Supplemental SAS Report for the area North of Falcon be forwarded to the STT for collation without modification.

Mr. Steve Williams recommended the alternatives in Agenda Item G.4.c, Supplemental SAS Report for the area between Cape Falcon and the Oregon/California border be forwarded to the STT for collation without modification.

Ms. Vojkovich recommended the alternatives in Agenda Item G.4.c, Supplemental SAS Report for the area south of the Oregon/California border be forwarded to the STT for collation without modification.

Ms. Vojkovich directed the STT provide an assessment of impacts to KRFC, and Sacramento Winter Chinook by age, area, and month.

Mr. Steve Williams directed the STT to include an assessment of closed area GSI sampling.

Mr. Sones recommended the alternatives in Agenda Item G.4.e, Supplemental Tribal Recommendations be forwarded to the STT for collation without modification.

Mr. Tracy recommended the Council provide direction to the STT to include SRFC rebuilding alternatives in the management measure alternatives.

Dr. McIsaac asked if the Council could direct the STT to recommend an appropriate way to include the SRFC rebuilding plan alternatives and analysis in subsequent management measure alternatives. Mr. Tracy replied yes. The Council concurred with Dr. McIsaac's suggestion.

[Council completed this agenda item at 3/4/2012; 4:57 p.m.]

G.5 Council Recommendations for 2012 Management Alternative Analysis (3/5/2012; 4:02 p.m.)

G.5.a Agenda Item Overview

Mr. Chuck Tracy presented the Agenda Item Overview.

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

Dr. Robert Kope presented Agenda Item G.5.b, Supplemental STT Report: Collation of Preliminary Salmon Management Alternatives for 2012 Ocean Fisheries.

G.5.c Public Comment

Sarah Bates, California Salmon Council, Eureka, California: recommended one alternative with GSI sampling during closed areas targeting 200 samples per closed area per week and one alternative targeting 200 samples per area per month.

G.5.d Council Direction to the Salmon Technical Team and Salmon Advisory Subpanel on Alternative Development and Analysis (3/5/2012; 5:04 p.m.)

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

Mr. Steve Williams directed the STT to analyze the tentative alternatives for non-Indian commercial and recreational fisheries between Cape Falcon and the Oregon/California border

presented in Agenda Item G.5.b, Supplemental STT Report, with changes reflected in Agenda Item G.7.b, Supplemental STT Report.

Ms. Vojkovich directed the STT to analyze the tentative alternatives for non-Indian commercial and recreational fisheries south of the Oregon/California border presented in Agenda Item G.5.b, Supplemental STT report, with changes reflected in Agenda Item G.7.b, Supplemental STT Report.

Mr. Sones directed the STT to analyze the tentative alternatives for treaty-Indian commercial fisheries north of Cape Falcon presented in Agenda Item G.5.b, Supplemental STT Report, with changes reflected in Agenda Item G.7.b, Supplemental STT Report.

Mr. Feldner directed the STT to add nonretention GSI sampling in Oregon closed areas south of Cape Falcon between May and October targeting 200 samples per closed area per month. Ms. Vojkovich directed the STT to extend the GSI sampling to closed areas in California.

[Agenda Item was closed at 5:32 p.m.]

Ms. Vojkovich introduced Mr. Chuck Bonham, Director of CDFG, and comments were made by Mr. Bonham.

G.6 Scoping of Amendment 17: Updating Salmon Essential Fish Habitat (EFH) (3/6/2012; 3:23 p.m.)

G.6.a Agenda Item Overview

Mr. Kerry Griffin provided the Agenda Item Overview. He then presented Agenda Item G.6.a, Supplemental Staff PowerPoint, which summarizes Agenda Item G.6.a, Attachment 1: Pacific Coast Salmon Scoping Document: Amendment 17 to the Pacific Coast Salmon Plan, including Essential Fish Habitat and Other Considerations.

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

Mr. Kerry Griffin read Agenda Item G.6.b, Supplemental SSC Report into the record.

Mr. Tim Roth presented Agenda Item G.6.b, Supplemental HC Report.

Mr. Duncan MacLean and Dave Bitts presented Agenda Item G.6.b, Supplemental SAS Report.

Mr. Chuck Tracy presented Agenda Item G.6.b, Supplemental PFMC/NMFS Report.

G.6.c Summary of the Pacific Coast Salmon Scoping Document

None.

G.6.d Public Comment

Agenda Item G.6.d, Supplemental Public Comment letter from Oceana (in Briefing Book).
Duncan MacLean, Halfmoon Bay, California.

G.6.e Council Action: Provide Guidance on Development and Scheduling of Preliminary Alternatives for Changes to Salmon EFH and Other Issues as Appropriate (4:20 p.m.)

Mr. Williams said that while the scoping document was clear and focused, he was not clear about how the decision would be made as to whether to include the non-EFH issues in the scope of the amendment. Mr. Griffin suggested that the Council should place trust in NMFS and Council staff to hone in on which items could work in the amendment and which couldn't, and then report back to the Council in September.

Dr. McIsaac suggested that several of the items are essentially housekeeping matters, and that staff would bring more information back to determine the appropriateness of including certain items in the scope of the amendment.

Mr. Lincoln suggested looking at choices relative to workload, and whether putting off certain issues now would necessitate coming back to do another amendment in the near future. He also asked whether we could consider high value ecosystem habitat as habitat areas of particular concern. The value of these ecosystems may be significant with regards to climate change or ecosystem function. Several groups have done an extensive effort to identify areas in the Pacific Northwest that may benefit from additional attention.

Ms. Vojkovich said that at this state it is important to move forward and she would be interested in seeing the information from the SAS included by Council agreement.

The Council discussed whether to include consideration of the SAS recommendation on abundance-based forecasting in the scope of the amendment, and whether or not a formal motion was needed.

Mr. Hanson moved and Ms. Vojkovich seconded (Motion 22) to have the Council adopt the SAS report's ideas to be considered for inclusion in the scope of Amendment 17.

Motion 22 passed on a roll call vote (Mr. Turner, Mr. Pattillo, Mr. Williams, Mr. Myer and Mr. Wolford voted no).

[Council adjourned for the evening on 3/6/2012 at 4:47 p.m.]

G.7 Further Council Direction for 2012 Management Alternatives (3/6/2012; 2:20 p.m.)

G.7.a Agenda Item Overview

Mr. Chuck Tracy presented the Agenda Item Overview.

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

Dr. Robert Kope presented Agenda Item G.7.b, Supplemental STT Report, Initial Analysis of Preliminary Salmon Management Alternatives for 2012 Ocean Fisheries. Dr. Kope noted the following correction to Table 5: the impacts on Columbia River natural tule Chinook should be raised by 0.1 percent for all the alternatives.

Mr. Wolford asked how the STT modeled the three fish bag limit in California recreational fisheries. Dr. Kope replied there were no historical data with a three fish bag limit to model, but both effort and catch per effort would be expected to increase. The STT increased the impact rate by 50 percent to account for both sources of increased impacts.

G.7.c Public Comment

None.

G.7.d Council Guidance and Direction.

Mr. Sones directed the STT to analyze the alternatives for treaty-Indian commercial fisheries north of Cape Falcon presented in Agenda Item G.7.b, Supplemental STT Report, with no changes.

Mr. Anderson directed the STT to analyze the alternatives for non-Indian commercial and recreational fisheries north of Cape Falcon presented in Agenda Item G.7.b, Supplemental STT Report, with minor editorial changes reflected in Agenda Item G.8.b, Supplemental STT Report.

Mr. Steve Williams directed the STT to analyze the alternatives for non-Indian commercial and recreational fisheries between Cape Falcon and the Oregon/California border presented in Agenda Item G.7.b, Supplemental STT Report, with changes reflected in Agenda Item G.8.b, Supplemental STT Report. The changes included recommendations for inseason action delaying the commercial opening between Cape Falcon and the Oregon/California border from March 15, 2012 to April 1, 2012.

Ms. Vojkovich directed the STT to work with the SAS to reduce Sacramento Winter Chinook impacts to meet the ESA guidance for Alternatives I and II, and to analyze the alternatives for non-Indian commercial and recreational fisheries south of the Oregon/California border presented in Agenda Item G.7.b, Supplemental STT Report, and with changes reflected in Agenda Item G.8.b, Supplemental STT Report.

Mr. Feldner directed the STT to add nonretention GSI sampling in Oregon closed areas south of Cape Falcon between May and October, targeting 200 samples per closed area per week in Alternative II.

Ms. Vojkovich directed the STT to include GSI sampling in the Humboldt south Jetty to Horse Mt. area.

G.8 Adoption of 2012 Management Alternatives for Public Review (3/7/2012; 1:36 p.m.)

G.8.a Agenda Item Overview

Mr. Chuck Tracy presented the Agenda Item Overview. He noted that the Council also needed to adopt SRFC rebuilding plan alternatives for analysis and public review under this agenda item.

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

Dr. Robert Kope presented Agenda Item G.8.b, Supplemental STT Report: Analysis of Preliminary Salmon Management Alternatives for 2012 Ocean Fisheries.

Messrs. Mike Orcutt and George Kautsky presented Agenda Item G.8.b, Supplemental Hoopa Tribal Report.

Messrs. Chris Williams, Bruce Jim, Herb Jackson, and Wilbur Slockish, Jr. presented Agenda Item G.8.b, Supplemental Tribal Report.

G.8.c Public Comments

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

Ken Petruzzelli, San Joaquin Tributaries Association, Sacramento, California.

Dr. McIsaac asked what the doubling goal was for the San Joaquin Basin and how projected 2012 escapement or production compared to that goal. Mr. Petruzzelli replied that the Federal and state statutes both required doubling natural production from the 1965-1991 average. The federal statute includes all anadromous species, the state statute is limited to salmonids. The Central Valley fall Chinook goal is 990,000 naturally produced adults and the San Joaquin goal is 75,000 naturally produced adults; the current production is probably nowhere near these goals.

G.8.d Council Action: Adopt Management Alternatives for Public Review (3/7/2012; 2:25 p.m.)

Mr. Sones moved (Motion 35) that the Council adopt for public review the alternatives for treaty-Indian commercial fisheries north of Cape Falcon presented in Agenda Item G.8.b, Supplemental STT Report (Agenda Item G.8.d, Supplemental Tribal Motion). Mr. Lincoln seconded the motion.

Mr. Sones noted that the North of Falcon planning process was just beginning, the 2012 harvest levels for the Alaskan and Canadian Chinook fisheries were yet to be determined by the Pacific Salmon Commission, and Canadian coho forecasts were only preliminary, all of which would affect 2012 fishery impacts and selection of final Council area ocean salmon management measures.

Motion 35 carried unanimously.

Mr. Pattillo moved (Motion 36) that the Council adopt for public review the alternatives for non-Indian commercial and recreational fisheries north of Cape Falcon presented in Agenda Item G.8.b, Supplemental STT Report. Mr. Lincoln seconded the motion.

Motion 36 carried unanimously.

Mr. Williams moved (Motion 37) that the Council adopt for public review the alternatives for non-Indian commercial and recreational fisheries between Cape Falcon and the Oregon/California border presented in Agenda Item G.8.b, Supplemental STT Report. Mr. Feldner seconded the motion.

Motion 37 carried unanimously.

Ms. Vojkovich moved (Motion 38) that the Council adopt for public review the alternatives for non-Indian commercial and recreational fisheries south of the Oregon/California border presented in Agenda Item G.8.b, Supplemental STT Report with the following modification: on Page 7 for Alternative III of the Pt. Sur to U.S./Mexico border commercial fishery, delete the September 1-30 fishery. Mr. Brizendine seconded the motion.

Motion 38 carried unanimously.

Ms. Vojkovich moved (Motion 39) that the Council adopt for public review the SRFC rebuilding alternatives in Agenda Item G.8.b, Supplemental STT Report to meet the FMP Amendment 16 requirements. Mr. Steve Williams seconded the motion.

Mr. Steve Williams asked where in the STT report the rebuilding alternative criteria and assessment were located.

Mr. Tracy replied the SRFC rebuilding plan criteria and analysis were in the supplemental management boxes in Tables 1 and 2, and in Table 5.

Motion 39 passed unanimously.

[Agenda item concluded at 2:41 p.m.; 3/7/2012]

G.9 Appoint Salmon Hearing Officers (3/7/2012; 12:09 p.m.)

G.9.a Agenda Item Overview

Dr. John Coon presented the Agenda Item Overview, Agenda Item G.9.a, Attachment 1: Schedule of Salmon Fishery Management Alternative Hearings.

G.9.b Council Action: Appoint Hearings Officers

Mr. Pattillo assigned Mr. Anderson as hearings officer and Mr. Doug Milward as STT representative for Washington.

Mr. Steve Williams assigned Mr. Jeff Feldner as hearings officer and Mr. Craig Foster as STT representative for Oregon.

Ms. Vojkovich assigned Mr. Crabbe as hearings officer and Ms. Jennifer Simon as STT representative for California.

LCDR Chambers presented Agenda Item G.9.b, Supplemental USCG Report.

Mr. Lockhart assigned the following NMFS representatives: Peter Dygert for the Westport hearing, Peggy Mundy for the Coos Bay hearing and Heidi Taylor for the Eureka hearing.

Dr. Coon assigned Mike Burner to staff the Westport hearing and Chuck Tracy to staff the Coos Bay and Eureka hearings.

H. Pacific Halibut

H.1 Report on the International Pacific Halibut Commission (IPHC) Meeting (3/5/2012; 8:02 a.m.)

H.1.a Agenda Item Overview

Mr. Chuck Tracy presented the Agenda Item Overview and introduced Agenda Item H.1.a, Attachment 1: IPHC News Release and Agenda Item H.1.a, Attachment 2: 2011 Area 2A Pacific Halibut Allocations.

H.1.b Meeting Summary

Ms. Gway Kirchner presented Agenda Item H.1.b, Meeting Summary: Summary of International Pacific Halibut Commission Meeting.

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

Dr. Bruce Leaman and Mr. Gregg Williams presented Agenda Item H.1.c, Supplemental IPHC PowerPoint on the 88th annual IPHC Meeting.

Dr. McIsaac asked if the biomass in the area south of Humbug Mt. is assumed to be zero in the Pacific halibut assessment. Dr. Leaman replied that removals are included in the assessment model, but halibut density and habitat in California waters are not factored in; however, the bias is likely very low, based on distribution patterns in Oregon.

H.1.d Public Comment

None.

H.1.e Council Discussion

Mr. Anderson suggested the IPHC bycatch workshop was not as relevant to Area 2A as originally thought, and asked if Mr. Lockhart would be sending a staff member to the meeting who could report back to the Council. Mr. Lockhart replied yes.

Mr. Wolford clarified that there would be NMFS representation to provide information on the individual bycatch quota program at the bycatch workshop, but not Council representation.

Mr. Anderson recommended the Council establish a workgroup to explore issues in the south of Humbug Mt. area. The workgroup should have representation from each state and be staffed by the Council.

Dr. McIsaac supported the idea of a workshop, provided funding was available, and recommended that NMFS NWR also be included in the workgroup.

Ms. Yaremko supported the idea of a workgroup but suggested it be established in April, after the public had additional opportunity to comment on the composition and objectives of the workgroup.

Mr. Anderson agreed with Ms. Yaremko that establishing the workgroup in April was appropriate, but noted the importance of addressing the issues in September and November 2012 during the process to consider changes to the CSP for 2013. It may be possible to work with the IPHC for a short-term or proxy approach in 2013 while a long-term approach was developed.

H.2 Incidental Catch Regulations in the Salmon Troll and Fixed Gear Sablefish Fisheries (3/5/2012; 9:17 a.m.)

H.2.a Agenda Item Overview

Mr. Chuck Tracy presented the Agenda Item overview and introduced Agenda Item H.2.a, Attachment 1: Summary of Pacific Halibut Incidental Catch Management.

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

Mr. Jim Olson and Mr. Paul Heikkila presented Agenda Item H.2.b, Supplemental SAS Report. Mr. John Holloway presented Agenda Item H.2.b, Supplemental GAP Report.

H.2.c Public Comment

None.

H.2.d Council Action: Adopt Public Review Options for 2012

Mr. Anderson moved (Motion 14) the Council adopt for public review the range of landing restrictions for Pacific halibut caught incidentally in the salmon troll fishery as presented in the Agenda Item H.2.b, Supplemental SAS Report, with the following modification to Option 3: the ratio would be one halibut per each five Chinook. Ms. Yaremko seconded the motion.

Mr. Anderson stated his intent was to provide options that would allow Pacific halibut retention in the salmon troll fishery for as much of the season as possible.

Motion 14 passed unanimously.

Mr. Anderson moved (Motion 15) the Council adopt for public review the range of landing restrictions for incidental Pacific halibut retention in the sablefish fixed gear fishery north of Point Chehalis as presented in Agenda Item H.2.b, Supplemental GAP Report with the following modifications: the season dates would be from May 1 – Oct 31; and for Option 1, strike the word “Status Quo.” Mr. Lockhart seconded the motion.

Mr. Anderson stated that the options would provide reasonable to high assurance that halibut retention would be allowed through the end of the sablefish fishery.

Motion 15 passed unanimously.

[Following a break, a motion for reconsideration of this agenda item was made by Mr. Anderson on 3/5/2012 at 9:57 a.m.]

Mr. Anderson moved (Motion 16) the Council reconsider Council Action under Agenda Item H.2. Ms. Kirchner seconded the motion. Mr. Anderson stated his reason to reconsider was because Option 3 for the sablefish fishery was inconsistent with the intent to provide incidental halibut retention in the sablefish fishery; allowing 400 pounds of halibut to be landed without any sablefish would not be incidental.

Motion 16 passed unanimously.

Mr. Anderson moved (Motion 17) the Council adopt the following range of options for public review for incidental Pacific halibut retention in the directed fixed gear sablefish fishery north of Point Chehalis: Option 1 would allow 100 pounds dressed weight of halibut per trip; Option 2 would allow two halibut plus 50 pounds dressed weight of halibut per 1,000 pounds dressed weight of sablefish per trip. The season dates for both options would be May 1 through Oct 31. Ms. Kirchner seconded the motion.

Motion 17 carried unanimously.

H.3 Update on Review of Pacific Halibut Management under the National Environmental Policy Act (NEPA) and Status of Preliminary Alternatives for Incidental Catch Retention of Pacific Halibut in the Limited Entry Fixed Gear Sablefish Fisheries (3/5/2012; 9:35 a.m.)

H.3.a Agenda Item Overview

Mr. Chuck Tracy presented the Agenda Item Overview.

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

Mr. Lockhart presented Agenda Item H.3.b, NMFS Report: National Marine Fisheries Service NEPA Scoping Results on Catch Sharing Plan Implementation and Changes to Incidental Catch Retention of Pacific Halibut in the Limited Entry Fixed Gear Sablefish Fishery.

Mr. John Holloway presented Agenda Item H.3.b, Supplemental GAP Report.

H.3.c Public Comment

None.

H.3.d Council Action: Provided Guidance on the Review, Scheduling, and Further Development of Alternatives for Analysis.

Mr. Lockhart noted that because of workload issues, the soonest NMFS NWR could contribute to advancing this issue would be 2014.

Ms. Kirchner stated her support for keeping the issue alive, but noted Oregon Department of Fish and Wildlife (ODFW) also had workload issues.

I. Administrative Matters

I.1 Approval of Council Meeting Minutes (3/7/2012; 10:58 a.m.)

I.1.a Council Member Review and Comments

None.

I.1.b Council Action: Approve April and November 2011 Council Meeting Minutes

Mr. Myer moved and Ms. Kirchner seconded a motion (Motion 28) to approve Agenda Item I.1.a, Attachment 1: Draft Minutes, 208th Session of the Pacific Fishery Management Council, April 9-13, 2011.

Motion 28 passed unanimously.

Mr. Myer moved and Ms. Kirchner seconded a motion (Motion 29) to approve Agenda Item I.1.a, Attachment 2: Draft Minutes, 211th Session of the Pacific Fishery Management Council, November 2-7, 2011.

Motion 29 passed unanimously.

I.2 Membership Appointments and Council Operating Procedures (3/7/2012; 11:02 a.m.)

I.2.a Agenda Item Overview

Dr. John Coon provided the Agenda Item Overview and referenced the Closed Session A.1.a Attachments 1-7, regarding the membership appointments to Council member designees and vacancies on the advisory bodies and management teams.

Dr. Coon noted supplemental information in the form of a Letter from Washington Department of Fish and Wildlife designating Ms. Sarah LaBorde as the third WDFW Council member designee.

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

None.

I.2.c Public Comment

E.B. Duggan, Trinity River Guides Association, Willow Creek, California; requested there be a seat representing Klamath River inside fisheries on the Salmon Advisory Subpanel.

I.2.d Council Action: Consider Changes to Council Operations and Procedures and Appointments to Advisory Bodies

Mr. Lockhart moved and Ms. Kirchner seconded a motion (Motion 30) for the Council to appoint Dr. Daniel Huppert to the vacant at-large position on the Scientific and Statistical Committee. Motion 30 carried unanimously.

Ms. Kirchner moved and Ms. Lowman seconded a motion (Motion 31) for the Council to appoint Ms. Cyreis Schmitt to the ODFW position on the CPSMT. Motion 31 carried unanimously.

Mr. Sones moved and Mr. Pollard seconded a motion (Motion 32) for the Council to appoint Dr. Larry Gilbertson to the tribal position on the Ecosystem Plan Development Team. Motion 32 carried unanimously.

Ms. Vojkovich moved and Mr. Brizendine seconded a motion (Motion 33) for the Council to appoint Ms. Sarah McTee to the conservation position on the CPSAS. Motion 33 carried unanimously.

Ms. Vojkovich moved and Ms. Kirchner seconded a motion (Motion 34) for the Council to terminate the following inactive ad hoc committees:

- Groundfish Regulatory Deeming Workgroup
- Groundfish Trawl Individual Quota Committee
- Salmon Amendment Committee
- Trawl Rationalization Tracking and Monitoring Committee
- Tule Chinook Workgroup
- Vessel Monitoring Committee.

Motion 34 carried unanimously.

Mr. Wolford recognized the new officers of the following committees as voted on at this meeting, and has confirmed the election of the officers without objection.

Committee	Chair	Vice-Chair
GAP	Mr. Tom Ancona	Mr. John Holloway
GMT	Mr. Corey Niles	Mr. Daniel Erickson
HC	Mr. Joel Kawahara	Ms. Fran Recht
HMSAS	Mr. Doug Fricke	Mr. Wayne Heikkila
HMSMT	Mr. Kirt Hughes	Dr. Steve Stohs
SAS	Mr. Butch Smith	Mr. Duncan MacClean
STT	Dr. Robert Kope	Dr. Michael O'Farrell
SSC	Dr. Owen Hamel	Ms. Meisha Key

Dr. McIsaac noted that the process of considering a Klamath River inside fisheries seat for the Salmon Advisory Subpanel (SAS) would be to propose it at the September Council meeting when the Council begins the process of reviewing advisory bodies and selecting members for the next three-year term (2013-2015).

Ms. Vojkovich said she was not sure about the real value of an inside Klamath seat at this time, and would like to consider it further and see a cost analysis for it.

Mr. Roth noted we do have other inside seats on the SAS, and there are significant issues with the fishery and the water issues that an inside seat could provide information on, but agreed that we should understand the costs as well as the benefits.

Dr. Coon noted that in September we will ask the advisory bodies and Council members to look at the Council Operating Procedures and that would be the time to consider this.

[This agenda item concluded at 11:21 a.m. on 3/7/2012]

I.3 Future Council Meeting Agenda and Workload Planning (3/7/2012; 11:21 a.m.)

I.3.a Agenda Item Overview

Dr. Donald McIsaac provided the Agenda Item Overview and introduced:

Agenda Item I.3.a, Supplemental Attachment 3: Pacific Council Workload Planning: Year-at-a-Glance Summary.

Agenda Item I.3.a, Supplemental Attachment 4: Preliminary Proposed Council Meeting Agenda, April 1-6, 2012 in Seattle, Washington.

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

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

I.3.c Public Comment

Mr. Ralph Brown, Trawl Fisherman, Gold Beach, Oregon; remarks concerning the need to reallocate widow rockfish.

Mr. Steve Marx, PEW Environment Group, Portland, Oregon; provided information from Agenda Item I.3.c, Public Comment: Letter from Pew Environmental Group requesting action on unmanaged forage species under the Ecosystem Agenda Item in June, (see also Agenda Item C.1.b, Public Comment 1.)

I.3.d Council Discussion and Guidance on Future Meeting Agenda and Workload Planning

Mr. Feldner wondered where we could insert the issues referred to in the information given in Agenda Item F.3 by Mr. Lockhart and public testimony concerning the need for transferability in the sablefish fixed gear fishery. Mr. Lockhart stated that there was no specific proposal for fixing it, and dealing with the Pacific Dawn litigation precluded dealing with it for the next three meetings. Perhaps it could be considered in November.

Ms. Kirchner would like to see a discussion of widow reallocation in April.

Mr. Lockhart stated that he would like to have all of the advisory body groups review the proposed Memorandum of Understanding on Migratory Bird Populations for the April meeting.

Mr. Wolford requested that the Humboldt water agreement be part of the Habitat agenda for April consideration. He was also concerned that there be further discussion of the Sacramento winter-run Chinook impact specifications in April.

Mr. Tim Roth asked for further discussion, clarification, and a letter concerning the request for an additional 50,000 acre-feet of flow in the Klamath River to help prevent a fish kill this fall. He also suggested further efforts toward developing an abundance-based approach for California coastal Chinook as recommended by the SAS, including formation of a workgroup.

Ms. Vojkovich noted previous Council direction that the Fishery Ecosystem Plan (FEP) would not have management authority while Mr. Marx's testimony asked the Council to reconsider that decision and add that capability to deal with protection of forage species. The FEP is not scheduled until the June Council meeting and she wondered where the Council would deal with that issue.

Dr. McIsaac responded that it is his understanding the Ecosystem Plan Development Team (EPDT) will be meeting after the April Council meeting and the Council could give direction to them in April under future agenda planning.

Ms. Kirchner stated her recollection was the Council had decided this issue (protection of forage fish) was to be added to the Coastal Pelagic Fishery Management Plan and there was no need to change the direction of the FEP. Mr. Myer agreed.

Dr. McIsaac stated we can review the record and bring the issue forward in April and provide instructions for the EPDT if necessary at that time.

Dr. McIsaac said he will incorporate the Council's comments into the planning for the future agendas.

[Agenda item concluded at 12:09 p.m.; 3/7/2012]

ADJOURN

The Council adjourned March 7, 2012 at 2:41 p.m.



Dan Wolford
Council Chairman

June 26, 2012

Date