

**DRAFT MINUTES**  
**221<sup>st</sup> Session of the**  
**Pacific Fishery Management Council**  
**November 1-6, 2013**  
Hilton Orange County/Costa Mesa Hotel  
3050 Bristol Street; Costa Mesa, CA 92626

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## **A. Call to Order (November 1, 2013; 8:11 a.m.)**

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

Ms. Dorothy Lowman, Chair, called the 221st meeting of the Pacific Fishery Management Council (Council) to order at 8:11 a.m. on Friday, November 1, 2013. She announced there would be a closed session held after the regular business concludes tomorrow afternoon to discuss litigation and personnel matters.

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

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

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

During the week the following people were present in their designated seats for portions of the meeting: Mr. Chuck Bonham (State of California Official); Dr. Caren Braby (State of Oregon Official, designee); Ms. Michele Culver (State of Washington Official, designee); Mr. Bob Farrell (State of California Official, designee); Ms. Joanna Grebel (State of California Official, designee); Mr. Mark Helvey (NMFS, West Coast Region, designee); and Mr. Frank Lockhart (NMFS, West Coast Region, designee).

Mr. Dave Hogan (U.S. State Department, non-voting designee) and Mr. Gordon Williams (State of Alaska Official, non-voting designee) were absent from the meeting.

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

Dr. McIsaac noted the following informational reports included with the briefing book and supplemental briefing book materials:

- Supplemental Informational Report 1: Status Report of the 2013 Ocean Salmon Fisheries off Washington, Oregon and California;
- Supplemental Informational Report 2: Pacific Whiting Conservation Cooperative Amendment 20 Catcher/Processor Cooperative Preliminary Annual Report 2013;
- Supplemental Informational Report 3: Whiting Mothership Cooperative – An Amendment 20 Mothership Catcher Vessel Cooperative, Preliminary Report on the 2013 Whiting Fishery; and
- Supplemental Informational Report 4: Estimated Discard and Catch of Groundfish Fisheries in the 2012 US West Coast Fisheries (Electronic Only).

Dr. McIsaac briefed the Council with information regarding the Council Coordination Committee (CCC) meeting held October 23 and 24 from the following documents:

- Agenda Item A.3, Attachment 1: Draft Proposed Agenda for the October 23-24 Council Coordination Committee Webinar Meeting; and
- Agenda Item A.3, Supplemental Attachment 2: Decisions Summary Document.

Dr. McIsaac noted that the Congressional liaisons reported that reauthorization legislation for the Magnuson-Stevens Act was to be introduced in the month of November.

Mr. Bob Turner discussed the government shutdown and NMFS' efforts to deal with the results of the closure, including the impact on the Council's agenda and activities.

[Council suspended this item for further consideration after Agenda Item G.1.]

[Council reconvened this item at 2:38 p.m. on 11/2/2013.]

Mr. Frank Lockhart discussed the impacts of the two-week government shutdown on timing of NMFS processing and rulemaking for Council actions. Based on current information, the following list identifies the status on rulemaking and implementation for several Council actions:

- Chafing gear proposed rule should be out in January 2014, and a final rule prior to the 2014 whiting season;
- Observer catch monitor rule (allows new monitors to enter the system) – proposed rule out in late November, final rule in late February/March;
- Cost recovery – proposed rule is out, final rule should be in place in January, but actual implementation will require additional time;
- Program Improvements and Enhancements 2 Rule (sets rules for quota share trading and allows carryover) – final rule should be in place in time for a December 15 implementation;
- Seabird regulations – proposed rule in January and the final rule in April for the start of the primary fixed gear season;
- Trawl Rockfish Conservation Area (RCA) – final rule will not be in place by January 1, but likely in the first few months of the new year;
- Whiting fisheries start date – won't be in effect until the 2015 whiting season;



- Trawl fixed gear permit stacking – work won't start until winter; goal is to have the proposed rule out before the June Council meeting and would like to bundle it with other rulemaking issues;
- Sablefish ownership and control issue – the goal is implementation for the spring of 2015; and
- Annual whiting harvest rule – on track to be in place for the May 15 start date.

Mr. Lockhart reported that they have been able to hire a staff person, Ms. Miako Ushio, to work on the whiting treaty and other whiting issues.

Dr. Michelle McClure briefed the Council on a list of impacts from the government shutdown on the fisheries science center activities.

- Bottom trawl survey – underway at the time of the furlough and had to cancel it, losing 18 days of survey; the contract expired, resulting in the loss of all samples south of Monterey Bay which will increase the uncertainty in that area;
- Hake coast-wide biomass - will meet treaty deadlines at the cost of limiting work on the assessment development and management strategy evaluation;
- Economic data collection - delayed by cessation of work to get outstanding report forms in;
- Assessment - juggled staff time to complete overfishing limit (OFL) estimates for the other species category, data moderate assessments, and cowcod rebuilding analysis for this Council;
- Groundfish mortality report – did not make the briefing book deadline, but is complete now as an informational report; and
- Observer data – observers were able to enter data during the furlough, but processing and finalization of data has been delayed.

Mr. Myer expressed appreciation that the website continued to work to allow trades.

[Council concluded this agenda item at 2:51 p.m. and moved to Agenda Item H.1.]

#### **A.4 Agenda (11/1/13; 8:22 a.m.)**

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

Mr. Ortmann moved and Mr. Lincoln seconded Motion 1 to approve Agenda Item A.4.a, Proposed Detailed Council Meeting Agenda.

Motion 1 was approved unanimously.

### **B. Open Comment**

#### **B.1 Comments on Non-Agenda Items (11/1/2013; 8:23 a.m.)**

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

None.

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

Agenda Item B.1, Open Comment 1, email from Ms. Teri Shore, SeaTurtles.org with report entitled *California's Deadliest Catch*.

Mr. Mike McCorkle, Southern California Trawlers Association, Santa Barbara, California, spoke about problems and unreasonable costs with requiring a vessel monitoring system (VMS) for fishermen in the non-groundfish trawl fishery.

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

None.

## **C. Salmon Management**

### **C.1 National Marine Fisheries Service Report (11/1/2013; 8:28 a.m.)**

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

Mr. Chuck Tracy presented the Agenda Item Overview.

#### **C.1.b Regulatory Activities**

Mr. Bob Turner presented Agenda Item C.1.b, Supplemental NMFS Report 1: Selected Recent Publications by SWFSC Relevant to Salmon Fisheries Management and Agenda Item C.1.b, Supplemental NMFS Report 2: DRAFT *Federal Register* Notice - Notice of Availability of a Management Strategy Evaluation for Sacramento River Winter Chinook Salmon; Request for Comments.

Council members discussed timing issues with regard to the comment period for the management strategy evaluation (MSE) for Sacramento River winter Chinook (SRWC) salmon. They wanted to be sure the Council would have the opportunity for a formal comment before the rule is finalized. Mr. Turner asked that the Council discussion of this agenda item be suspended so that he could gather information to determine if that were possible. The Council agreed.

#### **C.1.c Fisheries Science Center Activities**

Covered under Agenda Item C.1.b, Supplemental NMFS Report.

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

None.

#### **C.1.e Public Comment**

None.

[Council proceeded to Agenda Item C.2, and Agenda Item C.1.f was suspended and reconvened at 10:54 a.m.]

### **C.1.f Council Discussion (11/1/13; 10:54 a.m.)**

Mr. Turner suggested a delay of the *Federal Register* notice for the MSE for SRWC until late January. This would allow for a 90-day public comment period that would end in late April to give the Council ample opportunity to develop comments. Ms. Lowman agreed.

### **C.2 2014 Salmon Methodology Review (11/1/2013; 8:38 a.m.)**

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

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

- Agenda Item C.2.a, Attachment 1: 2013 Technical Revision to the OCN Coho Work Group Harvest Matrix;
- Agenda Item C.2.a, Attachment 2: Harvest Strategy Risk Assessment for Lower Columbia Natural Coho;
- Agenda Item C.2.a Attachment 3: Incorporating Recent Empirical Information on Sublegal Encounters into FRAM Modeling;
- Agenda Item C.2.a, Attachment 4: Correction to FRAM Algorithms for Modeling Size Limit Changes;
- Agenda Item C.2.a, Attachment 5: Expected future performance of abundance forecast models with application to Sacramento fall Chinook salmon;
- Agenda Item C.2.a, Attachment 6: Status Determination Criteria for Willapa Bay Natural Coho;
- Agenda Item C.2.a, Attachment 7: Conservation Objective for Southern Oregon coastal Chinook; and
- Agenda Item C.2.a, Attachment 8: Standardized Method to Calculate Chinook Age 2 FRAM Stock Recruit Scalars, Based Upon the Age 3 Forecast.

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

Mr. Chris Kern and Ms. Cindy LeFleur presented Agenda Item C.2.b, Supplemental ODFW/WDFW PowerPoint Presentation.

Mr. Bob Conrad presented Agenda Item C.2.b, Supplemental SSC Report.

Ms. Angelika Hagen-Breaux presented Agenda Item C.2.b, Supplemental MEW Report.

Mr. Richard Scully presented Agenda Item C.2.b, Supplemental SAS Report.

#### **C.2.c Public Comment**

None.

#### **C.2.d Council Action: Adopt Final Methodology Changes and Conservation Objectives**

Mr. Anderson moved and Mr. Lincoln seconded Motion 2 that the Council approve the following changes in methodologies for use in salmon fisheries management beginning in 2014:

1. The technical revisions to the Oregon coastal natural (OCN) coho work group harvest matrix as described in the Scientific and Statistical Committee's (SSC) recommendations (Agenda Item C.2.b, Supplemental SSC Report, November 2013).
2. Incorporation of estimated legal and sub-legal Chinook encounters into the Fishery Regulation Assessment Model (FRAM) consistent with the recommendation of the SSC (Agenda Item C.2.b, Supplemental SSC Report, November 2013).
3. Modification to FRAM algorithms on sublegal and legal encounters and minimum size limits consistent with the recommendation of the SSC (Agenda Item C.2.b, Supplemental SSC Report, November 2013).
4. Change to the forecast methodologies for the Sacramento Fall Chinook Index consistent with the SSC's recommendation (Agenda Item C.2.b, Supplemental SSC Report, November 2013).

Mr. Anderson stated that all of the items in the motion have received a good technical review, have been recommended by the SSC, and it is appropriate for the Council to approve them for salmon management in 2014.

Ms. Kirchner spoke in support of the motion with regard to the OCN coho matrix. She stated that Oregon Department of Fish and Wildlife (ODFW) staff has prepared the work to alleviate the concerns expressed last year over having only one site from which to make forecasts. In addition, staff has identified a better methodology.

Ms. Yaremko extended her appreciation to the NMFS staff for continuing to look at the Sacramento Index since it is such an important stock to the ocean fisheries.

Motion 2 carried unanimously.

Mr. Anderson moved and Mr. Lincoln seconded Motion 3 that the Council provide a limited amount of staff support to ODFW, Washington Department of Fish and Wildlife (WDFW) and the Salmon Advisory Subpanel (SAS) in moving forward the lower Columbia River natural coho matrix control rule to a point where a finished product could be brought back for Council consideration, including the appropriate SSC review, in November of 2014.

Mr. Anderson stated that the ODFW and WDFW staffs have brought this issue a long way forward. With a bit more work we can have a much improved tool to use for managing these eight different coho stocks under the new approach. There is additional work to be done with our stakeholders, as well as the agencies, before this is ready for Council consideration in management. There is also more work to be done with technical modifications to make it compatible for use in the FRAM. The motion is consistent with the SAS comments. He noted that if NMFS and the tribes had an interest in this process he would be happy to include them in the motion. He clarified that he was looking for administrative support from the Council if it were necessary to have one or two meetings over the course of the effort.

Mr. Turner moved and Mr. Sones seconded Amendment 1 to Motion 3 to include "NMFS and tribal government" after "WDFW."

Mr. Turner referenced the excellent experience we had with the Council's tule modeling approach taken a couple of years ago. That process is a model for this effort with Lower Columbia River natural coho.

Amendment 1 carried unanimously.

Council discussion clarified that the work on the Lower Columbia River natural coho would stay tightly connected to the 2014 methodology review process and that the limited support could be handled by Council staff to arrange meetings and would be within the available Council budget.

Motion 3, as amended, carried unanimously.

Ms. Kirchner noted that the southern Oregon Chinook conservation objectives project was not included in the motions. She wondered how we could keep this effort moving forward.

Mr. Burner stated that the conservation objectives could remain as an unresolved issue at this point. Or, as has been done occasionally in the past, we could take it up for final review at the March meeting if it rises to that level of importance. Short of that, it could be included in the next round of methodology review for the 2015 season.

Dr. McIsaac noted it would be awkward to complete this between now and March. He recommended that it be carried over as a priority for the next round of methodology review.

Mr. Wolford expressed a need to move forward with a new abundance-based approach to manage the SRWC.

Mr. Turner responded that the recent workshop focused on the data that we have. There is not money or staff availability at present to gather new information to change the current abundance-based approach.

Mr. Wolford noted that there could be a significant advantage to the fishery while maintaining the conservation initiatives if an abundance-based effort similar to the Columbia River tule effort were used for SRWC. He encouraged NMFS and others to support the collection of data and analysis to move this forward.

Ms. Kirchner noted that they had provided the data and analysis for the southern Oregon Chinook conservation objectives, but the SSC did not have time to review it and it was judged of lesser priority. She did not want to see that happen again if it were included in the 2014 methodology review.

Mr. Burner noted that there may also have been some technical issues with the analysis that prevented a recommendation for the conservation objectives to be moved forward. He confirmed that it does not take a plan amendment to implement it.

Mr. Anderson stated that it was his assumption the items on the methodology review list that were not resolved now are moved forward to be considered in the following year. That would be the opportunity for Council members to make their case for which items are of highest priority.

Ms. Lowman replied that his assumption was correct.

### **C.3 Preseason Salmon Management for 2014 (11/1/2013; 10:41 a.m.)**

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

Mr. Mike Burner presented the Agenda Item Overview and introduced Agenda Item C.3.a, Attachment 1: Pacific Fishery Management Council Schedule and Process for Developing 2014 Ocean Salmon Fishery Management Measures.

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

Mr. Butch Smith presented Agenda Item C.3.b, Supplemental SAS Report.

#### **C.3.c Public Comment**

None.

#### **C.3.d Council Action: Adopt a 2014 Preseason Management Schedule.**

Mr. Anderson noted and Mr. Burner confirmed that the March 12-16 dates were incorrect for the completion of the preseason report dates. The dates should not include Sunday (March 16).

Mr. Anderson commented with regard to the timing and need for coordination between the Council and Pacific Salmon Commission (PSC) processes. He has tried to encourage the PSC Chinook Technical Committee to provide their stock abundance estimates earlier to help meet our preseason process needs. He noted that they are intending to meet and do the updates the week of March 16. This would mean the updates should be complete by March 21. He wondered if there were any way to delay our Preseason Report II to take advantage of getting these updates in it (not likely) or to have an addendum for the modeling results and some way to communicate to the public the revised Chinook modeling results from the PSC process.

Mr. Burner expressed appreciation for Mr. Anderson's efforts and stated that he would work with WDFW to get as much of the PSC information into the Preseason Report II as possible.

Ms. Yaremko moved and Mr. Wolford seconded Motion 4 to adopt the schedule as shown in Agenda Item C.3.a, Attachment 1 with the modification of dates to correct the weekends; and to replace the Eureka location with Santa Rosa.

Ms. Yaremko stated her proposed change of hearing location was in response to a recommendation by the SAS and that Council staff had indicated the change could be accommodated. The rest of the schedule, with the correction of weekend dates, appears to work well.

Motion 4 carried unanimously.

## **D. Habitat**

### **D.1 Current Habitat Issues (11/1/2013; 10:55 a.m.)**

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

Ms. Jennifer Gilden presented the Agenda Item Overview and noted Agenda Item D.1.a, Attachment 1: Final Letter to the Department of Energy.

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

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

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

None.

#### **D.1.d Public Comments**

None.

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

Ms. Yaremko confirmed that the proposed draft letter to the California Coastal Commission, regarding essential fish habitat (EFH) with regard to the KZO Sea Farms project, would focus exclusively on the EFH habitat type considerations, and be available to the advisory bodies. While it was not known exactly when the California Coastal Commission would meet and take action on this item, the Commission has stated that Council comments would be welcome at any time.

Dr. Caren Braby noted the two energy topics in the Habitat Committee (HC) Report. She is directly involved in the Bureau of Ocean Energy Management (BOEM) Task Force and the Oregon State University Task Force and can offer assistance and additional information to the Council with regards to the energy issues. She also expressed overall support for the proposals by the HC. She noted that, if asked, she could provide comments to the task force for the Council. However, she thought there would be benefit to having additional Council representation on the BOEM Task Force. She noted that the Task Force is not a decision-making body. However, if she were a dual representative, there could be conflicts between her position representing ODFW and a position the Council might want to express.

Ms. Yaremko complimented Council staff on the quality and detail of the final letter to the Department of Energy, especially regarding the sections pertaining to consultations with the fishing industry and the detailed concerns on underwater acoustics, water column disturbance, sea floor disturbance, fish aggregation, bio-fouling, etc. If appropriate, she would like to see those same topics in the draft letters on the KZO and other proposals.

Ms. Gilden responded that the HC would be focused primarily on habitat issues. However, the other advisory bodies could make comments on the draft letters, and the Council could include them in the final letters.

Mr. Pollard confirmed that there was Council consensus for moving forward with the three draft letters and forwarding the August 7, 2013 letter to NMFS West Coast Region. He then asked for direction with regard to a Council representative on the BOEM Oregon Task Force.

Dr. McIsaac stated that this was discussed in September with an assignment for staff to look further into the issue. Staff has found out that the next meeting is not until spring of 2014 and, at present, this is the only task force that is currently active. As discussed in September, the Council could have staff attend the meeting, or could treat this potential membership in an exploratory way to see what issues arise with having a state or Federal representative also represent the Council.

Mr. Pollard thought either approach could be reasonable. The main thing is that the Council not be caught unaware of some important issue.

Mr. Anderson noted our budgetary constraints and that we may not be able to do everything.

Mr. Wolford expressed concern with regard to how Dr. Braby could advocate for a Council concern if it differed from a State of Oregon position.

Ms. Braby stated that her role would primarily be as a contact to provide information back and forth between the entities. Formal representation could be difficult. However, since it is an advisory body, she thinks conflict would likely be minimal. Her concern is that the BOEM has a very rigid schedule for how it conducts business and doesn't allow a lot of time for the Council to make comments. However, more major actions would also include National Environmental Policy Act (NEPA) directed procedures and comment periods.

Mr. Pollard concluded that our need to prioritize our efforts and expenditures in the future could lead us toward more dependence on our partners to be aware of important issues of concern to the Council.

## **E. Coastal Pelagic Species Management**

### **E.1 National Marine Fisheries Service Report (11/1/2013; 1:28 p.m.)**

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

Mr. Kerry Griffin presented the Agenda Item Overview.

#### **E.1.b Regulatory Activities**

Mr. Mark Helvey presented a short oral report on regulatory activities for the sardine and mackerel fisheries. He noted the sardine season was still ongoing, they are preparing a proposed rule for the change in season start date next year to July 1, and the final rule for mackerel should be out by the end of November.



### **E.1.c Fisheries Science Center Activities**

Dr. Cisco Werner and Dr. Kevin Hill presented Agenda Item E.1.c, Supplemental FSC PowerPoint.

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

None.

### **E.1.e Public Comment**

Mr. Geoff Shester, Oceana, San Francisco, California, spoke regarding the science of coastal pelagic species as forage fish.

### **E.1.f Council Discussion**

None.

## **E.2 2014 Exempted Fishing Permit (EFP) Notice of Intent (11/2/2013; 8:06 a.m.)**

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

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

- Agenda Item E.2.a, Attachment 1: NWSS EFP Proposal and Request; and
- Agenda Item E.2.a, Attachment 2 (Electronic Only): NWSS prior EFP proposal including addendum and supplemental tables.

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

Dr. Owen Hamel presented Agenda Item E.2.b, Supplemental SSC Report.

Dr. Robert Emmett presented Agenda Item E.2.b, Supplemental CPSMT Report.

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

### **E.2.c Public Comment**

Mr. Jerry Thon, Northwest Sardine Survey, LLC, Astoria, Oregon.

### **E.2.d Council Action: Adopt Preliminary EFPs for Public Review**

Ms. Yaremko moved and Mr. Brizendine seconded Motion 5 to adopt the Exempted Fishing Permit (EFP) proposal for public review as provided in Agenda Item E.2.a, Attachment 1.

Ms. Yaremko stated that this is a collaborative proposal that is supportive of better-informing our understanding of the science behind sardine management, and she appreciates the work of the applicants. She supports this EFP proposal going out for public review and for continued efforts to undertake this work. She noted the advice of the advisory bodies for modifying the Council Operating Procedure (COP) to align the timing of the EFP process with the management cycle.

Motion 5 carried unanimously.

Mr. Griffin stated that we will keep an eye on the COP and propose changes as needed.

### **E.3 Establish Maximum Sustainable Yield (MSY) Reference Point for Northern Anchovy (11/2/2013; 8:32 a.m.)**

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

Mr. Kerry Griffin presented the Agenda Item Overview.

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

Mr. Mark Helvey presented information regarding Agenda Item E.3.a, Supplemental Attachment 1: NMFS Report.

Dr. Owen Hamel presented Agenda Item E.3.c, Supplemental SSC Report.

Dr. Robert Emmett presented Agenda Item E.3.c, Supplemental CPSMT Report.

Ms. Diane Pleschner-Steele presented Agenda item E.3.c, Supplemental CPSAS Report.

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

Agenda Item E.3.c, Public Comment (Letter from Steve Marx, Pew Charitable Trusts).

Agenda Item E.3.c, Supplemental Public Comment 2.

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

Ms. Anna Weinstein, Audubon California, San Francisco, California.

Mr. Ryan Kapp, Astoria Fisherman, Bellingham, Washington.

Ms. Andrea Treece, Earthjustice, San Francisco, California.

Mr. Ben Enticknap and Dr. Geoff Shester, Oceana, Portland, Oregon, presented Agenda Item E.3.c, Supplemental Public Comment 3 PowerPoint.

#### **E.3.d Council Action: Adopt MSY for the Northern Subpopulation of Northern Anchovy (11/2/2013; 9:50 a.m.)**

Mr. Helvey moved and Mr. Anderson seconded Motion 6 that the Council adopt an  $F_{MSY}$  of 0.3 as the maximum sustainable yield (MSY) for the northern subpopulation of northern anchovy and amend the CPS FMP to read “MSY for the northern subpopulation of northern anchovy is specified as an MSY fishing mortality rate ( $F_{MSY}$ ) of 0.3.” as the last sentence in section 4.6.4.2.

Mr. Helvey stated that there isn't a lot of information on MSY for the northern subpopulation of northern anchovy. The Council and SSC have looked at this before when we did Amendment 8, and the SSC looked at it again in November 2010. No new information was available then or now. With the very high mortality rate for this northern subpopulation, the  $F_{MSY}$  of 0.3 is very conservative and we do not have any information to choose something different.

Mr. Wolford asked if the SSC concurred that the  $F_{MSY}$  of 0.3 was the best available science to use for this subpopulation of northern anchovy.

Dr. Hamel responded yes.

Ms. Yaremko spoke in support of the motion and in support of the activities planned by the science center relative to examining the CPS species assemblage. She thinks that over time we should be revisiting the control rules for the CPS fisheries as new information comes forward.

Mr. Anderson agreed with Ms. Yaremko. He stated that the northern subpopulation is an important forage fish and we need to be precautionary in setting our control rules. He believes this control rule goes beyond just being conservative, and there are additional rules that also protect these fish.

Mr. Roth, Dr. Braby, and Mr. Crabbe also spoke in support of the motion and the importance of this group. Concern and support was also expressed for keeping abreast of the changes in the CPS assemblages and how they are managed to assure responsive fisheries in the future.

Motion 6 carried unanimously.

#### **E.4 Methodology Review Process and Preliminary Topic Selection (11/2/2013; 10:02 a.m.)**

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

Mr. Kerry Griffin presented the Agenda Item Overview and noted:

- Agenda Item E.4.a, Attachment 1: *California Department of Fish and Wildlife/California Wetfish Producers Association proposal for Southern California Bight Aerial Survey*; and
- Agenda Item E.4.a, Attachment 2: Draft Council Operating Procedure 24.

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

Ms. Meisha Key and Dr. Owen Hamel presented Agenda Item E.4.b, Supplemental SSC Report.

Dr. Robert Emmett presented Agenda Item E.4.b, Supplemental CPSMT Report.

Ms. Diane Pleschner-Steele presented Agenda Item E.4.b, Supplemental CPSAS Report.

##### **E.4.c Public Comment**

Agenda Item E.4.c, Public Comment (Letter from Ms. Diane Pleschner-Steele, California Wetfish Producers Association).

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

##### **E.4.d Council Action: Consider Methodology Topics for Review and Provide Guidance on a Methodology Review Process**

Ms. Yaremko noted that, from the three statements, it appears there is definite support for a spring workshop review of some type that could look at the southern California aerial survey, the northwest aerial survey, and potentially the acoustic trawl survey. If we could do all three, that would be fantastic. However, we will likely need to prioritize the effort based on ripeness of the data and other factors. Obviously, she is supportive of the California aerial survey in conjunction with the other aerial survey to improve and strengthen those tools.

Regarding the draft COP, Ms. Yaremko felt that there was not a need to specify specific dates at this point.

Dr. McIsaac noted that the intent of the COP was to guide an orderly methodology process that could be formalized with specific dates at some time. It is not necessary to get to that level of specificity now, and it can be put on a future agenda next year with opportunity to fine-tune it.

Mr. Wolford noted that he has been intrigued as much with the approach to the aerial survey as the actual survey itself. He likes the idea of the methodology review determining what needs to be done rather than reviewing the EFP proposals year after year. He would like to see the aerial surveys methodology approved and moved out of the EFP process and into some more normally scheduled management structure which would save future Council agenda time and effort.

Mr. Brizendine stated he was in support of the methodology and noted that as we try to get more information on the anchovy, this near shore methodology may be helpful even in regard to the northwest to gain more insights.

Mr. Griffin noted that the methodology survey may not preclude the EFP process if someone is asking to catch fish out of season. The southern California survey does not catch fish and require an EFP. However, the northwest survey does.

Mr. Wolford noted that if the northwest survey were restructured to occur during the open season, it would not require an EFP.

Mr. Crabbe stated he was a big proponent of the aerial surveys which could track changes in short periods of time. He was also supportive on making changes that would not require an EFP each year.

Ms. Lowman concluded by stating that Council guidance was in support of working with the various proponents for moving forward with the workshops as discussed here today, including the new COP in future agenda items, and taking into consideration the SSC comments.

## **E.5 Pacific Sardine Stock Assessment and Management, Including Tribal Set-Aside (11/3/2013; 8:08 a.m.)**

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

Mr. Kerry Griffin presented the Agenda Item Overview and introduced the following document: Agenda Item E.5.a, Attachment 1: Letter from Ed Johnstone, Quinault Fisheries Policy Spokesperson, regarding the Quinault Indian Nation's intent to establish a tribal allocation and to participate in the January-June 2014 Pacific sardine fishery.

### **E.5.b Survey and Assessment Report**

Dr. Kevin Hill presented Agenda Item E.5.b, Supplemental SWFSC PowerPoint (Executive Summary of Agenda Item E.5.b, Supplemental Attachment 2: SWFSC Projection Biomass Estimate).

### **E.5.c Reports and Comments of Advisory Bodies and Management Entities**

Ms. Meisha Key presented Agenda Item E.5.c, Supplemental SSC Report.

Ms. Lorna Wargo presented Agenda Item E.5.c, Supplemental CPSMT Report.

Mr. Mike Okoniewski and Ms. Diane Pleschner-Steele presented Agenda Item E.5.c, Supplemental CPSAS Report.

### **E.5.d Public Comment**

Agenda Item E.5.d, Supplemental Public Comment, Letter from Oceana.

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

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

Mr. Ben Enticknap and Dr. Geoff Shester, Oceana, Portland, Oregon and San Francisco, California.

Mr. Jerry Thon, Northwest Sardine Survey, LLC, Astoria, Oregon.

### **E.5.e Council Action: Adopt Final Pacific Sardine Stock Assessment and Management Measures for January through June 2014 (11/3/2013; 9:59 a.m.)**

Mr. Griffin clarified that the EFP set-aside will not come out of this action.

Ms. Yaremko moved and Mr. Brizendine seconded Motion 12 to adopt the projection biomass estimate of 378,120 mt and an OFL of 59,214 mt. Based on a P\* choice of 0.4, the acceptable biological catch (ABC) and annual catch limit (ACL) will be set at 32,753 mt. The annual harvest guideline (HG) will be 29,770 mt, with an ACT set at 19,846 mt. Accounting for a 1,000 mt tribal allocation and a 500 mt incidental set-aside, the January 1-June 30 allocation will be 5,446 mt. Other management measures would be consistent with the 2013 fishery, with the exception of the incidental landing allowance that will be set at 45 percent for mixed loads, after the directed fishery closes.

|                                     |                              |
|-------------------------------------|------------------------------|
| OFL                                 | 59,214 mt                    |
| ABC/ACL (P* = 0.4)                  | 32,753 mt                    |
| Harvest Guideline                   | 29,770 mt                    |
| Annual Catch Target                 | 19,846 mt                    |
| Seasonal Allocation (Jan 1-June 30) | 6,946 mt (35 percent of ACT) |
| Tribal Allocation                   | 1,000 mt                     |
| Incidental Set-aside                | 500 mt                       |
| Adjusted (Directed) Allocation      | 5,446 mt                     |

Ms. Yaremko stated that her motion is based on the assessment update (catch only) that is the only information that can be used in this interim period of management in 2014. The update assessment shows a continuing downward trend in the biomass to 378,120 mt (Agenda Item E.5.b, Supplemental Attachment 2). This uncertainty makes for particular difficulty in dealing with lower biomass levels. We have the best assessment possible with catch-only data to inform it. The P\* choice of 0.4 is consistent with the uncertainty level surrounding the science. We have begun the process to examine the HG formula (in the table on page 6 of Supplemental DRAFT Council Meeting Minutes November 2013 (221<sup>st</sup> Meeting)

Attachment 2) and have held a preliminary workshop on harvest parameters to consider new information that might better inform and improve the current HG. The guideline allows no more than a 15 percent exploitation, which is very precautionary. It applies additional buffers and protection, has a cut-off below which no fishing is allowed, and accounts for distribution of the stock beyond our borders and beyond our control.

Ms. Yaremko continued by noting that the 15 percent exploitation rate has been in use for a long time and was based on some assumptions about the productivity of the stock. At that time it was recognized that a range of exploitation rates from 5 to 15 percent might be appropriate. While we continue to operate at that 15 percent level, it is fair to acknowledge that the conditions surrounding the productivity of this stock have changed significantly to the extent that we have seen the biomass continue to decline by almost half since 18 months ago when we set our last HG. Our workgroups are looking closely at environmental parameters and how they can better be used to inform our decision with regard to a harvest formula. However, we can't wait to make a change until that work is done. We are dealing with a six-month period and basing harvest strictly on the HG is already a substantial constraint to the fisheries (8,920 mt) and substantial reduction from last year. However, relying on the current formula alone doesn't account for some factors we know to exist that were described pretty thoroughly in Dr. Hill's presentation. There appears to be no good news. The recruitment information does not support that there is any substantial volume in any of the year classes since 2009. In addition, the age class information indicates a notable absence of zero-aged fish. The fish in the stock that are being fished are of the same year classes that have been fished in the last several years. We are hitting the same cohorts each year. She is encouraged that we are going to have new information that might come six months from now that may show something different. We will at least be able to incorporate our survey indices into a new full assessment and STAR process for a more comprehensive picture with regards to the biomass. However, for this interim period we need to do something different than just turn the crank. Although the harvest control rule has served us well, when you are at that very low end of biomass, the exploitation rate of 8 percent is the number that comes off of the graph, assuming that the biomass point estimate is correct. The exploitation rate drops off significantly even with the difference of 100 mt. As a result, her motion applies some additional caution for this interim period.

Mr. Crabbe moved and Dr. Braby seconded Amendment 1 to Motion 12 to have it read (removals are strikeouts, additions/changes are bold): Adopt the projection biomass estimate of 378,120 mt and an OFL of 59,214 mt. Based on a P\* choice of 0.4, the ABC and ACL will be set at 32,753 mt. The annual harvests guideline will be 29,770 mt, ~~with an ACT set at 19,846mt.~~ Accounting for a 1,000 mt tribal allocation and a 500 mt incidental set-aside, the January 1-June 30 allocation will be **8,920 mt** ~~5,446mt~~. Other management measures would be consistent with the 2012 fishery, with the exception of the incidental landing allowance that will be set at 45 percent for mixed loads, after the directed fishery closes.

|                                |                      |
|--------------------------------|----------------------|
| OFL                            | 59,214 mt            |
| ABC/ACL (P* = 0.05)            | 32,753 mt            |
| Harvest Guideline              | 29,770 mt            |
| <del>Annual Catch Target</del> | <del>19,846 mt</del> |

|                                     |  |
|-------------------------------------|--|
| Seasonal Allocation (Jan 1-June 30) | <b>10,420</b> <del>6,946</del> mt (35% of ACT) |
| Tribal Allocation                   | 1,000 mt                                       |
| Incidental Set-aside                | 500 mt   |
| Adjusted (Directed) Allocation      | <b>8,920</b> <del>mt-5,446</del> -mt           |

Mr. Crabbe stated that he agreed with nearly everything Ms. Yaremko had stated with regard to the sardine stock and the state we are in. However, he noted that when asked, Dr. Hill agreed that the HG is extremely conservative, even considering the current conditions. He also noted that the HG is an annual amount. The seasonal allocation to the fishery, 35 percent, is less than the actual proportion of the season, which is at 50 percent of the year. In addition, the 8 percent exploitation rate is based on 50 percent of the allocation. His quick math indicated that (under the proposed motion), we would actually be fishing at a 5.6 percent rate. These factors add even more precaution to the HG without the further precaution of the ACT.

Mr. Wolford stated he was somewhat uncomfortable with the amendment. All of the stock indicators pointed downward and he thought that the ACT might make for a smoother transition when the full assessment comes out in 2014. He decided not to support the amendment.

Mr. Lincoln also spoke against the amendment and in agreement with the remarks of Ms. Yaremko and Mr. Wolford.

Dr. Braby stated some support of the original motion. She was very concerned about the patterns we are seeing in the stock and the implications both to the ecosystem and the economics in the region. However, the reason she supported the amendment is that she sees a number of conservative elements already built into the control rule. Specifically, the HG is more conservative than any of the ABC P\* levels that are presented and there is the cut-off taken off the top. There is also no provision for roll-over. We also know the harvest rate is going to decline with the biomass. If the biomass is less than estimated, harvesters will have even more trouble finding the fish. Although the biomass decline is concerning, the process that is in place is a good one. She would like to sit with that process in place until April when we will have a full assessment to set the subsequent season. She suggested that we reevaluate the cutoff and the distribution parameter as part of our actions in preparing for setting the next season.

Mr. Crabbe pointed out that the difference between the original motion and the amendment was only a few thousand tons. However, those few tons will make a difference socio-economically for the fishery. The amendment is very conservative, but there is value there.

Mr. Helvey stated that he agreed with Ms. Yaremko's concern over the biomass. However, he was uncomfortable with inserting an ACT to address the management uncertainty when the issue was the scientific uncertainty. Our OFL control rule shows how conservatively this fishery is being managed. He believes a lot of effort and thought went into the harvest control rule and OFL and supports the amendment.

Amendment 1 failed in a roll call vote. Mr. Myer, Mr. Wolford, Mr. Brizendine, Mr. Ortmann, Ms. Yaremko, Ms. Culver, and Mr. Lincoln voted no.

Motion 12 carried; Mr. Crabbe voted no.

## **F. Enforcement**

### **F.1 Federal Enforcement Priorities and other Enforcement Issues (11/2/2013; 10:55 a.m.)**

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

Mr. Jim Seger presented the Agenda Item Overview and noted Agenda Item F.1.a, Attachment 1, December 14, 2011 letter to OLE from Executive Director, Donald McIsaac, on enforcement priorities for 2012.

#### **F.1.b Federal Fisheries Enforcement Priorities Report**

SAC Martina Sagapolu and SAC Bill Giles presented Agenda Item F.1.b, Supplemental NMFS Report and Agenda Item F.1.b, Supplemental NMFS PowerPoint.

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

Sgt. Dan Chadwick presented Agenda Item F.1.c, Supplemental EC Report.

Mr. Mike Okoniewski presented Agenda Item F.1.c, Supplemental CPSAS Report.

Mr. Kevin Dunn and Mr. Gerry Richter presented Agenda Item F.1.c, Supplemental GAP Report.

#### **F.1.d Public Comment**

None.

#### **F.1.e Council Action: Provide Comments on Regional Enforcement Priorities and Guidance, As Needed.**

LCDR Gregg Casad expressed his appreciation for the Council adding this informational report to the agenda to help guide the priorities for the NOAA Office of Law Enforcement (OLE) and to help guide the assets and prioritization of the USCG in their fishery enforcement work.

Mr. Anderson recommended that the Executive Director submit a letter to the OLE that mirrors the comments in our letter of December 2011, with the edits suggested by the EC. The Council concurred.

## **G. Pacific Halibut Management**

### **G.1 2014 Pacific Halibut Regulations (11/2/2013; 1:03 p.m.)**

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

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

- Agenda Item G.1.a, Attachment 1: 2013 Pacific Halibut Catch Sharing Plan for Area 2A;



- Agenda Item G.1.a, Attachment 2: Council Blog Excerpt; and
- Agenda Item G.1.a, Attachment 3: Current and Proposed Changes to the 2014 Catch Sharing Plan Allocations.

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

Mr. Gregg Williams presented Agenda Item G.1.b, Supplemental IPHC Report.

Mr. Frank Lockhart presented Agenda Item G.1.b, Supplemental NMFS Report: Report of the 2013 Pacific Halibut Fisheries in Area 2A.

Mr. Phil Anderson presented Agenda Item G.1.b, Supplemental WDFW Report: Washington Department of Fish and Wildlife Report on Proposed Changes to the Pacific Halibut Catch Sharing Plan for the 2014 Fishery.

Ms. Gway Kirchner presented Agenda Item G.1.b, ODFW Report: Oregon Department of Fish and Wildlife Report on Proposed Changes to the Pacific Halibut Catch Sharing Plan for the 2014 Fishery.

Ms. Marci Yaremko presented Agenda Item G.1.b, Supplemental CDFW Report.

Mr. Tom Marking presented Agenda Item G.1.b, Supplemental GAP Report.

### **G.1.c Public Comment**

Agenda Item G.1.c, Public Comment.

Agenda Item G.1.c, Supplemental Public Comment 2.

Agenda Item G.1.c, Supplemental Public Comment 3 – Letter from Robert Armitage, Noyo Harbor District.

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

### **G.1.d Council Action: Adopt Final Changes to the 2014 Pacific Halibut Catch Sharing Plan and Annual Fishery Regulations**

Mr. Anderson referred to information in the WDFW Supplemental Report and reported that WDFW has had additional meetings with constituents since the September Council meeting. He noted that two of the Washington coastal areas are exhibiting similar behavior relative to catch rates, and the third is quite different. The motion he will make is in response to those circumstances. He reported that the 2013 fishery in the north coast area (Neah Bay and LaPush) took 107,856 pounds of halibut in four days (99.8 percent of the quota). They keep trying to find ways to spread that fishery out. The south coast area is a similar story with a five-day fishery that took just over 42,000 pounds (98.5 percent of the quota). Conversely, the Columbia River area took just under 6,500 pounds (54 percent of the quota). The motion will be aimed at liberalizing things in the Columbia River area and pretty much status quo in the other two areas, as they have not been able to find a way to slow the fishery down.

Mr. Anderson moved and Ms. Kirchner seconded Motion 7 that the Council adopt the following changes to the Pacific Halibut Catch Sharing Plan (CSP) as shown in Agenda Item G.1.b, Supplemental WDFW Report, November 2013, except as noted in #2a and #2b below, and excluding pages 3 and 4.

- 1) For the North Coast subarea, revise the language (as described on page 1) to more clearly describe the management closure to tally the early season catch and provide

sufficient notification of additional fishing days, and remove the provision that provides for a nearshore fishery when there is not enough quota for another offshore day.

- 2) For the Columbia River subarea, revise the days of the week (as described on page 1) that the all depth fishery is open from Friday through Sunday to Thursday through Sunday and revise the subarea allocation such that 1,500 pounds or 10 percent of the subarea allocation, whichever is less, is set aside for incidental halibut catch in the nearshore area with the remaining allocation divided such that 80 percent is reserved for the early season and 20 percent is reserved for the late season.
  - 2a) The nearshore area is defined as the area from the 30 fathom coordinate at Leadbetter Point, Washington extending south to the Washington-Oregon border consistent with the coordinate in Agenda Item G.1.b, Supplemental WDFW Report, November 2013, then southward consistent with the 40 fathom coordinates in the current Federal regulations south of the Washington-Oregon border.
  - 2b) During days open to all-depth halibut fishing, no groundfish may be taken and retained except sablefish and Pacific cod with halibut onboard.

Mr. Anderson made a few comments concerning how to refine the motion into regulations, and noted that the coordinates on page 2 of the WDFW Supplemental Report had been coordinated with Oregon to be easily understood by the fishing public. He noted that point #1 is a housecleaning matter for the provision of a nearshore fishery. Point #2 was coordinated with Oregon to add a day to make a four-day-per-week fishery instead of three days. Point #2b is to make sure we have the separation of groundfish that can be retained in the all-depth fishery as opposed to when the nearshore fishery is open and the all-depth fishery is not open.

Ms. Kirchner spoke in favor of the motion for the Columbia River area and confirmed that it does reflect the ODFW recommendations as well.

Motion 7 carried unanimously.

Ms. Kirchner moved and Mr. Feldner seconded Motion 8 that the Council adopt the recommended changes to the 2014 Pacific Halibut CSP for the Oregon Central Coast and Southern Oregon Coast subareas and the minor public process language change as shown in Agenda Item G.1.b, ODFW Report with the following change: for the Oregon Central Coast Subarea nearshore (inside 40 fathom) fishery, revise the opening date to be July 1.

Ms. Kirchner stated that the Central Coast changes are specific to the nearshore fishery which has grown quite a bit in the last several years. Last year it opened on May 1 and closed in mid-June, despite going to a three-day per week fishery which may have extended the season by one day. The number one public comment for next year's regulations was a request to make it a seven-day-per-week fishery to avoid a derby style fishery. They preferred the full week even if it meant only a two-week season. However, another goal of ODFW is to provide some halibut opportunity each month on the Central Coast. To try to do that, they thought it best to open the nearshore fishery later in the summer after the all-depth fishery had closed. The GAP

recommended an opening date of July 1, which makes for a date certain that is easier for the public to plan for. For the area South of Humbug Mt. we have proposed a new subarea, the Oregon Coast Subarea. In response to the public comments, the regulations have not been revised for that subarea. The proposed allocation for the subarea is 2 percent of the Central Oregon Coast Subarea. The proposed season will open May 1 and will be managed inseason to close upon attainment of the quota. The minor public process language change is in reference to some language in the CSP which says that following the International Pacific Halibut Commission (IPHC) annual meeting, we will hold a public workshop to gather information to set the days of the week. It is a housekeeping action designed to allow us flexibility to utilize web-based services for public input rather than being restricted to a public workshop. In response to a question, she stated that the 2 percent allocation for the South of Humbug subarea in 2013 would have been 42,000 pounds.

Motion 8 carried unanimously.

Ms. Yaremko moved and Mr. Wolford seconded Motion 9 for the Council to adopt the changes to the Pacific Halibut Catch Sharing Plan as shown in Agenda Item G.1.b, Supplemental CDFW Report, November 2013 [summary of proposed changes as follows]:

- CDFW recommends modifications to the CSP language that create a new subarea management line at the Oregon/California Border (42° N. latitude), providing a separate recreational allocation for California equal to one percent of the non-tribal allocation for 2014.
- CDFW recommends reducing the 2014 fishery season to May 1 through July 31 and Sept 1 through October 31 (Alternative 3a from September 2013 Agenda Item D.2.b, SOH Workgroup Report). In combination with savings from the implementation of new marine protected areas, this action is expected to provide a projected catch reduction of 42 percent.

Ms. Yaremko recalled the substantial time and energy that has gone into arriving at this proposal which cuts the heart out of the California fishery. In good faith, we are reducing the California catch without a change in the allocation to accommodate the South of Humbug Pacific Halibut Policy Committee's recommended 40 to 60 percent reduction from status quo catches. This is a hard recommendation to make in light of the dissenting public comments and GAP advice. The economic impacts are real and we have described them in our analysis and reports. Closing August will significantly impact the small ports that take most of the recreational catch in California – Trinidad and Shelter Cove account for about two-thirds of the catch. Closing August will not generate much effort shift, as these ports only have very restrictive seasons. Public comments in the briefing book have been aimed at engaging the science to determine something that is equitable, as well as providing basic catch information and economic data, including investments in the recreational facilities and the importance of June, July, and August, which is the heart of the season. When the original allocation scheme was set in 1988, the 0.62 percent allocation of the overall Area 2A sport fishery may have been adequate, but conditions have changed greatly since then. However, there has been no real examination to update the allocation scheme. Our catches have increased and we do want to work with our fellow agencies to share this resource. It is our responsibility to do that and we are committed to doing that. She

views this as a one-year decision. We will be back revisiting the CSP for 2015. Perhaps we can do something different next time. She noted that this action will need to go to the California Fish and Game Commission to ask for conforming action.

Ms. Kirchner stated her appreciation for the difficulty California is facing in this decision. However, she noted that reducing the very short fisheries in Washington (4 days) and Oregon Central Coast (20 days) are also very difficult. If the Central Oregon fishery were open the same length of time as Northern California has enjoyed (184 days), the fishery would easily take the entire Area 2A allowable catch. Likely Washington's fishery could do the same. She appreciates the steps taken to separate the areas and identify the one percent. However, she took exception to the statement that we did not address allocation at all. If we had divided that allocation to the south of Humbug area, Oregon should have gotten over 1,000 pounds on a straight proportional basis for recent catches. Instead, Oregon laid no claim to any allocation in that area.

Regarding the area with additional season closures in the motion, Mr. Anderson asked what the landings were for the area south of the Oregon border in 2013 and the expectation for 2014.

Ms. Yaremko replied that the closure would be for all California waters and the five-year average catch for all of California has been in the neighborhood of 22,000 lbs. Removing the August season, coupled with anticipated savings from new marine protected areas (MPA) in northern California, is expected to result in a catch reduction of 42 percent (from the workgroup report). About 39 percent of the reduction is from the August closure and 3 percent from MPAs.

Motion 9 carried unanimously.

Mr. Anderson advised that with the addition of the halibut survey further to the south and the new stock assessment, we will have questions for IPHC staff when they meet in December and January. He anticipates further discussion and additional information will need to be considered as we move toward March and any subsequent actions that may be necessary for our halibut management.

Mr. Sones commented on the difficulty of the process. He noted that the stakeholders are very passionate about Pacific halibut. He is encouraged that the three states will work together on the nontribal allocation. He noted how important the sport fishery is to Neah Bay and LaPush and how well WDFW has controlled the harvest to stay within the allocations.

[Council concluded this agenda item at 2:15 p.m. and adjourned until 2:38 p.m. when they resumed with the continuation of Agenda Item A.3].

## **H. Groundfish Management**

### **H.1 Seabird Avoidance Regulations (11/2/2013; 2:51 p.m.)**

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

Ms. Kelly Ames presented the Agenda Item Overview.

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

Agenda Item H.1.b, Preliminary Draft EA: Measures to Minimize Take of Short-tailed Albatross in the Pacific Coast Groundfish Fishery.

Mr. Dan Erickson presented Agenda Item H.1.b, Supplemental GMT Report.

Mr. Bob Alverson presented Agenda Item H.1.b, Supplemental GAP Report.

Capt. Bob Puccinelli presented Agenda Item H.1.b, Supplemental EC Report.

### **H.1.c Public Comment**

Ms. Anna Weinstein, Audubon California, San Francisco, California.

### **H.1.d Council Action: Adopt Final Seabird Avoidance Regulations for Groundfish Fisheries**

Mr. Lockhart commented that the 55 ft vessel limitation for requiring avoidance gear resulted from a couple of reasons. Originally, the Council wanted to move forward on seabird protection as quickly as possible. Simply adopting the Alaska regulations, which have the 55 ft limitation, was one way of doing that. More importantly, at that point in time, there was concern that the design of the streamers wouldn't work on vessels smaller than 55 ft. Therefore, the plan was for the BiOp to require a proven design on vessels of 55 ft and longer, and require a research program to develop gear that was adaptable to vessels smaller than 55 ft.

Mr. Roth added additional clarification about the 55 ft designation in the regulations which he thought was primarily about safety. He noted that Alternative 4, which removes the regulations about sinking bait, was primarily about enforcement difficulties. He reported that the USFWS was comfortable with Alternative 4 and looked at seabird protection as a phased-in approach while working on finding better ways of protecting seabirds safely, especially for smaller vessels. The primary intent is to work with the fleet to reduce interaction with the seabirds (which also benefits the fishermen by saving bait), formalizing the report of interactions, and creation of a forum to discuss these interactions. They are looking for voluntary adherence to the use of the streamer lines on the smaller vessels.

Mr. Anderson stated that he did not think 55 ft was the right length. His understanding was that the Alaska regulations required a single tory line down to 42 ft. However, we need to move forward. There is also the problem of whether the length is an overall length or documented length. That will need to be clarified.

Mr. Sones reported that the tribes have been working with vessels under 55 ft on a voluntary basis and it has been very successful. The incentive is how much bait they save.

LCDR Casad noted the value of not having fishermen be required to take a safety risk.

Mr. Lockhart moved and Mr. Roth seconded Motion 10 that the Council adopt Alternative 4 (on pages 9 and 10) from Agenda Item H.1.b, Preliminary Draft EA: Measures to Minimize Take of Short-Tailed Albatross in the Pacific Coast Groundfish Fisheries as the final preferred alternative with the following modification: a National Weather Service Gale Wind warning is specified as

the rough weather threshold as a way to take measures to minimize take of short-tailed albatross in the Pacific Coast groundfish fisheries.

Mr. Lockhart stated that he was appreciative of the discussion of the 55 ft or under issue. However, the need for this action started with the capture of a short-tailed albatross which required us to move forward with some urgency. The proposed motion uses a proven methodology and a research program to look at the problems for small vessels, avoids the hard-to-enforce issues with sinking bait and the weather threshold, and is consistent with the BiOp.

Mr. Roth expressed his support for the motion and its phased-in, adaptive approach.

Mr. Farrell stated his support for the motion and how it accommodates the enforcement concerns.

Motion 10 carried unanimously.

## **H.2 Preliminary Exempted Fishing Permit Approval (11/2/2013; 3:58 p.m.)**

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

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

- Agenda Item H.2.a, Attachment 1: 2013 Progress Report on Evaluation of an epibenthic trolled longline to selectively catch chilipepper rockfish (*Sebastes goodei*) off California;
- Agenda Item H.2.a, Attachment 2: Application for a 2015-16 EFP: Evaluation of an epibenthic trolled longline to selectively catch chilipepper rockfish (*Sebastes goodei*) off California;
- Agenda Item H.2.a, Attachment 3: Interim Report: Exempted Fishing Permit Testing Commercial Jig Fishing Gear Targeting Yellowtail Rockfish for 2013-2014 Groundfish Fisheries;
- Agenda Item H.2.a, Attachment 4: Groundfish EFP Proposal: Yellowtail Rockfish Jig Fishing off California;
- Agenda Item H.2.a, Attachment 5: Interim Progress Report on Supporting a Spatial Analysis of the Distribution and Size of Rebuilding Stocks in the Rockfish Conservation Areas Through Directed Fishing Surveys;
- Agenda Item H.2.a, Supplemental Attachment 6: Proposal for Electronic Monitoring Exempted Fishing Permit to Test The Effectiveness of Electronic Monitoring Without the Effect of On-Board Observers (Dated Oct 21, 2013); and
- Agenda Item H.2.a, Supplemental Attachment 7: Interim Report: exempted Fishing Permit, Testing Commercial Jig Fishing Gear Targeting Yellowtail rockfish for 2013/2014 Groundfish Fisheries.

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

Ms. Lynn Mattes presented Agenda Item H.2.b, Supplemental GMT Report and provided the following corrections for Table 1: Lingcod N. of 42° N. latitude should be zero for the Fosmark and SFCFA applications and in the SFCFA application lingcod S. of 42° N.

latitude should be 0.5 (giving a total lingcod EFP of 1.0 instead of 4.0); and 3.0 for Sablefish N. of 36° N. latitude (total for sablefish of 6.0); and for the SFCFA application, include a request for splitnose of 1.5 which would make a total of 3.0.

Mr. Dan Platt presented Agenda Item H.2.b, Supplemental GAP Report.

### **H.2.c Public Comment**

Agenda Item H.2.c, Supplemental Public Comment, Comments relating to F/V San Giovanni proposal.

Mr. Dan Platt and Ms. Barbara Emley, EFP Applicants (Commercial Jig Fishing Gear Targeting Yelloweye Rockfish).

Ms. Elizabeth and Mr. Jiri Nozicka, F/V San Giovanni, Monterey, California.

### **H.2.d Council Action: Consider Preliminary Approval of 2015-2016 EFPs for Public Review (11/2/2013; 5:17 p.m.)**

Mr. Lockhart provided some comments on the workload and timing of the EFP approval process.

Ms. Grebel expressed concern and some frustration with how long some of the proposed EFPs (e.g., the Fosmark application) have been in process and also the need to ensure they are providing research toward new types of fisheries and not just exemptions from the regulations (e.g., not applicable to a wider range of vessels or areas, or exemptions from monitoring which are being addressed through the electronic monitoring program).

Mr. Wolford noted that the NMFS workload would not start until the Council had given final approval of the EFPs and was not yet an issue at this point. He proceeded to consider the San Giovanni application which addresses the situation the small port fishermen face with the monitoring requirements of the individual fishing quota (IFQ) program. While the outline provided for the EFP application is not sufficient at this time and will require further development, he believes it could be an important opportunity to gain insight into how the IFQ program could work for smaller ports if further details could be developed for how it would fit into the electronic monitoring program. He would encourage Pacific States Marine Fisheries Commission (PSMFC) to work with the applicants on an interim basis to see what can be developed. There is certainly a risk that they can go through this to develop an experimental plan that would still not meet the standards for EFP approval.

Mr. Crabbe supported Mr. Wolford's comments. He asked Mr. Lockhart how long it might take before the boat would actually be on the water if they developed an approvable EFP, or might there be a faster path, perhaps through PSMFC, than what we are doing here.

Mr. Lockhart responded that this agenda item is for projects to be implemented (boats on the water) in 2015 and 2016. There is some talk of bringing forward an EFP under the electronic monitoring agenda item, but that might not be any quicker and certainly not by early 2014. NMFS is still looking into this observer monitoring issue for small ports and this is not the only vessel that is facing this difficulty. Another vessel has been able to resolve the problem by having some discussions among all the involved entities. We are still working to resolve this issue for the San Giovanni vessel.

Ms. Lowman pointed out the difficulties of being able to fix the problem through an EFP in 2014 and believes it is not a good fit. Council staff clarified that the formal process would not work for 2014. However, the Council could separate this proposal if it so desired and try to develop a separate review schedule.

Dr. Hanson clarified that the work by PSFMC to determine the difference between human observers and electronic monitoring is ongoing and needs more years of data before it is complete and usable. It is not PSMFC's role to develop EFPs as part of its electronic monitoring research, though they will certainly cooperate with the Council in providing advice and information that might help other efforts. He believes that even under electronic monitoring, the small ports will face special problems with such things as chain of custody for enforcement and who has access to the monitoring equipment.

Mr. Anderson noted that the EFP concept was to try out new ideas for harvesting fish that are currently inconsistent with the Federal regulations and that might have broader application which could help improve fishery management. The Fosmark EFP has been in operation for a number of years and his conclusion is that the experiment didn't turn out to be applicable to a broader set of vessels that would be beneficial to fishery management if the regulations were changed. The F/V San Giovanni EFP identifies a problem that he certainly has compassion for and would like to make it work. The Council spent hours debating the need to have onboard observers to make the IFQ program work and still continues to look at other ways of providing the necessary control and information, such as the electronic monitoring program. However, we aren't there yet. The EFP application substitutes a camera for not carrying an onboard observer and tries to get an individual (e.g., Dave Colpo) to evaluate the camera video independently of the electronic monitoring study. This would be a mistake. He is encouraged that NMFS is continuing the discussion to resolve the observer issue for the small ports and the F/V San Giovanni. Mr. Platt's EFP application does seem to have some promise in targeting yellowtail rockfish, and he would be up for sending the EFP proposal for public review and would very hesitantly approve an addition of up to 66 pounds of yelloweye rockfish as an adjustment from 2013. However, based on some extrapolations with the Washington charter fleet, he will likely be very reluctant to support it when time for final approval comes.

Ms. Grebel moved and Mr. Brizendine seconded Motion 11 that the Council adopt for public review the renewal application (Agenda Item H.2.a, Attachment 4) which would include the modifications outlined in Supplemental Attachment 7 and the following set-asides in Table 1 of Agenda Item H.2.b, Supplemental GMT Report with the following modifications: canary 0.5, yelloweye 0.03, and include the GMT corrections as posted on the website.

Ms. Grebel stated that there has been a lot of good discussion here today and she will speak just to the modifications that she is proposing. The motion is just for sending the proposals out for public review and she is open to changing options later when we see how the numbers would affect the remainder of the fleet. For example, every tenth of a metric ton of yelloweye does matter. The canary is for the amount the Council approved for the 2013-2014 EFP. Canary is important to many of the fisheries and she is cognizant that the EFPs come off the top and are not available to other sectors.



Dr. Braby noted that the canary set-aside in Supplemental Attachment 7 was 1.0 mt, not 0.5 mt as contained in the motion.

Mr. Lockhart moved and Mr. Wolford seconded Amendment 1 to Motion 11 to change the canary set-aside to 1 mt. Mr. Lockhart noted that the amendment was the intent of the maker of the motion.

Amendment 1 carried unanimously. Motion 11, as amended, carried unanimously.

### **H.3 Sablefish Permit Stacking Program Review Scoping (11/3/2013; 2:50 p.m.)**

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

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

- Agenda Item H.3.a, Attachment 1: Sablefish Permit Stacking Review Calendar;
- Agenda Item H.3.a, Attachment 2: Notice Soliciting comment on potential changes for the program;
- Agenda Item H.3.a, Attachment 3: Limited Entry Fixed Gear Sablefish Permit Stacking Program – Indicators for Evaluating Program Performance.

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

Ms. Ariel Jacobs presented Agenda Item H.3.b, Supplemental NMFS Report: Sablefish Permit Stacking Program Review: Potential Changes to the Own and Hold Regulations and Agenda Item H.3.b, Supplemental NMFS Report 2: Sablefish Permit Stacking Program Review: Potential Changes to Catch Accounting.

Ms. Meisha Key presented Agenda Item H.3.b, Supplemental SSC Report.

Mr. Dayna Matthews presented Agenda Item H.3.b, Supplemental EC Report.

Mr. Dan Erickson presented Agenda Item H.3.b, Supplemental GMT Report.

Ms. Michele Longo-Eder presented Agenda Item H.3.b, Supplemental GAP Report.

#### **H.3.c Public Comment**

Agenda Item H.3.c, Public Comment (Email from Lou Ferrari regarding the reduction of Sablefish discards).

Mr. Jeff Miles, Fisherman, Port Orford, Oregon.

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

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

#### **H.3.d Council Action: Identify Issues and Alternatives for Consideration of Changes in the Sablefish Permit Stacking Program (11/3/2013; 4:35 p.m.)**

Mr. Seger spoke to the list of Council actions in the briefing book. He also noted that the ownership issue has had negative effects with regard to permits for vessels involved solely in the West Coast fishery as well as for vessels involved in the Alaska fisheries.

Ms. Lowman noted that the Council has already decided to do the Phase 1 Review of the sablefish program which includes the own and control issue (the Alverson issue). The Council now needs to decide if there are any other specific issues to include in Phase 1, such as the fish ticket issue or anything else.

Ms. Culver stated her preference was for the Council to consider issues for the Phase 1 Review and not address the additional phases today.

Ms. Kirchner stated that we have heard about three issues today—two with requests to be included in Phase 1 and the daily trip limit (DTL) issue for Phase 2. If we were to decide today only to address Phase 1 and put in the own-and-control issue and the accounting issue, how do we alert the public to what we are doing with the other items that may or may not happen?

Mr. Lincoln replied that one logical thing is to state that we will make decisions on Phase 2 once we have completed the program review when we have a better understanding of the issues and can determine how to proceed.

After further Council discussion, Mr. Seger summarized what the overall program review might look like. It would include assessing the program performance in regard to the original program objectives, utilizing the indicators identified by the SSC. In addition, the Phase 1 portion would include the information reviewed here today concerning the assessment of control and electronic-ticket analysis in a document to be released to the public in April and for final Council review in June. As a result of the analysis of indicators, more information could come to our attention in June.

Ms. Lowman stated that it is not possible to determine what the Phase 2 Review might include until after the Council sees the Phase 1 evaluation. She also raised workload issues which Mr. Seger clarified.

Ms. Culver moved and Ms. Kirchner seconded Motion 14 that the Council move forward with Phase 1 of the sablefish permit stacking program review and proposed changes to include the alternatives identified in Agenda Item H.3.b, Supplemental GAP Report (the alternatives for “own and hold regulations,” and the “E-fish tickets”), and Agenda Item H.3.b, Supplemental GMT Report (the recommendations bolded in the report), and that the review be focused on the original objectives reflected in Agenda Item H.3.a, Attachment 3 as prioritized by Agenda Item H.3.b, Supplemental SSC Report.

Ms. Culver stated that the own and hold changes have been raised several times over the past few years since this has been a problem for a few of our sablefish tier permit holders and could be a problem for those who participate in both the West Coast and Alaska sablefish fisheries. The proposed change would make the ownership and control consistent with limited entry (LE) trawl permits. This also provides an opportunity for some new entrants into the LE fixed gear fishery. In addition, electronic fish tickets should be further explored as it has been brought to our attention by enforcement. Because the states currently implement fish ticket requirements differently and have different capabilities, we will likely need to do some work to coordinate and

adequately implement any changes. In response to a question, Ms. Culver clarified that the motion's reference to the GAP alternatives was meant to include the vessel account system.

Mr. Wolford stated that the noticed comment period for changes to the program was still open, and he presumed that the Phase 1 Review would include a compilation of those comments and whether or not to include the DTL fishery in this. The compiled list would be studied potentially in a Phase 2 Review. He wondered if he were correct and if that needed to be included in the motion.

Ms. Culver replied that the Council Chair had stated that our consideration here was only for Phase 1 and did not need to include Phase 2. Mr. Wolford agreed.

Motion 14 carried unanimously.

#### **H.4 Stock Complex Restructuring (11/4/2013; 8:21 a.m.)**

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

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

- Agenda Item H.4.a, Supplemental Attachment 1: Stock Complex Alternatives;
- Agenda Item H.4.b, GMT Report: Groundfish Management Team Report on Restructuring the Other Fish Complex; and
- Agenda Item H.4.b, GMT Report 2: Groundfish Management Team Report on the Classification of the Other Fish and Like Stocks in the Groundfish FMP.

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

Mr. Frank Lockhart presented Agenda Item H.4.b, Supplemental NMFS Report: Minor Slope Complex Stocks with Consistent Overfishing Unit Contribution Overages; Council Consideration of Reorganization of Blackgill, Roughey, and Shortraker Rockfish for Additional Analysis.

Mr. Dan Erickson presented Agenda Item H.4.b, GMT Report: Groundfish Management Team Report on Restructuring the Other Fish Complex; Agenda Item H.4.b, GMT Report 2: Groundfish Management Team Report on the Classification of the Other Fish and Like Stocks in the Groundfish FMP; and Agenda Item H.4.b, Supplemental GMT Report 3: GMT Recommendations on Classifications of Stocks in the FMP and the Other Fish Stock Complex Alternatives.

Mr. Dan Waldeck presented Agenda Item H.4.b, Supplemental GAP Report.

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

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

Mr. Ralph Brown, Brookings, Oregon.

**H.4.d Council Action: Adopt Final Stock Complex Aggregations for Fisheries in 2015 and beyond and Provide Guidance on Further Refinement of Stock Complex Restructuring for Future Cycles (11/4/2013; 10:47 a.m.)**

Ms. Culver asked Mr. Lockhart about the need for consistent criteria in how stocks are categorized with reference to those in the FMP or out, and those that are in the fishery as opposed to those categorized as ecosystem component species.

Mr. Lockhart stated that it took a long time to develop the final rules and guidelines concerning stock complexes because it is a difficult issue. The important thing is that any apparent inconsistencies in the determinations must be adequately explained. An apparent inconsistency doesn't mean that it would be disapproved if it has an adequate rationale.

Ms. Culver moved and Mr. Myer seconded Motion 15 that the Council adopt the following changes to the Other Fish Stock Complex:

1. Have spiny dogfish as an individually managed stock.
2. Approve the following options for public review for final action scheduled for the April 2014 Council Meeting:
  - Option 1 - Individually Managed: Leopard Shark, Cabezon (WA)\* and Kelp Greenling\*
    - \* if OFLs can be calculated this cycle then go with Option 1
  - Option 2 - Shallow Water Complex: Leopard Shark, Cabezon (WA), and Kelp Greenling
3. Specify the following an Ecosystem Component Species in the FMP:
  - Finescale codling/Pacific Flatnose
  - Soupfin Shark
  - Spotted Ratfish
  - Grenadier Complex (Pacific, Giant, All Other Grenadiers)
  - Skate Complex (Big, California, Bering/Sandpaper, Roughtail/Black Skate, All other Skates).

Ms. Culver stated that, in general, her motion was an attempt to keep the action simple and minimize disruption to the fishery and agencies for the management of groundfish. At the same time, she was trying to be responsive to the few conservation concerns brought to our attention by the SSC and GMT. For spiny dogfish (to be individually managed) the GMT Report notes (top of page 10) that while the maximum catches of dogfish from 2004-2012 remained below the 2013 OFL, those catches would have exceeded the ABC in 2005, 2008, and 2013. The new spawning potential ratio of  $F_{SPR}$  50 percent, as recommended by the SSC, will produce a spiny dogfish OFL in 2015 of 2,523 mt, which is lower than the 2013 OFL of 2,980 mt. Although the maximum catches for the 2004-2012 time period would not have exceeded the 2015 OFL, they come really close to it. Under the new SPR, if the Council were to stay with its status quo P\* for spiny dogfish, the resulting ABC in 2015 would be 1,731 mt and would have been exceeded during three of the nine years between 2004 and 2012. The most recent reported catch of spiny dogfish was 1,662 mt in 2011, below the ABC for 2015. This demonstrates that we have a potential conservation need and perhaps a signal from the SSC and GMT that the catches for

spiny dogfish raise a flag. The Council has the opportunity to break out the dogfish and manage it separately at a time when the ABC and OFL would accommodate current catch levels, but just barely. There should be more discussion under H.6 and H.10, and as we continue through the management measures process in April and June relative to what measures we wish to apply to spiny dogfish. Breaking it out does not mean that we would have allocations among sectors or have an IFQ for dogfish.

Ms. Culver continued relative to the two options in the motion. She thought that while the SSC will state under H.6 that they may be able to calculate OFLs for cabezon and kelp greenling during the winter time period, there is no certainty of this. Therefore she included the two options to consider in April. One option would enable us to individually manage the stocks if the SSC calculates the OFL. The other option would create a shallow water complex consistent with the GAP and GMT reports, which would allow for focused state management on these stocks.

Lastly, Ms. Culver's motion would move those stocks into the ecosystem component (EC) category that are currently categorized as in the fishery, but would seem to better fit as EC species which are not targeted, only occasionally caught in our fisheries, and our ability to manage them is rather limited. In trying to apply consistency in our treatment of grenadiers and skates, she has proposed that all grenadiers and skates be added into the FMP as EC species, with the understanding that there would not be any focused management on those, other than to monitor catches. The GMT Report was clear that for both grenadiers and skates, those categories have varying degrees of vulnerability, but do not raise a conservation concern.

Mr. Devore asked if elements one and three in the motion are characterized as final preferred alternatives.

Ms. Culver replied yes.

Mr. DeVore expressed some concern with the language in the motion designating EC species as a complex.

Mr. Wolford moved and Ms. Grebel seconded Amendment 1 to Motion 15 to change grenadier complex to grenadier group and skate complex to skate group under the third item in the motion.

Amendment 1 carried unanimously.

For clarity, Dr. Braby moved and Mr. Feldner seconded Amendment 2 to Motion 15 to edit the language in the footnote in the second item to strike "then go with" and add "then the Council will have the ability to consider."

Amendment 2 carried unanimously.

Ms. Grebel noted that if changing the designation of some stocks to the EC species eliminates some management measures, the states will need to know so they can approve conforming regulations.

Ms. Grebel stated that California was comfortable with keeping the leopard shark in the fishery. It is a nearshore species that is targeted, unlike the soupfin shark which is a deeper water shark and not targeted.

Dr. Braby spoke in support of the motion, but does have some reservations about bringing species into the fishery.

Motion 15, as amended, carried unanimously.

Mr. Lockhart moved and Ms. Culver seconded Motion 16 that the Council further analyze and consider Alternatives 1 and 2 in Agenda Item G.8.b, Supplemental GMT Report 5, September 2013. Also, analyze and consider separating blackgill, shortraker, and roughey species from the minor slope north and south complexes for individual and/or sub-complex management. These analyses should consider available 2013 catch data and be presented to the Council at the April 2014 Council Meeting.

Mr. Lockhart stated that Agenda Item H.4.b, Supplemental NMFS Report captured the need to respond to the Council's September action deferring consideration of reorganizing nearshore, shelf, and slope species complexes until the 2017-2018 harvest specifications cycle. Recent years' catches of blackgill, shortraker, and roughey have exceeded their OFL contributions and therefore further analysis of these species is supported. The information was provided to the GAP and they also believe there might be merit in further analysis of this issue. The recommendation does not presuppose any specific outcome, just that the analyses should be available so that the Council is fully informed before making a final decision. The impacts of this are of a sufficiently narrow scope and it could be folded in the specifications EIS analyses. A lot of the analyses have already been completed and some would naturally come out of the management measures analysis as we move forward. There have been some concerns that the impacts could be substantial and we acknowledge that. We are committed to work with the industry to look at solutions to address any problems and are open to other solutions. The bottom line for NMFS is that there is a potential overfishing concern and we would like to ensure that we know if we are overfishing.

Mr. DeVore indicated that there are some complexities in analyzing these issues and there has not been any socio-economic nor allocation analyses (a formal reallocation will be needed). This could cause problems in the timeliness of completing the EIS. He wondered if including alternatives 1 and 2 was really necessary to achieve the desired end, as it will be very complicated.

Mr. Lockhart responded that adding alternatives 1 and 2 was in response to comments received here today. He noted that there has already been some analysis done by the GMT, and he was not asking for more complex analysis to be done to add to the workload. His goal was to provide a broad range of analysis for consideration at the April Council Meeting.

Ms. Culver supported the addition of alternatives 1 and 2. She thought that would give the Council the option in April of choosing between a coastwide approach and a 40-10 approach that

might be less disruptive to the fisheries. It would also give an analysis of what the Council chose as well as what they didn't choose, for comparison.

Mr. Wolford asked what is meant by sub-complex management.

Mr. Lockhart stated that it would be looking at breaking up a complex within the minor-slope complex to have as an option.

Mr. DeVore noted that it was to be a newer complex of fewer species. The FMP does not recognize sub-complexes.

Mr. Lockhart responded yes.

Mr. Wolford moved and Mr. Lockhart seconded Amendment 1 to Motion 16 to strike "sub-" from the complex management.

Amendment 1 carried unanimously.

Mr. Pollard stated he would vote for the amended motion. However, he was very uncomfortable with managing a species like shortraker by making an artificial border that slices off a tiny portion of the range for the species and assigns a tiny OFL to that tiny slice when we know that a few degrees further north the species is relatively common, targeted, and harvested in relatively large numbers. He looks forward to seeing more analysis and information.

Mr. DeVore noted that alternatives 1 and 2 include consideration of coastwide management of Pacific Ocean perch (POP). POP are clearly a north dominant stock (no OFL contribution on the southern side). Coastwide management could require a formal change in the rebuilding plan.

Mr. Lockhart responded that it would come out of the analysis and we can deal with this in April. He is not looking to complicate the process with a new rebuilding plan.

Motion 16, as amended, carried unanimously.

## **H.5 Stock Assessments and Rebuilding Analyses (11/4/2013; 12:45 p.m.)**

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

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

- Agenda Item H.5.a, Supplemental Attachment 1: Available Age and Length Composition Data for the Nine Data-Moderate Stocks Undergoing Assessment in 2013;
- Agenda Item H.5.a, Supplemental Attachment 2: 2013 Cowcod Rebuilding Analysis; and
- Agenda Item H.5.a, Supplemental Attachment 3: Data Moderate Stock Assessments for Brown, China, and Copper Rockfishes in 2013 (not provided).

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

Ms. Meisha Key presented Agenda Item H.5.b, Supplemental SSC Report.

Mr. John Budrick presented Agenda Item H.5.b, Supplemental GMT Report.

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

Mr. Bill James, Commercial Fisherman, Consultant for Port San Luis Commercial Fishing Association, Avila, California (testified during Council deliberation).

#### **H.5.d Council Action: Adopt Final Data-Moderate Stock Assessments for Copper, Brown, and China Rockfishes; Adopt Final Rebuilding Analysis for Cowcod Rockfish (11/4/2013; 1:16 p.m.)**

Council members began by asking several clarifying questions of Council staff.

Ms. Grebel moved and Mr. Brizendine seconded Motion 17 that the Council adopt the data moderate assessments for brown rockfish and copper rockfish using the STAR Panel approved models. For China rockfish adopt the data moderate assessment with the revised stratification at 42° N. latitude and adopt the rebuilding analysis for cowcod (Agenda Item H.5.a, Supplemental Attachment 2).

Mr. DeVore added some clarifying comments concerning the motion. He stated that the recommendation for brown and copper rockfish is straightforward and clear. However, for China rockfish, if you maintain the management line at 40° 10' N. latitude, the only OFLs the SSC will recommend are those estimated from the original STAR Panel model. However, if you move the management line to 42° N. latitude, then only use the revised model just reviewed by the SSC Groundfish Subcommittee. This motion locks you into the 42° line for the OFL. He would argue that this decision shouldn't be made under this agenda item, but rather under the biennial specifications items. For China rockfish he recommends the Council adopt both models recommended by the SSC.

Ms. Grebel stated she would stand by her motion as she read the SSC statement a little differently—that they didn't recommend one or the other and it is a policy choice.

Ms. Grebel stated that for copper and brown rockfish the SSC statement is very clear that they did try to look at an alternative stratification and didn't have confidence in the model. That is the reason she is choosing just the STAR Panel approved model. The rationale behind the original request for the stratification for the China rockfish assessment was due to the differing management among the states and the differing pressures between the fisheries. She noted there are stocks that are managed at 42° (e.g., blue and gopher rockfish). The line aligns with state management. For cowcod, the SSC did recommend using the cowcod rebuilding analysis and she would offer that the SSC states there are model runs one through three that are sufficient to make management decisions. However, she would suggest that we add additional management runs because there is nothing higher than the spawning biomass per recruit (SPR) harvest rate from which to make or judge the balance of the decision if the Council chooses the SPR harvest rate. She noted that in Table 5 there are other model runs which still have a 50 percent probability of rebuilding by the new  $T_{MAX}$  and current  $T_{TARGET}$ .



Mr. DeVore cautioned against closing off the Council's management options by choosing only the revised model for China rockfish.

Ms. Culver noted that additional information would be available under the next agenda item that would clarify the impacts of choosing the management line at either 42° or at 40° 10'. Therefore, she would prefer to delay that decision until all the information is available.

Ms. Culver moved and Dr. Braby seconded Amendment 1 to Motion 17 to have the motion read as follows (deletions in ~~strikeout~~, additions in **bold**): Adopt the data moderate assessments for brown rockfish and copper rockfish using the STAR panel approved models. For China rockfish, adopt the **STAR panel approved** data moderate assessment ~~with as well as~~ the revised assessment ~~revised stratification at 42°~~ and adopt the rebuilding analysis for cowcod (Agenda Item H.5.a, Supplemental Attachment 2).

Ms. Grebel stated her reasons for not supporting the amendment, chief among them being because of the differences in state management and the models use of Oregon data to estimate California impacts.

Amendment 1 carried. Ms. Grebel and Mr. Wolford voted no. Motion 17, as amended, carried unanimously.

## **H.6 Biennial Harvest Specifications for 2015-2016 Groundfish Fisheries (11/4/2013; 2:03 p.m.)**

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

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

- Agenda Item H.6.a, Attachment 1: Proposed Overfishing Limits, Acceptable Biological Catches, and Presumptive Annual Catch Limits for 2015 and 2016 Groundfish Fisheries;
- Agenda Item H.6.a, Attachment 2: Proposed Revisions to Council Operating Procedure 9 (COP9);
- Agenda Item H.6.a, Attachment 3: SSC Ecosystem- Based Management Subcommittee on Ecosystem Consideration in the Groundfish Harvest Specifications EIS Analysis;
- Agenda Item H.6.a, Supplemental 4: Considerations for deciding the Overfishing Probability (P\*) when Specifying an Acceptable Biological Catch;
- Agenda Item H.6.a, Supplemental Attachment 5: The Use of Harvest Guidelines for Assessed Stocks Managed in a Stock Complex;
- Agenda Item H.6.a, Supplemental Attachment 6: Deriving estimates of OFL for Species in the "Other Fish" Complex or Potential Alternative Complexes; and
- Agenda Item H.6.a, Supplemental Attachment 7: Proposed Overfishing Limits, Acceptable Biological catches, and Presumptive Annual Catch Limits for 2015 and 2016 Groundfish Fisheries.

Ms. Kelly Ames provided information relating to the revisions to COP 9 and noted that if the Council has any proposed changes they should be put forward now and then can be finally adopted under Agenda Item I.5.

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

Agenda Item H.6.b, GMT Report: Groundfish Management Team Report on Revising Council Operating Procedure 9.

Ms. Meisha Key Presented Agenda Item H.6.b, Supplemental SSC Report.

Mr. Dan Erickson presented Agenda Item H.6.b, Supplemental GMT Report 2.

Mr. Gerry Richter presented Agenda Item H.6.b, Supplemental GAP Report.

## **H.6.c Public Comment**

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

Mr. Louis Zimm, GAP Member, San Diego, California.

Mr. Ralph Brown, Fisherman, Brookings, Oregon.

## **H.6.d Council Action: Adopt Final Overfishing Limits, Final P\*/Allowable Biological Catches, Preliminary Preferred Annual Catch Limits for Each Stock and Stock Complex, Consider Modifications to Council Operating Procedure 9, and Consider Issues other than Management Measures**

Mr. Lockhart stated that in September there were some proposed changes to COP 9 to make very clear what was going on with the tribal participation in the harvest specifications process. Some of the tribes wanted more time to consider the changes and delay the discussion to November. The discussion was had and no objections were voiced by the tribes to the current language which specifies that the tribes would provide their input to the Regional Administrator (RA) before the November Council meeting and can refine their requests by another letter to the RA before the June meeting. This has basically been the status quo procedure.

[Council adjourned and reconvened at 8:20 a.m. on 11/5/2013.]

The Council began with Mr. Erickson discussing a clarification to the Supplemental GMT Report 2 (sentence on the bottom of page 1). He clarified that the GMT did not intend to recommend a P\* for elasmobranchs.

Ms. Grebel moved and Ms. Kirchner seconded Motion 18 that the Council adopt final OFLs as shown in Agenda Item H.6.a, Supplemental Attachment 7. For minor nearshore rockfish north and south of 40°10' N. latitude, adopt the OFLs using the STAR Panel approved data moderate stock assessments for brown, China and copper rockfish. Adopt the revised category designation for rougheye/blackspotted rockfish.

Ms. Grebel stated that her motion for OFLs closes the loop on canary rockfish. The OFL was not adopted in September as there was some confusion over whether or not the numbers were correct (they were). The motion also takes care of a housekeeping item for rougheye. We still don't have the cowcod values in the table, but it's our understanding those values will be available to review and adopt at the March Council meeting. There seemed to be some confusion over the minor nearshore rockfish north and south. It was never the intent to change the management line to 42° N. latitude. This motion does not change that line. You will hear tomorrow that we are interested in analyzing an HG for California for minor nearshore rockfish north. Using the STAR Panel approved model would still allow us to tease out California

contributions between 40° 10' N. latitude and 42° N. latitude. The rougheye/blackspotted stock assessment is a complex of two species and, as was stated, there was insufficient information to confirm that these two species have similar vulnerability to the fishery and rates of biological productivity. This is similar to the case for blue rockfish which received a category 2 designation.

Motion 18 carried unanimously.

Ms. Ames presented a flowchart to help explain the process for making changes to management measures as proposed in the revisions to COP 9. She explained the differences in how management issues would be handled, depending on whether they were new measures that had never before been analyzed, or were routine. Routine measures would require limited analysis and could be implemented through inseason action and be eligible for inclusion in the next specifications cycle. The revised part of the process is responsive to the Council's concern that too many new management measures are being considered in the specifications cycle and make the process too cumbersome. Staff suggests screening non-routine proposals into two groups. Those that affect ACLs, protected species, or a pressing habitat issue and are time-sensitive would be included for consideration in the current or immediate management cycle. Those that do not would be considered at the June meeting of even years and the Council would determine when or if they would be handled.

Ms. Culver moved and Mr. Wolford seconded Motion 19 that the Council approve the following changes to Council Operating Procedure 9 to be brought back for final approval under Agenda Item I.5:

1. Under Year 1, September, revise language as follows:  
Council will provide initial fishery management guidance, including a preliminary range of ~~new~~ management measures necessary to keep catch within ~~annual catch limits (ACL)~~ **or attain the a specification** or to address a habitat or protected resources concern.
2. Under Year 1, November, revise language as follows:  
Council selects a range of 2-year allocations, final range of ~~new~~ management measures to keep catch within ~~the ACL~~ **or attain a specification** or to address a habitat or protected resources concern, and preliminary exempted fishing permit (EFP) applications for Years 3 and 4.
3. Include language proposed by NMFS and approved by the coastal Treaty Tribes regarding the process to include tribal harvest specifications and management measures. Follow the process in the flow chart presented by Ms. Ames (Agenda Item H.6.a, Supplemental Attachment 8).

Ms. Culver explained her wording changes from the draft COP 9. As suggested by the GMT, she broadened the limiting criteria from just ACLs to make it apply to all "specifications." Her motion was also responsive to discussions with regards to the use of the word "new." She also wanted to ensure that the screening applied not just to measures that constrained catch, but also to those that helped attain the harvest specifications.

Motion 19 carried unanimously.

Ms. Kirchner moved and Ms. Grebel seconded Motion 20 that the Council identify the following P\* levels and resulting ABCs as final preferred alternatives:

For all individual stocks and stock complexes adopt a P\* of 0.45, with the following exceptions:

- Sablefish (coastwide) – 0.40
- Spiny Dogfish - .035
- Starry Flounder – 0.40
- Lingcod S. of 40° 10' N. latitude – 0.40
- Longspine Thornyhead – 0.40
- Shortspine Thornyhead – 0.40
- Other Flatfish Complex – 0.40

Also, that the Council identify the following ACLs as preliminary preferred alternatives:

For all individual stocks and stock complexes set the ACL equal to the ABC with the following exceptions:

- Analyze a constant catch widow rockfish ACL of 1,500 metric tons to 3,000 mt.
- Analyze a constant catch Dover sole ACL of 25,000 metric tons to 50,000 mt.
- Maintain a black rockfish (OR-CA) constant catch ACL of 1,000 mt.
- Maintain the longnose skate constant catch ACL of 2,000 mt.
- For overfished rockfish, except cowcod, determine the ACL by applying the constant SPR.
- For petrale sole, determine the ACL by applying the 25-5 harvest control rule.

Ms. Kirchner supported her motion for the individual stocks as follows. The sablefish P\* is status quo and there isn't any new information to indicate a need for change. The spiny dogfish P\* is slightly higher than the status quo of 0.30 and recognizes the work of the SSC on the F<sub>MSY</sub> and to account for uncertainty and lack of an OFL which will be developed in the off-year science workshops. The P\*s for starry flounder and lingcod south are status quo. They have category 2 stock assessments and there is no information to suggest a change. The longspine thornyhead P\* is status quo. The new assessment indicated there is no longer a need for the scientific uncertainty buffer, however she hasn't included a recommendation for applying that change. The management line would remain in place at 34° 27' N. latitude. For shortspine thornyhead, the P\* is a change from the status quo P\* of 0.45. The new stock assessment is a category 2 assessment, which is a downgrade from the previous assessment and indicates there is no longer a need for the scientific uncertainty buffer. The existing management line would remain in place. The P\* for the Other Fish complex is status quo as there is no information to suggest something different. For widow rockfish, the recommendation would increase the constant catch to set the ACL at 3,000 mt, which is a doubling of the current ACL. This stock, which was determined never to have been overfished, is rebuilt. The GAP provided a strong need for increasing widow harvest in their statement and harvest remains below all of the ABC alternatives to provide some precaution. Dover sole is a highly underutilized stock and we heard requests to increase harvest, but not too dramatically. The proposed ACL of 50,000 mt provides

for a good increase, but is still well below the ABC. The  $P^*$  for black rockfish is status quo and the constant catch has been working quite well. The same applies to longnose skate with a constant catch ACL below the ABC. She has not proposed changes for any of the overfished rockfish and has purposely left out cowcod for someone else to add. The overfished stocks would be protected using the 2011 rebuilding analyses and the existing SPR harvest control rules. The  $P^*$  for petrale sole is status quo. There is no new rebuilding plan to indicate a need for change. English sole and yellowtail rockfish (category 2 assessments) are highly underutilized and healthy stocks and she has not recommended changing the  $P^*$ .

Mr. Wolford moved and Mr. Brizendine seconded Amendment 1 to Motion 20 to edit the text to add “except cowcod” under the setting of the ACLs after “individual stocks and stock complexes.”

Mr. Wolford stated that it was the intent to address cowcod with a later motion.

Amendment 1 carried unanimously.

Ms. Culver moved and Ms. Kirchner seconded Amendment 2 to Motion 20 to add (under individual stocks) an exception for arrowtooth flounder for a  $P^*$  of 0.40.

Ms. Culver stated that arrowtooth flounder was another stock for which the Council had previously set a  $P^*$  of 0.40. She believes it was accidentally omitted from the GMT Table 1 as one of the stocks that fall into that category. She believes it warrants a  $P^*$  of 0.40 as the OFLs are projected from a stock assessment in 2007 that assumed  $F_{MSY}$  was at 30 percent. Since then, the SSC has specified that the  $F_{MSY}$  should be at 25 percent as it is a flatfish that we have applied a  $F_{MSY}$  proxy to.

Amendment 2 carried unanimously.

Council discussion clarified that, for widow and Dover sole, the constant catch level was specified, but for Dover it could be within the range of constant catch ACLs identified in the motion.

Motion 20, as amended, carried unanimously.

Ms. Grebel moved and Mr. Crabbe seconded Motion 21 that the Council adopt a range of cowcod ACLs for 2015 and 2016 based on rebuilding analysis runs 1, 2, and 3 (0 mt, 3 mt, and 16 mt, respectively) for more detailed analysis and identify a preliminary preferred alternative (PPA) of 16 mt.

Ms. Grebel stated that the three runs within the rebuilding analysis do contain a zero fishing option (Option 1), the current ACL (Option 2), and the current SPR harvest control rule (Option 3). The PPA identified (16 mt) corresponds to the current harvest control rule. She noted that cowcod is rebuilding ahead of schedule, based on the new stock assessment and analysis, and the PPA reflects only one year of additional rebuilding beyond the zero option. The PPA option is projected to have a greater than 50 percent probability of rebuilding by the new  $T_{max}$ , which is

2057. Given the broad range of options, she was looking to the GMT to provide some insight on potential levels between 3 and 16 mt.

Motion 21 carried unanimously.

## **H.7 Essential Fish Habitat (EFH) Review Phase 2 Report and Proposals to Modify EFH (11/5/2013; 9:27 a.m.)**

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

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

- Agenda Item H.7.a, Attachment 1: Environmental Defense Fund Proposal (Electronic Only);
- Agenda Item H.7.a, Attachment 2: Fishermen's Marketing Association Proposal (Electronic Only);
- Agenda Item H.7.a, Attachment 3: Gulf of the Farallones National Marine Sanctuary Proposal and Cover Letter (Electronic Only);
- Agenda Item H.7.a, Attachment 4: Greenpeace Proposal and Supporting Materials (Electronic Only);
- Agenda Item H.7.a, Attachment 5: Monterey Bay National Marine Sanctuary Proposal and Supporting Materials (Electronic Only);
- Agenda Item H.7.a, Attachment 6: Marine Conservation Institute Proposal and Supporting Materials (Electronic Only);
- Agenda Item H.7.a, Attachment 7: Oceana/ Natural Resources Conservation Council/ Ocean Conservancy Proposal and Supporting Materials (Electronic Only); and
- Agenda Item H.7.a, Attachment 8: Olympic Coast National Marine Sanctuary/Washington Department of Fish and Wildlife Proposal and Cover Letter (Electronic Only).

### **H.7.b Report of the Essential Fish Habitat Review Committee**

Mr. Brad Pettinger presented Agenda Item H.7.b, Supplemental Attachment 1: Draft EFHRC Phase 2 Report.

### **H.7.c Reports and Comments of Advisory Bodies and Management Entities**

Agenda Item H.7.c, Supplemental Congressional Report.

Mr. Frank Lockhart presented verbal information from NMFS.

Ms. Karen Reyna presented Agenda Item H.7.b, National Ocean Service, Office of Marine Sanctuaries, West Coast Region Report.

Agenda Item H.7.c, Cordell Bank National Marine Sanctuary Report.

Agenda Item H.7.c, Channel Islands National Marine Sanctuary Report.

Mr. Sones introduced the following documents: Agenda Item H.7.c, Supplemental Tribal Report – Hoh Tribe and Agenda Item H.7.c, Supplemental Tribal Report 2 – Quinalt Tribe.

Mr. Mel Moon presented Agenda Item H.7.c, Supplemental Tribal Report 3 – Quileute Tribe.

Mr. Sones emphasized consideration of the tribal input to the EFH designations, particularly within the tribal information, and wanted the Council to understand the socio-economic impacts within the tribal community.

Ms. Meisha Key presented Agenda Item H.7.c, Supplemental SSC Report.  
 Mr. Tim Roth presented Agenda Item H.7.c, Supplemental HC Report.  
 Mr. Rob Jones presented Agenda Item H.7.c, Supplemental GMT Report.  
 Mr. Brent Paine presented Agenda Item H.7.c, Supplemental GAP Report.

**H.7.d Public Comment**

Agenda Item H.7.d, Public Comment (Full Signatories, Electronic Only).  
 Agenda Item H.7.d, Supplemental Public Comment 2 (Full Signatories Electronic Only).  
 Agenda Item H.7.d, Supplemental Public Comment 3.  
 Mr. Paul Kujala, F/V Cape Windy, Hammond, Oregon.  
 Ms. Melissa Stevens, Nature Conservancy, Santa Cruz, California.  
 Mr. Geoff Shester (Oceana, San Francisco, California), Mr. Greg Helms (Ocean Conservancy, Santa Barbara, California), Mr. Seth Atkinson (Natural Resources Defense Council, San Francisco, California) and Mr. Ben Enticknap (Oceana, Portland, Oregon) presented Agenda Item H.7.d, Supplemental PowerPoint and Agenda Item H.7.d, Supplemental Public Comment 4: Preliminary Report: Oceana Important Ecological Areas Seafloor Habitat Expedition Off the Central Oregon Coast.  
 Mr. Mike Okoniewski, Pacific Seafood, Clackamas, Oregon.  
 Mr. David Kirk, Port San Luis Commercial Fisherman’s Association, Arroyo Grande, California.  
 Lance Morgan, Marine Conservation Institute, Glen Ellen, California.  
 Mr. Steve Scheiblauer, City of Monterey, Monterey, California, spoke about the Monterey Bay NMS proposal.  
 Mr. Steve Bodnar, Coos Bay Trawlers Association, Coos Bay, Oregon.  
 Mr. Pete Leipzig, Fisherman’s Marketing Association, Eureka, California.  
 Mr. Bill James, Port San Luis Commercial Fisherman’s Association, Avila Beach, California.  
 Mr. Ralph Brown, Brookings, Oregon.  
 Ms. Heather Mann, Midwater Trawlers Association, Siletz, Oregon.  
 Ms. Donna Parker with Mr. Brent Paine and Mr. Bob Dooley (United Catcher Boats), Arctic Storm Management Group, Seattle, Washington, presented Agenda Item H.7.d, Supplemental Public Comment.  
 Mr. Tom Rudolph, Pew Charitable Trusts, Portland, Oregon.  
 Mr. Rod Moore, West Coast Seafood Processors Association, Portland, Oregon.

**H.7.e Council Action: Consider Proposals for Modifying Groundfish EFH (11/5/2013; 1:36 p.m.)**

Dr. Braby moved and Mr. Feldner seconded Motion 22 that the Council adopt the process as outlined: Proposed Process and Timeline moving forward:

|        | Phase 2  | Phase 3<br>(Existing/Proposed EFH analysis)   |
|--------|--|---|
| NOV’13 | PFMC decide there is enough information in EFH Review to move forward<br>PFMC ask EFHRC to simply finalize the Phase 2 report* | PFMC provide guidance to SWFSC/NWFSC on initiating evaluation of existing EFH areas |

|         |   |   |
|---------|---|---|
|         |   |   |
| Interim | EFHRC   | SWFSC/NWFSC   |
| MAR'14  | PFMC consider/adopt Phase 2 report (move on to Phase 3) |   |
|         |   | SWFSC/NWFSC   |
| SEP'14  |   | PFMC identify issues and scope for a plan amendment                                   |
| Interim |   | SWFSC/NWFSC   |
| MAR'15  |   | PFMC consider/approve alternatives and preliminary preferred alternative, if possible |
| Interim |   |   |
| JUN'15  |   | PFMC adopt final preferred alternative  |

\* Sideboards for EFHRC: keep the report finalization process simple; one or two conference calls and high-level recommendations on criteria subject areas (e.g. socioeconomic) for development of alternatives for Phase 3 (not recommendations on specific proposals or proposal elements).

Dr. Braby stated that there has been a lot of supporting information and concern generated for this process and great progress has been made in the information regarding EFH. She believes the information in the Phase I Report and proposals that have been submitted provide justification for the continuation of the discussion of EFH adjustments in the FMP. The motion lays out the process in terms of timeline and the need to consider changes without rushing into decision-making. This timeline allows the fisheries science centers to conduct analyses and helps balance Council workload for the spring with the target of concluding the process for June 2015. This timeline may allow consultation among tribal, fishing industry, and environmental interests to come to some agreement on various aspects of the proposals. In response to questions, she noted that the motion could be tightened up with more discussion about when and if we start Phase 3. Her intent is to have clarity on closure of Phase 2 and allow the Council to consider Phase 3 further with the ability to stop that effort at some point if they so desired.

Mr. Wolford was bothered by the dates included in the motion, which could lock the Council into commitments without consideration of overall agenda planning. At the very least, he would like to get rid of the column of dates. Secondly, he believes there is enough information to move us into Phase 3 at this time and would like to make that decision today. Then the Essential Fish Habitat Review Committee (EFHRC) would wrap up the Phase 2 Report to end Phase 2. When we do Phase 3, which is an evaluation of the proposals for their technical merits, and produce the final recommendations, that is a matter for future meeting planning.

Mr. Crabbe moved and Mr. Brizendine seconded Amendment 1 to Motion 22 to change the dates of Sept 2014, Mar 2015 and Jun 2015 to "TBD" and change the information in Phase 2 November 2013 to "Move on to Phase 3" and March 2014 to read "PFMC consider complete Phase 2 Report."



Mr. Crabbe stated that his amendment was an attempt to reflect the Council comments in regard to confirming that we are moving on to Phase 3, that Phase 2 is completed when the report is completed, and that we are not confirming any timeline. The timeline could be considered under future Council meeting planning. The Council could stop the Phase 3 effort at any time down the road.

Mr. Wolford spoke in favor of making the decision about Phase 3 today.

Mr. Myer expressed confusion about what moving into Phase 3 meant. We have heard from the public that we don't know what the existing EFH has done for us, and we should evaluate that before we evaluate new proposals.

Mr. Lockhart agreed with Mr. Myer's comments. As it reads right now, the motion directs the science centers to evaluate the existing EFH areas under Phase 3. He is fine with that. However, it is unclear as to what we are doing with the new proposals in March 2014. NMFS believes there is merit to move forward, but also that there are some proposals that do not merit being moved forward.

Mr. Lockhart moved and Mr. Pollard seconded Amendment 1a (amendment to Amendment 1) to add after "Phase 2 Report" (in the November 2013 cell) – "move on to Phase 3 with all proposals except MCI, Greenpeace, and the portion of the Oceana proposal to expand EFH beyond 3,500 m."

Mr. Lockhart stated that NMFS had concerns with moving forward with the three proposals listed in his amendment. Regarding the expansion of the EFH beyond 3,500 meters, he noted that there needs to be a strong link between the species in the FMP and the EFH. There is no new information that shows such a link in this case. With regard to the Greenpeace proposal, there were several issues raised at the EFHRC meeting that were not resolved, and NMFS does not believe the proposal provides adequate justification for creating an array of nine submarine canyons. The degree to which the canyons represent critical habitat is not known, there is no consideration of the range of differences in the physical extent of the canyons, and no explanation of why these nine were picked over some other canyons. The proposal doesn't provide a strong enough rationale for choosing them and gives no explanation of why they are critical to groundfish. The model used in the MCI proposal is more appropriate for use in other areas, particularly to do research to find out where corals are. It is not a good model to determine which areas to exclude under EFH. The proposers note that there are some problems with the model and it has no field validation.

Ms. Culver identified a process issue with Mr. Lockhart's amendment that could limit additional amendments in the Council's decision concerning which proposals to move forward. She suggested that it would be better to complete the decision on the process under the current motion and then use other motions to add or subtract to the list of proposals.

Mr. Lockhart agreed to remove Amendment 1a with the consent of the second.

Amendment 1 to Motion 22 carried. Mr. Ortmann and Mr. Sones voted no.

The Council discussed issues of workload and clarification with regard to the tasks in Motion 22.

Ms. Culver moved and Mr. Lincoln seconded Amendment 2 to Motion 22 to insert under the Phase 3 column in the cell across from Sept 2014 (TBD) preceding the current text: “SWFSC/NWFSC provide evaluation report of existing EFH areas and.”

Amendment 2 carried unanimously.

Mr. Lockhart noted that this motion is about what was laid out in discussions prior to the Council meeting and was supportive of it.

Mr. Lockhart moved and Mr. Pollard seconded Amendment 3 to Motion 22 to add after “Phase 2 Report” (in November 2013 cell) - “Move on to Phase 3: with all proposals except MCI, Greenpeace, and the portion of the Oceana proposal to expand EFH beyond 3,500 m.”

Mr. Myer moved and Ms. Culver seconded Amendment 3a (amendment to Amendment 3) to add as part of the exception to the Oceana proposal “and the element to include new management measures to restrict bottom contact gear or midwater gear in the EFH conservation area.”

Mr. Myer stated that we heard a lot of testimony as to why the new management measures restricting trawl gear should be excluded from the proposal. The biggest reason is that the source of data was a survey of trawl skippers which was mostly anecdotal (one skipper reported being in contact with the bottom 25 percent of the time). The information presented by Ms. Parker was quite a bit more concise and came from the observer program. It indicated that out of 28,000 hauls only 9 occurred over EFH and only a handful of those intercepted the bottom. With that in mind, it warrants taking a look at this for the same reasons given by Mr. Lockhart concerning the proposal for EFH beyond 3,500 m. This would not be a good investment of the resources we have to implement such measures with no meaningful payoff.

Ms. Culver spoke in support of the amendment and noted that there was a very mixed bag of proposals, some of which proposed fishing gear regulations which would be better addressed in the biennial management cycle.

Mr. Wolford stated that he was conflicted over the motion and thought it was premature to determine which proposals to exclude until further analysis was available. Other Council members expressed similar concerns as well as concern about workload issues. Mr. Sones expressed the tribal frustration with issuing requests for proposals without having an evaluation of what the current EFH has done or not done for the resource, as well as the seeming need to rush this process forward. The tribes have not been involved in any consultation on these issues. Mr. Lockhart stated support for the amendment and the desire to move ahead with what has been developed, considering the work that has been invested. He noted that the issues raised by Council members would all have to be dealt with in the NEPA process for any proposals to move forward toward implementation. Mr. Farrell spoke in opposition to the amendments and was supportive to have all proposals evaluated.

Amendment 3a carried under a roll call vote: 8 yes, 6 no. Mr. Lincoln, Dr. Braby, Mr. Feldner, Mr. Farrell, Mr. Sones, and Mr. Wolford voted no. [The Chair voted yes.]

Amendment 3 failed under a roll call vote: 5 yes, 8 no. Mr. Wolford, Mr. Crabbe, Mr. Lincoln, Mr. Feldner, Mr. Sones, Mr. Farrell, Mr. Ortmann, and Dr. Braby voted no.

Motion 22, as amended (Amendments 1 and 2), carried unanimously.

In response to some suggestions from Ms. Culver over what to expect in the science centers report in March, Mr. Lockhart stated that it would be a broad level evaluation of EFH, not detailed for each separate closed area. He understood that the desire was for the report to use the nine subject areas identified by the EFHRC as an initial outline for evaluating the effectiveness of the EFH.

Mr. Wolford stated his strong recommendation to not intermix the coral initiative with the EFH initiative. The issue is how much EFH is needed to support the fish, it's not about percentages of various habitat types.

## **H.8 Electronic Monitoring Alternatives (11/5/2013; 3:27 p.m.)**

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

Mr. Brett Wiedoff presented the Agenda Item Overview and covered Agenda Item H.8.a, Attachment 1: Draft Alternatives for Groundfish Electronic Monitoring Policy Advisory Committee (GEMPAC) Consideration.

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

Mr. Dave Colpo presented information relating to the PSMFC EM Program.

Mr. Brett Wiedoff presented Agenda Item H.8.b, Supplemental GEMPC Report: GEM Committees Report to Council.

Mr. Dayna Mathews presented Agenda Item H.8.b, Supplemental NMFS Report.

Dr. Michelle McClure and Mr. Jon McVeigh provide input with regards to the NW Science Center activity with the electronic monitoring efforts.

Mr. Jim Seger presented Agenda Item H.8.b, Supplemental SSC Report.

Mr. Colby Brady presented Agenda Item H.8.b, Supplemental GMT Report.

Mr. Shems Jud presented Agenda Item H.8.b, Supplemental GAP Report.

Mr. Dayna Mathews presented Agenda Item H.8.b, Supplemental EC Report.

### **H.8.c Public Comment**

Mr. Brent Paine and Mr. Bob Dooley, United Catcher Boats, Seattle, Washington.

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

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

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

**H.8.d Council Action: Adopt a Range of Alternatives for Electronic Monitoring Regulations in the Rationalized Groundfish Trawl Fishery, and Provide Guidance on Further Analysis (11/6/2013; 8:17 a.m.)**

Ms. Lowman moved and Ms. Kirchner seconded Motion 23 that the Council adopt for further analysis the range of alternatives contained in the Groundfish Electronic Monitoring Policy Advisory Committee report (Agenda Item H.8.b, Supplemental GEMPAC Report) with the modifications recommended in the Enforcement Consultants Report (Agenda Item H.8.b Supplemental EC Report). Further, that the Council will consider EFP proposals for EM with maximized retention requirements as part of the currently scheduled EM program development agenda item in April.

Ms. Lowman stated that while we need to continue to analyze the full range of alternatives for EM, she believes we need to emphasize the maximized retention alternative. With respect to the alternatives considered and rejected, she agrees that the full retention alternative is not viable, given prohibited species and other identified issues. She agrees that using EM rather than an observer is a privilege, but in addition, she understands the cost of the two may vary across the fleet, and that is a reason to make it voluntary. She has included consideration of EFPs in the spring as a first step to phase in EM and anticipated that the Technical Committee and GEMPAC will be discussing the critical elements for an EFP, including workload and technical elements. She has not limited EFPs to vessels in one sector, but has only included the requirement that EFPs must maximize retention. Applicants should be aware that there will be considerable time and costs associated with the EFPs, as accountability cannot be compromised. She would encourage whiting vessels to utilize their co-op structures in developing proposals. We have heard plenty of testimony on the heavy burden of observer coverage on the non-whiting fleet and that is why she has not precluded the EFP option for that sector. She noted the GMT statement concerning how EFPs may help us to get a good regulatory package. Finally, it is clear that this is an initiative important to many in the management process that provides a unique opportunity to work cooperatively.

It wasn't clear to Mr. Wolford as to what we're going to see with regard to EFP proposals and how they would be integrated into the alternatives.

Ms. Lowman replied that it will depend on how the industry decides to approach this and hoped they would coordinate with each other as much as possible.

Ms. Culver supported moving forward and the range of alternatives in the motion for additional analysis, as well as the EC recommendations. She was concerned in regard to the amount of work the EFPs may entail and the coordination with fish ticket coding and other issues. The Council needs to be clear about its priorities and how much work we can undertake. Our ability to implement EFPs may be limited. She leans toward a priority of EFPs for the whiting sector. While she doesn't want to limit what is submitted, she believes we need a process to set priorities for the EFPs so that we approve those best suited to answer our questions.

The Council proceeded to discuss the workload and priorities for EFPs. Ms. Lowman noted that the need for EFPs is probably not greatest in the whiting sector and she did not want to limit the pool to just those who have participated in the pilot project to date. Mr. Crabbe and Ms.

Kirchner spoke in favor of the motion and generally supported the broadness of the approach. Mr. Lockhart indicated that they could provide examples of EFPs to help people who do not normally work with such things to know what is involved in an EFP. He confirmed that the decision on EFPs in April would not be final and wondered when the final decision might be.

Ms. Lowman hoped that the final decision might be before the Council in June.

Ms. Mariam McCall noted that an EFP is a regulatory document and takes focused review by GC. She encouraged those drafting EFPs to bring any questions to GC to help avoid later problems and also to submit drafts well before the meetings to allow time for review.

LCDR Casad noted that the EM program could have valuable aspects for improving safety of life at sea. He encouraged everyone to bring those issues forward in their development and analysis of EFPs and the trade-offs with ensuring species identification.

Ms. Culver stated that one of the primary objectives of the EM program was to reduce costs. She believes we need some estimate of costs for the next meeting, including direct costs as well as costs in time lost when switching between the EM and onboard observers.

Dr. Hanson noted that Mr. Colpo has looked at the costs for a program in Alaska and it is very difficult. It may not be possible to estimate costs until we know exactly what the program is.

With regard to intent and workload, Dr. McIsaac asked Ms. Lowman what the priority in her motion might be. If not everything could be done, would the first paragraph be the priority over the second?

Ms. Lowman stated that she hoped the initial analysis of the alternatives, which includes the EFP approach, would give a better idea of the tradeoffs and help to inform the priority.

Motion 23 carried unanimously.

## **H.9 Consideration of Inseason Adjustments (11/6/2013; 8:53 a.m.)**

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

Ms. Kelly Ames presented the Agenda Item Overview.

### **H.9.b Reports and Comments of Advisory Bodies and Management Entities**

Mr. Bob Leos presented Agenda Item H.9.b, Supplemental GMT Report.

Mr. Gerry Richter presented Agenda Item H.9.b, Supplemental GAP Report.

### **H.9.c Public Comment**

Agenda Item H.9.c, Public Comment.

Agenda Item H.9.c, Supplemental Public Comment 2.

Mr. Rod Moore, West Coast Seafood Processors Association, Portland, Oregon, testifying for Kathy & Steve Fosmark.

**H.9.d Council Action: Adopt Recommendations for Adjustments to 2013 and 2014 Groundfish Fisheries (11/6/2013; 9:15 a.m.)**

Ms. Kirchner moved and Mr. Feldner seconded Motion 24 for the Council to adopt inseason adjustments as shown in Agenda Item H.9.b, Supplemental GMT Report (items 1-4), November 2013. Those recommendations are:

1. Establish sablefish trip limits for limited entry fixed-gear north of 36° N. latitude in 2014 to “950 lb/week, not to exceed 2,850 lb/two months” in periods 1 through 6.
2. Establish sablefish trip limits for open access fixed-gear north of 36° N. latitude in 2014 to “300 lb/day, or one landing per week of up to 800 lb, not to exceed 1,600 lb/two months” in periods 1 through 6.
3. Establish sablefish trip limits for limited entry fixed-gear south of 36° N. latitude in 2014 to “2,000 lb/week” in periods 1 through 6.
4. Establish sablefish trip limits for open access fixed-gear south of 36° N. latitude in 2014 to “300 lb/day, or one landing per week of up to 1,600 lb, not to exceed 3,200 lb/two months” in periods 1 through 6.

Ms. Kirchner stated that the GMT recommendations for limited entry and open access trip limits for sablefish match those in the GAP as well. She believes those limits are prudent. She is not comfortable setting trip limits that are projected to attain up to 117 percent of the allocation even though it is early in the year. She noted that the GMT stated we often do come back and set trip limits at each meeting and can make adjustments if needed.

Motion 24 carried unanimously.

Ms. Grebel addressed the GMT request #5 for guidance on how to proceed with the slope rockfish request. Her guidance is that they do not look at this for the March 2014 meeting and it be considered in the range of management measures in the next agenda item for the 2015-2016 fisheries. This proposal could turn out to be a lot more complicated than expected, and putting it in the management considerations for 2015-2016 would provide more time to consider and analyze it.

The Council agreed.

Mr. Lockhart noted that petrale sole is still an overfished species. The 2013 assessment did not change that. In addition, the IFQ program did exceed its allocation last year, and due to these circumstances it is going to be very difficult for NMFS to issue any carryover for 2014.

Ms. Kirchner replied that the regulations allow the trawl fishery to exceed its allocation and to carry over a deficit. However, it feels as if they are being penalized for doing that, even if it is allowed. She asked Mr. Lockhart to explain that consideration.

Mr. Lockhart stated that the carryover analysis was never fully flushed out with Amendment 20 as to how you meet catch limit requirements when you carry over both a deficit and a surplus. In this case we have the additional confounding feature that this is an overfished species. The regulations do allow some flexibility on whether or not to issue surplus carryover and NMFS is

using its discretion to be precautionary in this case. He knows this is important to the trawl fishery, however, the decision has not been made lightly.

Ms. Kirchner asked if the Council needs to provide additional analysis to address this for the future, or if we are stuck with this policy.

Mr. Lockhart stated that if the Council would like to recommend a change to the regulations they can.

Ms. Culver thought Mr. Lockhart's response was to a slightly different situation than we have here. The difference here is that we are talking about exceeding the trawl allocation for an overfished species, not exceeding an ACL. That is very different, especially given that it was just a few individuals that exceeded the allocation. The reason we even have a surplus to consider carrying over is that some individual allocations were not achieved. By not allowing a surplus carryover, we are penalizing the trawl IFQ share holders for the activity of a few. What we have stressed in this program is the need for individual accountability. I think when this was discussed, the Council gave strong guidance to NMFS that we wanted to see the surplus carryover for petrale implemented. It is disappointing now to hear that you cannot do what the Council has asked you to do because it would require a change in regulations and you haven't heard specifically that we want a change in the regulations.

Ms. Ames pointed out that the long-term fix to the carryover regulations is on our list of trawl trailing actions.

Ms. Kirchner pointed out that the individuals that exceeded their allocations did it fully within the regulations. They were not acting irresponsibly or trying to avoid some regulation. We set the program up to allow this to happen, but then NMFS looks upon it as negative and punishes the whole fleet for it.

Mr. Wolford stated that this is one of the high-priority MSA issues for the Council. Other people have told us that NMFS can change the regulations, but you don't seem willing to do so. So we are seeking legislative action to deal with it.

## **H.10 Biennial Management Specifications for 2015-2016 Groundfish Fisheries (11/6/2013; 9:39 a.m.)**

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

Ms. Kelly Ames presented the Agenda Item Overview and introduced the following document: Agenda Item H.10.a, Attachment 1: Recent Year Catch Estimates Relevant to Deciding a Range of 2015-2016 Allocations.

Mr. John DeVore presented Agenda Item H.10.a, Supplemental Attachment 2: Status Quo 2014 Harvest Specifications and final preferred OFL, ABC, EC species, and PPA ACL for complexes in 2015-2016.

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

Agenda Item H.10.b, GMT Report: GMT Report of Management Measures for the 2015-2016 Biennial Harvest Specifications.

Ms. Heather Reed presented Agenda Item H.10.b, Supplemental GMT Report 2: GMT Recommendations for Off-the-Top Deductions (Set-Asides).

Ms. Lynn Mattes presented Agenda Item H.10.b, Supplemental GMT Report 3.

Mr. Dan Erickson presented Agenda Item H.10.b, Supplemental GMT Report 4: Management Measures Range of Alternatives.

Mr. John Holloway presented Agenda Item H.10.b, Supplemental GAP Report.

Agenda Item H.10.c, Supplemental CDFW Report.

Agenda Item H.10.c, Supplemental Tribal Report: Makah Treaty Fisheries in 2015-2016.

Agenda Item H.10.c, Supplemental Tribal Report 2: Proposed 2015-2016 Tribal Management Measures.

### **H.10.c Public Comment**

Agenda Item H.10.c, Public Comment.

Agenda Item H.10.c, Supplemental Public Comment 2.

Mr. Ralph Brown, Brookings, Oregon.

Mr. Bill James, Port San Luis Fisherman's Marketing Association, Avila Beach, California.

### **H.10.d Council Action: Adopt any Remaining Harvest Specifications, Preliminary Two-Year Allocations, and Management Measures for More Detailed Analysis (11/6/2013; 11:09 a.m.)**

Ms. Grebel indicated that California was comfortable with a limited amount of research within the CCA pertaining to the NMFS hook-and-line survey. They are not comfortable with extractive research such as the trawl survey.

Ms. Kirchner moved and Mr. Feldner seconded Motion 25 for the Council to adopt preliminary preferred alternative ACLs for Pacific cod and shortbelly rockfish as shown in Agenda Item H.10.a, Supplemental Attachment 2.

Ms. Kirchner stated that these ACLs represent status quo for these stocks and she is not aware of any new information to indicate a need for a change.

Motion 25 carried unanimously.

Mr. Sones moved and Mr. Lincoln seconded Motion 26 for the Council to adopt the Proposed 2015-2016 Tribal Management Measures as follows:

- Black Rockfish - The 2015 and 2016 tribal harvest guidelines will be set at 30,000 pounds for the management area between the US/Canada border and Cape Alava, and 10,000 pounds for the management area located between Destruction Island and Leadbetter Point. No tribal harvest restrictions are proposed for the management area between Cape Alava and Destruction Island.
- Sablefish - The 2015 and 2016 tribal set-asides for sablefish will be set at 10 percent of the Monterey through Vancouver area ACL minus approximately 1.5 percent to account



for estimated discard mortality. Allocations among tribes and among gear types, if any, will be determined by the tribes.

- Pacific cod - The tribes will be subject to a 400 mt harvest guideline for 2015 and 2016.
- For all other tribal groundfish fisheries the following trip limits will apply:
  - Thornyheads - Tribal fisheries will be restricted to 17,000 lbs/2 months for shortspine thornyheads and 22,000 lbs/2 months for longspine thornyheads. Those limits would be accumulated across vessels into a cumulative fleetwide harvest target for the year. The limits available to individual fishermen will then be adjusted inseason to stay within the overall harvest target as well as estimated impacts to overfished species
  - Canary Rockfish - Tribal fisheries will be restricted to a 300 pound per trip limit.
  - Other Minor Nearshore, Shelf and Slope Rockfish - Tribal fisheries will be restricted to a 300 pound per trip limit for each species group, or the Limited Entry trip limits if they are less restrictive than the 300 pound per trip limit.
  - Yelloweye Rockfish - The tribes will continue developing depth, area, and time restrictions in their directed Pacific halibut fishery to minimize impacts on yelloweye rockfish. Tribal fisheries will be restricted to 100 pounds per trip.
  - Lingcod - Tribal fisheries will be subject to a 250 mt harvest guideline for 2015 and 2016.
  - Spiny Dogfish – Tribal fisheries for dogfish in 2015 and 2016 would be restricted to 200,000 lbs/2 months. Targeting of dogfish by treaty fishermen in 2015 and 2016 would be conducted while staying within current estimates of impacts on overfished species.
- Full Retention - The tribes will require full retention of all overfished rockfish species as well as all other marketable rockfishes during treaty fisheries.
- For the Makah Trawl Fisheries for 2015 and 2016:
  - Midwater Trawl Fishery - Treaty midwater trawl fishermen will be restricted to a cumulative limit of yellowtail rockfish, based on the number of vessels participating, not to exceed 250,000 lbs/2 month period for the entire fleet for a total catch of 677 mt. Their landings of widow rockfish must not exceed 10 percent of the cumulative poundage of yellowtail rockfish landed by a given vessel for the year. The tribe may adjust the cumulative limit for any two-month period to minimize the incidental catch of canary and widow rockfish, provided the average cumulative limit does not exceed 250,000 pounds for the fleet.
  - Bottom Trawl Fishery - Treaty fishermen using bottom trawl gear will be subject to trip limits similar to those applied in recent years for shortspine and longspine thornyhead, Dover sole, English sole, rex sole, arrowtooth flounder, and other flatfish. These are 110,000 lbs/2 months for Dover sole, English sole, and Other Flatfish; 150,000 lbs/2 months for arrowtooth flounder; 17,000 lbs/2 months for shortspine thornyhead; and 22,000 lbs/2 months for longspine thornyhead. For Dover sole, longspine thornyheads, and arrowtooth flounder, these bi-monthly limits in place at the beginning of the season will be combined across periods and the fleet to create a cumulative harvest target. The limits available to individual fishermen will then be adjusted inseason to stay within the overall harvest target as well as estimated impacts to overfished species. For petrale sole, fishermen would be restricted to 220 mt for the entire year. Because of the relatively modest

expected harvest, all other trip limits for the tribal fishery will be those in place in recent years and will not be adjusted downward, nor will time restrictions or closures be imposed, unless in-season catch statistics demonstrate that the tribe has taken ½ of the harvest in the tribal area. Fishermen will be restricted to small footrope ( $\leq 8$  inches) trawl gear. Exploration of the use of selective flatfish trawl gear may be conducted.

- Observer Program - The Makah Tribe has an observer program in place to monitor and enforce the limits proposed above.

Mr. Sones indicated that the Makah Tribe would be working with the GMT between now and June on the numbers in Appendix 1. He noted that there was an omission for redstripe rockfish.

Mr. Lockhart moved and Mr. Sones seconded Amendment 1 to Motion 26 to add redstripe rockfish at 800 lbs per trip for the other minor nearshore rockfish section.

Amendment 1 carried unanimously.

Ms. Culver spoke in support of the motion. However, she noted Washington's concern with the second part of the motion relative to the Makah fisheries not adjusting trip limits or imposing time restrictions or closures unless half of the harvest has been taken. That is a departure from past management. She expects the state and tribe will be meeting to discuss this further and also would want the state involved in any government to government discussions NMFS has with the tribes. Both Mr. Lockhart and Mr. Sones indicated a willingness to have those discussions.

Motion 26, as amended, carried unanimously.

Ms. Grebel moved and Mr. Wolford seconded Motion 27 that the Council adopt Supplemental GMT Report 2, Table 1 for the set-asides with the following changes for 2015 and 2016:

- Bocaccio research from 2.6 mt to 4.6 mt;
- Cowcod research 0.2 to 2.0 mt; and
- Include the corrections for the tribal management measures in the previous motion.

Ms. Grebel stated that these are the best estimates at this time for bocaccio and cowcod. They intend to work with NMFS to have more refined estimates, but wanted to put these values out to facilitate modeling. She clarified that the cowcod research set-asides would come off the ACL. The rest represent the GMT's best estimate of research and set-aside needs.

Mr. Myer moved and Ms. Culver seconded Amendment 1 to Motion 27 to include set-asides for the at-sea whiting fishery as shown on page 3 of Agenda Item H.10, Supplemental GMT Report 2, and to include for the spiny dogfish a range (from page 4) that would be set at the minimum and maximum of 163 mt to 725 mt.

Mr. Myer stated that the set-asides for the at-sea fishery are pretty much the status quo and sees no reason to change them. The range on the spiny dogfish brackets the probable high and low values and seems like an appropriate place to start with as the final numbers are determined later in the process.

Amendment 1 carried unanimously.

Motion 27, as amended, carried unanimously.

Ms. Grebel moved and Mr. Wolford seconded Motion 28 that the Council use the proportions from the September 2013 scorecard and adopt status quo, two-year allocations for overfished species except for the following:

Yelloweye rockfish – in addition to the status quo, analyze an alternative that moves 0.6 mt from the non-nearshore fixed gears (LE and OA) to the nearshore fishery.

Ms. Grebel stated that with regard to bocaccio, canary, and cowcod there is no information to indicate a need to deviate from status quo. However, yelloweye is always a problem with the various sectors and there have been requests for a higher allocation. She explained that the sablefish fishery has fallen short of its projected harvest over the last couple of years and not had the expected yelloweye impacts. The projected sablefish harvest has been about 1.1 mt, yet the actual impacts are around 0.3 mt resulting in some unutilized yelloweye. In 2013, Oregon was able to go back out to 30 fathoms for their nearshore fishery and California has not been able to do so based on yelloweye impacts.

Motion 28 carried unanimously.

Ms. Grebel moved and Mr. Brizendine seconded Motion 29 that the Council adopt the following:

1. Cowcod ACT of 4 mt.
2. Black rockfish catch sharing for Oregon and California which allocates 58 percent of the ACL to Oregon and 42 percent to California.
3. Blue rockfish - establish a California statewide harvest guideline based on the status quo approach used in 2013-2014.
4. Blackgill rockfish South of 40° 10' N. latitude - establish a harvest guideline using status quo approach used in 2013-2014.

For minor nearshore rockfish north of 40° 10' N. latitude, analyze a harvest guideline for California (between 40° 10' N. latitude and 42° 10' N. latitude) which would be based on stock assessments for those species where data is available. For species where no stock assessment is available, apportion based on historical catches.

Ms. Grebel stated that it was CDFW's intent to take a precautionary approach for the cowcod ACT to allow status quo fisheries without increased opportunity. Status quo relates to a 60 fathom boundary. The needs of the LE fixed gear fleet is unknown and 4 mt provides a buffer for the uncertainty. The black rockfish catch sharing reconfirms what has been in place since 2004. The same applies for blue rockfish. For blackgill rockfish the HG was established in 2013, the catch has been within the established limits, and we would like to continue that for the

next cycle. The direction for minor nearshore rockfish north will only apply to California. This is a precautionary action to aid California management.

Ms. Kirchner sought clarification on minor nearshore rockfish. She interpreted the motion to mean we would look at each species within the complex and apportion each species to California to set an HG. She was unsure about how the management would be based on stock assessments for blue rockfish. With the exception of blue rockfish, she presumed we would use historical catch to set the HG.

Ms. Grebel agreed.

Motion 29 carried unanimously.

Ms. Culver moved and Mr. Lincoln seconded Motion 30 that the Council approve the following for analysis:

1. Pacific halibut set-aside of 10 mt to accommodate bycatch in the at-sea Pacific whiting fisheries in the shorebased trawl sector south of 40° 10' N. latitude.
2. All of the management measure alternatives described in Agenda Item H.10.b, GMT Report, except:
  - a. B.1 – Non-Trawl RCA Adjustment.
  - b. B.2 – Trip Limit – remove the commercially important, highly attained species and other requested species (remove items 1, 2 and 3, and analyze items 4,5,6,7 and 8).
  - c. C.3 – rougheye Rockfish Excluder for trawl Vessels Fishing Seaward of the RCA for the bottom trawl sector (i.e. analyze this for the whiting sectors).
  - d. C.4 – Shorebased IFQ- Initial issuance for spiny dogfish (i.e. retain the option to analyze this after the minor slope rockfish complex discussion.
3. Two alternatives for the 2-year petrale sole allocation between trawl and non trawl.
  - a. Status quo of 35 mt to the nontrawl sector and the remainder to the trawl sector.
  - b. 15 mt of petrale sole to the nontrawl sector and remainder to the trawl sector.

Ms. Culver stated that the Pacific halibut set-aside of 10 mt is the typical set-aside for the at-sea and shorebased whiting fisheries south of 40° 10' N. latitude, and it is appropriate for the bycatch in those sectors. She characterized the elements in #2 as routine management measures and those needed to address conservation concerns typically used to stay within the annual catch limits. They also adhere to the guidance in COP 9. The third item responds to GMT Report 3 by specifying a range of petrale sole for the nontrawl sector from 15 mt to 35 mt. This recognizes the original allocation and also includes a reduction which will still accommodate the recent years catch history of 1 mt.

Mr. Myer said he would support the motion, but noted that the rougheye excluder may not work for the whiting sectors.

Ms. Grebel spoke in support of the motion and noted it contains the recommendations in the CDFW Report. Ms. Kirchner also indicated support for the motion as a good starting point,

Motion 30 carried unanimously.

Ms. Culver moved and Mr. Lincoln seconded Motion 31 that the Council approve the following HG allocation alternatives for China rockfish for analysis:

1. Using historical removal percentages by state, as displayed in Agenda Item H.6.a, Supplemental Attachment 7, p 32, Table 10:
  - a. State-specific harvest guidelines.
  - b. California harvest guideline and Oregon/Washington harvest guideline.
2. Using historical removals by state, set harvest guidelines that accommodate the historical high recreational catch, by state, with the remainder to be proportionally divided among the states based on commercial landings:
  - a. State-specific harvest guidelines.
  - b. California harvest guideline and combined Oregon/Washington harvest guideline.
3. Using historical removals by state, set harvest guidelines that accommodate the historically high commercial catch, by state, with the remainder to be proportionally divided among the states based on recreational landings:
  - a. State-specific harvest guideline.
  - b. California harvest guideline and combined Oregon/Washington harvest guideline.

Ms. Culver stated that the China rockfish assessment is a data moderate assessment driven primarily by harvest and has some allocation implications among the states. The motion gives us a range of alternatives which will help identify the implications of the differing management among the three states for China rockfish and our nearshore fisheries.

In response to questions, it was initially identified that the motion was for China rockfish north of 40° 10' N. latitude. However, Ms. Culver clarified that she was intending to craft alternatives that would look at China rockfish from the coast-wide perspective and then break it up by various allocation percentages as specified in the three alternatives (using the breakdown in Table 10 of Agenda Item H.6.a, Supplemental Attachment 7). The motion is just for analysis and it appears the GMT members understand what she is looking for and she would like to see the data that is generated.

Motion 31 carried unanimously.

Ms. Culver moved and Mr. Crabbe seconded Motion 32 that the Council approve the following for analysis for the trawl IFQ fishery: In the event the trawl allocation for a species has been exceeded, but there is surplus quota eligible for carryover, the Council and NFMS could use underutilized set-aside amounts to issue carryover for the trawl IFQ fishery.

Ms. Culver stated that this motion is aimed at providing some flexibility in our management when the ACL has not been exceeded. She clarified that the motion would include using tribal set-asides to the extent it was deducted from the ACL and that the motion was referring to action at the end of the year.

Motion 32 carried unanimously.

The Council gave guidance to staff to update information, correct minor errors, and include other pertinent data as necessary in their analyses. In addition, the Council requested a flow chart relative to the overfishing risk and appropriate management response.

[Council concluded this agenda item at 1:19 p.m. and moved to Agenda Item I.3.]

## **I. Administrative Matters**

### **I.1 Regional Operating Agreement (11/3/2013; 10:41 a.m.)**

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

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

- Agenda Item I.1.a, Attachment 1: Draft Operating Agreement Among the Pacific Fishery Management Council; NOAA Fisheries West Coast Regional Office, NOAA Fisheries Service Northwest Fisheries Science Center; NOAA Fisheries Service Southwest Fisheries science Center; NOAA Fisheries Service Office of Law Enforcement, Northwest; NOAA Fisheries Service Office of Law Enforcement, Southwest; NOAA General Counsel, Northwest Section; and NOAA General Counsel, Southwest Section; and
- Agenda Item I.1.a, Supplemental Attachment 2: Revised Draft Operating Agreement Among the Pacific Fishery Management Council; NOAA Fisheries West Coast Regional Office, NOAA Fisheries Service Northwest Fisheries Science Center; NOAA Fisheries Service Southwest Fisheries science Center; NOAA Fisheries Service Office of Law Enforcement, Northwest; NOAA Fisheries Service Office of Law Enforcement, Southwest; NOAA General Counsel, Northwest Section; and NOAA General Counsel, Southwest Section.

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

Mr. Bob Turner expressed his hope that the Council would look favorably on approval of the Regional Operating Agreement.

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

None.

#### **I.1.d Council Action: Adopt Regional Operating Agreement between Pacific Council and National Marine Fisheries Service**

Council members considered the draft Regional Operating Agreement from several perspectives, including any conflict with ESA recommendations, NEPA procedures, and Council staff, state, and NMFS workloads and roles. The discussion covered recognition of the important role of the states in any Council action. It was noted that the second draft version of the agreement had dropped a statement about NOAA GC consulting with the Council and Council staff in defending management actions. Mr. Turner reiterated that the agreement was meant to characterize our status quo relation. Dr. McIsaac noted that status quo included consulting the

Council and Council staff in legal actions and would suggest using the last sentence in the first draft.

Ms. Lowman moved and Mr. Turner seconded Motion 13 to approve the Revised Draft Operating Agreement as shown in Agenda Item I.1.a, Supplemental Attachment 2 with the addition of including the sentence related to NOAA GC consulting with the Pacific Council (last sentence of Agenda Item I.1.a, Attachment 1, page 6, under “NOAA GC, NW & SW Sections) with some opportunity for minor wordsmithing.

Ms. Lowman stated that the agreement shows a lot of collaborative work between the Council and NMFS staffs. She believes it captures our status quo operations and that it should be signed by all parties.

Motion 13 carried unanimously.

## **I.2 Magnuson-Stevens Act (MSA) Reauthorization Priorities and Other Legislative Matters (11/3/2013; 11:12 a.m.)**

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

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

- Agenda Item I.2.a, Attachment 1: Draft Fact Sheet on Potential Magnuson-Stevens Act Reauthorization Issues;
- Agenda Item I.2.a, Supplemental REVISED Attachment 2: Initial Listing of Pacific Council MSA Reauthorization Priority Topics, September 2013;
- Agenda Item I.2.a, Attachment 3: November 2013 Staff Summary of Federal Legislation;
- Agenda Item I.2.a, Attachment 4: Draft Letter to Del. Madeleine Bordallo and Senator John “Jay” Rockefeller on H.R. 69 (Illegal, Unreported, and Unregulated Fishing Enforcement Act of 2013) and S. 269 (International Fisheries Stewardship and Enforcement Act);
- Agenda Item I.2.a, Attachment 5: Letter to Representative Jaime Herrera-Beutler on H.R. 2646 and S. 1275, The Revitalizing the Economy of Fisheries (REFI) in the Pacific Act of 2013;
- Agenda Item I.2.a, Attachment 6: Letter to Tribes on Proposed Change to Tribal Council Seat; and
- Agenda Item I.2.a, Supplemental Attachment 7: Summary of MSA Reauthorization CCC Meeting Discussion.

### **I.2.b Report of the Legislative Committee**

Ms. Jennifer Gilden presented Agenda Item I.2.b, Supplemental Legislative Committee Report.

### **I.2.c Reports and Comments of Advisory Bodies and Management Entities (11/3/2013; 12:59 p.m.)**

Lt. David Anderson presented Agenda Item I.2.c, Supplemental EC Report.

Mr. Mike Okoniewski and Ms. Diane Pleschner-Steele presented Agenda Item I.2.c, Supplemental CPSAS Report.

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

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

Mr. Sones presented Agenda Item I.2.c, Supplemental Tribal Report.

Mr. Mel Moon presented Agenda Item I.2.c, Supplemental Tribal Report 2 (information from the Quileute Tribal Counsel with regards to the proposal to remove restrictions to the tribal seat).

Mr. Ed Johnstone presented Agenda Item I.2.c, Supplemental Tribal Report 3 (Quinault Tribal Nation with regards to nominations for the tribal seat).

#### **I.2.d Public Comment**

Mr. Ralph Brown, Curry County, Brookings, Oregon spoke with regards to HR 1526: Restoring Healthy Forests for Healthy Communities Act.

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

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

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

#### **I.2.e Council Action: Consider the Report and recommendations of the Legislative Committee (11/3/2013; 1:50 p.m.)**

Dr. McIsaac suggested that, with regard to item 1c in the table of the Legislative Committee Report, he did not believe it was the intent of the committee to address social and economic needs of fishing communities just "by changing rebuilding." Regarding the next steps and schedule in developing new legislation, he noted that the Legislative Committee (LC) recommends a letter be sent to the Congressional members to consider these topic areas as they draft legislative bills without considering a specific position by the Council. The Council can also consider the advisory body input to the list of topics. Bills will likely be drafted before the Council can develop more specific recommendations.

Mr. Wolford expressed concern with how the Council could respond to the fast-tracking of the legislation. Dr. McIsaac responded that next April would likely be a time when the Council and advisory bodies will have an opportunity to respond to whatever has developed at that point, and the speculation is that this will be a long haul.

Dr. Hanson reiterated the importance of providing whatever we can as early as possible to get in on the ground floor.

Council members noted that some of the items in the LC table provided more specific direction rather than just topics.

Ms. Lowman stated that this could be an opportunity to provide some leadership in directing the Congressional consideration to certain topics.



Mr. Wolford thought the essence of the letter could be in the format of Attachment 1 and we could let the House and Senate Natural Resources Committees know we are ready to discuss the details of these issues and are developing fact sheets that may be available in May or June.

Mr. Farrell made a pitch for including the recommendations in the EC report and made several points for why they were important.

Mr. Pollard agreed that the EC recommendations could be included, as well as some of the other advisory body recommendations.

Ms. Culver noted that our recommendations are a mixed bag. Some deal with legislative change and some with issues which NOAA could handle. For example, item 6 has an overall objective to make it easier to have observers available to the fishery to meet our regulatory requirements. The issue there is a NMFS certification requirement. She thinks it would be helpful to have more detail on why we are proposing these issues for consideration. She was unsure of the timing for the letter, but recommended Council members see an initial draft before it is sent.

Dr. McIsaac reported that the House bill is to be introduced sometime in November and we need to meet an immediate timeframe for the letter (Senate likely in December). Staff could try to draft the letter here and show Council members something by the end of this meeting. At any rate, to have impact, the letter would need to go out quickly.

Mr. Crabbe supported a letter with our areas of concern without being more specific than what is in the LC Report. He also supports moving forward with fact sheet development.

In response to a question, Mr. Sones stated that the issue of the tribal seat was not ready for the Council's letter. When consensus is reached, that will be brought forward by the tribes to Congress.

Dr. McIsaac stated that staff would provide a draft letter for Council review before the end of the meeting.

Ms. Lowman affirmed that the Council would continue to develop the fact sheet.

Dr. Hanson asked if the recommendation from the GAP (mixed stock exception) was to be added to the recommendations in the letter.

Ms. Lowman and Mr. Pollard confirmed that the GAP recommendation was on the list (item 11) and that it should be in the second tier.

### **I.3 Approval of Council Meeting Minutes (11/6/2013; 1:19 p.m.)**

#### **I.3.a Council Member Review and Comments**

Ms. Lowman called the Council's attention to Agenda Item I.3.a, Supplemental Attachment 1: Draft Minutes: 219<sup>th</sup> Session of the Pacific Fishery Management Council (June 2013).

### **I.3.b Council Action: Approve Previous Council Meeting Minutes**

Mr. Ortmann moved and Mr. Pollard seconded Motion 33 to approve the minutes of the June 2013 Council meeting, as shown in Agenda item I.3.a, Supplemental Attachment 1: Draft Minutes: 219<sup>th</sup> Session of the Pacific Fishery Management Council (June 2013).

Motion 33 carried unanimously.

## **I.4 Fiscal Matters (11/6/2013; 1:21 p.m.)**

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

Mr. Chuck Tracy presented the Agenda Item Overview and the Council was able to view Agenda Item I.4.a, Supplemental 1999 CM Agenda (for informational purposes). Dr. McIsaac spoke to the Council about the need to keep Council meetings within 5 days in the face of budget reductions and the need to prioritize our activities.

### **I.4.b Budget Committee Report**

Mr. Chuck Tracy presented the Agenda Item I.4.b, Supplemental Budget Committee Report.

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

Agenda Item I.4.c, Supplemental NMFS Report: Letter Dated October 22, 2013 to Dorothy Lowman, Chair, from Will Stelle, Jr. Regarding the WCR and Science Centers Fiscal and Workload Related Issues at the Restart of Government Operations.

### **I.4.d Public Comment**

None.

### **I.4.e Council Action: Consider Budget Committee Recommendations**

Regarding the Budget Committee Report and decreases in funding, Council Members commented on: the uncertainty for future planning; the need to maintain state operations, and the impact on commercial fisheries funding.

Mr. Pollard moved and Mr. Brizendine seconded Motion 34 to accept the Budget Committee recommendations of:

1. Approve a Provisional CY 2014 Operating Budget of \$4,284,554.
  - a. This budget is provisional pending any ear-marked funding, final cost of living and travel adjustments, and any minor adjustments for budgetary considerations arising between now and the end of the Council's fiscal year.
  - b. This budget represents a slight decrease from the 2013 budget associated with reductions in travel, supplies, service categories such as office rent and equipment leases, and stipends. However, relative stability with 2013 overall operational capacity could be achieved.
2. Manage Council meetings for no more than five days of Council floor sessions, as a goal, to encourage the process of prioritizing the most important Council tasks.

3. Employ the following contingency responses when the actual funding becomes known:
  - a. If the actual income is in a range of  $\pm 5$  percent from the assumed (not counting specific earmarks such as stipend payments) the recommended provisional budget will be updated with known values (earmarks, travel costs, etc.) for use in early 2014 and presented at the budget Committee at the June Council meeting for approval, and the reserve account will be the source or recipient of the difference in funding actually received.
  - b. If actual income is more than 5 percent different than the income assumption, the Budget committee will be convened at the March, April or June Council meeting depending on when the income information is known, for a discussion of options.

Motion 34 carried unanimously.

## **I.5 Membership Appointments and Council Operating Procedures (11/6/2013; 1:40 p.m.)**

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

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

- Agenda Item H.6.a, Attachment 2: Proposed Revisions to COP 9;
- Agenda Item I.5.a, Attachment 1: DRAFT: Council Operating Procedure 9 – Management and Activity Cycles;
- Agenda Item I.5.a, Attachment 2: DRAFT: Council Operating Procedure 10 – Preseason Salmon Management Process; and
- Agenda Item I.5.a, Supplemental Attachment 3: Proposed Revisions to COP 9.

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

Agenda item I.5.b, Supplemental Tribal Report.

### **I.5.c Public Comment**

None.

### **I.5.d Council Action: Consider Appointments to Advisory Bodies Including Changes and Nominees for the 2013-2015 Term; Adopt Changes to Council Operating Procedures.**

Dr. McIsaac reported that the change in the organization of the NMFS West Coast Region required a change in the NMFS BC representatives. Formerly, there was a NWR and a SWR representative. Now it would appear that Mr. Turner would be the representative for the West Coast Region. The normal procedure is not to have alternates for BC members.

Mr. Turner agreed that there should be one representative from the West Coast Region and he would prefer to have an alternate, but that discussion could be had at a later time.

Mr. Tracy noted that the member would be appointed by the Chair and could be handled outside the meeting as long as the Council agreed.

Ms. Yaremko moved and Mr. Wolford seconded Motion 35 to appoint Mr. Dave Bitts to the interim California troll seat on the Salmon Advisory Subpanel.

Motion 35 carried unanimously.

Mr. Sones moved and Mr. Turner seconded Motion 36 to establish a tribal government seat on the HMSMT.

Mr. Sones stated that the request was made by the Quileute tribe that has participated in the albacore fisheries since the early 1980s. He will check with the other coastal tribes for any input before the seat is filled.

Motion 36 carried unanimously.

Dr. McIsaac noted the changes to COP 9 (Agenda Item I.5.a, Supplemental Attachment 3) to make it comport with the direction given under Agenda Item H.6. He noted that one sentence was left out in the recommendations from the earlier agenda item which should be on page 2. That sentence should be in the second paragraph following the first sentence. It describes what happens to management measures that the Council considers at the September meeting that don't make the biennial process and are kicked over to the secondary process.

Ms. Kirchner moved and Mr. Pollard seconded Motion 37 to adopt the COP 9 language as shown in Agenda Item I.5.a, Supplemental Attachment 3 with staff to add the sentence (second sentence in the second paragraph on page 2) describing the procedure for management measures that do not meet the criteria specified in the first sentence of the paragraph.

Ms. Kirchner stated that the motion captures the intent of the Council in the earlier agenda item.

Motion 37 carried unanimously.

Dr. McIsaac referred the Council to the new language for COP 9 in Attachment 1 for CPS management to accommodate the change from a January 1 to a July 1 start of the fishery.

Mr. Tracy stated that the changes in Attachment 1 also include the monitored stock change for CPS and housekeeping changes for the administrative management cycles of the other stocks (salmon and Pacific halibut).

Ms. Yaremko moved and Mr. Crabbe seconded Motion 38 to adopt the changes to COP 9 and 10 as shown in Agenda Item I.5.a, Attachment 1 and Agenda Item I.5.a, Attachment 2 for the needed modifications to COP 9 for groundfish and the COP 9 and 10 housekeeping issues.

Motion 38 carried unanimously.

## **I.6 Future Council Meeting Agenda and Workload Planning (11/6/2013 2:10 p.m.)**

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

Dr. McIsaac presented the Agenda Item Overview and discussed the following documents:

- Agenda Item I.6.a, Attachment 1: Pacific Council Workload Planning: Preliminary Year-At-A-Glance Summary;
- Agenda Item I.6.a, Attachment 2: Preliminary Proposed Council Meeting Agenda, March 8-13, 2014 in Sacramento, California;
- Agenda Item I.6.a, Attachment 3: Preliminary Proposed Council Meeting Agenda, April 5-10, 2014 in Vancouver, Washington;
- Agenda Item I.6.a, Supplemental Attachment 4: Pacific Council Workload Planning: Preliminary Year-At-A-Glance Summary;
- Agenda Item I.6.a, Supplemental Attachment 5: Proposed Council Meeting Agenda, March 8-13, 2014 in Sacramento, California; and
- Agenda Item I.6.a, Supplemental Attachment 6: Proposed Council Meeting Agenda, April 5-10, 2014 in Vancouver, Washington.

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

Mr. John DeVore presented Agenda Item I.6.b, Supplemental SSC Report.

Mr. Dayna Matthews presented Agenda Item I.5.b, Supplemental EC Report.

Mr. Chuck Tracy presented Agenda Item I.5.b, Supplemental CPSMT Report.

Mr. Dale Myer provided a statement from the GMT requesting clearance to attend the Ecosystem EIS Tier 1 Report Presentation at the March Council meeting.

### **I.6.c Public Comment**

Mr. Ralph Brown, Oregon Trawl Commission, Brookings, Oregon, spoke concerning certification of the trawl fishery and the need for SSC review.

### **I.6.d Council Discussion and Guidance on Future Meeting Agenda and Workload Planning**

Mr. Brizendine provided a statement regarding the importance of Council attention to HMS management for Pacific coast fisheries and around the Pacific Rim.

Mr. Lincoln noted the postponement of the evening forage fish session at this meeting due to the government shutdown and would like to see it rescheduled to coincide with the IEA session in March. There could be a dialogue about ecosystem indicators with NOAA staff working on that project.

Dr. McIsaac commented that it was a NMFS-led evening session, and not a Council item.

Mr. Lockhart stated that an after-hours session in March would be good and his staff has requested that the purpose of the meeting be made very clear. NMFS supports the meeting to get outside ideas on potential ecosystem indicators for forage fish. Mr. Lincoln agreed.

Ms. Yaremko wanted to make sure that there was adequate time for the Pacific halibut agenda item in March, especially given the additional issues for California. She also expressed support and appreciation for moving the California coastal Chinook update from the April to the March meeting where we would be in Sacramento and have access to local expertise.

Mr. Lockhart expressed concern about NMFS' ability to process the midwater sport fishery alternatives.

Dr. McIsaac noted the midwater sport fishery proposal has been on the planner as a quick two-step process—March and April. If that is not realistic, now would be the time to make adjustment or identify delays.

Mr. Lockhart responded that it is not realistic for this to happen at the March meeting and would recommend removing it from March.

Dr. McIsaac noted we could change the April action to a range of alternatives or move the preliminary range to the June agenda.

Mr. Lockhart recommended moving the range of alternatives to April.

Dr. McIsaac indicated he would see what could be done to coordinate timing of the forage fish session to optimize the situation.

Mr. Roth recommended that the cormorant issue be moved from the June to the September Council meeting agenda.

Mr. Lockhart noted that moving the forage fish workshop to the April timeframe would be cheaper for the science center.

### **ADJOURN**

The Council adjourned on November 6, 2013 at 3:15 p.m.

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Dorothy Lowman  
Council Chair

Date

DRAFT VOTING LOG  
Pacific Fishery Management Council  
221<sup>st</sup> Meeting  
November 2013

**Motion 1:** Approve Agenda Item A.4.a, Proposed Detailed Council Meeting Agenda.

Moved by: Dave Ortmann                      Seconded by: Rich Lincoln  
Motion 1 carried unanimously.

**Motion 2:** Approve the following changes in methodologies for use in salmon fisheries management beginning in 2014:

1. The technical revisions to the Oregon coastal natural coho work group harvest matrix as described in the Scientific and Statistical Committee's (SSC) recommendations (Agenda Item C.2.b, Supplemental SSC Report, November 2013).
2. Incorporation of estimated legal and sub-legal Chinook encounters into the Fishery Regulation Assessment Model (FRAM) consistent with the recommendation of the SSC (Agenda Item C.2.b, Supplemental SSC Report, November 2013).
3. Modification to FRAM algorithms on sublegal and legal encounters and minimum size limits consistent with the recommendation of the SSC (Agenda Item C.2.b, Supplemental SSC Report, November 2013).
4. Change to the forecast methodologies for the Sacramento Fall Chinook Index consistent with the SSC's recommendation (Agenda Item C.2.b, Supplemental SSC Report, November 2013).

Moved by: Phil Anderson                      Seconded by: Rich Lincoln  
Motion 2 carried unanimously.

**Motion 3:** Provide a limited amount of staff support to Oregon Department of Fish and Wildlife (ODFW), Washington Department of Fish and Wildlife (WDFW) and the Salmon Advisory Subpanel (SAS) in moving forward the lower Columbia River natural coho matrix control rule to a point where a finished product could be brought back for Council consideration, including the appropriate SSC review, in November of 2014.

Moved by: Phil Anderson                      Seconded by: Rich Lincoln

**Amndmnt 1:** Include "NMFS and tribal government" after "WDFW."

Moved by: Bob Turner                      Seconded by: David Sones  
Amendment 1 carried unanimously. Motion 3, as amended, carried unanimously.

**Motion 4:** Adopt the schedule as shown in Agenda Item C.3.a, Attachment 1 with the modification of dates to correct the weekends; and replace the Eureka hearing location with Santa Rosa.

Moved by: Marci Yaremko  
Motion 4 carried unanimously.

Seconded by: Dan Wolford

**Motion 5:** Adopt the EFP proposal for public review as provided in Agenda Item E.2.a, Attachment 1.

Moved by: Marci Yaremko  
Motion 5 carried unanimously.

Seconded by: Buzz Brizendine

**Motion 6:** Adopt an  $F_{MSY}$  of 0.3 as the maximum sustainable yield (MSY) for the northern subpopulation of northern anchovy and amend the Coastal Pelagic Species (CPS) Fishery Management Plan (FMP) to read “MSY for the northern subpopulation of northern anchovy is specified as an MSY fishing mortality rate ( $F_{MSY}$ ) of 0.3.” as the last sentence in section 4.6.4.2.

Moved by: Mark Helvey  
Motion 6 carried unanimously.

Seconded by: Phil Anderson

**Motion 7:** Adopt the following changes to the Pacific Halibut Catch Sharing Plan as shown in Agenda Item G.1.b, Supplemental WDFW Report, November 2013, except as noted in #2a and #2b below, and excluding pages 3 and 4.

- 1) For the North Coast subarea, revise the language (as described on page 1) to more clearly describe the management closure to tally the early season catch and provide sufficient notification of additional fishing days, and remove the provision that provides for a nearshore fishery when there is not enough quota for another offshore day.
- 2) For the Columbia River subarea, revise the days of the week (as described on page 1) that the all depth fishery is open from Friday through Sunday to Thursday through Sunday and revise the subarea allocation such that 1,500 pounds or 10% of the subarea allocation, whichever is less, is set aside for incidental halibut catch in the nearshore area with the remaining allocation divided such that 80 percent is reserved for the early season and 20 percent is reserved for the late season.
  - 2a) The nearshore area is defined as the area from the 30 fathom coordinate at Leadbetter Point, Washington extending south to the WA-OR border consistent with the coordinate in Agenda Item G.1.b Supp WDFW Report, November 2013 then southward consistent with the 40 fathom coordinates in the current Federal regulations south of the WA/OR border.



2b) During days open to all-depth halibut fishing, no groundfish may be taken and retained except sablefish and Pacific Cod with halibut onboard.

Moved by: Phil Anderson  
Motion 7 carried unanimously.

Seconded by: Gway Kirchner

**Motion 8:** Adopt the recommended changes to the 2014 Pacific Halibut CSP for the Oregon Central Coast and Southern Oregon Coast Subareas and the minor public process language change as shown in Agenda Item G.1.b, ODFW Report with the following change: for the Oregon Central Coast Subarea nearshore (inside 40 fathom) fishery, revise the opening date to be July 1.

Moved by: Gway Kirchner  
Motion 8 carried unanimously.

Seconded by: Jeff Feldner

**Motion 9:** Adopt the changes to the Pacific Halibut Catch Sharing Plan as shown in Agenda Item G.1.b, Supplemental CDFW Report, November 2013 [2 bullets at the bottom of page 4]:

- CDFW recommends modifications to the CSP language that create a new subarea management line at the Oregon/California Border (42° N. latitude), providing a separate recreational allocation for California equal to one percent of the non-tribal allocation for 2014.
- CDFW recommends reducing the 2014 fishery season to May 1 through July 31 and Sept 1 through October 31 (Alternative 3a from September 2013 Agenda Item D.2.b, SOH Workgroup Report). In combination with savings from the implementation of new marine protected areas, this action is expected to provide a projected catch reduction of 42 percent.

Moved by: Marci Yaremko  
Motion 9 carried unanimously.

Seconded by: Dan Wolford

**Motion 10:** Adopt Alternative 4 (on pages 9 and 10) from Agenda Item H.1.b, Preliminary Draft EA: Measures to Minimize Take of Short-Tailed Albatross in the Pacific Coast Groundfish Fisheries as the final preferred alternative with the following modification: a National Weather Service Gale Wind warning is specified as the rough weather threshold as a way to take measures to minimize take of short-tailed albatross in the Pacific Coast groundfish fisheries.

Moved by: Frank Lockhart  
Motion 10 carried unanimously.

Seconded by: Tim Roth

**Motion 11:** Adopt for public review the renewal application (Agenda Item H.2.a, Attachment 4) which would include the modifications outlined in Supplemental Attachment 7 and the following set-asides in Table 1 of Agenda Item H.2.b, Supplemental GMT Report with the following modifications: canary 0.5, yelloweye 0.03, and include the GMT corrections as posted on the website.

Moved by: Joanna Grebel

Seconded by: Buzz Brizendine

**Amndmnt 1:** Change the canary set-aside to 1 mt.

Moved by: Frank Lockhart

Seconded by: Dan Wolford

Amendment 1 carried unanimously. Motion 11, as amended, carried unanimously.

**Motion 12:** Adopt the projection biomass estimate of 378,120 mt and an overfishing limit (OFL) of 59,214 mt. Based on a P\* choice of 0.4, the acceptable biological catch (ABC) and annual catch limit (ACL) will be set at 32,753 mt. The annual harvest guideline (HG) will be 29,770 mt, with an annual catch target (ACT) set at 19,846 mt. Accounting for a 1,000 mt Tribal allocation and a 500 mt incidental set-aside, the January 1-June 30 allocation will be 5,446 mt. Other management measures would be consistent with the 2012 fishery, with the exception of the incidental landing allowance that will be set at 45 percent for mixed loads, after the directed fishery closes.

|                                     |                       |
|-------------------------------------|-----------------------|
| OFL                                 | 59,214 mt             |
| ABC/ACL (P* = 0.4)                  | 54,052 mt             |
| Harvest Guideline                   | 29,770 mt             |
| Annual Catch Target                 | 19,846 mt             |
| Seasonal Allocation (Jan 1-June 30) | 6,946 mt (35% of ACT) |
| Tribal Allocation                   | 1,000 mt              |
| Incidental Set-aside                | 500 mt                |
| Adjusted (Directed) Allocation      | 5,446 mt              |

Moved by: Marci Yaremko

Seconded by: Buzz Brizendine

**Amndmnt 1:** Change the motion to read (removals are ~~strikeouts~~, additions/changes are **bold**) Adopt the projection biomass estimate of 378,120 mt and an OFL of 59,214 mt. Based on a P\* choice of 0.4, the ABC and ACL will be set at 32,753 mt. The annual HG will be 29,770 mt, ~~with an ACT set at 19,846mt~~. Accounting for a 1,000 mt tribal allocation and a 500 mt incidental set-aside, the January 1-June 30 allocation will be **8,920 mt** ~~5,446mt~~. Other management measures would be consistent with the 2012 fishery, with the exception of the incidental landing allowance that will be set at 45 percent for mixed loads, after the directed fishery closes.

|                                |                     |
|--------------------------------|---------------------|
| OFL                            | 59,214mt            |
| ABC/ACL (P* = 0.4)             | 32,753mt            |
| Harvest Guideline              | 29,770mt            |
| <del>Annual Catch Target</del> | <del>19,846mt</del> |

|                                     |   |
|-------------------------------------|---|
| Seasonal Allocation (Jan 1-June 30) | <del>10,420</del> 6,946 mt (35% of ACT) |
| Tribal Allocation                   | 1,000mt                                 |
| Incidental Set-aside                | 500mt                                   |
| Adjusted (Directed) Allocation      | <del>8,920</del> 5,446mt                |

Moved by: David Crabbe

Seconded by: Caren Braby

Amendment 1 failed, 6 yes, 7 no. Mr. Myer, Mr. Wolford, Mr. Brizendine, Mr. Ortmann, Ms. Yaremko, Ms. Culver, and Mr. Lincoln voted no.

Motion 12 carried, Mr. Crabbe voted no.

**Motion 13:** Approve the Revised Draft Operating Agreement as shown in Agenda Item I.1.a, Supplemental Attachment 2 with the addition of including the sentence related to NOAA GC consulting with the Pacific Council (last sentence of Agenda Item I.1.a, Attachment 1, page 6, under “NOAA GC, NW & SW Sections) with some opportunity for minor wordsmithing.

Moved by: Dorothy Lowman

Seconded by: Bob Turner

Motion 13 carried unanimously.

**Motion 14:** Move forward with Phase 1 of the sablefish permit stacking program review and proposed changes to include the alternatives identified in Agenda Item H.3.b, Supplemental GAP Report (the alternatives for “own and hold regulations” and the “E-fish tickets”), and Agenda Item H.3.b, Supplemental GMT Report (the recommendations bolded in the report), and that the review be focused on the original objectives reflected in Agenda Item H.3.a, Attachment 3 as prioritized by Agenda Item H.3.b, Supplemental SSC Report.

Moved by: Michele Culver

Seconded by: Gway Kirchner

Motion 14 carried unanimously.

**Motion 15:** Adopt the following changes to the Other Fish Stock Complex:

1. Have spiny dogfish as an individually managed stock.
2. Approve the following options for public review for final action scheduled for April 2014 Council Meeting:
  - Option 1 - Individually Managed: Leopard Shark, Cabezon (WA)\* and Kelp Greenling\*
    - \* if OFLs can be calculated this cycle then go with Option 1
  - Option 2 - Shallow Water Complex: Leopard Shark, Cabezon (WA), and Kelp Greenling
3. Specify the following an Ecosystem Component Species in the FMP:
  - Finescale codling/Pacific Flatnose
  - Soupfin Shark
  - Spotted Ratfish
  - Grenadier Complex (Pacific, Giant, All Other Grenadiers)

- Skate Complex (Big, California, Bering/Sandpaper, Roughtail/Black Skate, All other Skates).

Moved by: Michele Culver

Seconded by: Dale Myer

**Amndmnt 1:** Under the third item, change grenadier complex to grenadier group and skate complex to skate group.

Moved by: Dan Wolford

Seconded by: Joanna Grebel

Amendment 1 carried unanimously.

**Amndmnt 2:** Edit the language in the footnote in the second item to strike “then go with” and add “then the Council will have the ability to consider.”

Moved by: Caren Braby

Seconded by: Jeff Feldner

Amendment 2 carried unanimously. Motion 15, as amended, carried unanimously.

**Motion 16:** Analyze and consider Alternatives 1 and 2 from Agenda Item G.8.b, Supplemental GMT Report 5, September 2013. Also, analyze and consider separating blackgill, shortraker, and rougeye species from the minor slope north and south complexes for individual and/or sub-complex management. These analyses should consider available 2013 catch data and be presented to the Council at the April 2014 Council Meeting.

Moved by: Frank Lockhart

Seconded by: Michele Culver

**Amndmnt 1:** Strike “sub-” from the complex management.

Moved by: Dan Wolford

Seconded by: Frank Lockhart

Amendment 1 carried unanimously. Motion 16, as amended, carried unanimously.

**Motion 17:** Adopt the data moderate assessments for brown rockfish and copper rockfish using the STAR Panel approved models. For China rockfish adopt the data moderate assessment with the revised stratification at 42° and adopt the rebuilding analysis for cowcod (Agenda Item H.5.a, Supplemental Attachment 2).

Moved by: Joanna Grebel

Seconded by: Buzz Brizendine

**Amndmnt 1:** Amend the motion to read (deletions in ~~strikeout~~, additions in **bold**). Council adopts the data moderate assessments for brown rockfish and copper rockfish using the STAR panel approved models. For china rockfish adopt the **STAR panel approved** data moderate assessment **with as well as** the revised assessment ~~stratification at 42°~~ and adopt the rebuilding analysis for cowcod (Agenda Item H.5.a, Supplemental Attachment 2).

Moved by: Michele Culver

Seconded by: Caren Braby

Amendment 1 carried. Ms. Grebel and Mr. Wolford voted no.

Motion 17, as amended, carried unanimously.

**Motion 18:** Adopt final OFLs as shown in Agenda Item H.6.a, Supplemental Attachment 7. For minor nearshore rockfish north and south of 40°10' N. latitude, adopt the OFLs using the STAR Panel approved data moderate stock assessments for brown, China and copper rockfish. Adopt the revised category designation for rougheye/blackspotted rockfish.

Moved by: Joanna Grebel

Seconded by: Gway Kirchner

Motion 18 carried unanimously.

**Motion 19:** Approve the following changes to Council Operating Procedure 9 to be brought back for final approval under Agenda Item I.5:

1. Under Year 1, September, revise language as follows:

Council will provide initial fishery management guidance, including a preliminary range of ~~new~~ management measures necessary to keep catch within or attain ~~the annual catch limits (ACL)~~ a specification or to address a habitat or protected resources concern.

2. Under Year 1, November, revise language as follows:

Council selects a range of 2-year allocations, final range of ~~new~~ management measures to keep catch within or attain ~~the ACL~~ a specification or to address a habitat or protected resources concern, and preliminary exempted fishing permit (EFP) applications for Years 3 and 4

3. Include language proposed by NMFS and approved by the coastal Treaty Tribes regarding the process to include tribal harvest specifications and management measures.

4. Follow the process in the flow chart presented by Ms. Ames (Agenda Item h.6.a, Supplemental Attachment 8).

Moved by: Michele Culver

Seconded by: Dan Wolford

Motion 19 carried unanimously.

**Motion 20:** Identify the following P\* levels and resulting ABCs as final preferred alternatives:

For all individual stocks and stock complexes adopt a P\* of 0.45, with the following exceptions:

- Sablefish (coastwide) – 0.40
- Spiny Dogfish - .035
- Starry Flounder – 0.40
- Lingcod S. of 40° 10' N. latitude – 0.40
- Longspine Thornyhead – 0.40
- Shortspine Thornyhead – 0.40
- Other Flatfish Complex – 0.40

Also that the Council identify the following ACLs as preliminary preferred alternatives:

For all individual stocks and stock complexes set the ACL equal to the ABC with the following exceptions:

- Analyze a constant catch widow rockfish ACL of 1,500 metric tons to 3,000 mt.
- Analyze a constant catch Dover sole ACL of 25,000 metric tons to 50,000 mt.
- Maintain a black rockfish (OR-CA) constant catch ACL of 1,000 mt.
- Maintain the longnose skate constant catch ACL of 2,000 mt.
- For overfished rockfish, except cowcod, determine the ACL by applying the constant SPR.
- For petrale sole, determine the ACL by applying the 25-5 harvest control rule.

Moved by: Gway Kirchner

Seconded by: Joanna Grebel

**Amndmnt 1:** Edit the text to add “except cowcod” under the setting of the ACLs after “individual stocks and stock complexes.”

Moved by: Dan Wolford

Seconded by: Buzz Brizendine

Amendment 1 carried unanimously.

**Amndmnt 2:** Add (under individual stocks) an exception for arrowtooth flounder for a P\* of 0.40.

Moved by: Michele Culver

Seconded by: Gway Kirchner

Amendment 2 carried unanimously. Motion 20, as amended, carried unanimously.

**Motion 21:** Adopt a range of cowcod ACLs for 2015 and 2016 based on rebuilding analysis runs 1, 2, and 3 (0 mt, 3 mt, and 16 mt, respectively) for more detailed analysis and identify a PPA of 16 mt.

Moved by: Joanna Grebel

Seconded by: David Crabbe

Motion 21 carried unanimously.

**Motion 22:** Adopt the process as outlined: Proposed Process and Timeline moving forward:

|         | Phase 2  | Phase 3<br>(Existing/Proposed EFH analysis)   |
|---------|--|---|
| NOV'13  | PFMC decide there is enough information in EFH Review to move forward<br>PFMC ask EFHRC to simply finalize the Phase 2 report* | PFMC provide guidance to SWFSC/NWFSC on initiating evaluation of existing EFH areas |
| Interim | EFHRC  | SWFSC/NWFSC   |
| MAR'14  | PFMC consider/adopt Phase 2  |   |

|         |                             |   |
|---------|-----------------------------|---|
|         | report (move on to Phase 3) |   |
|         |                             | SWFSC/NWFSC   |
| SEP' 14 |                             | PFMC identify issues and scope for a plan amendment                                   |
| Interim |                             | SWFSC/NWFSC   |
| MAR' 15 |                             | PFMC consider/approve alternatives and preliminary preferred alternative, if possible |
| Interim |                             |   |
| JUN' 15 |                             | PFMC adopt final preferred alternative  |

\* Sideboards for EFHRC: keep the report finalization process simple; one or two conference calls and high-level recommendations on criteria subject areas (e.g. socioeconomic) for development of alternatives for Phase 3 (not recommendations on specific proposals or proposal elements).

Moved by: Caren Braby

Seconded by: Jeff Feldner

**Amndmnt 1:** Change the dates of Sept 2014, Mar 2015 and Jun 2015 to “TBD” and change the information in Phase 2 November 2013 to “Move on to Phase 3” and March 2014 to read “PFMC consider complete Phase 2 Report.”

Moved by: David Crabbe

Seconded by: Buzz Brizendine

Amendment 1 carried. Mr. Ortmann and Mr. Sones voted no.

**Amndmnt 1a:** Add after “Phase 2 Report” (in the November 2013 cell) – “Move on to Phase 3 with all proposals except MCI, Greenpeace, and the portion of the Oceana proposal to expand EFH beyond 3,500 m.”

Moved by: Frank Lockhart

Seconded by: Herb Pollard

Amendment 1a was withdrawn with consent of the second.

**Amndmnt 2:** Insert under the Phase 3 column in the cell across from Sept 2014 (TBD) preceding the current text: “SWFSC/NWFSC provide evaluation report of existing EFH areas and.”

Moved by: Michele Culver

Seconded by: Rich Lincoln

Amendment 2 carried unanimously.

**Amndmnt 3:** Add after “Phase 2 Report” (in November 2013 cell) -“Move on to Phase 3 with all proposals except MCI, Greenpeace, and the portion of the Oceana proposal to expand EFH beyond 3,500 m.”

Moved by: Frank Lockhart

Seconded by: Herb Pollard

**Amdmnt 3a:** Add, as part of the exception to the Oceana proposal, “and the element to include new management measures to restrict bottom contact gear or midwater gear in the EFH conservation area.”

Moved by: Dale Myer

Seconded by: Michele Culver

Amendment 3a carried under a roll call vote: 8 yes, 6 no. Mr. Lincoln, Dr. Braby, Mr. Feldner, Mr. Farrell, Mr. Sones, and Mr. Wolford voted no. [Chair voted yes.]

Amendment 3 failed under a roll call vote: 5 yes, 8 no. Mr. Wolford, Mr. Crabbe, Mr. Lincoln, Mr. Feldner, Mr. Sones, Mr. Farrell, Mr. Ortmann, and Dr. Braby voted no.

Motion 22, as amended (Amendments 1 and 2), carried unanimously

**Motion 23:** Adopt for further analysis the range of alternatives contained in the Groundfish Electronic Monitoring Policy Advisory Committee Report (Agenda Item H.8.b Supplemental GEMPAC Report) with the modifications recommended in the Enforcement Consultants Report (Agenda Item H.8.b Supplemental EC Report). Further, that the Council will consider EFP proposals for EM with maximized retention requirements as part of the currently scheduled EM program development agenda item in April.

Moved by: Dorothy Lowman

Seconded by: Gway Kirchner

Motion 23 carried unanimously.

**Motion 24:** Adopt inseason adjustments as shown in Agenda Item H.9.b, Supplemental GMT Report (items 1-4), November 2013. Those recommendations are:

1. Establish sablefish trip limits for limited entry fixed-gear north of 36° N. latitude in 2014 to “950 lb/week, not to exceed 2,850 lb/two months” in periods 1 through 6.
2. Establish sablefish trip limits for open access fixed-gear north of 36° N. latitude in 2014 to “300 lb/day, or one landing per week of up to 800 lb, not to exceed 1,600 lb/two months” in periods 1 through 6.
3. Establish sablefish trip limits for limited entry fixed-gear south of 36° N. latitude in 2014 to “2,000 lb/week” in periods 1 through 6.
4. Establish sablefish trip limits for open access fixed-gear south of 36° N. latitude in 2014 to “300 lb/day, or one landing per week of up to 1,600 lb, not to exceed 3,200 lb/two months” in periods 1 through 6.

Moved by: Gway Kirchner

Seconded by: Jeff Feldner

Motion 24 carried unanimously.

**Motion 25:** Adopt preliminary preferred alternative ACLs for Pacific cod and shortbelly rockfish as shown in Agenda Item H.10.a, Supplemental Attachment 2.

Moved by: Gway Kirchner

Seconded by: Jeff Feldner

Motion 25 carried unanimously.



**Motion 26:** Adopt the Proposed 2015-2016 Tribal Management Measures as follows:

- Black Rockfish - The 2015 and 2016 tribal harvest guidelines will be set at 30,000 pounds for the management area between the US/Canada border and Cape Alava, and 10,000 pounds for the management area located between Destruction Island and Leadbetter Point. No tribal harvest restrictions are proposed for the management area between Cape Alava and Destruction Island.
- Sablefish - The 2015 and 2016 tribal set-asides for sablefish will be set at 10 percent of the Monterey through Vancouver area ACL minus approximately 1.5 percent to account for estimated discard mortality. Allocations among tribes and among gear types, if any, will be determined by the tribes.
- Pacific cod - The tribes will be subject to a 400 mt harvest guideline for 2015 and 2016.
- For all other tribal groundfish fisheries the following trip limits will apply:
  - Thornyheads - Tribal fisheries will be restricted to 17,000 lbs/2 months for shortspine thornyheads and 22,000 lbs/2 months for longspine thornyheads. Those limits would be accumulated across vessels into a cumulative fleetwide harvest target for the year. The limits available to individual fishermen will then be adjusted inseason to stay within the overall harvest target as well as estimated impacts to overfished species
  - Canary Rockfish - Tribal fisheries will be restricted to a 300 pound per trip limit.
  - Other Minor Nearshore, Shelf and Slope Rockfish - Tribal fisheries will be restricted to a 300 pound per trip limit for each species group, or the Limited Entry trip limits if they are less restrictive than the 300 pound per trip limit.
  - Yelloweye Rockfish - The tribes will continue developing depth, area, and time restrictions in their directed Pacific halibut fishery to minimize impacts on yelloweye rockfish. Tribal fisheries will be restricted to 100 pounds per trip.
  - Lingcod - Tribal fisheries will be subject to a 250 mt harvest guideline for 2015 and 2016.
  - Spiny Dogfish – Tribal fisheries for dogfish in 2015 and 2016 would be restricted to 200,000 lbs/2 months. Targeting of dogfish by treaty fishermen in 2015 and 2016 would be conducted while staying within current estimates of impacts on overfished species.
- Full Retention - The tribes will require full retention of all overfished rockfish species as well as all other marketable rockfishes during treaty fisheries.
- For the Makah Trawl Fisheries for 2015 and 2016:
  - Midwater Trawl Fishery - Treaty midwater trawl fishermen will be restricted to a cumulative limit of yellowtail rockfish, based on the number of vessels participating, not to exceed 250,000 lbs/2 month period for the entire fleet for a total catch of 677 mt. Their landings of widow rockfish must not exceed 10 percent of the cumulative poundage of yellowtail rockfish landed by a given vessel for the year. The tribe may adjust the cumulative limit for any two-month period to minimize the incidental

catch of canary and widow rockfish, provided the average cumulative limit does not exceed 250,000 pounds for the fleet.

- Bottom Trawl Fishery - Treaty fishermen using bottom trawl gear will be subject to trip limits similar to those applied in recent years for shortspine and longspine thornyhead, Dover sole, English sole, rex sole, arrowtooth flounder, and other flatfish. These are 110,000 lbs/2 months for Dover sole, English sole, and Other Flatfish; 150,000 lbs/2 months for arrowtooth flounder; 17,000 lbs/2 months for shortspine thornyhead; and 22,000 lbs/2 months for longspine thornyhead. For Dover sole, longspine thornyheads, and arrowtooth flounder, these bi-monthly limits in place at the beginning of the season will be combined across periods and the fleet to create a cumulative harvest target. The limits available to individual fishermen will then be adjusted inseason to stay within the overall harvest target as well as estimated impacts to overfished species. For petrale sole, fishermen would be restricted to 220 mt for the entire year. Because of the relatively modest expected harvest, all other trip limits for the tribal fishery will be those in place in recent years and will not be adjusted downward, nor will time restrictions or closures be imposed, unless in-season catch statistics demonstrate that the tribe has taken ½ of the harvest in the tribal area. Fishermen will be restricted to small footrope (≤ 8 inches) trawl gear. Exploration of the use of selective flatfish trawl gear may be conducted.
- Observer Program - The Makah Tribe has an observer program in place to monitor and enforce the limits proposed above.

Moved by: David Sones

Seconded by: Rich Lincoln

**Amndmnt 1:** Add redstripe rockfish at 800 lbs per trip for the other minor nearshore rockfish section.

Moved by: Frank Lockhart

Seconded by: David Sones

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

**Motion 27:** Adopt Supplemental GMT Report 2, Table 1 for the set-asides with the following changes for 2015 and 2016:

- Bocaccio research from 2.6 mt to 4.6 mt;
- Cowcod research 0.2 to 2.0 mt; and
- Include the corrections for the tribal management measures in the previous motion.

Moved by: Joanna Grebel

Seconded by: Dan Wolford

**Amndmnt 1:** Include set-asides for the at-sea whiting fishery as shown on page 3 of Agenda Item H.10, Supplemental GMT Report 2, and to include for the spiny dogfish a range (from page 4) that would be set at the minimum and maximum of 163 mt – 725 mt.



- 15 mt of petrale sole to the nontrawl sector and remainder to the trawl sector.

Moved by: Michele Culver  
Motion 30 carried unanimously.

Seconded by: Rich Lincoln

**Motion 31:** Approve the following harvest guideline allocation alternatives for China rockfish for analysis:

1. Using historical removal percentages by state, as displayed in Agenda Item H.6.a, Supplemental Attachment 7, p 32, Table 10:
  - a. State-specific harvest guidelines.
  - b. CA harvest guideline and OR/WA harvest guideline.
2. Using historical removals by state, set harvest guidelines that accommodate the historical high recreational catch, by state, with the remainder to be proportionally divided among the states based on commercial landings:
  - a. State-specific harvest guidelines.
  - b. CA harvest guideline and combined OR/WA harvest guideline.
3. Using historical removals by state, set harvest guidelines that accommodate the historically high commercial catch, by state, with the remainder to be proportionally divided among the states based on recreational landings:
  - a. State-specific harvest guideline.
  - b. CA harvest guideline and combined OR/WA harvest guideline.

Moved by: Michele Culver  
Motion 31 carried unanimously.

Seconded by: Rich Lincoln

**Motion 32:** Approve the following for analysis for the trawl IFQ fishery: In the event the trawl allocation for a species has been exceeded, but there is surplus quota eligible for carryover, the Council and NFMS could use underutilized set-aside amounts to issue carryover for the trawl IFQ fishery.

Moved by: Michele Culver  
Motion 32 carried unanimously.

Seconded by: David Crabbe

**Motion 33:** Approve the minutes of the June 2013 Council meeting, as shown in Agenda item I.3.a, Supplemental Attachment 1: Draft Minutes: 219<sup>th</sup> Session of the Pacific Fishery Management Council (June 2013).

Moved by: Dave Ortmann  
Motion 33 carried unanimously.

Seconded by: Herb Pollard

**Motion 34:** Accept the Budget Committee recommendations of:

1. Approve a Provisional CY 2014 Operating Budget of \$4,284,554.
  - a. This budget is provisional pending any ear-marked funding, final cost of living and travel adjustments, and any minor adjustments for budgetary considerations arising between now and the end of the Council's fiscal year.

- b. This budget represents a slight decrease from the 2013 budget associated with reductions in travel, supplies, service categories such as office rent and equipment leases, and stipends. However, relative stability with 2013 overall operational capacity could be achieved.
- 2. Manage Council meetings for no more than five days of Council floor sessions, as a goal, to encourage the process of prioritizing the most important Council tasks.
- 3. Employ the following contingency responses when the actual funding becomes known:
  - a. If the actual income is in a range of  $\pm 5$  percent from the assumed (not counting specific earmarks such as stipend payments) the recommended provisional budget will be updated with known values (earmarks, travel costs, etc.) for use in early 2014 and presented at the budget Committee at the June Council meeting for approval, and the reserve account will be the source or recipient of the difference in funding actually received.
  - b. If actual income is more than 5 percent different than the income assumption, the Budget committee will be convened at the March, April or June Council meeting depending on when the income information is known, for a discussion of options.

Moved by: Herb Pollard

Seconded by: Buzz Brizendine

Motion 34 carried unanimously.

**Motion 35:** Appoint Mr. Dave Bitts to the interim California troll seat on the Salmon Advisory Subpanel.

Moved by: Marci Yaremko

Seconded by: Dan Wolford

Motion 35 carried unanimously.

**Motion 36:** Establish a tribal government seat on the HMSMT.

Moved by: David Sones

Seconded by: Bob Turner

Motion 36 carried unanimously.

**Motion 37:** Adopt the COP 9 language as shown in Agenda Item I.5.a, Supplemental Attachment 3 with staff to add the sentence (second sentence in the second paragraph on page 2) describing the procedure for management measures that do not meet the criteria specified in the first sentence of the paragraph.

Moved by: Gway Kirchner

Seconded by: Herb Pollard

Motion 37 carried unanimously.

**Motion 38:** Adopt the changes to COP 9 and 10 as shown in Agenda Item I.5.a, Attachment 1 and Agenda Item I.5.a, Attachment 2 for the needed modifications to COP 9 for groundfish and the COP 9 and 10 housekeeping issues.

Moved by: Marci Yaremko  
Motion 38 carried unanimously.

Seconded by: David Crabbe