

## MARINE SPATIAL PLANNING UPDATE

The Interagency Ocean Policy Task Force (OPTF) is chaired by the White House Council on Environmental Quality (CEQ) and composed of senior policy-level officials across Federal government agencies. On July 19, 2010, The CEQ issued a Final Recommendations report of the OPTF. An important component to the Final Recommendations report is the Framework for Effective Coastal and Marine Spatial Planning (CMSP) ([http://www.pcouncil.org/wp-content/uploads/G1a\\_ATT1\\_PARTIV\\_SEPT2010BB.pdf](http://www.pcouncil.org/wp-content/uploads/G1a_ATT1_PARTIV_SEPT2010BB.pdf)), which calls for close coordination with regional fishery management councils.

Also on July 19, 2010, President Obama signed Executive Order 13547, establishing a National Policy for the Stewardship of the Ocean, Coasts, and Great Lakes ([http://www.pcouncil.org/wp-content/uploads/G1a\\_ATT2\\_PRESDOC\\_SEPT2010BB.pdf](http://www.pcouncil.org/wp-content/uploads/G1a_ATT2_PRESDOC_SEPT2010BB.pdf)). The Executive Order adopts the final recommendations of the OPTF and directs Federal agencies to take the appropriate steps to implement them. A National Ocean Council (NOC) was established with the responsibility of taking the lead on Executive Order administration. The West Coast is one of nine regions where Regional Planning Bodies (RPB) would be established.

In September, 2010, State and Federal representatives briefed the Council on CMSP from a regional and national perspective, respectively. Since then, there has been continued activity towards implementing the Executive Order. Last fall, the West Coast Governors' Agreement on Ocean Health (WCGA) held public workshops and submitted a grant application to the National Oceanic and Atmospheric Administration (NOAA) for funds to advance coastal and marine spatial planning. Two of the three West Coast Governor's offices changed occupants in the November, 2010 elections. The Councils Coordinating Committee received an updating briefing at their interim meeting in early January, 2011 (Agenda Item E.1.a, Attachment 1) and sent a letter to the NOC requesting Council seats in the RPB established in Council areas (Agenda Item E.1.a, Attachment 2). On March 10, 2011, the NOC convened the inaugural meeting of the Governance Coordinating Committee (GCC) charged with, among other things, making recommendations on RPB membership (Agenda Item E.1.a Attachment 3). Lastly, a national workshop of CMSP is scheduled for June 21-23, 2011 in Washington D.C. (see Agenda Item E.1.a, Attachment 3, page 27).

Dr. John Stein, Acting Science and Research Director with NOAA's Northwest Fisheries Science Center, will give a brief presentation to the Council on the activities of the NOC and their efforts to implement CMSP.

Ms. Amy Vierra, Ocean and Coastal Policy Analyst with the California Natural Resources Agency (CNRA), will provide comments on NOC's CMSP process from the perspective of a state and regional ocean governance (WCGA) entity. Ms. Vierra will be representing Mr. Brian Baird (also with the CNRA), who is a member of the GCC but is not able to attend the Council meeting. Mr. Micah McCarty, with the Makah Tribe, and a member of the GCC, was invited but is also unable to attend. However, a Tribal representative will be available to address questions relevant to Tribal participation in CMSP and the GCC.

**Council Task:**

Discussion.

Reference Materials:

- a. Agenda Item E.1.a, Attachment 1. Power Point Presentation to the CCC, January, 12, 2011.
- b. Agenda Item E.1.a, Attachment 2. Letter from the CCC to the NOC.
- c. Agenda Item E.1.a, Attachment 3. PowerPoint from inaugural GCC meeting.

Agenda Order:

- |  |               |
|--|---------------|
| a. Agenda Item Overview  | Kerry Griffin |
| b. National Ocean Council and Federal Perspective on CMSP          | John Stein    |
| c. Regional Perspectives on CMSP implementation                    | Amy Vierra    |
| d. Reports and Comments of Advisory Bodies and Management Entities |               |
| e. Public Comment  |               |
| f. Council Discussion  |               |

PFMC

03/29/11



# National Ocean Policy

*A National Policy for the Stewardship of the Oceans, Our Coasts and the Great Lakes –  
Established by Presidential Executive Order on July 19, 2010*

Sam Rauch  
Deputy Assistant Administrator  
for Regulatory Programs  
January 12, 2011

# Building Blocks



THE WHITE HOUSE COUNCIL ON ENVIRONMENTAL QUALITY

*Final Recommendations  
Of The  
Interagency Ocean Policy  
Task Force  
July 19, 2010*

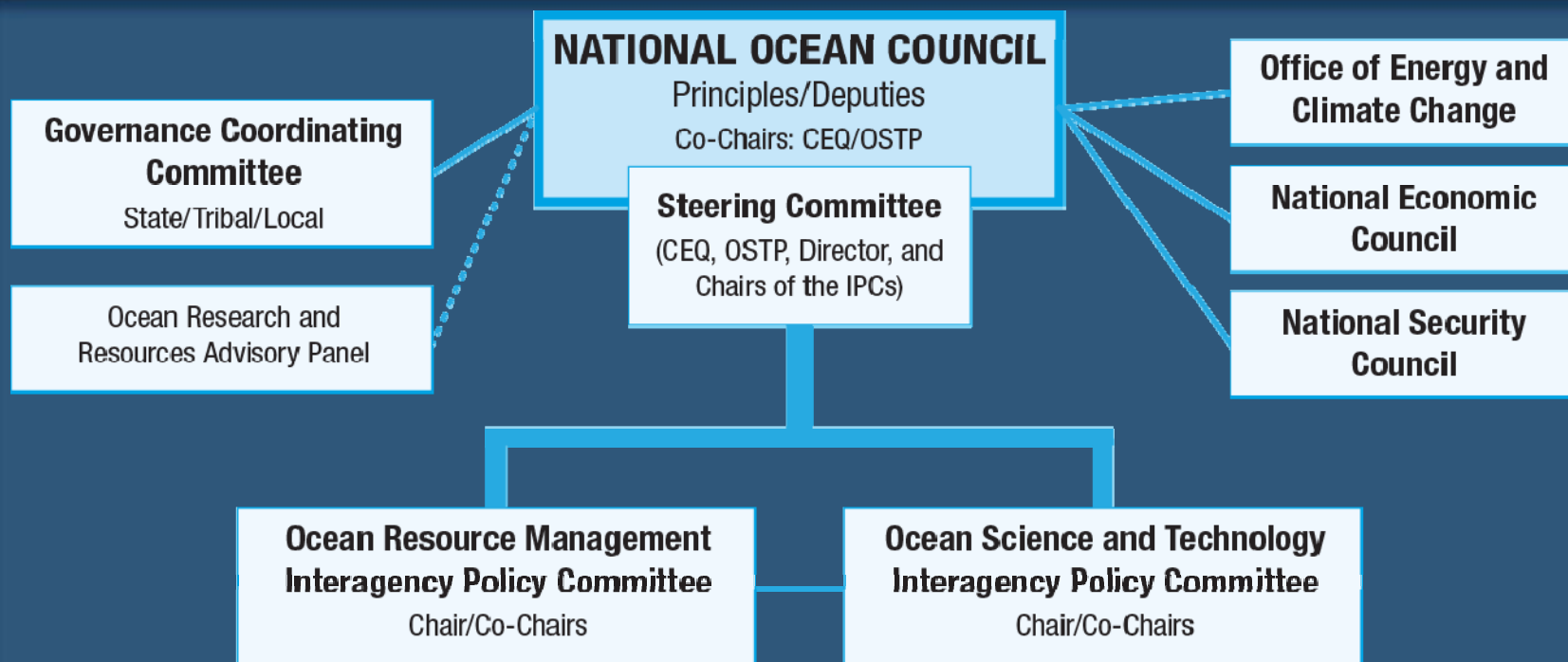
National Ocean Policy

National Ocean Council

9 National Priority  
Objectives

Framework for Coastal  
and Marine Spatial  
Planning (CMSP)

# The National Ocean Council



**Working groups could be retained or established as standing or ad hoc Sub-Interagency Policy Committees (IPCs):** e.g., Coastal and Marine Spatial Planning, Ocean Acidification, Ocean Observations, Mapping, Ocean Education, Climate Resiliency and Adaptation, Regional Ecosystem Protection and Restoration, Water Quality and Sustainable Practices on Land, and Arctic.

The Extended Continental Shelf Task Force and other designated interagency committees, as appropriate, would report to the Steering Committee and coordinate with the two IPCs.

**Reporting**  
**Coordination**  
**Communication**



# National Priority Objectives

## HOW WE DO BUSINESS

Ecosystem-Based Management

Coastal & Marine Spatial Planning

Inform Decisions & Improve Understanding

Coordinate & Support

## AREAS OF SPECIAL EMPHASIS

Resiliency & Adaptation to Climate Change & Ocean Acidification

Regional Ecosystem Protection & Restoration

Water Quality & Sustainable Practices on Land

Changing Conditions in the Arctic

Ocean, Coastal, & Great Lakes Observation, Mapping & Infrastructure

A Strategic Action Plan will be developed for CMSP within 6-9 months and 6-12 months for all other Priority Objectives

# The Need for CMSP

Uses were regulated on a narrow sector-by-sector basis

DEFENSE & HOMELAND SECURITY



SCIENCE



COMMERCIAL FISHING



RECREATION



AQUACULTURE



ENERGY & INDUSTRY



CONSERVATION



NAVIGATION





## What CMSP Is:

**collaborative planning process**

**assessing across sectors before decisions are made**

**decisions based on the best available science**

**bottoms-up regional approach**

**sustainable use of ocean resources**

## What It Is Not:

**zoning**

**additional layer of regulation**

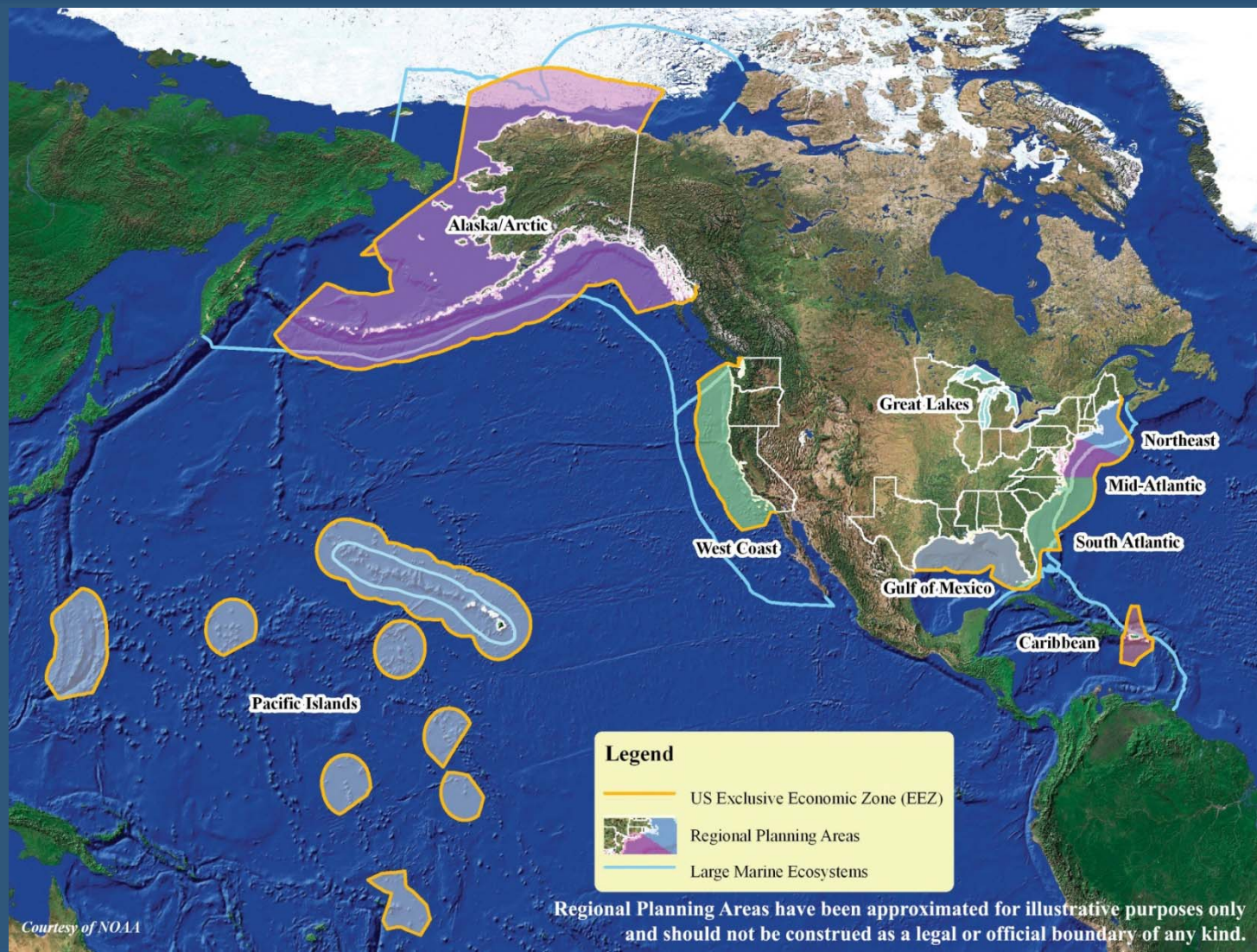
**decisions made in a “black box”**

**top-down command and control**

**no-take MPAs in disguise**

# CMSP Implementation

## Regional Focus






# National and Regional Workshops

- The Final Recommendations called for a National Workshop and CMSP Simulation Exercise within 2 to 4 months.
- Currently, a national workshop is being targeted in the March/ April timeframe in DC.
- Regional Workshops would be scheduled within twelve months of the National Workshop.
- An interagency CMSP Workshop Planning group is developing an initial approach for organizing and convening these workshops.
- Further planning will also include the input of the Governance Coordinating Committee, as well as regional governance organizations and other potential members of the RPBs.



# Formation of Regional Planning Bodies

- RPBs will likely be formed after the National workshop.
- The NOC agencies have been working on developing additional guidance for RPBs composition. Once the GCC has been formed the NOC will also seek additional advice from that Committee on the RBP composition.
- The NOC will be further assessing the relationship between RFMCs and RPBs to determine the most effective mechanism for engagement in the CMSP process.
- Communication between the ROPs (and/ or the entities likely to form the RPBs) and RFMC is important and should take place often.



# National Information Management System (NIMS)

- The Final Recommendations call for initial actions to coordinate, integrate, and manage data in the first 6-9 months.
- This includes development of a national information management system and CMSP portal, adoption of minimum data standards, and identification of additional CMSP information and research needs.
- At the end of the 9 months, guidance on these fundamental pieces to the NIMS would be released as part of a strategic action plan and a prototype CMSP portal will be operational. The full scale NIMS will be built within two years.
- An interagency working group has been established and has 3 subgroups: priority science questions and relevant data layers; core functionalities, technical capabilities, and long-term management considerations; and, Minimum data standards.



# The Way Forward

## Budget

### President's Budget Request FY 11:

NOAA - \$6.77M and \$20M Regional Grants

DOI - \$4M USGS and \$1M BOEMRE

Despite budget uncertainty, we still need to move forward with implementation as the Executive Order directs.



# NOAA'S CMSP Program

## Core Staff

Jennifer Lukens, Director

Dr. Charlie Wahle, Senior Scientist

Jessica Kondel, Regional Coordinator

TBD, Operations Lead

## NOAA Regional CMSP Leads

**Alaska/Arctic Region:** Doug Demaster/ Amy Holman

**Great Lakes Region:** Jennifer Day

**Gulf of Mexico Region:** Buck Sutter

**Northeast Region:** Betsy Nicholson

**Pacific Islands Region:** Michael Tosatto

**Mid-Atlantic Region:** Thomas Bigford

**Southeast Region:** Virginia Fay

**Caribbean Region:** Billy Causey/ Dana Wusinich-Mendez

**West Coast Region:** Crescent Moegling/ Elizabeth Babcock

# National Ocean Council Website

whitehouse.gov/oceans



the WHITE HOUSE PRESIDENT BARACK OBAMA

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The ocean, our coasts, and the Great Lakes provide jobs, food, energy resources, ecological services, recreation, and tourism opportunities, and play critical roles in our Nation's transportation, economy, and trade, as well as the global mobility of our Armed Forces and the maintenance of international peace and security.

— President Barack Obama



April 2011

## Regional Fishery Management Council Coordination Committee

February 3, 2011

Ms. Nancy Sutley and Dr. John P. Holdren, Co-Chairs  
National Ocean Council  
730 Jackson Place, NW  
Washington, DC 20503

Dear Ms. Sutley and Dr. Holdren:

The purpose of this letter is to inform the National Ocean Council (NOC) of the Regional Fishery Management Councils' (RFMCs) interest in participating in the Coastal and Marine Spatial Planning (CMSP) process through the regional planning bodies being created by the NOC. Also, because of this interest, the RFMCs would like to be included to participate in the national CMSP workshop scheduled for May, 2011.

The Council Coordination Committee (CCC) recently met with NOAA Fisheries Senior staff and discussed the National Ocean Council and Coastal and Marine Spatial Planning. The CCC is the coordinating body of the RFMCs, established under Section 302(l) of the Magnuson-Stevens Fishery Conservation and Management Act. It consists of the chairs, vice chairs, and executive directors of each of the eight RFMCs.

Specifically, we are requesting that the RFMCs have an integrated role in the CMSP process, including membership in the appropriate regional planning bodies, and through other mechanisms (such as the national workshop) that will facilitate Council input in the development of CMS Plans.

We note that under the NOC priority objective for CMSP - Regional Planning Bodies it states "The members of the regional planning bodies will consist of Federal, State, and tribal authorities relevant to CMSP for that area. In addition, the regional planning bodies will provide a formal mechanism for consultation with their respective Regional Fishery Management Councils (RFMCs) on fishery related issues."

Further, the final recommendations of the Interagency Ocean Policy Task Force state "Some comments suggested adding a Regional Fishery Management Council (RFMC) representative to the regional planning bodies given their unique quasi-regulatory role under the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act). The Task Force is interested in finding the most effective opportunity for sustained and meaningful engagement with the RFMCs as it is their statutory responsibility to develop fishery



management plans and management measures for fisheries which NOAA then reviews and, if approves, implements through regulation. While the Task Force acknowledges the relatively unique role that RFMCs play, it did not want to prescribe a particular method for how RFMCs should be included in the CMSP process without more thoughtful consideration and analysis. The recommendations describe that the regional planning bodies would provide a formal mechanism for consultation with the RFMCs across their respective regions on fishery related issues and that the NOC would further assess if representation on the regional planning bodies is the best method for this engagement.” The CCC firmly believes that the best method for engagement with the RFMCs in CMSP is for each of the regional Councils to have a dedicated seat on the appropriate regional planning body in their jurisdictions.

The RFMCs have already been engaged with regional planning bodies where they exist. We have made significant efforts to work with the states in the development of the regional governor’s ocean partnerships/alliances and other entities addressing CMSP.

The Western Pacific Fishery Management Council (WPFMC) has been engaged as project partners in two funding proposals for NOAA’s FY-2011 Regional Ocean Funding Program. One of these proposals was to establish a process in Hawaii to bring together State, Federal, County, and other stakeholder groups to begin to implement CMSP. The other proposal was to establish a Pacific Regional Ocean Partnership that would include government representation from American Samoa, Guam, Northern Mariana Islands, and Hawaii. The WPFMC has also been in discussions with the Pacific Basin Development Council (PBDC) on their potential interest in forming a Pacific Regional Ocean Partnership. The PBDC is a non-profit organization that was established in the early 1980s by the governors of the Northern Mariana Islands, American Samoa, Guam, and Hawaii.

The Mid-Atlantic Fishery Management Council (MAFMC) passed a resolution expressing support for the Mid-Atlantic Regional Council on the Ocean (MARCO), and has requested representation on the MARCO Management Board. In addition to representation on the Management Board, the Council also requested representation on the appropriate MARCO Action Teams through participation of Council technical staff. The Council Chairman briefed MARCO on Council activities at the MARCO August 2010 meeting and the Council has had presentations from MARCO representatives at both their October and December 2010 meetings. However, it is unclear whether or not MARCO will become the regional planning body established by the Executive Order.

The Gulf of Mexico Fishery Management Council has interacted with the Gulf of Mexico Governor’s Alliance through their Council Chairman. The Chairman currently serves on the Gulf of Mexico Governor’s Alliance grant review board.

The New England Fishery Management Council (NEFMC) contacted the Northeast Regional Ocean Council (NROC), requesting a seat on their regional planning body. The NROC has invited the NEFMC to participate in all future NROC meetings and conference calls. The NROC has also verbally assured the NEFMC that they will support NEFMC membership on the regional planning body. However, as is the case with MARCO in the

Mid Atlantic, it is unclear whether or not NROC will become the regional planning body established under the NOC.

Currently no regional planning bodies exist in the Alaska Region; however, the North Pacific Fishery Management Council (NPFMC) has been engaged in numerous activities related to CMSP. Over 673,000 square nautical miles of the EEZ (over half of the area under the Council's jurisdiction) have been closed to various forms of fishing, or in some cases to all fishing, to conserve habitat or to minimize impacts of fishing on vulnerable species. The Council has established fishery management plans for the Arctic region, the Bering Sea and Aleutian Islands, as well as, a Fishery Ecosystem Plan for the Aleutian Islands area, which is an ecologically and historically unique ecosystem area. In 2005, in response to the U.S. Ocean Action Plan, the Council initiated the establishment of the Alaska Marine Ecosystem Forum, comprised of major State and Federal agencies involved in various aspects of resource management. While not designed as a 'Regional Ocean Partnership' at the time, this body currently functions in much the same manner as that envisioned for regional planning bodies under the Executive Order.

The South Atlantic Fishery Management Council has been involved in the development of the Governor's South Atlantic Alliance through participation of its state agency Council members and the Council staff. Council members and staff serve on the Executive Planning Team that developed the South Atlantic Alliance Action Plan. This has been an ongoing endeavour over the past several years.

At its September 2010 meeting, the Pacific Fishery Management Council (PFMC) formally considered Executive Order 13547 regarding marine spatial planning in United States territorial waters in an open, public meeting. The PFMC received a presentation from the West Coast Governors Agreement on Ocean Health (WCGA) Executive Committee members. They described the current status and activities of the WCGA, and emphasized the many areas of common interest with the Pacific Council. They also requested that the Pacific Council assign a point of contact with regard to participation in the marine spatial planning process, especially as it evolves into regional implementation led by regional planning bodies. As you know, the Pacific Council has also officially requested a dedicated seat on the West Coast regional planning body for a representative of the Pacific Council, something that has drawn broad support in general. Discussions are currently underway between the Pacific Council and the WCGA regarding a proposed organizational structure for a West Coast regional planning body, including the optimal role for the Pacific Council.

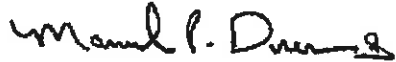
Since 1976, the RFMC model has proved to be an excellent operational design for regional governance. We believe the experience gained by the Councils', coupled with our successful science-based process, existing infrastructure and public interface processes will make us effective partners for implementing marine spatial planning in the future.

We look forward to working with the NOC and appreciate your thoughtful consideration of our request.

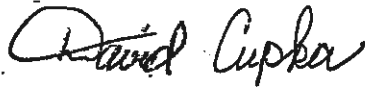
Sincerely,



Mr. Mark Cedergreen  
Pacific Fishery Management  
Council Chair



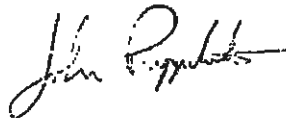
Mr. Manny Duenas  
Western Pacific Fishery Management  
Council Chair



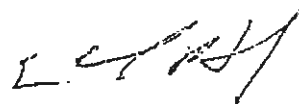
Mr. David Cupka  
South Atlantic Fishery Management  
Council Chair



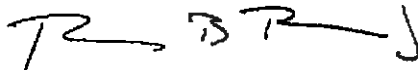
Mr. Eric Olsen  
North Pacific Fishery Management  
Council Chair



Mr. John Pappalardo  
New England Fishery Management  
Council Chair



Mr. Eugenio Poleiro-Soler  
Caribbean Fishery Management  
Council Chair



Mr. Rick Robins  
Mid-Atlantic Fishery Management  
Council Chair



Mr. Robert Shipp  
Gulf of Mexico Fishery Management  
Council Chair

Cc: Regional Fishery Management Council Executive Directors  
Mr. John Oliver  
Mr. Sam Rauch  
Mr. Gary Reisner

## Agenda

### Governance Coordinating Committee Inaugural Meeting

**Date:** March 10, 2011  
**Location:** White House Conference Center, Truman Room  
726 Jackson Place, NW  
Washington, DC

**Participants:** Governance Coordinating Committee Members  
National Ocean Council Co-Chairs and Deputy Co-Chairs  
National Ocean Council Interagency Policy Committee Chairs  
National Ocean Council Deputy-level Committee Members and Agency Senior Contacts  
National Ocean Council Staff  
Governance Coordinating Committee Selection Committee Members  
Office of Science and Technology Policy (OSTP), Office of General Counsel

#### Meeting Outcomes

- Governance Coordinating Committee (GCC) members fully understand their roles and responsibilities in National Ocean Policy implementation
- GCC members are tasked with providing input on the National Coastal and Marine Spatial Planning (CMSP) Workshop, Regional Planning Body (RPB) composition, and CMSP Model Development Agreement
- Approval of interim GCC decision-making rules and procedures
- Election of GCC Chair and Vice Chair

#### Agenda

**9:00** **Meet and Greet**

**9:15** **National Ocean Council (NOC) Welcome and Introductions**

*Speakers: NOC Co-Chairs*

NOC Co-Chairs will welcome the GCC members, re-emphasize the President's vision for the stewardship of the ocean, our coasts, and the Great Lakes (referred to as the National Ocean Policy), and re-affirm the GCC members' important roles in National Ocean Policy implementation. NOC Co-Chairs will then take GCC member questions.

**9:45** **National Ocean Policy 101**

*Leads: Jerry Miller & Michael Weiss, NOC Staff Deputy Directors (Acting)*

NOC Staff Deputy Directors (Acting) will provide a brief overview of the National Ocean Policy, focusing on the GCC's roles and responsibilities, and concluding with a policy implementation update.

**10:20** **Break** (10 minutes)

2011

## Inaugural Governance Coordinating Committee Meeting

March 10, 2011  
White House Conference Center

## Presentations

10:30	<p><b>GCC Business</b></p> <p><i>Leads: Alisa Praskovich &amp; Jeff Luster, NOC Staff</i></p> <p><i>GCC Selection Committee Members</i></p>	<p>This session will include a discussion on GCC rules and operating procedures, focusing primarily on the GCC decision-making process, approval of term lengths for GCC members, and the election of a GCC Chair and Vice Chair.</p>
11:30	<p><b>Break to Pick up lunch</b> (30 minutes to pick up lunch and return)</p>	
12:00	<p><b>NOC Deputies and Senior Agency Contacts Brown Bag Session with GCC Members</b></p> <p><i>Facilitator: Mr. Byron Black, Department of Transportation; NOC Deputy and GCC Selection Committee Member</i></p>	<p>NOC Deputies and Senior Agency Contacts will dialogue with GCC members to share perspectives and expectations on GCC roles and responsibilities as National Ocean Policy implementation moves forward. GCC members will have an opportunity to ask questions, and share their experiences and ideas.</p>
1:00	<p><b>GCC Roles and Responsibilities: Regional Planning Bodies &amp; CMSP Model Development Agreement</b></p> <p><i>Leads: Andy Lipsky &amp; Jeff Luster, NOC Staff</i></p>	<p>This session will provide an overview of RPBs, to include roles and responsibilities, membership, the Model CMSP Development Agreement, and CMSP dispute resolution mechanism. GCC members will be tasked by the NOC to review the draft Model CMSP Development Agreement, and to provide their input regarding representation on the RPBs.</p>
2:00	<p><b>Break</b> (10 minutes)</p>	
2:10	<p><b>GCC Roles and Responsibilities: CMSP Workshops &amp; Strategic Action Plans</b></p> <p><i>Leads: Andy Lipsky, Alisa Praskovich, and Frank Schwing, NOC Staff</i></p>	<p>GCC members will play an important role in the planning and execution of the National and Regional CMSP Workshops, and development of the Strategic Action Plans (SAPs) that address the nine National Priority Objectives. The NOC Staff will provide an overview of the National and Regional CMSP Workshop, including timelines, goals and current planning status, followed by an update on the development of the SAPs. GCC members will be asked to review and provide input on the draft National CMSP workshop agenda, and ensure their constituents are aware of the SAP public comment portal on the NOC's website</p>
3:10	<p><b>Ethics &amp; Legal: Q &amp; A</b></p> <p><i>Lead: Elaine Crowley, OSTP General Counsel's Office</i></p>	<p>The OSTP General Counsel staff will outline the legal and ethical requirements GCC members must adhere to as they deliberate and coordinate with the Federal government</p>

	<p>on the National Ocean Policy. The General Counsel will then take questions from GCC members to address any outstanding issues or concerns.</p>	
3:20	<p><b>Next Steps, Closing Remarks</b></p> <p><i>Speakers: Shere Abbott and Mike Boots, NOC Deputy Co-chairs</i></p> <p>The NOC Deputy Co-chairs will review the immediate items on which the NOC requires GCC input, including the National CMSP Workshop, Regional Planning Body Composition, and draft Model CMSP Development Agreement. The session will conclude with an emphasis on encouraging regular, continued communication with the NOC, including outlining how the NOC will coordinate with the GCC between meetings, followed by any closing remarks or questions of GCC members.</p>	
4:00	<p><b>Propose Next Meeting Date and Adjourn</b></p>	

# National Policy for Stewardship of the Ocean, Our Coasts, and the Great Lakes

## Governance Coordinating Committee

Washington, D.C.  
March 10, 2011

Michael Weiss  
Deputy Associate Director  
Ocean and Coastal Policy  
Council on Environmental Quality

Jerry Miller, Ph.D.  
Assistant Director for Ocean Sciences  
Office of Science and Technology Policy

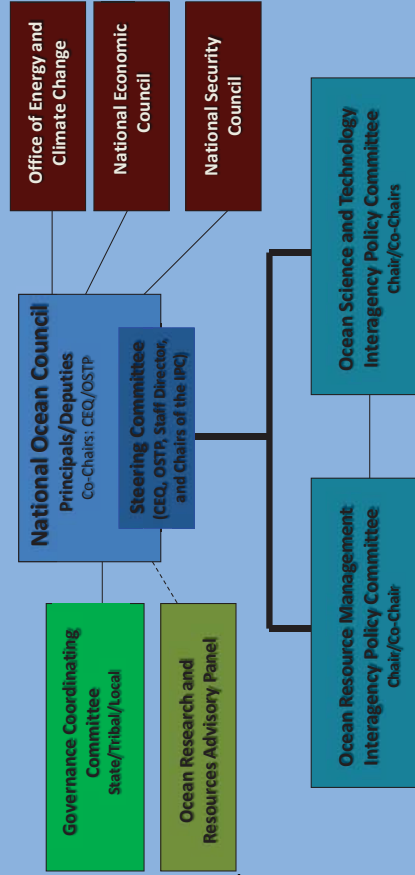
National Ocean Council

# E.O. 13547 & Final Recommendations

- Establishes our Nation’s first ever **National Policy** for Stewardship of the Ocean, our Coasts, and the Great Lakes
- Creates an interagency **National Ocean Council** to provide sustained, high-level, and coordinated attention to advance the National Policy
- Prioritizes **9 categories for action** that seek to address the most pressing challenges facing the ocean, our coasts, and the Great Lakes
- Establishes **a flexible framework for effective coastal and marine spatial planning** to address conservation, economic activity, user conflict, and sustainable use of ecosystem services

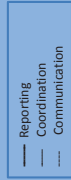
National Ocean Council

# National Ocean Council

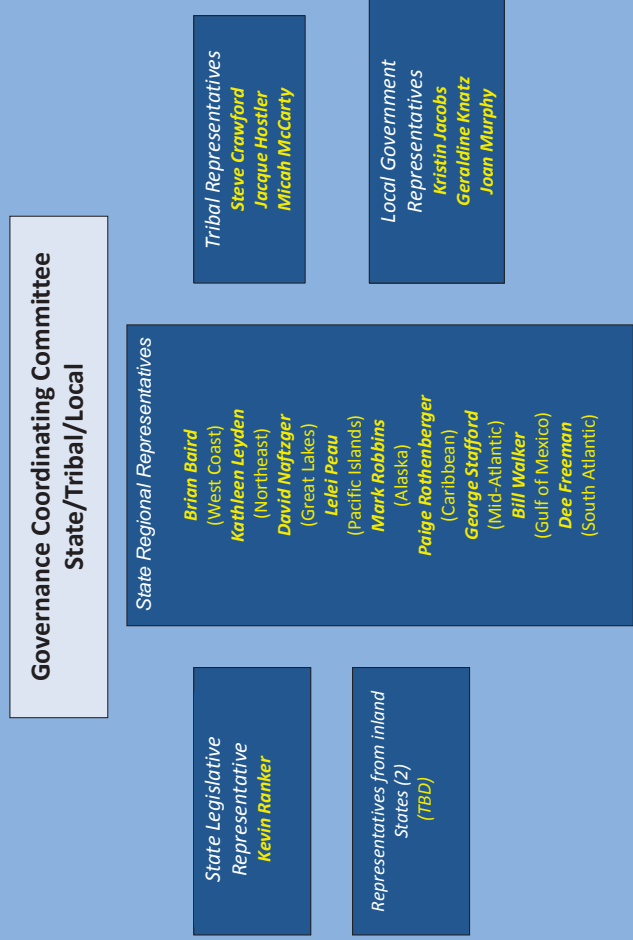


Working groups could be retained or established as standing or ad hoc Sub-Interagency Policy Committees (IPCs): e.g., Coastal and Marine Spatial Planning, Ocean Acidification, Ocean Observations, Mapping, Ocean Education, Climate Resiliency and Adaptation, Regional Ecosystem Protection and Restoration, Water Quality and Sustainable Practices on Land, and Aids.

The Extended Continental Shelf Task Force and other designated interagency committees, as appropriate, would report to the Steering Committee and coordinate with the two IPCs.



# Governance Coordinating Committee



## Governance Coordinating Committee Responsibilities Include:

- Ensure the **wide range of views** from State, tribal, and local authorities are represented and expressed by its members
- Coordinate and facilitate agreement **on inter-jurisdiction issues**
- Provide advice on **long-term strategic management and research priorities**
- Submit **coastal-related issues** to the NOC's Interagency Policy Committees and the Steering Committee for discussion
- Provide input on issues as requested by the NOC via the Steering Committee

5

## Governance Coordinating Committee

- Immediate responsibilities and matters of priority for the GCC include providing advice and input on:
  - Development of the **nine strategic action plans**
  - **CMSP National and Regional Workshops**
  - Composition and membership of the **regional planning bodies**
  - Development of a **regional dispute resolution process for CMSP**

## Nine Priority Objectives

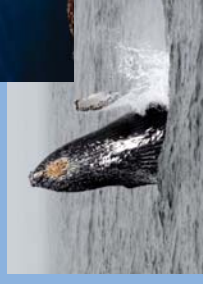
- Four priority objectives to improve the way we do business:
  - ✓ Ecosystem-based management
  - ✓ Coastal and marine spatial planning
  - ✓ Inform decisions and improve understanding
  - ✓ Coordinate and support
- Five areas of special focus:
  - ✓ Resiliency/adaptation to climate change and ocean acidification
  - ✓ Regional ecosystem protection and restoration
  - ✓ Water quality and sustainable practices on land
  - ✓ Changing conditions in the Arctic Ocean
  - ✓ Ocean, coastal, and Great Lakes observations and infrastructure

National Ocean Council

7

## Ecosystem-Based Management

Rather than managing for individual species



Considers the entire ecosystem

8

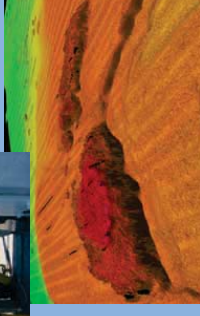
## Coastal and Marine Spatial Planning

Implement comprehensive, integrated, ecosystem-based coastal and marine spatial planning and management in the United States



## Inform Decisions and Improve Understanding

Increase knowledge to continually inform and improve management and policy decisions



Better educate the public through formal and informal programs

# Coordinate and Support

Better coordinate and support Federal, State, tribal, local, and regional management



Improve coordination and integration across the Federal Government

# Resiliency and Adaptation to Climate Change and Ocean Acidification

Strengthen resiliency of coastal communities and marine and Great Lake environments



Strengthen their abilities to adapt to climate change impacts and ocean acidification

## Regional Ecosystem Protection and Restoration

Establish and implement an integrated ecosystem protection and restoration strategy that is science-based and aligns conservation and restoration goals



13

## Water Quality and Sustainable Practices on Land



Enhance water quality in the ocean, along our coasts, and in the Great Lakes by promoting and implementing sustainable practices on land



14

## Changing Conditions in the Arctic

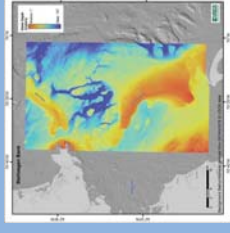


Address environmental stewardship needs in the Arctic Ocean and adjacent coastal areas in the face of climate-induced and other environmental changes

10



## Ocean, Coastal, and Great Lakes Observations, Mapping, and Infrastructure



Strengthen and integrate Federal and non-Federal ocean observing systems, sensors, data collection platforms, data management, and mapping capabilities into a national system and integrate that system into international observation efforts

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## Strategic Action Plans

- The NOC's ORM-IPC and OST-IPC are charged with developing strategic action plans for the priority objectives
- Plans would address the *Obstacles* and *Opportunities* identified for each objective and would:
  - Identify specific and measurable *near-term, mid-term, and long-term actions*, with appropriate milestones, performance measures, and outcomes to fulfill each objective;
  - Consider *smaller-scale, incremental, and opportunistic efforts that build upon existing activities*, as well as more *complex, larger-scale actions that have the potential to be truly transformative*;
  - Explicitly identify *key lead and participating agencies*;
  - Identify *gaps and needs* in science and technology; and
  - Identify *potential resource requirements and efficiencies*; and *steps for integrating or coordinating* current and out-year budgets.
- Strategic action plan public comments are now being accepted  
<http://www.WhiteHouse.gov/administration/eop/oceans/comment>

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## Coastal and Marine Spatial Planning

### ***What it is:***

*A regionally-based planning process for analyzing current and anticipated uses of ocean, coastal, and Great Lakes areas.*

### ***What it does:***

*Identifies areas most suitable for various types of activities in order to facilitate compatible uses, and preserve ecosystem services to meet our nation's economic, environmental, security, and social goals.*

*Provides a public policy process for society to better determine how the ocean, coasts, and Great Lakes are sustainably used and protected - now and for future generations.*

# CMSP Framework: A Regional Planning Process

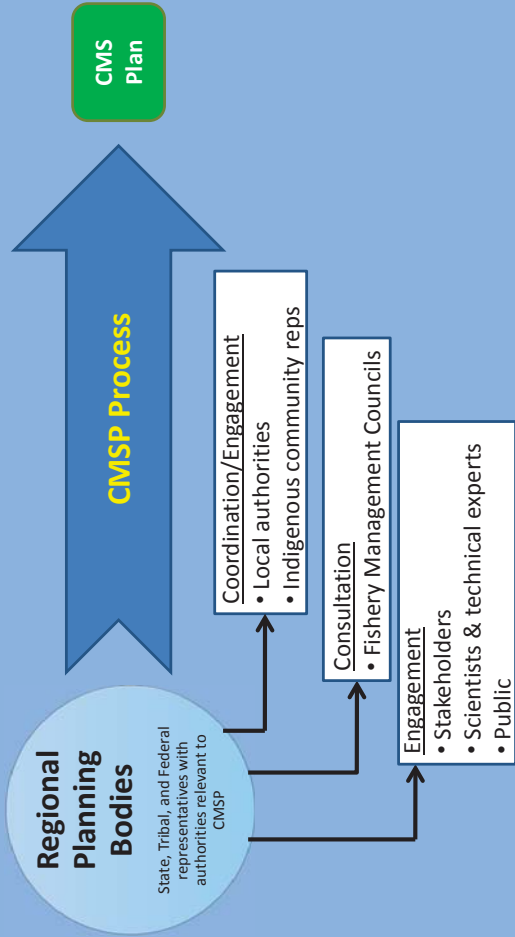
## Regional Planning Areas



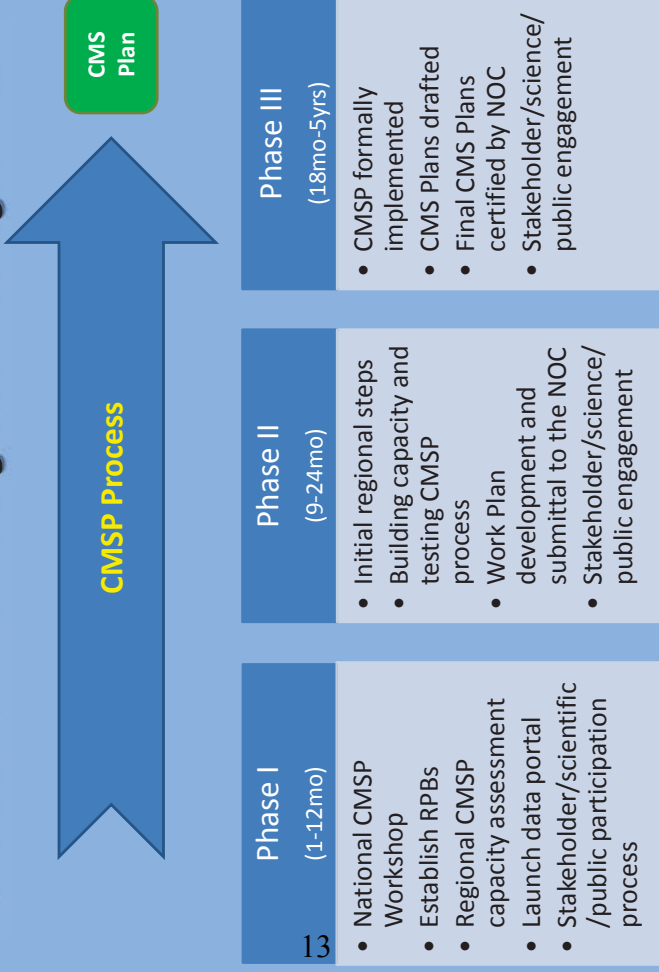
## Regional Planning Bodies

- Membership will consist of Federal, State, and tribal authorities relevant to CMSP for that region, for example--
  - resource management, including coastal zone management and fisheries management
  - science
  - homeland and national security
  - transportation
  - public health
- Members would be of an appropriate level of responsibility within their respective governing body to be able to make decisions and commitments throughout the process
- The Council, with advice from the Governance Coordinating Committee, would determine the additional *types of representation* needed for the composition of the regional planning bodies
- Appropriate State and tribal representation would be determined by applicable States and tribes, consistent with the types of representation described by the NOC, with advice from the GCC

# CMSP Framework: A Regional Planning Process



## CMSP Framework: A Regional Planning Process



## Questions?

*“America’s stewardship of the ocean, our coasts, and the Great Lakes is intrinsically linked to environmental sustainability, human health and well-being, national prosperity, adaptation to climate and other environmental changes, social justice, international diplomacy, and national and homeland security.”*

- President Barack Obama

[www.WhiteHouse.gov/oceans](http://www.WhiteHouse.gov/oceans)

National Ocean Council

## *GCC Business*

Inaugural GCC Meeting  
Washington, D.C.  
March 10, 2011

Alisa Praskovich  
Ocean Policy Advisor  
National Ocean Council

## **Objectives**

- GCC Charter Update
- GCC Decision-making
  - Interim decision-making process
  - Rules and operating procedures
- Chair and Vice Chair Election Discussion
- GCC Member Term Lengths

## GCC Charter

- Original intent was to allow GCC members to provide input into the Charter before its approval by the NOC
- After additional review, determined the NOC should approve Charter (which has been done)
- 15 • Current draft does not include procedures on decision-making, but does state that within 60 days, GCC will develop detailed procedures for its operation to be approved by the Council's Deputy-level Committee.

## GCC Decision making: Potential Option

“The Governance Coordinating Committee (GCC) shall base its decisions on the consensus of its members. For purposes of the GCC, consensus is generally accepted agreement without a majority vote. Consensus does not require unanimity. In other words, if there is a lack of active or voiced opposition on a decision and the GCC members are willing to let the decision move forward, consensus has been reached.”

## GCC Chair and Vice Chair Election

From the GCC Charter, *“The members of the GCC shall select a Chair and a Vice-Chair from their members by majority vote. The Chair and Vice-Chair shall normally serve in those capacities for a period of one year. Moreover, the members may reselect either or both to serve for an additional one-year period.”*

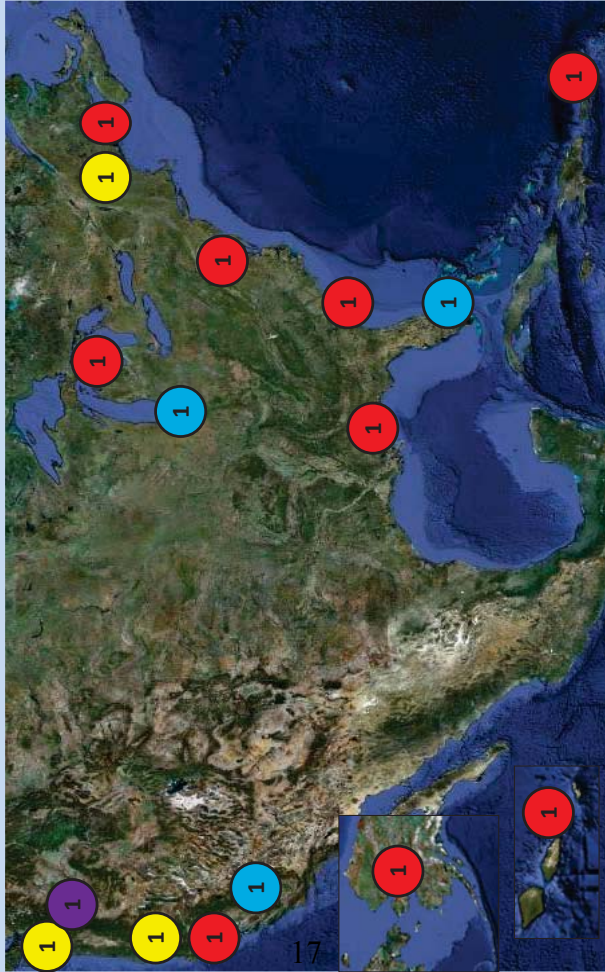
## GCC Chair and Vice Chair Election Continued

Charter goes on to state *“Chair may, with approval of NOC Steering Committee, convene GCC meetings as appropriate.”*

### Other assumed duties

- Serve as the key point of contact to coordinate with the NOC Steering committee
- Encourage decisions and recommendations based on consensus of the GCC
- Facilitate dispute resolution among GCC members

## 2011 GCC Member Geographic Representation



- Yellow circle: Local Govt Rep
- Red circle: Regional Rep
- Blue circle: State Leg Rep
- Purple circle: Tribal Rep
- Green circle: Inland State Rep - TBD

## GCC Term Lengths

GCC Member	2011	2012
Brian Baird		
Dee Freeman		
Kathleen Leyden		
David Naftzger		
Lelei Peau		
Mark Robbins		
Paige Rothenberger		
George Stafford		
Bill Walker		

GCC Member	2011	2012
Steve Crawford		
Jacque Hostler		
Micah McCarty		

GCC Member	2011	2012
Kristin Jacobs		
Joan Murphy		
Geraldine Knatz		

GCC Member	2011	2012
Kevin Ranker		

# Coastal and Marine Spatial Planning Regional Planning Bodies

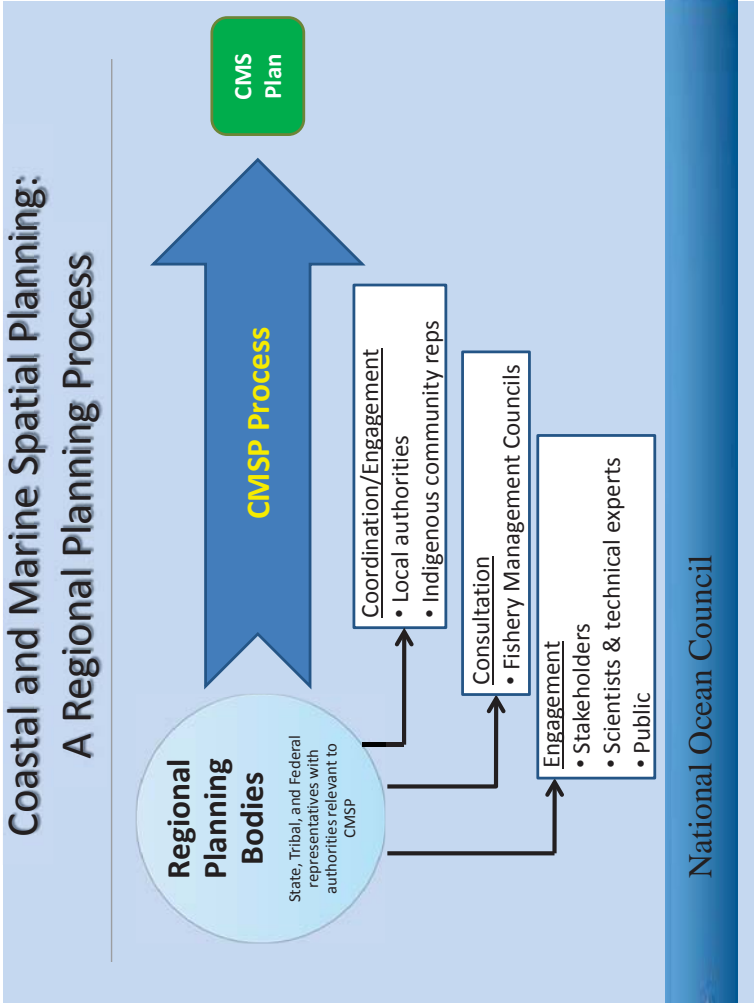
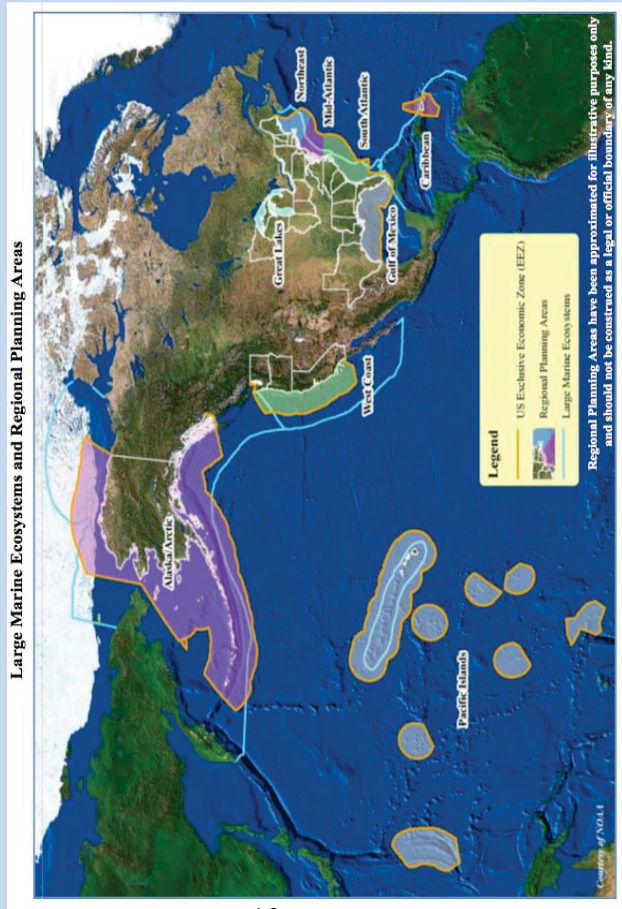
Inaugural GCC Meeting  
Washington, D.C.  
March 10, 2011

Andy Lipsky  
Ocean Policy Advisor  
National Ocean Council

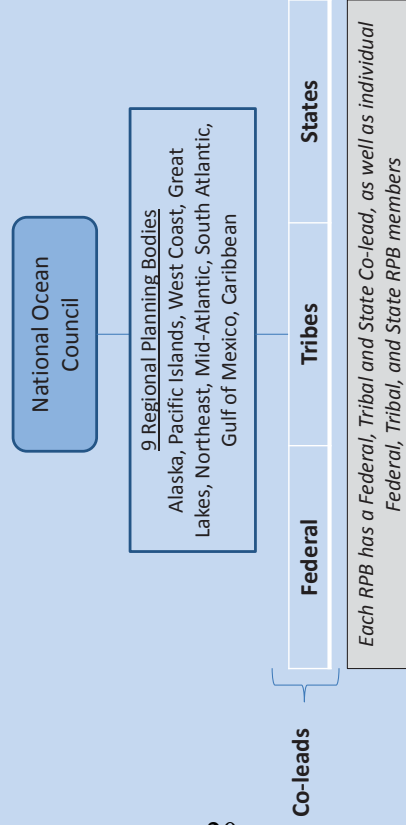
## Objectives

- Regional Planning Bodies
- Federal Composition of Regional Planning Bodies
- Role of GCC in Regional Planning Body Development

# CMSP Framework: A Regional Planning Process



## Regional Planning Bodies: Nature of the Planning Process



## Regional Planning Bodies: Membership

- **Representation from Federally-recognized Tribes**
- **Seek representation from all States with a region**
  - Ideally through or as part of Regional Ocean Partnerships, where they exist
- **RPB to determine:**
  - Ex-officio members from adjacent coastal states
  - Inland State members
  - Ex-officio members or observers from other Nations
- **NOC would prepare guidance for RPBs on consultative requirements for:**
  - Local governments
  - Indigenous community representatives
  - Regional Fishery Management Councils, including whether to extend RPB membership

## Regional Planning Bodies: Determination of Membership

- **Membership relevant to CMSP in a region**
  - E.g. resource management, including coastal zone management and fisheries management, science, homeland and national security, transportation, and public health
- **Appropriate level of responsibility** within their respective governing body to be able to make decisions and commitments throughout the process.

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## Regional Planning Bodies: Responsibilities

- **Development of coastal and marine spatial plans**, as per the Requirements of E.O. 13547 and The Final Recommendations
  - Plans would be developed following the Essential Elements of the Planning Process
  - Partners would commit in good faith to collaborative planning

## Regional Planning Bodies: Co-leadership

- Co-leads would guide and facilitate the timely progress of the CMSP process, but would not have final decision-making authority
- Perform administrative functions to fulfill RPB responsibilities
- The Federal co-lead, in consultation with the non-Federal co-leads and membership of their RPB, shall establish Regional Advisory Committees under FACA , as they deem necessary
- The Federal co-lead would perform the duties of the Designated Federal Official in managing such FACA bodies, including being responsible for any associated fiscal requirements.

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## Regional Planning Bodies: Federal Representatives

- One sole official representative for each Agency
- Subject-matter experts with sufficient seniority, authority, and expertise to represent their agencies on the RPBs and make decisions or commitments on their agency's behalf
- Participation (attend and contribute) by relevant sub-units of Agencies

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## Role of GCC in RPB development

- **Provide input on RPB composition**, including guidance for representation by States and Tribes (included in the Model Development Agreement)
- **Advise NOC on additional types of RPB representation** after National CMSP Workshop is convened in Spring
- **RPBs in conjunction with the GCC and the NOC will establish formal mechanisms or consultative processes** to engage entities with statutorily-mandated or quasi-regulatory bodies (e.g., RFMCs)
- **Work with NOC in developing a dispute resolution process** for CMSP

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## RPB Development Timeline

- **Finalize Federal Representation & Leadership on RPBs** *in coming weeks*
- **Model Development Agreement** *in process*
- **CMSP National Workshop in DC** *May 3-5*
- **GCC and NOC identify additional types of representatives** *Spring-Summer*
- **Establish RPBs** *in Summer*

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## Regional Planning Bodies

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# Questions ?

## *Model CMSP Development Agreement*

Inaugural GCC Meeting  
Washington, D.C.  
March 10, 2011

Jeff Luster  
Ocean Policy Advisor  
National Ocean Council

## Overview

- Requirements – E.O. 13547 and Final Recommendations
  - Purpose
  - Objectives
  - Background
    - Objectives
    - Background
    - Scope
    - Legal Authority
- Required Content
  - Partner Commitments
  - Rules and Procedures
    - Decision-making
    - Dispute Resolution
    - Membership
- Review and Approval Process
  - GCC Action

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## Requirements

*The development agreement would be an express commitment to work cooperatively to engage in CMSP and develop eventual CMS Plans, identify the regional planning body members for each of the partners, and define ground rules, roles, and responsibilities of the partners.* (p. 54, Final Recommendations)

- Purpose
- Objectives
  - Articulate the commitments of the Partners
  - Document the commitments of the Partners
- Background
  - Process oriented
    - Transparency
    - Iterative
  - Geographic scope for CMSP
  - Legal authority
    - U.S. Constitution
    - Federal statutes

*The agreement does not commit any Partner to agree to a regional CMS Plan.*

## Required Content

- Partner Commitments
  - CMSP national goals and principals
  - NOC guidance
  - Use of sub-regional approaches, as necessary
  - *ex officio* membership
  - Dispute resolution
  - CMSP Strategic Action Plan (SAP)
  - CMSP Work Plan
- Rules and Procedures
  - Decision-making
  - Dispute resolution
  - Membership
  - Selection of Co-Leads

## Review and Approval Process

- Deputy-level Committee Review and Comment
  - Guidance for State and Tribal representation
- GCC Review and Comment
- CMSP National Workshop
- Principal-level Committee Approval

*Questions?*

# Coastal and Marine Spatial Planning National Workshop

Inaugural GCC Meeting  
Washington, D.C.  
March 10, 2011

Andy Lipsky  
Ocean Policy Advisor  
National Ocean Council

## Objectives

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- Workshop Overview
- Content Development
- Participants
- Stakeholder/Public Participation
- Regional Workshops
- Role of GCC in Workshop Development

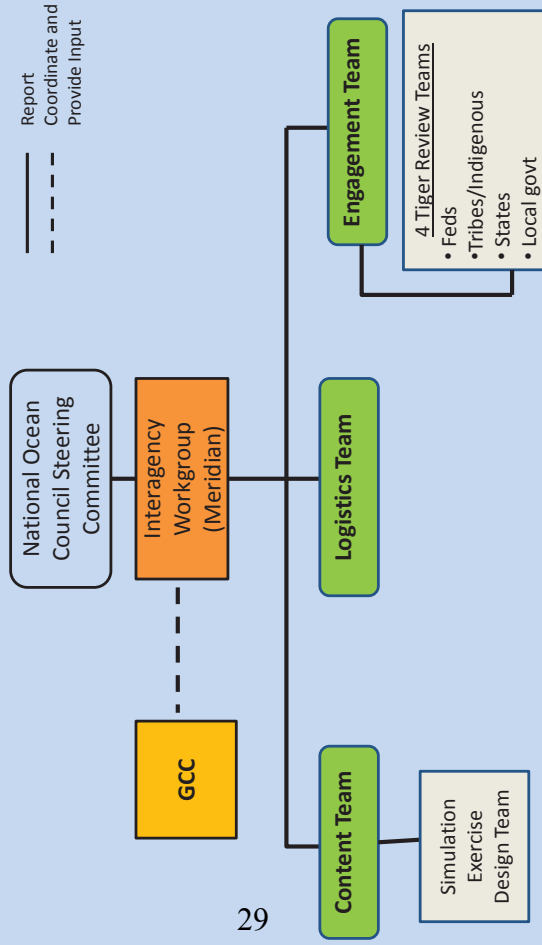
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## National CMSP Workshop: Overview

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- **May 3-5 in Washington, D.C.** at the Department of the Interior
- **NOC's flagship effort** to kick off CMSP Implementation in the U.S.
- **Bring together regional Federal, State, and Tribal authorities** who would participate on RPBs
- **Dedicated Public/Stakeholder Session**

## CMSP National Workshop: Planning



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## CMSP National Workshop: Objectives

- **Develop detailed understanding of CMSP** process and expectations as described in the Final Recommendations of the Interagency Ocean Policy Task Force
- **Build greater comprehension and support** for implementing CMSP in the United States
- **Create a “community” to carry forward a shared understanding** of the principles and objectives of CMSP through regional efforts
- **Identify key challenges, solutions, and collaborative strategies** for CMSP, including next steps for developing the tools, resources, and guidance materials to move forward with regional CMSP

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## CMSP National Workshop: Content Development

- **Providing Context**
  - Keynote Panel to set tone
  - Overview of CMSP approach described in Final Recommendations
  - Inform by Sharing Lessons Learned
- **Exploring Themes and Necessary Building Blocks of CMSP**
  - Roles, Responsibilities and Expectations of Regional Planning Bodies
  - Discuss NOC guidance, e.g. Model Development Agreement
- **Technical and Information**
  - Data, science, information and operational tools
  - National Information Management System
- **Simulation Exercise**
  - Hands on experience to explore key aspects of CMSP implementation in the context of a scenario
  - Break out groups
  - Build Regional relationships and Debriefings to identify questions and concerns

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## CMSP National Workshop: Participants

- Representatives from the existing regional ocean partnerships
- Senior level Federal, State, and tribal agency leaders, including those who might serve as Federal, tribal, and State co-leads of Regional Planning Bodies
- In other words, those who would drive the process, and who have authority to assess capabilities and capacity, as well as assign the assets necessary for successful CMSP development
- Interagency representatives that would participate on the PBs or contribute to CMSP development, including Regional Fishery Management Council representatives, local authorities, and indigenous community representatives
- The general public and stakeholders during a dedicated public session of the Workshop

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## CMSP National Workshop: Public/Stakeholder Session

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- Half to Full Day Session at front end of Workshop
- Webcast Event
- Currently being designed
- Purpose is to obtain input in a structured format and for Public and Stakeholders to better comprehend CMSP and NOP

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## CMSP National Workshop: Regional Workshops

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- Workshops in each of the nine regions
- Build off National Workshop to address region-specific issues
- Co-developed and Implemented in partnership with regional, State, tribal, and local partners
- Envision robust stakeholder participation and collaboration

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## CMSP National Regional Workshop: Timeline

- Design and Plan at National Workshop March 12-14 April
- Convene National Workshop May 12-15
- Once Federal PB Representatives and Co-leads identified begin regional workshop planning
- Convene a number of regional workshops in FY 2022

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## CMSP National Workshop: Role of NCCC

- Serve as members of the Interagency Planning Group to provide input into the CMSP Workshop Design
- Assist in identifying Participants
- Work with NOC and regions and provide input into the design of regional workshops

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## Questions

## National Ocean Council's Governance Coordinating Committee Ethics and Legal Briefing

Elaine Crowley, Attorney Advisor  
Office of Science and Technology Policy  
March 10, 2011



## Introduction

1. Federal Advisory Committee Act (FACA) and the Unfunded Mandates Reform Act of 1995 (UMRA)
2. Ethics
3. Freedom of Information Act (FOIA)



National Ocean Council

## Federal Advisory Committee Act

- With limited exceptions, advisory groups established or utilized by a Federal agency and comprised of at least one non-Federal employee are subject to FACA.
- FACA ensures that the advice produced by Federal advisory committees is objective and accessible to the public.



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## The Unfunded Mandates Reform Act Requirements

- UMRA is a narrow exemption to FACA.
- Governance Coordinating Committee (GCC) members must:
  - be an ***elected*** officer of a State, local, or tribal government (or a ***designee with the authority to act on behalf of an elected official***),
  - act in their ***official capacity***, and
  - only exchange ***views, information, or advice*** related to the management or implementation of the National Ocean Council's (NOC) National Ocean Policy and related matters



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## Non-Compliance With FACA

- It is critical that GCC members continue to comply with the **UMRA requirements during their tenure.**
  - ☐ GCC members must continuously satisfy UMRA requirements, otherwise the GCC will be required to comply with FACA.
  - ☐ If the GCC falls outside the UMRA exemption, neither the NOC nor the Federal government will be able to use any advice or work products produced by the GCC to make National Ocean Policy decisions.



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## Ethics Obligations

- GCC Members must follow the ethics requirements imposed on them by their State, local or tribal governments in their official capacities.



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## The Freedom of Information Act (FOIA)

- FOIA encourages Government accountability through transparency.
- Any information shared by a GCC member, that would otherwise be protected under State, local, or tribal Freedom of Information laws, is potentially subject to release to the public if a FOIA request is made.
  - ☐ GCC member to NOC
  - ☐ GCC member to any Federal agency



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# Conclusion

1. Federal Advisory Committee Act (FACA) and the Unfunded Mandates Reform Act of 1995 (UMRA)
2. Ethics
3. Freedom of Information Act (FOIA)



## **U.S. Regional Fishery Management Councils:**

**Decades of Knowledge and  
Experience in  
Coastal and Marine  
Spatial Planning**



More than 30 Years of Managing Fisheries in the U.S.

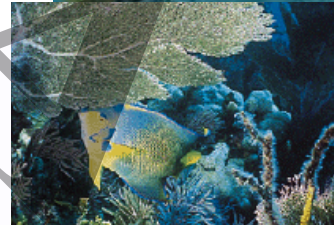
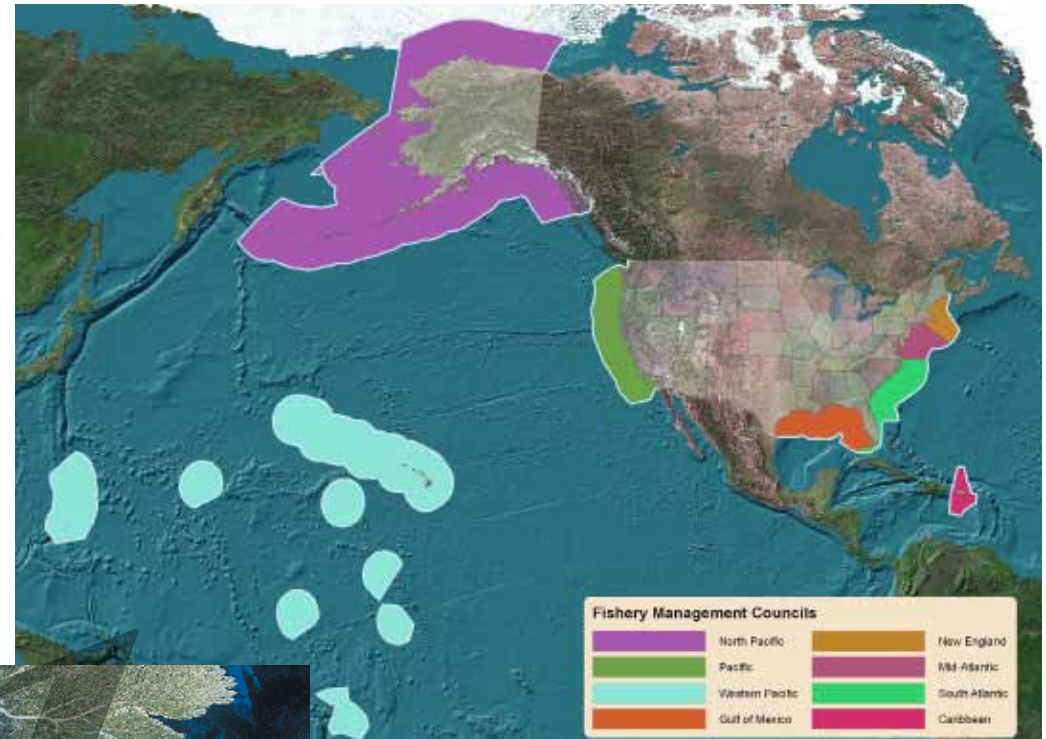
[www.fisherycouncils.org](http://www.fisherycouncils.org)

**F**or over 30 years, the eight Regional Fishery Management Councils have managed fisheries through a science-based, public process. Fishing has always been, and continues to be, the most broadly distributed human activity in U.S. waters.

**All eight Councils firmly believe that each Council must have a dedicated seat on the appropriate regional planning body.** The 2010 Final Recommendations of the Interagency Ocean Policy Task Force stated that the Coastal and Marine Spatial Planning bodies will provide a formal mechanism for consultation with the Councils on fishery-related issues in their areas. The Councils believe the most effective mechanism is a dedicated seat on each of the regional planning bodies. In putting their unparalleled experience to work over time, every Council has:

- Established special use or otherwise restricted zones in all U.S. coastal waters that comprise our country's exclusive economic zone (EEZ). These include areas that are both open and closed to fishing and that delineate essential fish habitat for all U.S. managed fish species, as well as habitat areas of particular concern for many of those species.
- Engaged with individual agencies and with regional planning bodies. The Councils have worked with their states, tribes, and local governments to develop regional ocean partnerships/alliances, and with a host of other entities to address coastal and marine spatial planning.
- Conducted hundreds of public meetings with a wide range of constituents in their respective regions – recreational and commercial fishing industry, processors, communities, tribal authorities and environmental and consumer groups. Through open, effective decision making, the Councils consider the input of thousands of resource users when planning for the future of fisheries.

**The Regional Fishery Management Councils have years of experience with marine spatial planning. We look forward to bringing that experience to the table.**



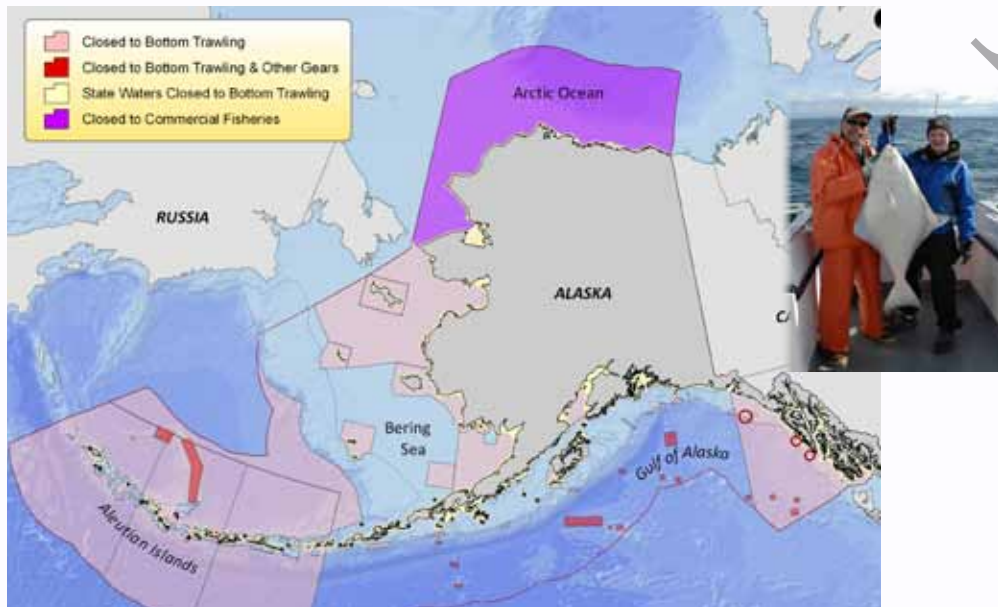
*"The Conservancy ... respectfully requests that the NOC provide a clear statement to agency staff and the nine CMSP regions affirming that each region has the flexibility to include Regional Fishery Management Councils (RFMC) as full members on future Regional Planning Bodies, and furthermore, that this is highly desirable."*

—Lynne Zeitlin Hale, Director  
Global Marine Initiative  
The Nature Conservancy

## North Pacific Fishery Management Council

The North Pacific Council uses marine spatial planning as an essential tool to manage its large-scale commercial groundfish fisheries in Alaska's one million mile EEZ. Areas are used to apportion effort and catch among discrete areas, to spatially separate different fisheries, and to protect sensitive habitat and vulnerable species from potential effects of fishing. The Council has established 251 individual marine conservation areas off the coast of Alaska. In some areas, bottom trawling has been prohibited. In other areas, such as seamounts, coral garden areas, and Steller sea lion rookery areas, all gear types have been prohibited, and the areas function as no-take marine reserves. The Council also developed a fishery ecosystem plan for the Aleutian Islands area that serves as a policy and planning document for this ecologically and historically unique ecosystem area. In 2009, the Council established a fishery management plan for the Arctic region, which prohibits all commercial fishing until sufficient scientific information is available. The Council also has over three decades of experience working with international planning groups (Regional Fishery Management Organizations, etc.) on broader marine spatial planning issues.

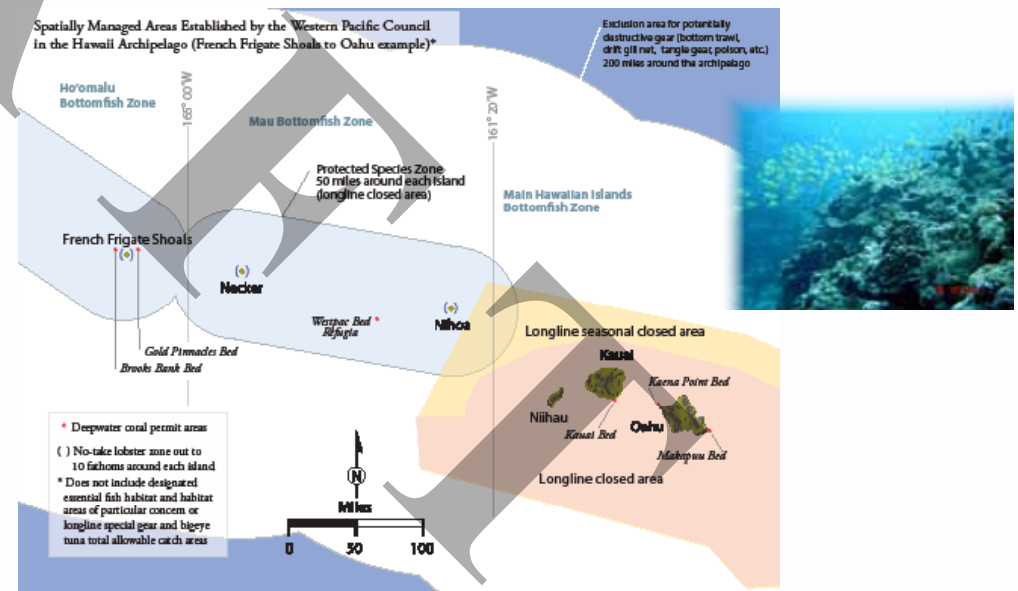
The Council has also established the Alaska Marine Ecosystem Forum to advance regional collaboration and enhance information exchange among 11 federal and four state agencies with jurisdiction over activities impacting marine waters. This group could be a starting point for development of a regional ocean planning body in Alaska.



## Western Pacific Fishery Management Council

The Western Pacific Council has used spatial tools to manage fisheries throughout its extensive 1.6-million-square-mile jurisdiction. It has delineated approximately 700 areas to protect lobster banks, precious coral beds, bottomfish and seamount grounds, coral reef ecosystems, insular and pelagic fish stocks, essential fish habitat, habitat areas of particular concern, and threatened and endangered species, as well as to mitigate gear conflicts and support traditional local fisheries. The Council has banned bottom trawling, drift gill netting, tangle nets, poison and other potentially harmful gear throughout the EEZ in the Western Pacific Region and has acted to ban purse seine fishing in the Marianas Archipelago and ban its use with fish aggregating devices in EEZ waters surrounding American Samoa and the US Pacific Remote Island Areas.

The Council has developed place-based Fishery Ecosystem Plans for the Hawaii, American Samoa, and Mariana (Guam and Commonwealth of the Northern Mariana Islands) Archipelagos; the Pacific Remote Island Areas; and the Pacific Pelagic Fisheries of the Western Pacific Region. It is a member on several international regional fishery management organizations, has organized and co-hosted four International Fishers Forums, and holds regular meetings with indigenous and fishing communities, village chiefs and mayors to enhance community involvement and consideration of traditional knowledge and other factors that have not typically been incorporated in contemporary fishery management.

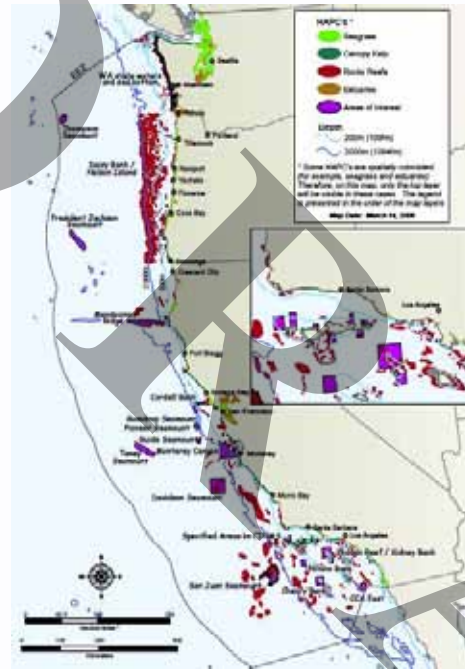


## Pacific Fishery Management Council

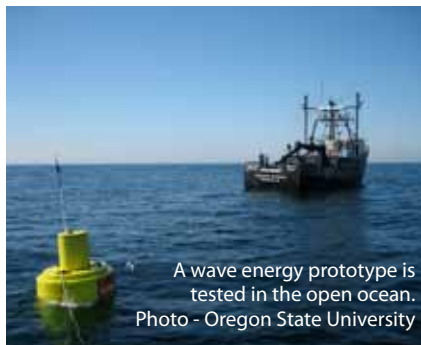
The Pacific Fishery Management Council develops regulations for the 317,690 square mile EEZ off of Washington, Oregon and California. The Council manages fisheries for about 119 species, including salmon, groundfish, coastal pelagic species and highly migratory species. The Council is also active in international fishery management organizations that manage fish stocks that migrate through the Council area.

The Pacific Council uses spatial management to minimize bycatch of overfished species, protect fish habitat, identify essential fish habitat for all managed fish species, and to take into account the needs of the many communities that rely on healthy West Coast fisheries. Spatial management will be increasingly integrated into Council management through ecosystem-based planning.

To protect overfished species such as cowcod and some rockfish species, the Council has created gear-specific closed areas. The Rockfish Conservation Areas are large-scale closed areas designed to prevent vessels from incidentally taking overfished rockfish by eliminating fishing when and where rockfish are likely to mix with healthier groundfish stocks.



The Council has designated broad areas as essential fish habitat for groundfish, coastal pelagic species, highly migratory species, and Pacific salmon. Over 50 discrete Essential Fish Habitat Conservation Areas have been created to protect groundfish. In addition, the Council tracks and comments on proposed offshore energy facilities, hydropower operations, and other non-fishing activities that have the potential to impact Council fisheries and communities.



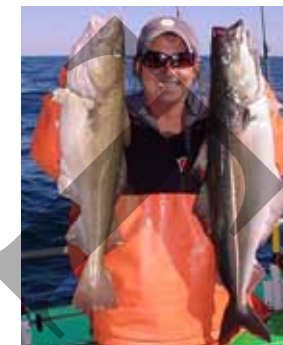
A wave energy prototype is tested in the open ocean.  
Photo - Oregon State University

## New England Fishery Management Council

In the Northeast, the New England Fishery Management Council develops rules for both large and small-scale commercial and recreational fisheries that operate between three and 200 miles off the region's 6,100 mile coastline. Its management authority extends to fishing grounds in the Gulf of Maine, Georges Bank and southern New England, and overlaps with the Mid-Atlantic Council for some species. Major ports include Portland, ME, Gloucester and New Bedford, MA, and Point Judith, RI.

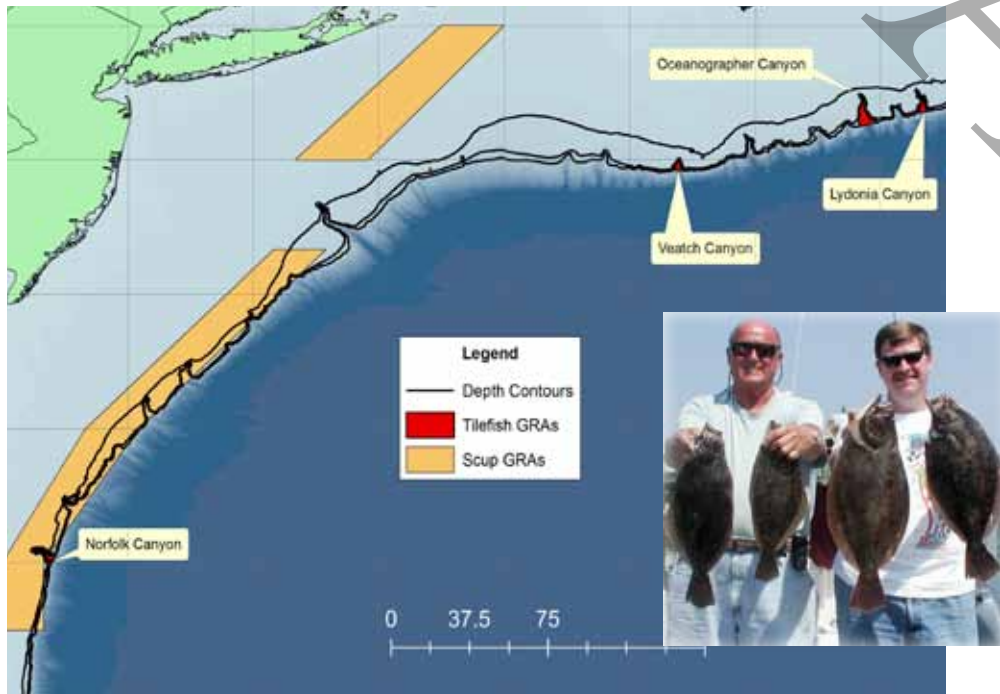
Beginning in 1994, the Council dramatically increased its use of and reliance on place-based management tools as a means of restricting fishing for conservation purposes, to enhance fish stock rebuilding and protect fish habitat from degradation associated with a number of marine-related activities. Currently, about 6,600 square miles of Georges Bank, an area about the size of Massachusetts, is closed to trawl and scallop dredge gear most of the year.

Roughly 1,700 square miles in the Gulf of Maine are closed to mobile gear that fishes on or near the sea floor. Rules in defined areas off the New England coast range from a complete prohibition on fishing activities, to closures for specific gear types or requirements to use modified gear in order to fish at all. Areas that protect harbor porpoise and the critically endangered right whales were delineated through a cooperative effort involving the Council, affected stakeholders and the National Marine Fisheries Service. They have been in effect for nearly two decades.



## Mid-Atlantic Fishery Management Council

The Mid-Atlantic Council has identified over 7,000 square miles of specific areas to protect sensitive habitat, reduce overfishing, and rebuild biomass for species under the Council's management authority. For example, to reduce the mortality of scup, the Council worked with stakeholders to identify a Northern and Southern Scup Gear Restricted Area associated with high discards and developed gear regulations to reduce this mortality. Also, habitat areas of particular concern (HAPC) were identified by the Council for summer flounder and tilefish. These areas are important because juvenile summer flounder use submerged aquatic vegetation for protection from predation and tilefish create habitat burrows from clay outcroppings. The Council established gear restricted areas to protect tilefish habitat by prohibiting mobile bottom tending fishing gear in Oceanographer, Lydonia, Veatch, and Norfolk Canyons. These areas were added to the national system of Marine Protected Areas in 2011. In addition, the surfclam and ocean quahog Fishery Management Plan developed by the Council allows for ocean areas to be closed to protect human health or small surfclams. During the past 35 years of clam management, areas as large as Georges Bank (11,000 + square miles) have been closed and reopened because of the possibility of paralytic shellfish poisoning or the presence of a large number of small clams.



## South Atlantic Fishery Management Council

From the Outer Banks of North Carolina to the shallow-water reefs off the Florida Keys, the South Atlantic Council has a long history of utilizing marine spatial planning when developing management measures for marine resources. The Council has defined regulated gear areas for fishing gear such as fish traps, bottom long-lines, and roller rig trawls to help manage more than 73 species of snappers, groupers, jacks and other fishes and to protect associated habitats such as hard bottom and corals. Seasonal spawning area closures and deepwater marine protected areas have also been established to help protect snapper and grouper species as they aggregate to reproduce. In 1984, the first deepwater protected area in the U.S. was designated approximately 15 miles off the central east coast of Florida to help protect deepwater coral from fishing gear impacts. The area, known as the Oculina Bank, was expanded in 1994, and now includes an Experimental Closed Area where managers study long-term impacts of area closures. Continued research and mapping of deepwater coral areas recently led to the designation of more than 23,000 square miles (about the size of West Virginia) of deepwater coral habitat off the coasts of the Carolinas, Georgia and eastern Florida as Coral Habitat Areas of Particular Concern.

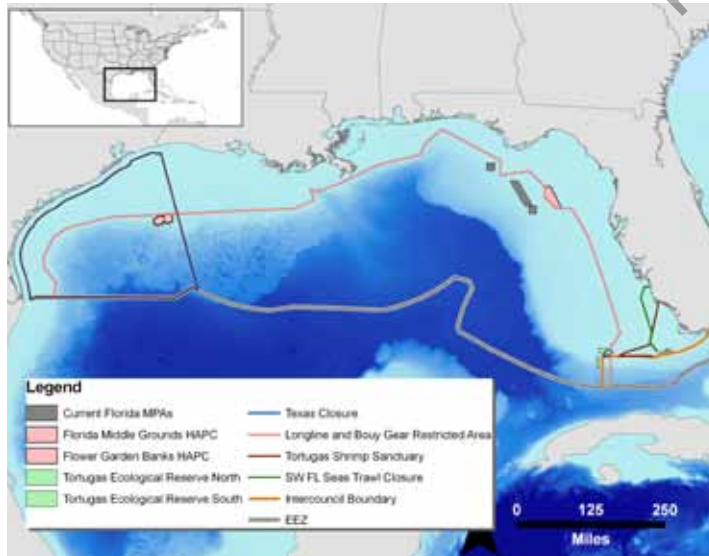
The Council works closely with other agencies and programs when developing management strategies that include the use of marine spatial planning. The Council also has developed alliances with the Southeast Aquatic Resource Partnership, South Atlantic Landscape Conservation Cooperative and the newly formed Governor's South Atlantic Alliance.



## Gulf of Mexico Fishery Management Council

In the Gulf of Mexico EEZ, marine protected areas are an important tool for the conservation and management of the region's resources, protecting more than 135,000 square miles of vulnerable habitat types and nursery areas from fishing activities. Certain gear types have been prohibited over large areas to reduce fishing mortality on juvenile fish and shrimp. Other areas containing sensitive benthic habitat have been identified as habitat areas of particular concern, where fishing is severely restricted. Some areas containing corals and coral reefs were considered so sensitive that the Council acted to protect them from all possible fishing impacts and prohibited all fishing in these marine reserves.

For example, the Council established bottom reef fish longline boundaries to prevent sea turtle interactions with fishing gear. Additionally, seasonal spawning area closures are in place for a number of reef fish species.



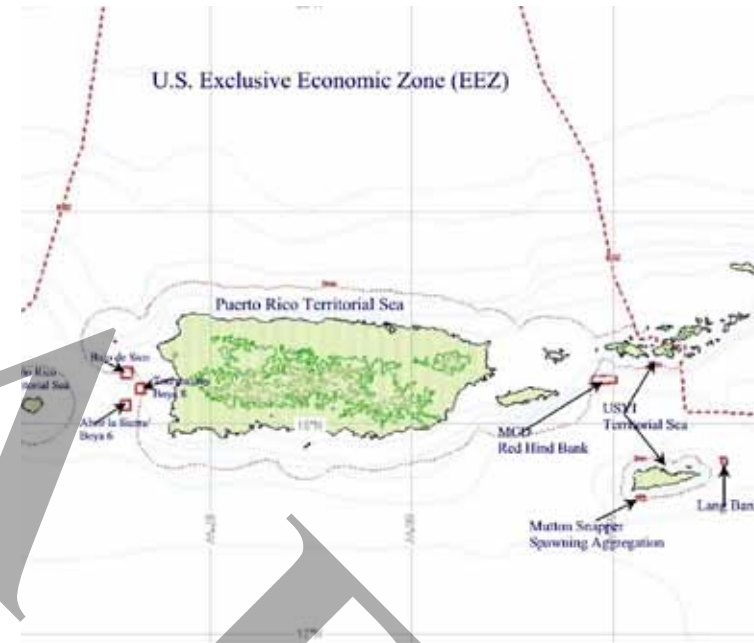
An annual shrimp closure, in cooperation with the State of Texas, helps to increase the yield of brown shrimp and eliminate waste of the resource caused by discarding undersized shrimp caught during a rapid growth period in their life cycle. The industry-supported closure results in larger shrimp at a higher market value.

The Council has also identified essential fish habitat, threats to EFH from fishing and nonfishing activities and options to conserve and enhance EFH. It is also working toward ecosystem-based management.



## Caribbean Fishery Management Council

The US Virgin Islands Marine Conservation District is a successful, 6.56 square mile, year-round no-fishing reserve area designed to protect a red hind spawning aggregation. Nassau groupers are also developing a new spawning aggregation in the reserve and fishermen have reported increasing catches of red hind in areas outside of the protected areas.



Based on this success, the Council, with the participation of fishers and scientists, has established other closed areas for the protection of spawning areas of groupers, snappers and other species in Puerto Rico and the U.S. Virgin Islands, such as Bajo de Sico and Abril la Sierra in the west coast of Puerto Rico.

Additionally, the Council has endorsed local government initiatives to work together to address marine spatial planning for the US Caribbean area. This mechanism will also work with neighboring countries interested in marine spatial planning. The leader of this effort is the Department of Natural and Environmental Resources of Puerto Rico.





**7.9 Billion**

total pounds of commercial landings by U.S. fishermen in 2009.

Source: Fisheries of the U.S.



**3,446,904**

square miles of federal waters managed by the Regional Fishery Management Councils.

Source: MPA Center



**Over 2 Million**

jobs generated by commercial and recreational fishing in the U.S.

Source: Fisheries of the U.S.



**\$11,051,345,543**

saltwater angler expenditures and retail sales in 2008.

Source: American Sportfishing Association



**Over 1,500**

individual spatial management areas established by the regional Councils.

Source: Regional Councils



**4.8 Billion**

pounds of seafood consumed by Americans in 2009.

Source: Fisheries of the U.S.



**74.7 Million**

recreational fishing trips on the Pacific, Atlantic, and Gulf coasts in 2009.

Source: Fisheries of the U.S.

*As the need for seafood grows, so do competing uses of the ocean such as marine aquaculture and ocean energy.*

*The future of marine spatial planning will play a pivotal role in maintaining and improving stewardship of the oceans.*

*The Regional Fishery Management Councils use sound science and are implementing ecosystem-based management to reduce conflicts among uses and preserve critical ecosystem services to meet economic and social objectives.*

*—Regional Fishery Management Councils*



North Pacific Fishery Management Council  
605 West 4th, Suite 306  
Anchorage, Alaska 99501  
[www.alaskafisheries.noaa.gov/npfmc](http://www.alaskafisheries.noaa.gov/npfmc)



Pacific Fishery Management Council  
7700 NE Ambassador Place, Suite 101  
Portland, Oregon 97220  
[www.pcouncil.org](http://www.pcouncil.org)



Western Pacific Fishery Management Council  
1164 Bishop Street, Suite 1400  
Honolulu, Hawaii 96813  
[www.wpcouncil.org](http://www.wpcouncil.org)



New England Fishery Management Council  
50 Water Street, Mill 2  
Newburyport, MA 01950  
[www.nefmc.org](http://www.nefmc.org)



Mid-Atlantic Fishery Management Council  
800 N. State Street, Suite 201  
Dover, DE 19901  
[www.mafmc.org](http://www.mafmc.org)



South Atlantic Fishery Management Council  
4055 Faber Place Drive, Suite 201  
North Charleston, SC 29405  
[www.safmc.org](http://www.safmc.org)



Gulf of Mexico Fishery Management Council  
2203 N. Lois Avenue, Suite 1100  
Tampa, FL 33607  
[www.gulfcouncil.org](http://www.gulfcouncil.org)



Caribbean Fishery Management Council  
268 Muñoz Rivera Avenue, Suite 1108  
San Juan, Puerto Rico 00918-1920  
[www.caribbeanfmc.com](http://www.caribbeanfmc.com)

The eight regional fishery management councils were established by the Magnuson-Stevens Fishery Conservation and Management Act in 1976 to manage fisheries in federal waters of the 200-mile Exclusive Economic Zone. The Councils develop management plans for the fisheries within their respective regions.

Councils are composed of federal and state fishery agency representatives and private citizens nominated by state governors and appointed by the Secretary of Commerce. The Councils make decisions through a collaborative, open, and transparent process based on best available science and with extensive stakeholder input.

The Councils' objectives are to promote sustainable fisheries and to reduce user conflicts and environmental impacts using spatial management and other regulatory measures.

[www.fisherycouncils.org](http://www.fisherycouncils.org)



# **National Ocean Council**

## **Plan for Coastal and Marine Spatial Planning Workshop Implementation**

## PLAN FOR NATIONAL AND REGIONAL COASTAL AND MARINE SPATIAL PLANNING WORKSHOPS

The Final Recommendations of the Interagency Ocean Policy Task Force (Final Recommendations) call for a “National Workshop and CMSP Simulation Exercise” to facilitate development of the Strategic Action Plan on Coastal and Marine Spatial Planning (CMSP) due in nine months, and the coastal and marine spatial plans due within five years. The National Workshop and additional regional workshops will aim to educate and learn from participants on the process and the implementation of regionally-based CMSP. An interagency workshop planning group (planning group) developed the initial plan described below for organizing and convening the National Workshop, Simulation Exercise, and regional workshops.

**The National Ocean Council will host a three day National CMSP Workshop and Simulation Exercise in Washington D.C. in the Spring of 2011, followed by nine additional one or two day regional workshops.**

The purpose of the National Workshop will be to provide an opportunity for managers, at the Federal, State, tribal, and local level, to learn about CMSP, including by participating in an exercise designed to simulate a real-world planning exercise, and to begin to develop a shared understanding of what CMSP is under the National Ocean Policy. Although the workshop will be intended primarily for managers, we have also built in opportunities for public participation. The regional workshops will build upon progress and guidance established at the National workshop and provide a foundation for developing, articulating, and meeting the needs of the individual regions. Regional workshops will be scheduled within twelve months of the National Workshop and staggered to accommodate the different stages of the regions in building their capabilities to implement CMSP. While there will be many commonalities among the regional workshops, we expect the design and the scope of the workshops to be regionally tailored and relevant.

The success of CMSP will hinge on effective engagement of outside groups and experts. Their involvement will lead to a more informative discussion, provide credibility to the process, and generate “buy-in” that will encourage robust results. The National Workshop, which includes a CMSP Simulation Exercise, will be the first major opportunity to showcase the engagement and participation of States, tribes, and regional partnership representatives in the work of the National Ocean Council (NOC), as well as demonstrate the Administration’s commitment to open and transparent processes.

The NOC’s workshop planning group will solicit input into the design and development of the National and regional workshops through the NOC’s Governance Coordinating Committee, Regional Ocean Partnership representatives, States and tribal representatives with experience in coastal and ocean planning, and other Federal representative groups and Federal contacts in the regions. Workshop planners will also draw from existing contacts with academics, scientists, environmentalists, ocean policy, transportation, industry, security experts, and other expert stakeholders to solicit input into the National Workshop and the Simulation Exercise in order to identify the tools and approaches for ensuring success.

# National Ocean Council: Workshop Plan

In addition, the NOC will develop a dedicated public session during the National Workshop to promote transparency and meaningful stakeholder and public engagement.

## NATIONAL WORKSHOP

The workshop will be an opportunity for managers, at the Federal, State, tribal, and local level, to learn about CMSP, and to begin to develop a shared understanding of what CMSP is under the National Ocean Policy. This will be the NOC's "flagship" effort to kick off CMSP implementation and the first step in building momentum towards developing effective and meaningful regional CMS Plans for our Nation's ocean, coasts, and Great Lakes. The National Workshop will provide an overview of the CMSP process, present an opportunity to bring together future CMSP practitioners from across the Nation, and help set-the-stage for the follow-on, locally-tailored regional workshops.

The workshop will have three primary objectives, including

- Building comprehension and support to implement CMSP and create a "community" to carry forward a shared understanding of the principles and objectives of CMSP through execution of the regional workshops and regional planning efforts.
- Developing detailed understanding of the CMSP process and expectations described in the Final Recommendations. The participants will share lessons learned through experience with CMSP implementation, thereby building an understanding of how the U.S. CMSP process can benefit from and/or will differ from other CMSP efforts.
- Identifying challenges, solutions, and collaborative strategies for CMSP, and the next steps necessary for developing the tools, resources, and guidance materials to move forward with regional CMSP.

Participants attending the workshop will include:

- Representatives from the existing regional ocean partnerships.
- Senior-level Federal, State, and tribal agency leaders, including those who might serve as Federal, tribal, and State co-leads of Regional Planning Bodies (RPB). In other words, those who would drive the process, and who have authority to assess capabilities and capacity, as well as assign the assets necessary for successful CMSP development.
- Interagency representatives that would participate on the RPBs or contribute to CMSP development, including Regional Fishery Management Council representatives, local authorities, and indigenous community representatives.
- The general public and stakeholders during a dedicated public session of the Workshop.

## NATIONAL SIMULATION EXERCISE

The NOC will invite a group of Federal, State, tribal, and local representatives to participate in a simulation exercise to explore the essential elements of the CMSP process, build national and regional understanding of its value, and help form the curriculum for subsequent exercises in the regions. The exercise will simulate a CMSP planning effort for a real or imagined region in the United States. Participants will be taken through the CMSP process, including:

# National Ocean Council: Workshop Plan

- Exploring how CMSP actors and constituents would address establishing objectives for planning;
- Examining various coastal and marine issues and demonstrating how a regional dispute resolution mechanism might be utilized to resolve them; and
- Identifying measures to evaluate alternatives and progress towards achieving objectives and CMS Plan goals.

The exercise will utilize small groups and draw from several possible designs:

- a) Process Illustration: Provide each breakout group with a specific task illustrating a different part of the CMSP process to demonstrate how CMSP would work as a planning process from start to finish.
- b) One Scenario: Provide one single simulation scenario to all of the small working groups to illustrate how different groups can come out with different solutions even when presented with the same hypothetical scenario.
- c) Several Scenarios: Provide a different simulation scenario to all of the small working groups to illustrate the variety of solutions possible with CMSP.

Federal agency representatives will develop and instruct the simulation, and, as necessary, will draw upon contractors with expertise in traditional regional planning, CMSP, and academics familiar with role-playing exercises. The planning group will design the exercise and develop associated materials while a professional facilitator will lead the exercise and will participate on the planning group.

## REGIONAL WORKSHOPS

The NOC will hold one- to two-day workshops in each of the nine regions. The workshops will build off the National Workshop, and address region-specific issues. These workshops will be co-developed and implemented in partnership with regional, State, tribal, and local partners to foster regional ownership and build momentum for successful implementation of CMSP. The planning group will develop the agendas collaboratively with potential RPB members, partners, and other ocean, coastal and Great Lakes stakeholders to ensure the workshops are regionally-relevant.

The objectives of the regional workshops include:

- Building comprehension and support for implementation of CMSP.
- Creating a “community” that can carry a shared understanding forward.
- Sharing lessons learned from experiences with CMSP implementation, and ensure understanding of how the U.S. CMSP process can benefit from and/or will differ from other CMSP efforts.
- Identifying challenges and solutions for regional CMSP development, and next steps to develop the tools, resources, and guidance materials that will be essential for the regions to move forward with CMSP.
- Delving deeper into issues/questions identified in the National Workshop.

## TARGET AUDIENCE AND PARTICIPANTS

The planning group will provide more specific details regarding regional workshop participants and will be working with regional Federal, State and tribal representatives to develop the invitee lists. The following criteria are suggested:

- a) Members of existing regional ocean partnerships.
- b) Regional, State and tribal representatives, including any potential State and tribal co-leads of the RPB
- c) Stakeholders and representative interest groups that have a vested interest in CMSP, specific to each region, including those previously engaged in Task Force round tables and the Task Force's regional public hearings.
- d) Interagency representatives that will be implementing regional and National CMSP actions, including potential Federal co-leads of the regional planning body.
- e) Regional partners that have a vested interest in CMSP (e.g., representatives from academic institutions, NGO's, scientific organizations, and sector interests).

# NOAA's Coastal and Marine Spatial Planning Program

Presented to  
Pacific Fishery Management Council  
April 9, 2011



# Creating a National Ocean Policy

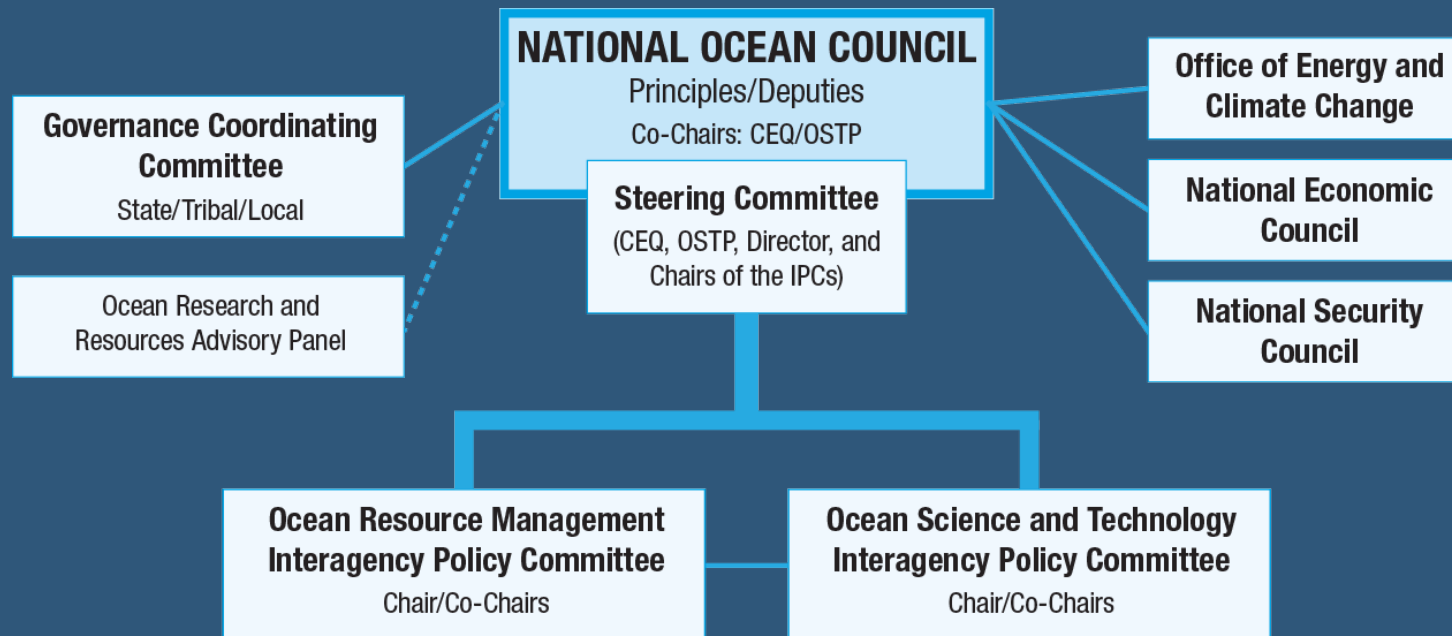
- National Ocean Policy
- National Ocean Council
- 9 National Priority Objectives
- Framework for Coastal and Marine Spatial Planning (CMSP)



THE WHITE HOUSE COUNCIL ON ENVIRONMENTAL QUALITY

*Final Recommendations  
Of The  
Interagency Ocean Policy  
Task Force  
July 19, 2010*

# National Ocean Council



Working groups could be retained or established as standing or ad hoc Sub-Interagency Policy Committees (IPCs): e.g., Coastal and Marine Spatial Planning, Ocean Acidification, Ocean Observations, Mapping, Ocean Education, Climate Resiliency and Adaptation, Regional Ecosystem Protection and Restoration, Water Quality and Sustainable Practices on Land, and Arctic.

The Extended Continental Shelf Task Force and other designated interagency committees, as appropriate, would report to the Steering Committee and coordinate with the two IPCs.



# National Ocean Policy

## Nine National Priority Objectives





# Defining CMSP

## What

- A comprehensive, adaptive, integrated, ecosystem-based, and transparent planning process, based on sound science, for analyzing current and anticipated uses of ocean, coastal, and Great Lakes areas.

## How

- CMSP identifies areas most suitable for various types or classes of activities in order to reduce conflicts among uses, reduce environmental impacts, facilitate compatible uses, and preserve critical ecosystem services to meet economic, environmental, security, and social objectives.

## Why

- In practical terms, CMSP provides a public policy process for society to better determine how the ocean, coasts, and Great Lakes are sustainably used and protected - now and for future generations.





# National and Regional Levels

- National Guidance and Support
- Regional Action and Focus
- Stakeholder Involvement Throughout the Process



# Current National Level CMSP Activities

- National Workshop and Simulation Exercise will be held in June 2011
- Formation of the Governance Coordinating Committee (GCC)
  - State, Local, and Tribal Representatives Announced on February 23<sup>rd</sup>
- Formation of Regional Planning Bodies (RPBs)
- Strategic Action Plan Development
- National Information Management System & Prototype Data Portal

# CMSP: A Regional Planning Process

## Regional Planning Bodies

State, Tribal, and Federal representatives with authorities relevant to CMSP

## CMSP Process

CMS Plan

### Coordination/Engagement

- Local Authorities
- Indigenous Community Reps

### Consultation

- Fishery Management Councils

### Engagement

- Stakeholders
- Scientists & Technical Experts
- Public



# Formation of Regional Planning Bodies

## When

- Formed after the National CMSP Workshop is held in June 2011

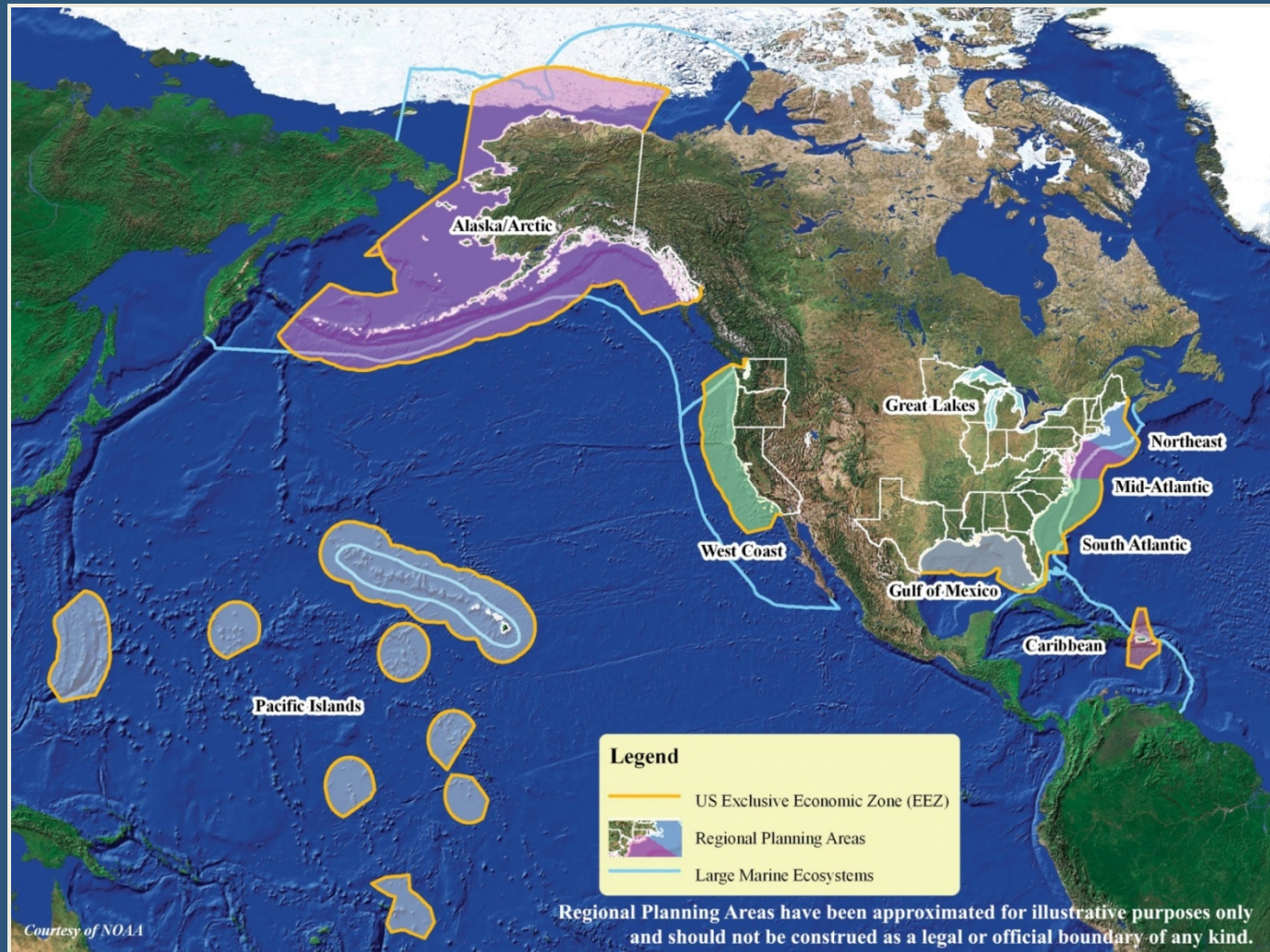
## Membership

- Federal, State, and Tribal Representation
- Each RPB will have a Federal co-lead, and a State and Tribal co-lead

## What

- Each RPB will prepare and implement a unique CMS Plan for their region
- CMSP Process will be stakeholder-informed, engaging local, state, regional, and tribal entities

# Regional Focus





# Regional Ocean Partnership Grants

- Proposals were received from all nine regions for the FY11 announcement
- Proposals have undergone merit review
- Announcements, pending appropriations, will be made in Fall 2011
- FY 12 funding announcement is expected to be out this summer



# President's Budget Request

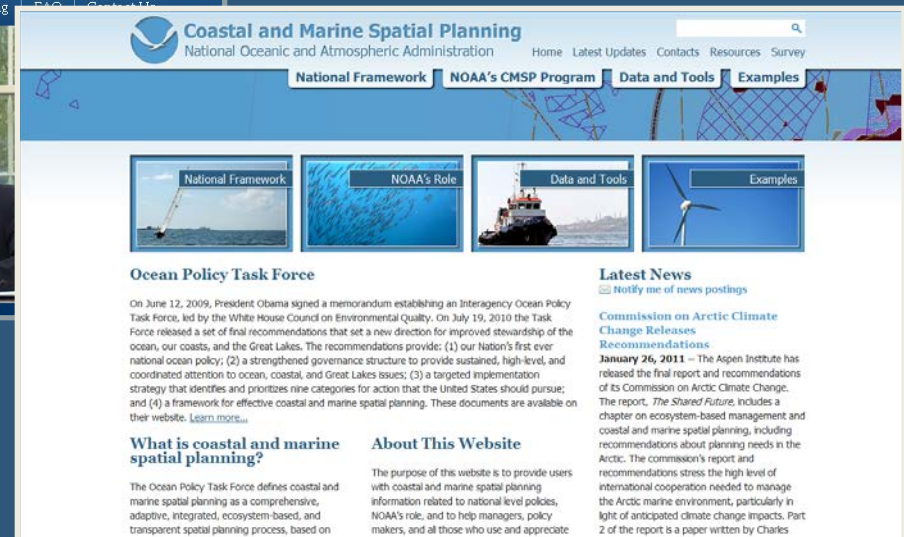
**\$6.77M for NOAA  
CMSP Program Implementation**

**\$20M for Regional Grants  
(FY'11/'12)**

Despite budget uncertainty – NOAA is still committed to moving forward with the implementation of CMSP as directed by the Executive Order

# For More Information

# www.whitehouse.gov/oceans



# www.cmssp.noaa.gov

*NOAA's Coastal and Marine Spatial Planning Program*





# “P” is for planning, not zoning

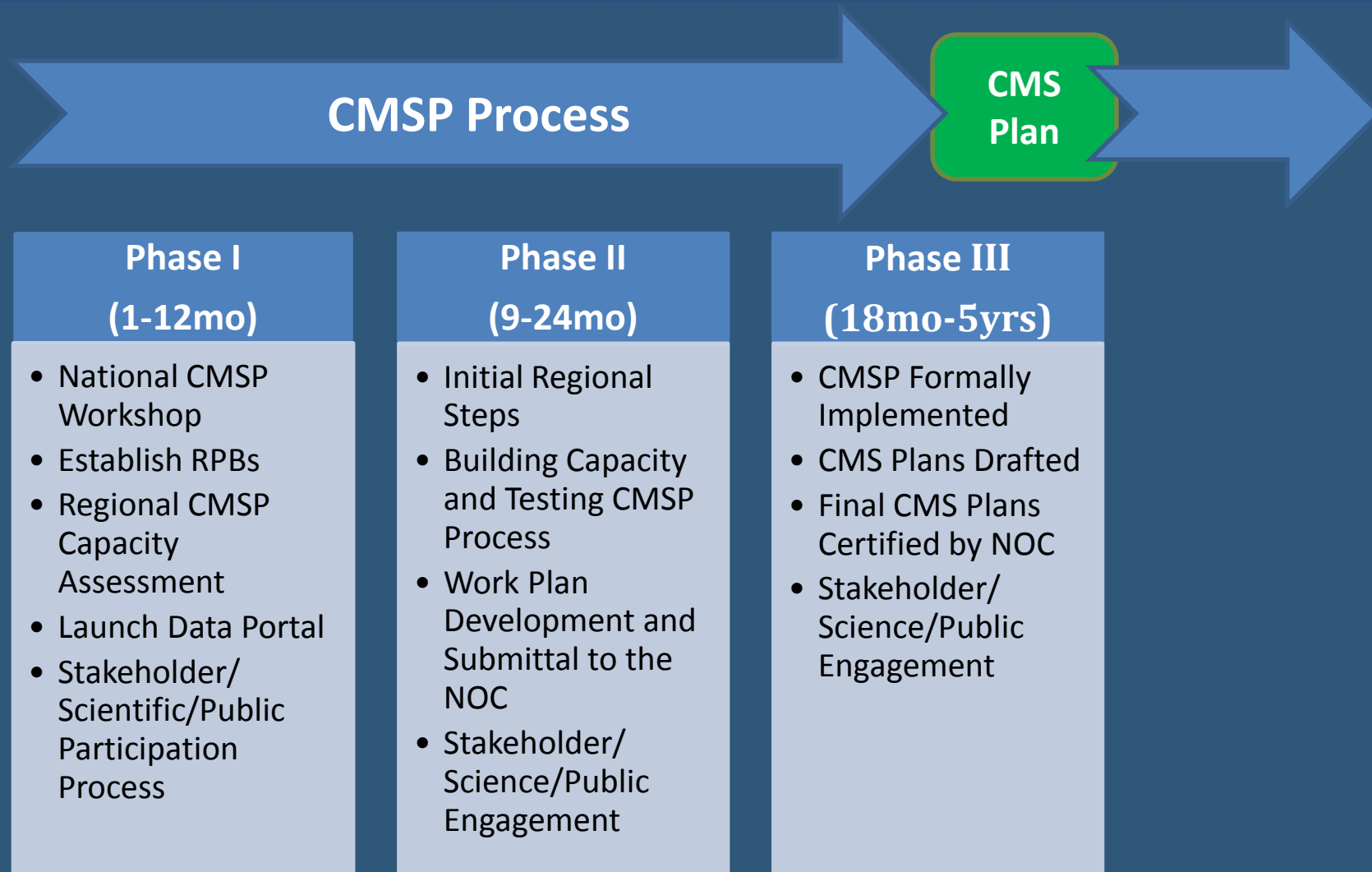
- CMSP is a proactive **PLANNING** process that gathers information and identifies issues before decisions have to be made.
  - CMS plans themselves will not contain regulations and are not “ocean zoning”
- Zoning defines specific areas where uses are controlled, restricted or limited using statutory or regulatory authority.

# Key Elements of CMSP

- Balance Ocean Health and Community Prosperity
- Fair and Open Process for All Stakeholders
- Make Decisions Based on the Best Available Science
- Respect the Unique Character of Each U.S. Region



# Framework: A Regional Planning Process





# Existing Regional Ocean Partnerships

## **Northeast:**

Northeast Regional Ocean Council (NROC)

## **South Atlantic:**

South Atlantic Alliance (SAA)

## **West Coast:**

West Coast Governors' Agreement (WCGA)

## **Gulf of Mexico:**

Gulf of Mexico Alliance (GOMA)

## **Mid-Atlantic:**

Mid-Atlantic Regional Council on the Ocean (MARCO)

## **Great Lakes:**

Council of Great Lakes Governors

HABITAT COMMITTEE REPORT ON  
MARINE SPATIAL PLANNING UPDATE

The Habitat Committee (HC) heard an update on marine spatial planning. The HC believes that because of the Council's congressionally mandated responsibility for essential fish habitat, the Council should serve on the spatial management planning body for the West Coast.

PPMC  
04/09/11

## LEGISLATIVE MATTERS

The Pacific Fishery Management Council's Legislative Committee meeting and Agenda Item E.2 Legislative Matters were cancelled.

PFMC  
3/25/2011

## APPROVAL OF COUNCIL MEETING MINUTES

The draft minutes for the April 2010 Council meeting are provided in Attachment 1 for your review and approval.

The full record of each Pacific Fishery Management Council (Council) meeting is maintained at the Council office, and consists of the following:

1. The proposed agenda (available online at <http://www.pcouncil.org/resources/archives/briefing-books/>).
2. The approved minutes (available online at <http://www.pcouncil.org/council-operations/council-meetings/past-meetings/>). The minutes summarize actual meeting proceedings, noting the time each agenda item was addressed and identifying relevant key documents. The agenda item summaries consist of a narrative on noteworthy elements of the gavel-to-gavel components of the Council meeting and summarize pertinent Council discussion for each Council Guidance, Discussion, or Action item, including detailed descriptions of rationale leading to a decision and discussion between an initial motion and the final vote.
3. Audio recordings of the testimony, presentations, and discussion occurring at the meeting. Recordings are labeled by agenda number and time to facilitate tape or CD-ROM review of a particular agenda item (available from our recorder, Mr. Craig Hess, Martin Enterprises, phone [360] 425-7507).
4. All written documents produced for consideration at the Council meeting, including (1) pre-meeting briefing book materials, (2) pre-meeting supplemental briefing book documents, (3) supplemental documents produced or received at the meeting, validated by a label assigned by the Council Secretariat and distributed to Council Members, and (4) public comments and miscellaneous visual aids or handout materials used in presentations to Council Members during the open session (available online at <http://www.pcouncil.org/council-operations/council-meetings/past-meetings/>).
5. A copy of the Council Decision Document. This document is distributed immediately after the meeting and contains very brief descriptions of Council decisions (available online at <http://www.pcouncil.org/resources/archives/council-meeting-decisions/>).
6. A copy of Pacific Council News. Refer to the Spring Edition for March and April meetings; the Summer Edition for the June meeting; the Fall Edition for the September meeting; and the Winter Edition for the October-November Council meeting (available online at <http://www.pcouncil.org/resources/archives/newsletters/>).

### **Council Action:**

1. **Review and approve the draft April 2010 Council meeting minutes.**

Reference Materials:

1. Agenda Item E.3.a, Attachment 1: Draft Minutes: 203<sup>nd</sup> Session of the Pacific Fishery Management Council.

Agenda Order:

- a. Council Member Review and Comments
  - b. **Council Action:** Approve April 2010 Council Meeting Minutes
- Mark Cedergreen

PFMC  
03/22/11

**DRAFT MINUTES**  
**203<sup>rd</sup> Session of the**  
**Pacific Fishery Management Council**  
April 9-15, 2010  
**Sheraton Portland Airport Hotel**  
8235 NE Airport Way, Portland, OR 97220  
Telephone (503) 281-2500

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## **A. Call to Order**

### **A.1 Opening Remarks and Introductions**

Chairman Dave Ortmann called the 203<sup>rd</sup> plenary session of the Pacific Fishery Management Council to order at 11:15 a.m. on Saturday, April 10, 2010. A closed session was held from 10:30 to 11:00 a.m.

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

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

Mr. William L. “Buzz” Brizendine (At-Large)  
Mr. Mark Cedergreen, Vice Chairman (Washington Obligatory)  
Mr. Brian Chambers (US Coast Guard, non-voting, designee)  
Ms. Michele Culver (Washington State Official, designee)  
Mr. David Crabbe (California Obligatory)  
Mr. Mark Helvey (National Marine Fisheries Service, Southwest Region)  
Ms. Dorothy Lowman (Oregon Obligatory)  
Mr. Jerry Mallet (State of Idaho Official)  
Mr. Rod Moore (At-Large)  
Mr. Dale Myer (At- Large)  
Mr. Dave Ortmann, Chairman (Idaho Obligatory)  
Mr. Tim Roth (US Fish and Wildlife Service, non-voting)  
Mr. David Sones (Tribal Obligatory)  
Ms. Marija Vojkovich (State of California Official, designee)  
Mr. Gordon Williams (State of Alaska Official, non-voting)  
Mr. Steve Williams (State of Oregon Official)  
Mr. Dan Wolford, Vice Chairman (At-Large)

The following Council members and/or designees were present for portions of the meeting:

Mr. Phil Anderson (Washington State Official)  
Dr. Dave Hanson, Parliamentarian (Pacific States Fisheries Commission, nonvoting)  
Mr. Frank Lockhart (National Marine Fisheries Service, Northwest Region)

The following Council members and/or designees were absent for the entire meeting:

Mr. David Hogan (US State Department, non-voting)

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

Dr. McIsaac provided a brief report to the Council, referring them to the two informational reports (US Fish and Wildlife Service Mass Salmon Marking Report and the update on West Coast Hydrokinetic Energy Projects).

#### **A.4 April 2010 Agenda**

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

Mr. Rod Moore moved and Mr. Steve Williams seconded a motion (Motion 1) to approve the Council Agenda as provided in Agenda Item A.4, Proposed Council Meeting Agenda. Motion 1 carried unanimously.

#### **B. Open Comment Period**

##### **B.1 Comments on Non-Agenda Items**

###### **B.1.a Management Entity and Advisory Body Comments**

None.

###### **B.1.b Public Comments**

Mr. Ben Enticknap, Oceana, Portland, Oregon. Presented Agenda Item I.1.b, Supplemental Public Comment 2.

Mr. Duncan MacLean, Half Moon Bay, California. Spoke to his concern about National Oceanic and Atmospheric Administration's (NOAA) ocean aquaculture definitions.

Mr. Mike Pettis, Newport, Oregon. Presented Agenda Item I.1.b, Supplemental Public Comment 1 (concerning increasing vessel length).

Mr. Bernie Norviell, Fort Bragg, California. Spoke to the catch shares program and how it negatively affects his community. The fleet has zero yelloweye and needs a re-allocation of overfished species.

Ms. Michele Norviell, representing Fort Bragg, California fleet. Asked about reallocation of the overfished species to alleviate the problem with yelloweye.

Mr. Barry Cohen, fisherman/processor, Avila Beach, California. Spoke about the yelloweye problem of a zero initial allocation.

Mr. Steve Bodnar, Coos Bay, Oregon. Spoke about the implementation of the trawl rationalization program and the problem of the inadequate amount of bycatch quota to be able to land the harvestable quota. The adaptive management program may help this some, but he is still not supportive of the program.

Mr. Pierre Marchand, Jesse's Ilwaco Fish Company, Ilwaco, Washington. Opposed to the catch share (IQ) program; too expensive to get in for the younger generation. A person cannot enter into this business and it will grant ownership of the resource to exclusive individuals.

Ms. Micah Cenci. Spoke about her recent fishing trip and showed pictures. Thanked Council for their management.

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

None.

## **C. Enforcement Issues**

### **C.1 U.S. Coast Guard Annual West Coast Fishery Enforcement Report**

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

Mr. Jim Seger provided the agenda item overview.

#### **C.1.b U.S. Coast Guard Fishery Enforcement Report**

LCDR Brian Chambers and Mr. Brian Corrigan provided a PowerPoint presentation (on website).

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

None.

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

None.

#### **C.1.e Council Discussion**

None.

## **D. Marine Protected Areas**

### **D.1 Update on Olympic Coast National Marine Sanctuary (OCNMS) Management Plan Review**

#### **D.1.a Agenda Item Overview (2 p.m.)**

Mr. Kerry Griffin provided the agenda item overview.

#### **D.1.b Report of the OCNMS**

Ms. Carol Bernthal and Ms. Lauren Bennett provided an update on the status of the OCNMS management plan review. Ms. Bernthal referenced a letter from the OCNMS to Chairman Ortmann which provided further information on a draft set of 20 preliminary action plans under consideration by the sanctuary. The preliminary plans fall roughly into five categories: management, research and monitoring, education and outreach, conserving natural resources, and cultural and socio-economic resources. The OCNMS is considering changes to its regulations which address discharge from cruise ships and clarifying the intent of the term “traditional” fishing. They are not considering any regulation changes that would manage fishing activities. The draft action plans should be issued for public comment in early 2011.

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

Mr. Joel Kawahara provided Agenda Item D.1.c, Supplemental HC Report.

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

Mr. Ben Enticknap, Oceana, Portland, OR. Provided a PowerPoint presentation (available on website).

#### **D.1.e Council Action: Provide Comments and Recommendations**

Mr. Griffin and Ms. Bernthal clarified that the Council could provide recommendations on the action plans which are available on the OCNMS website. A 60-day comment period for the draft management plan as a whole will be in early 2011.

Ms. Culver and Mr. Cedergreen complimented the OCNMS on the intensive and open review process which has included a lot of discussions with the state and the coastal treaty tribes.

Mr. Sones asked Ms. Bernthal if there were any proposed aquaculture programs within the sanctuary. Ms. Bernthal said no, to date this has not been a major issue for them. The current regulations deny that type of activity.

### **E. Habitat**

#### **E.1 Current Habitat Issues (2:40 p.m.)**

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

Ms. Jennifer Gilden provided the agenda item overview.

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

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

##### **E.1.c Reports and Comments of Agencies and Advisory Bodies**

None.

##### **E.1.d. Public Comment**

Mr. Jim Hie, Pacific Conservation Council, Napa, CA.

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

Ms. Culver asked Mr. Helvey about the Reedsport wave energy project. Would this proposed action trigger a National Marine Fisheries Service (NMFS) consultation with Federal Energy Regulatory Commission (FERC), independent of the Council process, and relative to more than just the salmon Fishery Management Plans (FMPs)? Mr. Helvey said he believed so. He said the consultation would be on everything: essential fish habitat, protected resources, and marine mammals.

Mr. Moore said there would be a Section 7 consultation on the Endangered Species Act (ESA) and the species managed under the various FMPs. Is it FERC's obligation to contact NMFS, or NMFS' obligation to contact FERC? Mr. Helvey said that consultation usually begins with the action agency (FERC in this case). Mr. Helvey added that if NMFS is aware of activities and has not been notified of them, it will contact the action agency.

Regarding the proposed letter on Sacramento water use, Mr. Helvey said NMFS believes the letter should be directed to the regional administrator of the Bureau of Reclamation (BOR) in Sacramento, with a copy to the director. He did not feel it needed to go the Secretary of the Interior. In paragraph three, the word “violation” is a little strong.

Mr. Roth said United States Fish and Wildlife Service (USFWS) had internal discussions on the letter, and believed it was important for the letter to go out and to have a positive tone. We do not want to disrupt interagency cooperation, or be negative. It is disappointing that OMB asked for this review of the Sacramento basin salmon doubling program; the review took place, but there has not been a response from the two agencies (USFWS and BOR). We would like to have a response to that review. He said he was willing to have the letter sent to the regional level of BOR first. The Council needs to hear BOR’s response to that independent review.

Regarding the “cc” list for the Sacramento letter, Dr. McIsaac asked legal counsel if we could include a member of Congress as a “cc” in a copy of a letter to an agency. Mr. Judson Feder said in this context, it would not constitute lobbying since it does not ask for initiation of legislation or changing of laws. Council members discussed removing the Congresswoman’s name from the list of “cc’s” and agreed to do so.

Chairman Ortmann said some wordsmithing needed to be done to the fifth paragraph on the second page. Scratch out “believes,” “appears,” etc. to make the letter less antagonistic. The Chairman will work with the author of the letter and Council staff on these edits.

Dr. McIsaac asked if someone from BOR could come and give a presentation to the Habitat Committee (HC) on this matter.

The Council agreed to send the letter as shown with the following changes: change the addressee, change the cc’s, and remove the word “violation.”

Mr. Roth said the letter will set the stage for the Salmon Technical Team (STT) and HC work on the overfishing concern report for Sacramento River fall Chinook. Getting this information from BOR and USFWS is important for that future work.

Ms. Culver asked about the purpose of having a presentation on Landscape Conservation Cooperatives. Mr. Roth said this was an offer from USFWS to provide an informational report to the Council.

Mr. Moore said the HC should draft a letter for June on the wave energy concerns. He also wanted to make sure that NMFS contacts FERC about green sturgeon and lets FERC know the Council manages other species besides salmon.

Mr. Brizendine asked about the timeliness of the wave energy comments. Is the comment deadline May 10? Mr. Moore said FERC would issue another document for analysis in July and assume the comments suggested by the HC were designed to respond to that document. Ms. Gilden said yes, that is what she understands; communications with FERC allow for comments at that time.

Dr. McIsaac said that Council staff would try to facilitate a joint HC/STT meeting on Sacramento River fall Chinook if that works for the Council. Mr. Roth said yes, he thought that would be wise. Mr. Crabbe asked if the meeting could be held in California so the Sacramento River fall Chinook fishermen could attend.

Ms. Culver said she was not sure about the process for the Western Straits of Juan de Fuca coho/habitat review. She asked that the review draft be shared with all of the HC members. Ms. Gilden said a draft would be shared with the HC and that a conference call was being scheduled. Mr. Roth confirmed as well, and noted some STT members would be providing input on that conference call.

## **F. Coastal Pelagic Species Management**

### **F.1 Exempted Fishing Permit (EFP) for Sardine Aerial Survey Research**

#### **F.1.a Agenda Overview (04/11/10; 8:08 a.m.)**

Dr. Don McIsaac provided a prelude to the agenda item by announcing that the industry-led sardine surveys in 2008 and 2009 had been well-received by NOAA as an excellent example of cooperative research. In recognition of the important role this research has played and in response to a Council request, NOAA allocated \$200,000 to be used by the Council, the Southwest Fisheries Science Center, and the industry researchers, to enhance and support said research.

Mr. Kerry Griffin then presented the agenda item overview.

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

Dr. Selina Heppell read the Scientific and Statistical Committee (SSC) report (Agenda Item F.1.b Supplemental SSC Report), and noted that the SSC had not had time yet to review the addendum submitted by the EFP applicants (Agenda Item F.1.a Supplemental Attachment 3). Dr. Heppell noted that the primary issues of concern to the SSC in both the March and April meetings were the lack of spatially stratified series of point sets in previous work, and the lack of detailed protocol for sufficiently stratifying samples in 2010. The SSC concluded that the revised application did not adequately address these concerns, but noted that the applicants had submitted the addendum developed in response to the SSC's statement. The SSC found the application to have strong scientific basis, and recommended approval of the EFP, subject to the inclusion of a detailed study design to sufficiently stratify the point sets as requested.

Ms. Michelle Culver asked if Dr. Heppell considered the addendum (Agenda Item F.1.a Supplemental Attachment 3) to sufficiently address the SSC's concerns about spatial sampling design. Dr. Heppell said that at first glance it appeared to be adequate.

Mr. Greg Krutzikowsky presented Agenda Item F.1.b, Supplemental CPSMT Report. Mr. Mike Okoniewski presented Agenda Item F.1.b, Supplemental CPSAS Report.

#### **F.1.c Public Comment**

Mr. Mike Okoniewski, Pacific Seafood Group, Woodland, WA

Mr. Tom Jagielo, Consultant, Seattle, WA

Mr. Vince Torre, Processor, CA

Dr. Doyle Hanan, Rancho Santa Fe, CA

Ms. Dianne Pleschner-Steele, California Wetfish Producers Association, Buellton, CA

#### **F.1.d Council Action: Adopt Final EFP Recommendations**

Mr. David Crabbe commented that he was impressed with the industries' efforts and hard work in taking on this task of putting together this EFP.

Mr. Rod Moore moved (Motion 2) to adopt for NMFS approval, the EFP as shown in Agenda Item F.1.a, along with the relevant supplemental addendums that have been submitted by the applicants. Mr. Dale Meyer seconded the motion. The motion passed unanimously, with one abstention from NMFS.

Mr. Moore said he thinks the Council has looked at this project for a couple of years, and the SSC and other advisory bodies have noted the project provides benefits in terms of providing us knowledge, along with some funding from NMFS. The issues identified by the advisory bodies at the March meeting have been addressed. He believes it is a good project to go forward and will provide information. Mr. Steve Williams and Ms. Marci Yaremko agreed. Mr. Helvey noted that since NMFS still has to go through their notice of intent and public comment period, he will be abstaining from the vote.

Motion 2 carried. Mr. Helvey abstained.

### **G. Highly Migratory Species (HMS) Management**

#### **G.1 National Marine Fisheries Service Report**

##### **G.1.a Western and Central Pacific Fisheries Commission Report (04/11/10; 9:36 a.m.)**

Ms. Marija Vojkovich presented Agenda Item G.1.a, Attachment 1.

##### **G.1.b Pacific HMS Memorandum of Understanding**

Dr. Don McIsaac summarized Agenda Item G.1.b, Attachment 1.

##### **G.1.c Southwest Region Activity Report**

Mr. Mark Helvey provided an update on activities, including Agenda Item G.1.c.

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

Mr. Doug Fricke provided Agenda Item G.1.d, Supplemental HMSAS Report.

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

Mr. Doug Fricke, WTA, Hoquiam, WA

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

Mr. Cedergreen referenced the discussion on page 2 of Agenda Item G.1.a, Attachment 1, and requested the Executive Director to send a letter to NMFS and Department of State requesting the U.S. to contribute to the Western and Central Pacific Fisheries Commission/Northern Committee discretionary fund in order to support the North Pacific albacore stock assessment being conducted by the International Scientific Committee for Tuna and Tuna-like Species in the North Pacific Ocean.

Ms. Vojkovich recommended that the Highly Migratory Species Management Team (HMSMT) and Highly Migratory Species Advisory Subpanel (HMSAS) develop recommendations relative to international matters in advance of key meetings. She referenced striped marlin conservation, biological reference points for North Pacific albacore, and bluefin and bigeye tuna conservation.

Ms. Culver asked about the timing of addressing the issues brought up by Ms. Vojkovich. She mentioned that biological reference points will have to be addressed under HMS FMP Amendment 2. Ms. Vojkovich suggested that the discussion could be taken up under Agenda Item K.3.

Mr. Moore referenced page 5 of Agenda Item G.1.a, Attachment 1, discussing a possible ad hoc committee meeting, and asked if Ms. Vojkovich's comments covered that concept. Ms. Vojkovich questioned the need for another meeting but thought it might be valuable to schedule a meeting in August, although a decision should be made at the June Council meeting. Mr. Moore suggested it could be coordinated with the Pacific States Marine Fisheries Commission (PSMFC) meeting occurring in that month.

## **G.2 Fishery Management Plan Amendment 2--Annual Catch Limits and Accountability Measures (10:30 a.m.; 04/11/10)**

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

Dr. Dahl provided the agenda item overview.

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

Dr. Steve Stohs, provided Agenda Item G.2.b, Supplemental HMSMT PowerPoint; along with Agenda Item G.2.b, HMSMT Report and G.2.b, Supplemental HMSMT Report 2.

Dr. Ray Conser presented Agenda Item G.2.b, Supplemental SSC Report. (Break until 1:05 p.m.)

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

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

Mr. Rick Goche, Oregon Albacore Commission, Coquille, OR

Mr. Peter Flournoy, San Diego, CA

Mr. Bill Sutton, Ojai, CA

### **G.2.d Council Action: Adopt Alternatives for Public Review, Including Consideration of Identifying a Preliminary Preferred Alternative**

Mr. Feder advised that under the international exception the Council does not have to specify acceptable biological catches (ABCs), annual catch limits (ACLs), or accountability measures (AMs), but still has to specify overfishing limits (OFLs).

Ms. Culver moved (Motion 3) to adopt supplemental HMSMT Report 2 for public review and the HMSMT Report. The HMSMT should address the recommendations contained in the Supplemental SSC Report. Ms. Yaremko seconded the motion.

Ms. Culver said that a preliminary preferred alternative (PPA) should not be identified at this time. She confirmed that OFLs would be necessary under the international exception. The OFLs would be established on a stock-wide basis.

Mr. Moore asked for clarification on the range of alternatives described in the HMSMT Report and Supplemental HMSMT Report.

Dr. Dahl noted that National Environmental Protection Act requires, at a minimum, two alternatives, including the no action alternative. For some of the issues identified in the HMSMT Reports, there may only be one action alternative in addition to no action.

Motion 3 carried unanimously.

### **G.3 Consideration of Effort Limitation in the Albacore Tuna Fishery (04/11/10; 1:25 p.m.)**

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

Dr. Dahl provided the agenda item overview.

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

Dr. Steve Stohs provided Agenda Item G.3.b, Supplemental HMSMT Report. Mr. Fricke presented Agenda Item G.3.b, Supplemental HMSAS Report.

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

Mr. Mark Schneider, Oregon Albacore Commission, Lapine, OR  
Mr. Rick Goche, Oregon Albacore Commission, Coquille, OR  
Mr. John Harder, Monterey, CA  
Mr. Wayne Heikkila, Redding, CA  
Mr. Peter Flournoy, International Law Offices, San Diego, CA  
Mr. Chip Bissell, American Albacore Fishing Association, Oakview, CA  
Mr. Joel Kawahara, Salmon Troller, WA  
Mr. Doug Fricke, Westport WA  
Mr. Duncan MacLean, Salmon Advisory Subpanel (read Supplemental SAS Report), El Granada, CA

#### **G.3.d Council Action: Consider Implementing Effort Limitation Measures and a Control Date in the Albacore Tuna Fishery (3:40 p.m.)**

Mr. Moore asked Mr. Helvey some clarifying questions relative to proposals made in public comments about freezing issuance of HMS commercial permits so that only current license holders could renew them. Mr. Helvey noted that the regulations would need to be amended to implement that, and Mr. Feder said it would require full notice and comment rulemaking.

Mr. Helvey reviewed what he thought was the Council's task at this time. He noted past concerns about North Pacific albacore stock status and the upcoming stock assessment in 2011. Because of the amount of time since the last assessment, the status of the stock is unclear at this time. The Council should be proactive and prepared to make recommendations on management at the international level, subsequent to learning the stock assessment results, which could trigger proposals for catch or vessel limits internationally. Catch limits, as opposed to limited entry (LE), may actually be more appropriate given the nature of participation in the fishery reflected in the materials presented under this agenda item.

Mr. Sones emphasized that at this time the Council should gather additional information and not act unilaterally to regulate the U.S. fishery before action is taken at the international level. He noted that the tribes are interested in participating in the albacore fishery at some future date.

Mr. Cedergreen and Mr. Brizendine concurred.

Mr. Moore asked if NMFS can assist in gathering the types of information listed on page 2 of the HMSMT Report. Mr. Helvey thought the HMSMT could better respond to the difficulty of obtaining this information and NMFS could help with information gathering to the extent possible.

Ms. Yaremko moved (Motion 4) to have the HMSMT proceed with the four data collection and analytical tasks listed on page 2 of the HMSMT Report with particular attention to the analysis of management measures applied to North Pacific albacore elsewhere in the world. A fifth item should be added to the list of tasks in the HMSMT Report, which is to update the fishery statistics found in the white paper, Agenda Item G.3.a, Attachment 1. The HMSMT and HMSAS should then evaluate the management measures used elsewhere to support future Council deliberations on the applicability of such measures should any be necessary for the U.S. fishery. The HMSMT and HMSAS should report back to the Council with this information in March or April 2011. Mr. Brizendine seconded the motion.

Ms. Yaremko spoke to her motion by noting that while action is not needed at this time the Council should be prepared if the next North Pacific albacore stock assessment suggests the need for more restrictions on fishing mortality. She referenced Mr. Sones' earlier comments and the HMSAS Report.

Ms. Culver noted her general support for LE programs. While in this instance a LE program is not needed for conservation purposes she sees it as a way of preserving harvest opportunity. She discussed the characteristics of the albacore fishery off Washington relative to preserving harvest opportunity. She supports the motion even though the Council is not moving forward with a LE program.

Motion 4 carried unanimously.

The Council concurred not to change the current HMS control date.

#### **G.4 Critical Habitat Designation for Leatherback Turtles (04/11/10; 4:18 p.m.)**

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

Dr. Dahl provided the agenda item overview.

##### **G.4.b NMFS Report**

Ms. Liz Petras, and Mr. Scott Benson provided a PowerPoint presentation (on website).

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

Dr. Selina Heppell presented Agenda Item G.4.c, Supplemental SSC Report. Dr. Stohs presented Agenda Item G.4.c, Supplemental HMSMT Report. Mr. Doug Fricke presented Agenda Item G.4.b, Supplemental HMSAS Report. Mr. Kawahara presented Agenda Item G.4.c, Supplemental HC Report.

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

Mr. Geoff Shester, Oceana, Monterey, CA  
Ms. Dianne Pleschner-Steele, California Wetfish Producers Association, Buellton, CA  
Mr. Peter Flournoy, International Law Offices, San Diego, CA

#### **G.4.e Council Action: Provide Comments and Recommendations on the Proposed Designation**

In response to a question from Mr. Moore, Ms. Petras said tribal lands are excluded from the critical habitat designation but not tribal usual and accustomed (U/A) fishing areas.

Ms. Culver sought clarification on the difference between the ESA section 7 consultation process and requirements pursuant to critical habitat designations. Ms. Petras said that under section 7 the standard is whether a Federal action jeopardizes the continued existence of a listed species, although habitat impacts may be addressed through consideration of indirect effects. A critical habitat designation involves a similar analysis, but the standard is adverse modification or destruction of critical habitat. Essentially, it adds another layer of review in the Biological Opinion.

Mr. Rod Moore moved (Motion 5) that the Council forward comments to NMFS in regard to the proposed rule for leatherback sea turtle critical habitat designation (Agenda Item G.4.a, Attachment 1) based on the SSC, HC, and HMSMT Reports, especially noting agreement in all three reports that fisheries do not directly or indirectly affect physical or biological features essential to conservation (Primary Constituent Elements) identified in the proposed critical habitat designation. Mr. Cedergreen seconded the motion.

Motion 5 carried unanimously.

### **H. Salmon Management**

#### **H.1 Tentative Adoption of 2010 Ocean Salmon Management Measures for Analysis**

##### **H.1.a Agenda Item Overview (04/12/10; 8:13 a.m.)**

Mr. Chuck Tracy presented the agenda item overview.

##### **H.1.b Update on Estimated Impacts of March 2010 Options**

Dr. Robert Kope, STT Chairman, summarized updates to constraining stocks as presented in Preseason Report II:

- Lower Columbia River natural (LRN) tule Chinook total exploitation rate- Option I impacts decreased from 38.3 percent to 38.03 percent, Option II impacts decreased from 36.2 percent to 35.9 percent, and Option III impacts decreased from 34.4 percent to 33.4 percent. Option I exceeded the ESA consultation standard of no more than 38.0 percent.
- Interior Fraser coho southern U.S. fisheries- Option I impacts decreased from 11.0 percent to 10.9 percent. Option I exceeded the Pacific Salmon Commission objective of no more than 10.0 percent.
- Strait of Juan de Fuca coho southern U.S. fisheries- Option I impacts decreased from 14.7 percent to 13.3 percent, Option II impacts decreased from 13.5 percent to 12.2 percent, and Option III impacts decreased from 12.7 percent to 11.4 percent. All options exceeded the PSC objective of no more than 10.0 percent.
- Lower Columbia Natural (LCN) coho Council area fisheries- Option I impacts decreased from 14.9 percent to 14.7 percent, Option II impacts decreased from 11.8 percent to 11.6 percent, and Option III

impacts decreased from 9.5 percent to 9.3 percent. All options failed to meet inriver/ocean sharing objectives.

Mr. Wolford asked if the Sacramento Harvest Model accounted for reduced impacts from raising the minimum recreational size limit. Dr. O'Farrell replied no.

Mr. Anderson noted that relative to the LCN coho impacts, Columbia River fisheries were not structured when the analysis was conducted.

#### **H.1.c Summary of Public Hearings**

Mr. Mark Cedergreen presented Agenda Item H.1.c, Supplemental Public Hearing Report 1.

Mr. Rod Moore presented Agenda Item H.1.c, Supplemental Public Hearing Report 2.

Mr. Dan Wolford presented Agenda Item H.1.c, Supplemental Public Hearing Report 3.

#### **H.1.d U.S. Section of Pacific Salmon Commission Recommendations**

Mr. Gordy Williams noted there were slight increases in Canadian Chinook forecasts, which increased quotas in northern fisheries and resulted in reduced impacts to LRN tule Chinook.

#### **H.1.e North of Cape Falcon Forum Recommendations**

Mr. Anderson reported on the North of Falcon Process and meetings to date.

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

Messrs. Butch Smith, Jim Olson, Paul Heikkila, Duncan MacLean, Steve Watrous, Richard Heap, Mike Sorenson, Paul Pierce, and Craig Stone presented Agenda Item H.1.f, Supplemental SAS Report, and H.1.f, Supplemental SAS Report 2. Several corrections to the options were made, which are reflected in Agenda Item H.2.b, Supplemental STT Report.

Ms. Vojkovich asked why there was no Commercial opportunity in the Monterey area. Mr. MacLean replied impacts to Sacramento River fall Chinook (SRFC) were too high in May and June, and abundance was too low in July and August for an economically sustainable harvest.

Ms. Vojkovich recommended targeting the high end of the conservation objective of 122,000 to 180,000 SRFC adult spawners; avoiding early season openings in 2011, avoiding fall fisheries in 2010, providing coastwide opportunity if possible, and keeping regulations simple and consistent for both fishermen and enforcement agents.

Mr. Virgil Lewis, Rapheal Bill, Herb Jackson, and Bruce Jim (Columbia River Treaty Tribes) presented Agenda Item H.1.f, Supplemental Tribal Report.

Mr. Mike Orcutt and Mr. Billy Matiltin (Hoopa Valley Tribe) presented Agenda Item H.1.f, Supplemental Comments of Hoopa Valley Tribe.

Mr. Anderson summarized Washington Department of Fish and Wildlife (WDFW) selective fisheries policy and implementation issues.

### **H.1.g Public Comment**

Mr. Ben Doane, KMZ Fisheries Coalition, Willow Creek, CA  
Mr. Marc Gorelnik, Coastside Fishing Club, El Cerrito, CA  
Ms. Barbara Emley, Salmon Troller, San Francisco, CA  
Mr. Dave Bitts, PCFFA, Eureka, CA  
Mr. Duncan MacLean, Salmon Troller, Half Moon Bay, CA  
Mr. Jeff Richards, Recreational Fisher, San Carlos, CA  
Mr. Michael Caporale, Coastside Fishing Club, San Jose, CA  
Mr. Darrell Ticehurst, Coastside Fishing Club, Hillsborough, CA  
Mr. Peter Yeatrakas, Coastside Fishing Club, San Mateo, CA  
Mr. Tom Mattech, Charter Boat Operator, Half Moon Bay, CA  
Mr. Jim Relaford, Port of Brookings Harbor Commissioner, Brookings, OR  
Mr. John Harder, Monterey, CA

### **H.1.h Council Action: Tentatively Adopt Management Measures for 2010 Ocean Salmon Fisheries (1:18 p.m.)**

Mr. Sones presented Agenda Item H.1.h, Supplemental Tribal Report.

Mr. Sones moved (Motion 6) to tentatively adopt for STT preliminary analysis the Treaty Indian ocean troll fishery management measures as presented in Agenda Item H.1.h, Supplemental Tribal Report. Mr. Anderson seconded the motion.

Motion 6 carried unanimously.

Mr. Anderson moved (Motion 7) to tentatively adopt for STT preliminary analysis the non-Indian commercial and recreational fisheries in the area north of Cape Falcon as presented in Agenda Item H.1.f, Supplemental SAS Report with changes as reflected in Agenda Item H.2.b, Supplemental STT Report. Mr. Cedergreen seconded the motion.

Motion 7 carried unanimously.

Mr. Steve Williams moved (Motion 8) to tentatively adopt for STT preliminary analysis the non-Indian commercial and recreational fisheries in the area between Cape Falcon and the Oregon/California border as presented in Agenda Item H.1.f, Supplemental SAS Report with changes as reflected in Agenda Item H.2.b, Supplemental STT Report. Mr. Moore seconded the motion.

Motion 8 carried unanimously.

Ms. Vojkovich moved (Motion 9) to tentatively adopt for STT preliminary analysis the non-Indian commercial and recreational fisheries in the area south of the Oregon/California border as presented in Agenda Item H.1.f, Supplemental SAS Report with changes as reflected in Agenda Item H.2.b, Supplemental STT Report. Mr. Buzz Brizendine seconded the motion.

Motion 9 carried unanimously.

## **H.2 Clarify Council Direction for 2010 Management Measures**

### **H.2.a Agenda Item Overview (04/13/10; 1:16 p.m.)**

Mr. Tracy presented the agenda item overview.

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

Dr. Kope presented agenda Item H.2.b, Supplemental STT Report.

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

Mr. Paul Alexander, Salmon Troller, Salem, OR

#### **H.2.d Council Guidance and Direction**

Mr. Anderson directed the STT to change the non-Indian coho quota north of Cape Falcon from 90,000 to 85,000.

Ms. Vojkovich directed the Salmon Advisory Subpanel (SAS) and the STT to work together on a California commercial fishery structure that would achieve an SRFC spawning escapement of 180,000.

There was Council consensus on the guidance.

The Council suspended further guidance on H.2.

The Council resumed Agenda Item H.2.d at 5:26 p.m. on 04/13/10.

Mr. Steve Williams directed the STT to eliminate the September commercial fishery between Cape Falcon and Humbug Mt., but to include a non-retention genetic stock identification (GSI) study during September, and to reduce the recreational coho quota south of Cape Falcon from 30,000 to 27,500.

Dr. Kope reported the savings from increasing the minimum size limit in the California recreational fishery from 20 inches to 24 inches of about 1,200 fish. Quotas in the Fort Bragg commercial fishery necessary to achieve 180,000 SRFC adult spawners would be 18,000 in July and 9,357 in August. Changing the coho quotas from 90,000 to 85,000 north of Cape Falcon and from 30,000 to 27,500 south of Cape Falcon, and closing the commercial fishery in September between Cape Falcon and Humbug Mt. would reduce the LCN coho impacts to 11.76 percent.

The Council suspended further guidance on H.2.

The council resumed Agenda Item H.2.d (04/14/10; 3:31 p.m.).

Mr. Sones noted that the Upper Skagit Tribe has provided a written statement (Agenda Item H.2.b, Supplemental Tribal Report).

Mr. Anderson directed the STT to change the non-Indian coho quota north of Cape Falcon from 85,000 to 80,000.

Mr. Steve Williams directed the STT to reduce the recreational coho quota south of Cape Falcon from 27,500 to 26,000.

Mr. Sones directed the STT to reduce the Treaty Indian coho quota from 43,000 to 41,500.

Ms. Vojkovich directed the STT to change the Fort Bragg commercial quota fisheries to July 15-29 with an 18,000 quota, and August 1-31 with a 9,375 quota, and to allow transfer of remaining July quota to the August quota in an impact neutral basis. There would also be language allowing inseason action to open the recreational fishery in April, 2011.

The Council provided additional direction to the STT as reflected in Agenda Item H.5.b, Supplemental STT Report.

### **H.3 National Marine Fisheries Service Report**

This agenda item was cancelled.

### **H.4 Methodology Review Process and Preliminary Topic Selection for 2010**

#### **H.4.a Agenda Item Overview (04/14/10; 2:20 p.m.)**

Mr. Tracy presented the agenda item overview.

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

Dr. Pete Lawson presented Agenda Item H.4.b, supplemental SSC Report.

Dr. Kope presented Agenda Item H.4.b, Supplemental STT Report.

Mr. MacLean presented Agenda Item H.4.b, Supplemental SAS Report.

Mr. Andy Rankis, presented Agenda Item H.4.b, Supplemental MEW Report.

Mr. Sones presented Agenda Item H.4.b, Supplemental Tribal Report.

Dr. McIsaac presented Agenda Item H.4.b, Supplemental Council Staff Report.

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

Mr. Duncan MacLean, El Granada, CA

#### **H.4.d Council Guidance on Potential Methodologies to Review in 2010**

Mr. Steve Williams asked what the report requested in the Supplemental Tribal Report would consist of. Mr. Anderson replied the existing annual reports should be reviewed first to determine if that information is complete and adequate, then the potential value of a multi-year report could be evaluated. The STT could initiate the review process.

Dr. McIsaac asked if NMFS was comfortable with Council staff taking the lead on LRN tule abundance based management. Dr. Dygert replied yes.

The Council directed the tentative salmon methodology review topics include review and incorporation of natural production information into the LCN coho exploitation matrix and all items in the SSC report except revisions to Oregon Coastal Chinook escapement goals. The Council also directed the STT to review of the WDFW mark-selective-fishery reports as time allowed.

## **H.5 Final Action on 2010 Management Measures**

### **H.5.a Agenda Item Overview (04/15/10; 2:27 p.m.)**

Mr. Tracy presented the agenda item overview.

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

Dr. Michael O'Farrell, presented Agenda Item H.5.b, Supplemental STT Report.

Mr. Virgil Lewis, Sr., Mr. Rapheal Bill, and Mr. Herb Jackson (Columbia River Treaty Tribes) presented Agenda Item H.5.b, Supplemental Tribal Report.

Mr. Sones presented Agenda Item H.5.b, Supplemental Tribal Report 2.

Mr. Frank Lockhart presented Agenda Item H.5.b, Supplemental NMFS Report.

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

Mr. Dave Bitts, (Agenda Item H.5.c, Supplemental Public Comment). Mr. Bitts clarified that his testimony represented his recommendation to the Council.

### **H.5.d Council Action: Adopt Final Management Measures for 2010 Ocean Salmon Fisheries**

Mr. Anderson moved (Motion 49), to adopt the non-Indian commercial and recreational salmon management measures for the area north of Cape Falcon as presented in Agenda Item H.5.b, Supplemental STT Report. Mr. Cedergreen seconded the motion.

Motion 49 carried unanimously.

Mr. Steve Williams moved (Motion 50) to adopt the non-Indian commercial and recreational salmon management measures for the area between Cape Falcon and the Oregon/California border as presented in Agenda Item H.5.b, Supplemental STT Report, with the addition of a September 1-30 experimental non-retention GSI fishery between Cape Falcon and Humbug Mt. Mr. Moore seconded the motion.

Motion 50 carried unanimously.

Ms. Vojkovich moved (Motion 51) to adopt the non-Indian commercial and recreational ocean salmon management measures for the area between the Oregon/California border and the U.S./Mexico border as presented in Agenda Item H.5.b. Mr. Brizendine seconded the motion.

Motion 51 carried unanimously.

Mr. Sones moved (Motion 52) to adopt treaty Indian commercial ocean salmon management measures as presented in Agenda Item H.5.b, Supplemental STT Report. Mr. Anderson seconded the motion.

Motion 52 carried unanimously.

## **I. Groundfish Management**

### **I.1 Regulatory Deeming for Fishery Management Plan Amendment 20 (Trawl Rationalization) and Amendment 21 (Intersector Allocation)**

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

Mr. Jim Seger provided the agenda item overview.

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

Mr. Randy Fisher and Dave Colpo presented Agenda Item I.1.b, Supplemental PSMFC Report.

Ms. Jamie Goen presented Agenda Item I.1.b, NMFS Supplemental PowerPoint (on website). (3:05 p.m.)

Ms. Culver summarized Agenda Item I.1.b, Supplemental WDFW Report. Mr. Tommy Ancona gave Agenda Item I.1.b, Supplemental GAP Report. Deputy Chief Mike Cenci gave Agenda Item I.1.b, Supplemental EC Report. Mr. Jim Seger read Agenda Item I.1.b, Supplemental GMT Report.

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

Mr. Paul Kujala, Oregon Trawler, Warrenton, OR

Ms. Michelle Norviell, Fort Bragg, CA

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

Mr. Brent Paine, United Catcher Boats, Seattle, WA

Mr. Steve Hughes, NRC, Seattle, WA

Mr. Bob Dooley, United Catcher Boats, Seattle, WA

Mr. Craig Urness, Pacific Seafood Group, Clackamas, OR

Ms. Donna Parker, Arctic Storm, Seattle, WA

Mr. Dan Waldeck, Pacific Whiting Conservation Cooperative, Portland, OR

Mr. John Bundy, Glacier Seafoods, Seattle, WA

Mr. Mike Hyde, Seattle, WA

Mr. Joe Sullivan, The Nature Conservancy, Seattle, WA

Mr. Shems Judd, Environmental Defense Fund, Portland, OR

Mr. Richard Carroll, Ocean Gold Seafoods, Seattle, WA

#### **I.1.d Council Action: Consider Revising Council Recommendations on Selected Issues from NMFS Clarification Report from March 2010 Meeting, and Regulatory Deeming and Implementing Issues**

Mr. Myer stated he would recuse himself from discussion and voting on item 3 and possibly item 4 of the issues for further deliberations because of his status as an employee of a company that has a significant participation in the mothership fisheries.

Ms. Culver referred to Agenda Item I.1.b, Supplemental NMFS Report 2, page 1, Issue 3, the 30-day clock. The issue is when does the 30-day clock start for vessel overages. She moved Option B, the NMFS-preferred option—if an overage shows on the fish ticket at the time of landing or in the vessel account at any time after the landing, the clock would start when any data or documentation from the trip which caused the overage is available, or the vessel account shows there is an overage (Motion 10). Mr. Myer seconded the motion. This is the option preferred by NMFS, the Groundfish Advisory Subpanel

(GAP) and the Enforcement Consultants (EC). Mr. Lockhart also spoke in support of the motion. Motion 10 passed unanimously.

Ms. Culver referred to Agenda Item I.1.b, Supplemental NMFS Report 2, page 3, Issue 4, the carryover provision. She moved that the Council adopt Option A, the NMFS-preferred option, with some changes as follows: the carryover provision is 10 percent of the quota pounds (QP) in a vessel's account based on the balance; however, strike "a certain date early in the year" and replace it with "as of September 1 of the year" (Motion 11). Mr. Myer seconded the motion. NOAA General Counsel (NOAA GC) spoke to the preferability of Option D to Option A. The NMFS concern was that with the modified option there would be no way to determine the amount of the overage allowance until September 1. With Option D you would know where they stood at the time of the overage. Ms. Culver withdrew her motion and the second concurred. Action on this item was deferred until after lunch.

Ms. Culver referred to Agenda Item I.1.b, Supplemental NMFS Report 2, page 7, Issue 7a, and moved that September 1-December 31 of the year before the whiting season the mothership/catcher vessel (MS/CV) endorsed permit must declare through the permit renewal process that they are going to participate in the co-op or non-coop fishery. And, by September 1 of the year before the whiting season, the MS/CV permit must notify the MS permit that the MS/CV will deliver to the following year (Motion 12). Mr. Cedergreen seconded the motion. Mr. Myer recused himself. Ms. Culver noted the industry comment in support of these changes and that the changes would assist them in planning their operations. Mr. Lockhart indicated his understanding that a permit application would not be considered complete until the mothership catcher vessel had provided required notice by the September 1 deadline. Motion 12 passed.

Mr. Williams referred to Agenda Item I.1.b, Supplemental NMFS Report 2, page 9, Issue 7B; and moved that the Council recommend Option B (NMFS-preferred) (Motion 13). Ms. Lowman seconded the motion. Mr. Myer recused himself. Option B requires a co-op permit for MS and catcher/processor (C/P) co-ops and between February 1 and March 31, before the whiting season, the co-op must also apply for a co-op permit, which would include the co-op agreement. It was noted that the permit provides the nexus allowing the collection of fees. Speaking in support of the motion, Mr. Williams noted that each sector would benefit from the trawl rationalization program, whether from the bycatch controls or being in a closed class with exclusive rights to a public resource. It's a fairness issue. Ms. Culver commented on cost recovery implications. Mr. Lockhart noted that the Magnuson-Stevens Act (MSA) puts the Council in the lead in developing a methodology for cost recovery. Cost recovery would be in a rule following the components rule and does not need to be in place before program implementation. Motion 13 passed. Mr. Myer recused himself.

Working from Supplemental NMFS Report 2, page 3, Issue 4, Mr. Lockhart moved that the Council adopt Option D--"The carryover amount for a deficit is determined based on the amount of QP in the vessel account at the end of the 30-day period during which a vessel must cover its overage. The carryover amount for a surplus is determined based on the amount of QP in the vessel account at the end of the year" (Motion 14). Ms. Vjokovich seconded the motion. This provides a workable process for NMFS. Motion 14 passed unanimously.

With regard to Agenda Item I.1.b, Supplemental NMFS Report 3, for the first issue described on the first page, Ms. Culver moved that the Council's Amendment 21 species allocations supersede any allocations for those species in the groundfish FMP prior to Amendment 21, and to whatever extent the Council draft EIS or FMP language documents appear ambiguous in regard to part one of this motion, the Council staff is directed to alter or add language to make the Council action more clear (Motion 15). Mr. Cedergreen seconded the motion. Ms. Culver spoke to the motion, noted the thorough presentations provided to the Council by NMFS and Council staffs and the different interpretations and subsequent calculations of the

longterm allocations between the trawl and nontrawl sectors. The Council interpretation is consistent with the Council's action that the tribal research EFPs would come off the top, as we currently do, and then we would be applying the trawl and nontrawl split. The purpose of the Amendment 21 process was to specify the trawl sector allocations needed for Amendment 20. For this process, all the nontrawl sectors were put together and a trawl-nontrawl split created. Then within the nontrawl allocation, further divisions would be determined during the biennial specifications process. These longterm allocation pieces would only apply to the trawl/nontrawl level. In both cases we meant to keep the whiting and sablefish allocations in place. Ms. Vojkovich spoke in support of the motion and stated her agreement with Ms. Culver's recollection of what was done. Motion 15 passed with Mr. Lockhart abstaining.

On NMFS Supplemental Report 3, Issue 5, page 6, Ms. Culver moved that for at-sea processing, specify that all processing of groundfish at-sea will be prohibited unless specifically authorized by NMFS regulations (Motion 16). Mr. Moore seconded the motion. Ms. Culver spoke to a review of the regulations that had shown there was nothing to prohibit at-sea processing. She stated that her understanding was that at-sea processing would be prohibited unless allowed. Mr. Myer stated his belief that processing at-sea would be a good thing for the trawl fleet and would be what is required to make the most out of the quota share program. Nevertheless, this might require substantial regulatory adjustments and at this time he would support the motion. Ms. Cooney expressed concern about whether the analysis would cover a prohibition on at-sea processing. If it is being proposed for discussion down the road, there would need to be some analysis of it. Mr. Seger noted that the individual fishing quota (IFQ) program is identified as applying to the shoreside fishery, and on that basis, prohibition of at-sea processing of fish for the shoreside sector would be within what was analyzed. Mr. Crabbe asked whether the motion covered all commercial groundfish or all groundfish. It was clarified that this applied to all groundfish in the trawl IQ program. Motion 16 passed with Ms. Vojkovich voting no.

Mr. Moore moved that with respect to the Pacific whiting allocation issue covered on page 9 of NMFS Report 3, that the 5 percent whiting allocation limit not be removed (Motion 17). Mr. Myer seconded the motion. Mr. Moore noted that the reasons for having the 5 percent set aside for the southern fishery were originally long and complex and date back to 1996. Removal of this language would be premature. Mr. Myer expressed concern about uncertainty in the program and possible adverse effects on the California whiting fishery. Mr. Lockhart concurred. Ms. Vojkovich stated that it had been her expectation that the 5 percent provision would be removed. Motion 17 passed with Ms. Vojkovich, Mr. Wolford, Mr. Crabbe and Mr. Brizendine voting no.

With respect to NMFS Report 3, Issue 6 on page 7, Mr. Moore moved that split deliveries be allowed as long as they are observed (Motion 18). Ms. Lowman seconded the motion. It was noted that the industry would bear the costs related to splitting deliveries. The motion passed unanimously.

Mr. Moore moved, with respect to the issue of own and control on page 5 of NMFS Supplemental Report 3 and also taking in the regulatory language on NMFS Report 6, that we use the language on accumulation caps found on page 105, regarding control under the individual and collective rule, that we use the language presented in Agenda Item E.6.b, Revised NMFS Report (March 2010) pages 38 and 39, and indicate our intent to set up a trailing amendment process to deal with issues such as financing safe harbors etc., as suggested in public testimony (Motion 19). Mr. Myer seconded the motion. The impact of this is to go back to the March language. That language was fairly strict and had a few problems, but it dealt with quota shares. He noted there is some time to look at this more closely because under the overall trawl IFQ amendment there is essentially a four year period before someone has to divest if they are over the control limit. However, the way we have addressed QP in the language presented at this meeting, seems to cause some problems for the at-sea co-ops for shoreside operations, etc. Ms. Vojkovich disagreed, stating that of the entire individual quota program this is the issue that is the backbone. Mr. Lockhart noted that the issue is a difficult one and that the issue of QP is an important one

to address. The NMFS preference was to go with the language as presented in the document today, noting that there would be opportunities during the process to address Mr. Moore's concerns. After an extended discussion, Motion 19 failed on a roll call vote.

Ms. Culver referred to Agenda Item I.1.b, NMFS Report 6 and moved that the Council deem these draft proposed regulations as being consistent with the Council's action under Amendment 20 and 21 and that the language in the proposed regulations be revised to reflect the actions that we have taken previously here today and that the document also incorporate proposed recommended changes on Agenda Item I.1.a, Supplemental Attachment 5, the staff report on the draft initial issuance rule (Motion 20). Mr. Cedergreen seconded the motion. With respect to Supplemental Attachment 5, Mr. Seger noted that during the presentation on this document there had been a verbal addition of an item having to do with the mothership processor permit, on page 118 of NMFS Report 6. He asked if Ms. Culver's intent in referring to this report was to also include that verbal addition. Ms. Culver replied that it was. Mr. Moore said that he would vote no on the regulations because he believed that in some cases the regulations were not appropriate. Motion 20 passed with Mr. Moore voting no.

Ms. Culver addressed Agenda Item I.1.b, Supplemental WDFW Report. It had been the WDFW intent that while the whiting catcher vessel endorsements would not be transferable, the catch history would be transferable. In response to a question on whether making this change now would cause a delay, Mr. Lockhart said that it would. Ms. Culver requested that the Council address this issue through a trailing amendment process.

Dr. Hanson moved the Council include the plan described in Agenda Item I.1.b, PSMFC Report as the preferred approach in the Council's submission of Amendment 20 under the MSA, as well as alert NMFS that this plan represents the preferred Council approach with regard to any relevance to regulation development and Federal funding assistance to states and the fishing industry (Motion 21). Mr. Cedergreen seconded the motion. Dr. Hanson spoke to the motion noting that it was important that the Council has expressed as a clear preference for a plan, that the industry needs some specificity as to what the plan is going to look like and NMFS knows what regulations should be drafted from the Council perspective. Ms. Culver moved to amend the motion to state that NMFS will work with the states to explore mechanisms to allow for the use of state employees as compliance monitors in both the shoreside fishery and on mothership catcher vessels (Amendment #1 to Motion 21). Dr. Hanson seconded the motion. Ms. Culver noted the state ability to hire and train compliance monitors that had been demonstrated through their experience with exempted fishing permits. Mr. Williams supported the flexibility and option provided by the amendment. In response to a question from Ms. Vjokovich, Mr. Lockhart noted that the PSMFC Report is not a legal document but rather a vehicle for providing Council guidance. The amendment to the main motion passed unanimously. The main motion passed unanimously.

## **I.2 Harvest Specifications for 2011-2012 Fisheries**

### **I.2.a Agenda Item Overview (04/13/10; 3:45 p.m.)**

Mr. John DeVore provided the agenda item overview.

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

#### SSC Report

Dr. Martin Dorn provided Agenda Item I.2.b, Supplemental SSC Report.

Ms. Culver asked about the sub-categories for stocks and wanted to know whether there is a natural hierarchy of data quality and quantity to the sub-categories; Dr. Dorn said that was the general philosophy. Category 1 stocks are relatively data-rich stocks and the category 3 stock sub-categories are ranked. However, category 2 stocks are characterized as intermediate in data quantity and quality without a natural hierarchy. The categorization criteria and methodology are somewhat crude and may be refined in time.

Ms. Vojkovich asked about the lack of hierarchy in category 2 stocks and the difference between a category 1 and category 2d stock. Dr. Dorn said the category 2d stocks were judged to be uncertain enough to be down-graded to a category 2. Model results for category 2d stocks are more sensitive to modeling assumptions than category 1 stocks.

Ms. Vojkovich asked how the category 1 OFL relates to the biomass estimate. Dr. Dorn said the proxy harvest rate that produces maximum sustained yield ( $F_{MSY}$ ) is applied to the exploitable biomass estimated in the assessment. This is exactly how the ABC was determined under the old framework. She asked if there is an interaction between the ABC buffer under the new framework and the biomass estimate for a category 1 stock. Dr. Dorn said there is uncertainty in the  $F_{MSY}$  estimate, which is why a proxy harvest rate is used. The uncertainty in biomass estimates is used to represent the majority of the assessment uncertainty. As the overfishing probability ( $P^*$ ) approach is refined, we can perhaps capture more of the assessment uncertainty and have clearer criteria for deciding a  $P^*$ .

Ms. Culver said she is not clear how to choose a  $P^*$  given the estimated assessment variance for category 1 stocks ( $\sigma = 0.36$ ). She asked if there are criteria for deciding the  $P^*$  and the size of the scientific uncertainty buffer. Dr. Dorn said there are no criteria offered by the SSC. He explained the meta-analysis done for category 1 stocks with multiple assessments to determine the  $\sigma$  value. If the Council believes the risk of overfishing is due to uncertainty in the true OFL value, then a single  $P^*$  and buffer would apply. However, the  $P^*$  decision can be made differentially for these stocks. This is a Council policy decision.

Ms. Vojkovich asked if all STAR panel-reviewed assessments were assigned to category 1 and Dr. Dorn said no. In some cases, where the assessment uncertainty was larger for a STAR panel-reviewed assessment, the SSC categorized the stock as a category 2d.

Ms. Vojkovich asked why the scientific uncertainty is reflected in the harvest specification and not the biomass estimate. Dr. Dorn said the biomass estimate in a groundfish assessment is considered the best, or most plausible, estimate given the data used in the assessment. Applying the  $F_{MSY}$  harvest rate determines the amount that can be caught. However, the estimated harvestable yield is uncertain. The  $\sigma/P^*$  relationship determines buffers in a probabilistic fashion to allow a risk assessment that the OFL or harvestable yield is the true value and would not be exceeded with a certain probability due to this uncertainty. Ms. Vojkovich asked if the uncertainty being addressed is that the harvestable yield is actually lower than estimated and Dr. Dorn said yes. This is based on the guidance from NMFS in the National Standard 1 (NS1) guidelines interpreting the re-authorized MSA.

Mr. Moore asked for an explanation of the depletion-corrected average catch and depletion-based stock reduction analysis approaches. Dr. Dorn said that both of these methods are logical ways to use average harvest to better inform an OFL since the stock's past estimated depletion rate is factored into the average catch.

Mr. Moore asked about the petrale sole alternatives and why the OFLs vary based on whether there is a winter fishery or not. Mr. DeVore explained this is due to the differential selectivities of the winter vs. summer trawl fleets (i.e., the winter fleet takes larger, more mature fish on a per ton basis).

Ms. Vojkovich asked why the Groundfish Management Team (GMT) determined the OFLs when the SSC is supposed to decide these OFLs and Dr. Dorn said the SSC is a review body. The GMT recommended the OFLs and the SSC reviewed and endorsed these limits.

Ms. Vojkovich remarked the SSC recommends the P\* approach for setting ABCs for category 2 and 3 stocks as the ideal method; however, the basis for the scientific uncertainty metrics ( $\sigma$ ) for these categories are somewhat arbitrary. She asked if it was reasonable to pick different P\* values for different stocks and Dr. Dorn said yes. The alternative to decide 25 percent and 50 percent buffers for category 2 and 3 stocks, respectively is not recommended per se by the SSC.

Mr. Anderson noted that category 2d assessment decision tables were used to estimate a  $\sigma$  of 0.72 for category 2 stocks. He asked what additional analysis is contemplated to refine estimates of scientific uncertainty. Dr. Dorn said a more refined analysis of scientific uncertainty will be done in the future and these values are placeholders recommended for this management cycle.

Ms. Vojkovich asked about the SSC's role in recommending how to partition coastwise OFLs. Dr. Dorn said there are OFLs specified by complexes north and south of 40°10' N. latitude. Since the SSC decides OFLs, the methodology for partitioning coastwise OFLs is also an SSC responsibility. Ms. Vojkovich asked if other approaches for partitioning OFLs could have been explored and Dr. Dorn said yes. The SSC picked what they thought was the best partitioning method of those brought forward. The SSC also acknowledges better approaches should be considered for estimating the spatial distribution of these species. Ms. Vojkovich asked why there was not a comparative analysis of new partitioning methods and Dr. Dorn said the SSC reviewed only those analyses brought forward by the GMT.

Mr. Lockhart asked about the  $\sigma$  estimate and what that value is describing. Dr. Dorn said  $\sigma$  is a scientific uncertainty value determined in a meta-analysis of biomass estimates across a broad range of category 1 stocks with multiple assessments.

Ms. Kirchner asked why years after 1999 were not considered in the catch-based partitioning method and Dr. Dorn said that was based on the GMT recommendation that fishery constraints under rebuilding in recent years compromised the use of that data for that purpose.

#### GMT Report

Mr. Rob Jones provided Agenda Item I.2.b, Supplemental GMT Report.

Mr. Lockhart asked if the P\* recommendations were assuming the SSC-derived  $\sigma$  values and Mr. Jones said yes.

Mr. Moore asked why there is a difference in the ACL buffers for sablefish and the thornyheads in the south and Mr. Jones said this is closest to the status quo buffers under the new framework.

Mr. Anderson asked if the recommendation #10 is to set a 1,000 mt ACL for black rockfish off Oregon and California and not off Oregon and Washington? Mr. Jones said that was correct, that part of the report contained a typographic error.

Mr. Brizendine asked if the GMT recommendations are to generally maintain the status quo, and Mr. Jones said the GMT presented a status quo solution under the new harvest specification framework as well as considerations for a change from status quo.

Mr. Lockhart asked if the status quo buffers for category 2 and 3 have performed well or have there been systematic problems under status quo. Mr. Jones said the one problem under status quo was the lack of transparency and rigor in setting ABCs/OFLs in the past. The GMT-recommended and SSC-endorsed OFLs begin to rectify that problem.

Ms. Vojkovich asked about the new sablefish apportionment alternative informed by variance-weighted swept area biomass estimates from the NMFS trawl survey. Mr. Jones said the trawl survey data was updated and further weighted by the variance of the survey by year and International North Pacific Fishery Commission (INPFC) area. Ms. Vojkovich asked if trawl survey information from southern California was used and Mr. Jones said yes.

Ms. Vojkovich asked about GMT recommendations for ACL reductions for sablefish in the south and whether the recommendations are based on status quo methodologies. Mr. Jones explained the status quo methods are shown and recommended.

Ms. Vojkovich asked if putting black rockfish back into the minor nearshore rockfish complexes was discussed and Mr. Jones said no.

### GAP Report

Mr. Gerry Richter provided Agenda Item I.2.b, Supplemental GAP Report and Supplemental GAP Report 2.

Mr. Moore asked about the alternative 3 ACL recommendation for sablefish and whether that pertains to the 50 percent reduction in the south and Mr. Richter said yes.

Ms. Vojkovich asked if the GAP discussed the implications of dramatically reducing the minor nearshore rockfish north OFL. Mr. Richter said that was discussed and this reduction will cause disruptions to the fishery.

### **I.2.c Public Comment (04/14/10; 9:40 a.m.)**

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

Mr. Ben Enticknap, Oceana, Portland, OR

Mr. Daniel Platt, open access fisherman, Ft. Bragg, CA

Ms. Laura Pagano, Natural Resources Defense Council, San Francisco, CA

Mr. Jeff Russell, Natural Resources Defense Council, San Francisco, CA

Mr. Tom Marking, recreational fisherman, McKinleyville, CA

### **I.2.d Council Action: Adopt Preferred Overfishing Limits and Acceptable Biological Catches for all Groundfish Stocks, and Annual Catch Limits and Optimum Yields for all Non-Overfished Groundfish Stocks**

Mr. Anderson moved and Mr. Myer seconded a motion (Motion 22) to adopt the SSC-recommended OFLs in Revised Table 2-1a in Supplemental Attachment 3. This represents the best scientific information for this cycle.

Ms. Kirchner moved and Mr. Moore seconded a motion to amend the main motion (Amendment 1 to Motion 22) to adopt the 2010 ABC values for the 2011 and 2012 OFLs for the minor rockfish north (2011-2012 OFL of 3,678 mt) and south (2011-2012 OFL of 3,382 mt) complexes.

Mr. Lockhart asked if there was a scientific reasoning for this amendment and Ms. Kirchner said the new scientific methodology is unproven.

Dr. McIsaac asked Ms. Cooney about the legal implications of changing a science-based decision like an OFL and she thought there would be more concern if the OFL was set higher than that recommended by the SSC. She said she did not fully understand the implications.

Mr. Anderson said this does not seem to be the appropriate place to remedy scientific uncertainty issues. This is more of an ABC decision.

Amendment 1 to Motion 22 failed. Mr. Sones, Mr. Wolford, Ms. Lowman, Mr. Anderson, Mr. Myer, Mr. Mallet, and Mr. Ortmann voted no.

Mr. Wolford asked if the motion included the species categorization and Mr. Anderson said no.

Motion 22 carried (Ms. Vojkovich voted no).

Ms. Vojkovich moved and Mr. Crabbe seconded a motion (Motion 23) to use a P\* value of 0.45 for all species in setting ABCs.

Ms. Vojkovich said the P\* is a risk assessment tool and setting a consistent value gives the Council more flexibility in setting ACLs.

Mr. Anderson moved and Mr. Mallet seconded a motion to amend the main motion (Amendment 1 to Motion 23) to not include the overfished species, sablefish, and splitnose rockfish in the motion, and set P\* values of 0.35 for category 2 species and 0.32 for category 3 species in setting ABCs.

Mr. Anderson referred to the scientific uncertainty in the 2007 sablefish assessment. He also wanted to use a P\* approach for category 2 and 3 stocks that produced similar status quo uncertainty buffers.

Ms. Vojkovich thought waiting until June to set ABCs for some of these stocks was problematic. Mr. Moore was in agreement for the most part with the main motion but agreed with Ms. Vojkovich that waiting until June was a problem.

Mr. Crabbe explained he was not in favor of the amendment since the status quo 25 and 50 percent buffers for category 2 and 3 stocks accounted for more than scientific uncertainty. The P\*/ABC decision should only account for scientific uncertainty and the ACL decision should account for management uncertainty. Mr. Wolford agreed with that sentiment and said he also opposes the amendment.

Mr. Moore moved and Ms. Kirchner seconded an amendment to the motion (Amendment 2 to Motion 23) to use a preliminary P\* of 0.45 for setting the splitnose ABC.

Mr. Moore said there was concern raised by Ms. Vojkovich to wait until June to deal with an ABC decision.

Mr. Lockhart asked for more justification for the P\* value for splitnose. Mr. Moore noted the SSC categorized this species as a category 1 species, indicating there is relatively less scientific uncertainty in that assessment.

Amendment 2 to Motion 23 carried (Mr. Crabbe voted no).

Mr. Wolford explained the relative scientific uncertainty varies by the categorization of species. The greater values of  $\sigma$  for the respective categories address the difference in scientific uncertainty.

Ms. Vojkovich said she believes the category 2 and 3 buffer amounts under the amendment, which attempt to match status quo buffers, are not appropriate.

Mr. Anderson withdrew Amendment 1 to Motion 23.

Mr. Anderson moved and Mr. Mallet seconded a motion to amend the main motion (Amendment 3 to Motion 23) to remove the overfished species and sablefish from the main motion.

Mr. Wolford asked why sablefish was removed from the main motion. Mr. Anderson said he believes the sablefish uncertainty was greater than for the other category 1 species. He cited the sea surface index in the assessment creating the higher uncertainty. Mr. Wolford thought it more appropriate to address those concerns in the ACL or a possible ACT (annual catch target) decision.

Amendment 3 to Motion 23 carried (Mr. Wolford voted no).

Ms. Lowman moved and Mr. Myer seconded a motion to amend the main motion (Amendment 4 to Motion 23) to remove category 2 and 3 species from the main motion.

Ms. Lowman said she wanted to have a separate discussion regarding the scientific uncertainty buffers for category 2 and 3 species.

Mr. Moore moved and Mr. Wolford seconded a motion to amend the main motion (Amendment 5 to Motion 23) to adopt the  $\sigma$  values for category 1, 2, and 3 species in Table 2-1e as recommended by the SSC.

There was some discussion regarding the process of deciding  $\sigma$  values vs.  $P^*$  values. There was concern that these two decisions were being confused in the series of amendments to the main motion. Mr. Moore withdrew Amendment 5 to Motion 23.

Amendment 4 to Motion 23 carried (Mr. Crabbe, Ms. Vojkovich, and Mr. Wolford voted no).

Mr. Moore moved and Mr. Wolford seconded a motion to amend the main motion (Amendment 6 to Motion 23) to adopt the  $\sigma$  values for category 1, 2, and 3 species in Table 2-1e as recommended by the SSC.

Amendment 6 to Motion 23 carried unanimously.

Motion 23 carried unanimously.

Mr. Anderson moved and Mr. Moore seconded a motion (Motion 24) to adopt a  $P^*$  of 0.45 for setting the sablefish ABC.

Mr. Anderson said this  $P^*$  value is consistent with those decided for the other category 1 stocks.

Motion 24 carried unanimously.

Mr. Moore moved and Mr. Crabbe seconded a motion (Motion 25) to adopt a  $P^*$  value of 0.45 for all the overfished category 1 species.

Motion 25 carried unanimously.

Ms. Vojkovich moved and Ms. Kirchner seconded a motion (Motion 26) to adopt a P\* value of 0.45 for setting the ABCs for category 2 and 3 stocks, including cowcod.

Ms. Vojkovich explained the risk of overfishing has been eliminated in our management regime and the P\* probability of overfishing can be held constant. Other uncertainties can be addressed in setting buffers between the ABC and the ACL.

Mr. Lockhart asked if Ms. Vojkovich was comfortable that the differential  $\sigma$  values decided for the category 2 and 3 stocks adequately addressed the greater scientific uncertainty for those stocks and Ms. Vojkovich thought that was the case.

Mr. Anderson explained that he was present when the category 2 and 3 buffers of 25 and 50 percent were originally decided. These buffers primarily addressed the greater scientific uncertainty for these stocks; however, he acknowledged that other objectives such as management uncertainty were also addressed. He is uncomfortable with the smaller buffers in the motion. Category 2 and 3 stocks should have a lower P\* value than those for category 1 stocks.

Motion 26 failed on a roll call vote. Mr. Anderson, Mr. Sones, Mr. Mallet, Ms. Lowman, Mr. Moore, Mr. Myer, and Mr. Lockhart voted no.

Mr. Moore moved and Mr. Anderson seconded a motion (Motion 27) to adopt a P\* of 0.4 for category 2 and 3 stocks in setting the ABCs for these stocks.

Motion 27 carried unanimously.

Ms. Vojkovich moved and Mr. Wolford seconded a motion (Motion 28) to assume all complexes are comprised of category 3 species in deciding complex ABCs.

Mr. DeVore explained that stock categorization is a science call made by the SSC and not a Council policy call. Ms. Vojkovich explained the motion does not change the SSC's stock categorizations, but sets the ABC buffers for stock complexes. Mr. DeVore thanked her for that clarification.

Motion 28 carried unanimously.

Thursday, April 15 (1 p.m.)

Mr. Wolford moved and Mr. Moore seconded a motion (Motion 48) to adopt the SSC-recommended species categories and treat the complexes as category 3 when deciding ABCs.

Ms. Vojkovich moved and Mr. Brizendine seconded a motion to amend the main motion (Amendment 1 to Motion 48) to include the SSC-recommended species categories for all the remaining species.

Amendment 1 to Motion 48 carried unanimously. Motion 48 carried as amended (Mr. Lockhart abstained).

Mr. Anderson asked Mr. DeVore to identify those species with status quo optimum yields (OYs) equal to their respective ABCs. Mr. DeVore listed the following species with 2010 OYs equal to ABCs:

yellowtail rockfish, black rockfish in Washington, English sole, arrowtooth flounder, and California scorpionfish.

Mr. DeVore and members of the GMT were asked to provide a table comparing the 2011-2012 ACL alternatives with status quo OYs with an explanation of the basis for the status quo OYs. When the Council reconvened Agenda Item I.2, Mr. DeVore provided an overview of Revised Table 2-1f in Supplemental Attachment 6.

Mr. Anderson moved and Mr. Myer seconded a motion (Motion 60) to adopt preliminary preferred 2011-2012 ACLs as follows:

- Lingcod (separate ACLs north and south of 42° N. latitude); ACLs equal to ABCs;
- Chilipepper (coast wide): 2011 (2,130 mt); 2012 (1,924 mt) ACLs equal to the ABCs;
- Splitnose south of 40°10' N. latitude equal to ABCs (2011 equal to 1,461 mt; 2012 equal to 1,538 mt). Splitnose will continue to be managed in the northern slope rockfish complex with the northern proportion of the ABC used as the contribution of splitnose to the northern minor slope rockfish complex; and
- Continue to manage greenstriped rockfish in the northern and southern minor shelf rockfish complexes.

Mr. Anderson said these ACLs apply the new harvest specification framework while maintaining status quo harvest strategies. Northern and southern lingcod ACLs are driven by the new assessment and the SSC determination of area-specific OFLs for the species. Mr. DeVore said the northern minor shelf rockfish complex specifications would be reduced since chilipepper rockfish will be removed from that complex to manage the stock coast wide.

Motion 60 carried. Ms. Vojkovich voted no.

Ms. Kirchner moved and Mr. Moore seconded a motion (Motion 61) to adopt as a PPA, a 2011-2012 ACL of 2,283 mt for the northern minor rockfish complex; a 2011-2012 ACL of 1,190 mt for the southern minor rockfish complex; and remove the Oregon stock of cabezon from the Other Fish complex to allow management of the stock with stock-specific specifications as follows: a 2011 ACL of 50 mt and a 2012 ACL of 48 mt.

Ms. Kirchner explained the complex ACLs are lower than the ABCs. This creates a buffer to address management uncertainty and nearshore species have conservative management programs in Oregon and California. Cabezon in Oregon are managed under the same responsive system, where sport and commercial catches are tracked in real time. Oregon Department of Fish and Wildlife (ODFW) can take action in less than 48 hours notice as exemplified by such actions in recent years.

Mr. DeVore asked if the intent was to not specify ACLs for the northern and southern nearshore, shelf, and slope complexes and Ms. Kirchner replied that was correct.

Motion 61 carried unanimously.

Mr. Moore asked Mr. DeVore about the status quo specifications for the Other Flatfish complex and Mr. DeVore answered the 2010 OY is 4,884 mt.

Mr. Moore moved and Mr. Anderson seconded a motion (Motion 62) to adopt a preliminary preferred 2011-2012 ACL of 4,884 mt for the Other Flatfish complex.

Mr. Moore said he first examined the 2010 ABC and it was somewhat lower than the ABCs we have specified for 2011-2012 to accommodate scientific uncertainty. Since the status quo OY is well below the 2011-2012 ABC, reductions have been taken to address scientific and management uncertainty. The status quo OY provides a significant precautionary buffer.

Motion 62 carried. Ms. Vojkovich voted no.

Ms. Vojkovich moved and Mr. Crabbe seconded a motion (Motion 63) to adopt, as a PPA, 2011-2012 ACLs for the California stock of cabezon equal to the ABCs (i.e., 179 and 168 mt for 2011 and 2012, respectively).

Ms. Vojkovich said the precautionary management strategy CDFG employs prevents the stock from going into an overfished condition. With significant tracking and a state LE permit system, there is no need for a further buffer to address management uncertainty.

Mr. Anderson asked about the status quo OY and Ms. Vojkovich said it was 69 mt. Mr. Lockhart asked about delays in tracking landings inseason and reacting to a potential overharvest situation and Ms. Vojkovich said delays are no longer than for managing any other stock.

Motion 63 carried. Mr. Anderson and Mr. Myer voted no.

Ms. Vojkovich moved and Mr. Crabbe seconded a motion (Motion 64) to adopt the 40-10 harvest control rule (option 1) with the expectation that stocks under 40 percent of unfished biomass may have ACLs lower than specified using the harvest control rule.

Ms. Vojkovich explained that the option 2, 40-10 harvest control rule, is overly precautionary and not needed given the other precautionary adjustments made in deciding harvest specifications.

Mr. Anderson said he opposes the motion and that the option 1 control rule does not reflect current practice, even with the change in terms. He explained that the 40-10 rule was designed as a default rebuilding strategy when stock depletion is less than the target. It should not be viewed as a precautionary strategy to address scientific and/or management uncertainty.

After further discussion, Motion 64 failed on a roll call vote. Ms. Lowman, Mr. Ortmann, Mr. Myer, Mr. Sones, Mr. Mallet, Mr. Anderson, and Mr. Lockhart voted no (7 no votes, 5 yes votes, and Mr. Brizendine was absent from this vote).

Mr. Moore asked if any of the preliminary-preferred ACLs decided at this meeting could be revisited in June and Mr. DeVore said yes.

Mr. Anderson asked Mr. DeVore if we have to decide the 40-10 rule option to decide sablefish ABCs and ACLs. Mr. DeVore responded yes since the ACLs depend on which 40-10 option is applied.

Dr. McIsaac asked Ms. Cooney the legal implications of deciding the 40-10 rule now when final action on Amendment 23 is scheduled for June. Ms. Cooney said the sablefish decision needs to be consistent with the Amendment 23 decision. Mr. DeVore explained the 40-10 rule is the default harvest control rule for stocks in the precautionary zone. Ms. Cooney added there would need to be strong justification for deviating from the 40-10 rule. Mr. Anderson thought this decision could be delayed to provide additional time to evaluate the implications of each 40-10 option and Ms. Cooney thought that was acceptable.

Mr. Anderson asked for an explanation of the three alternative methods for apportioning the coastwide sablefish OFL (as provided in Table 2-1g in REVISED Supplemental Attachment 5). Mr. DeVore explained the basis for these apportionment alternatives. Mr. Jones added the GMT's perspective that they were not making a specific recommendation on which alternative to adopt. However, the GMT does endorse the variance-weighted apportionment approach as being a statistically better method for using trawl survey biomass estimates to apportion the coastwide OFL.

Mr. Anderson moved and Mr. Jerry Mallet seconded a motion (Motion 65) to adopt preliminary sablefish ACLs for 2011-2012 using the option 2 40-10 harvest control rule and the 68:32 north:south apportionment. The 2011 and 2012 northern ACLs are 4,961 mt and 4,689 mt, respectively and the 2011 and 2012 southern ACLs are 2,335 mt and 2,207 mt, respectively.

Mr. Anderson said these ACLs were based on the results of the most recent 2009 stock assessment, the comments made by the SSC at that time, and the GAP-recommended apportionment.

Ms. Vojkovich asked Mr. Ancona about the GAP recommendation regarding the southern ACLs. Mr. Ancona said the GAP was recommending the additional 50 percent reduction to the southern ACLs to address the greater uncertainty associated with that biomass (note: this is different than the southern ACLs under Motion 65, which does not apply the 50 percent reduction). The GAP believes the 50 percent reduction will still accommodate the needs of fishing communities south of 36° N. latitude.

Amendment to Motion 65: Ms. Vojkovich moved and Mr. Myer seconded an amendment to Motion 65 (Amendment 1 to Motion 65) to apply a 50 percent reduction to the southern sablefish ACLs in 2011 and 2012 (i.e., Alternative 3).

Mr. Moore said those ACLs would be 1,167 mt and 1,103 mt for 2011 and 2012, respectively. Ms. Vojkovich said that was correct and noted that the Alternative 3 sablefish ACLs with the 50 percent scientific uncertainty reduction was GMT recommendation #6.

Amendment 1 to Motion 65 carried unanimously. Motion 65 as amended carried unanimously.

Mr. Seger remarked that the Council needed to set ACLs for the minor shelf and slope rockfish complexes since these complexes are intended to be managed with IFQ in the trawl rationalization program. Mr. DeVore added that the Council had already established formal trawl/non-trawl allocations of the northern and southern minor slope rockfish complexes under Amendment 21 and that two-year allocations of the northern and southern minor shelf rockfish complexes were anticipated in this specifications decision-making cycle to implement the trawl IFQ program. A discussion followed to determine what was needed for the complexes.

Ms. Kirchner moved and Mr. Rod Moore seconded a motion (Motion 66) to set the following 2011 and 2012 ACLs: 155 mt for the northern minor nearshore rockfish complex; 968 mt for the northern minor shelf rockfish complex; 1,160 mt for the northern minor slope rockfish complex; 650 mt for the southern minor slope rockfish complex; 714 mt for the southern minor shelf rockfish complex; and 626 mt for the southern minor slope rockfish complex.

Mr. Anderson asked for the basis for these ACLs and Ms. Kirchner explained these are equal to the status quo 2010 OYs. Mr. Moore said we already made precautionary adjustments to the overall complex (i.e., the aggregate rockfish complexes north and south of 40°10' N. latitude) when deciding the ABC specifications and are therefore precautionary on a scientific basis.

Motion 66 carried unanimously.

Mr. DeVore said he believes that all of the ACLs are now set as PPAs. Additional analysis will come forth in June and these decisions will then be confirmed or modified.

[After I.2 the Council moved on to Agenda Item I.6.]

### **I.3 National Marine Fisheries Service Report (04/14/10; 3:31 p.m.)**

#### **I.3.a Regulatory Activities**

Mr. Frank Lockhart provided an update on the treaty tribal whiting fishery issues. He noted NMFS published a proposed rule on the tribal whiting allocation which set forth a formula, based on tribal requests, of 17.5 percent of the US OY plus 16,000 mt. The rule also stated NMFS' belief that we can re-apportion whiting from the treaty sector to the non-treaty sector. The Council took action on the whiting OY in March and NMFS stated its intent to merge the two processes into one and issue a final rule as soon as possible. The rule is still in the internal review process.

#### **I.3.b Fisheries Science Center Activities**

Mr. Lockhart also mentioned that Dr. Clarke had planned to give a report to the Council on the estimated bycatch of marine mammals, sea birds, and sea turtles which is now available on the NMFS observer website.

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

None.

#### **I.3.d Public Comment**

None.

#### **I.3.e Council Discussion**

Mr. Anderson asked Mr. Lockhart about the issues of the tribal set aside given the letter received from the Quilleute Tribe and whether or not that would impact the decision on the tribal set-aside. He also requested further clarification on the terms and conditions for the process of rolling unused portions of tribal set-aside into the non-treaty fishery.

Regarding the first question, Mr. Lockhart replied that the letter from the Quilleute Tribe had stated that although they will have only one boat which will need 8,000 mt, they wanted to maintain the 16,000 mt as part of that formula. NMFS is considering that request in light of the rulemaking and it is part of the decision making on how we treat the requests, given the Quileute's statements from November, March, and April.

In response to Mr. Anderson's second question, Mr. Lockhart confirmed that NMFS believes it is possible to transfer unused quota from the treaty to the non-treaty fishery.

## **I.4 Part I of Management Measures for 2011-2012 Fisheries**

### **I.4.a Agenda Item Overview (04/14/10; 4:15 p.m.)**

Ms. Kelly Ames and Mr. John DeVore provided the agenda item overview.

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

Mr. Rob Jones provided Agenda Item I.4.b, Supplemental GMT Report and Agenda Item I.4.b, Supplemental GMT Report 2.

[Continuation of this agenda item on 04/15/10; 8:07 a.m.]

Mr. Jones provided Agenda Item I.4.b, Supplemental GMT Report 3.

Mr. Tommy Ancona summarized Agenda Item I.4.b, Supplemental GAP Report (8:44 a.m.).

Deputy Chief Mike Cenci provided Agenda Item I.4.b, Supplemental EC Report.

Ms. Vojkovich provided a brief summary of CDFG goals in this process.

Ms. Kirchner summarized Agenda Item I.4.b, ODFW Report 1 and ODFW Report 2.

Mr. Anderson summarized Agenda Item I.4.b, WDFW Report.

Mr. Sones provided Agenda Item I.4.b, Supplemental Tribal Report.

### **I.4.c Public Comment**

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

### **I.4.d Council Action: Adopt Preliminary Revised Rebuilding Plans for Overfished Species and a Preliminary Range of Alternatives including Overfished Species Annual Catch Limits and Management Measures for Analysis**

Ms. Cooney commented on the rebuilding issues and the importance of taking the shortest amount of time to rebuild overfished stocks while taking into account the needs of fishing communities and the science. She underscored the importance of analyzing lower ACL alternatives than those decided as preliminary preferred to better inform impacts and understand rebuilding tradeoffs.

Mr. Anderson, referring to page 12 in Agenda Item I.2.a, Attachment 2, moved a motion (Motion 31 seconded by Mr. Myer) to adopt as a PPA a revised canary rockfish rebuilding plan that modifies the target rebuilding year ( $T_{\text{TARGET}}$ ) from 2021 to 2027, while maintaining the status quo spawning potential ratio (SPR) harvest rate of 88.7 percent.

Mr. Anderson explained this will maintain the current rebuilding strategy and harvest limit. The change in  $T_{\text{TARGET}}$  is responsive to the new updated assessment and rebuilding analysis and is an appropriate approach given the known impacts to west coast fishing communities associated with canary rebuilding strategies.

Mr. Lockhart asked what went into the consideration for the motion and if he considered decreasing the harvest rate to maintain the status quo  $T_{TARGET}$ ? Mr. Anderson said the current  $T_{TARGET}$  of 2021 is not attainable even in the absence of any fishing mortalities and is therefore not scientifically viable.

Motion 31 carried unanimously.

Mr. Anderson referred to page 12 in Agenda Item I.2.a, Attachment 2 and moved a motion (Motion 32 seconded by Mr. Myer) to adopt as a PPA a revised Pacific Ocean perch (POP) rebuilding plan that modifies  $T_{TARGET}$  from 2017 to 2020 and establishes an SPR rate of 86.4 percent.

Mr. Anderson said maintaining the current  $T_{TARGET}$  is not possible even in the absence of any fishing. He believes this is the most conservative approach in terms of rebuilding the POP stock in the shortest time possible. The potential ACLs under the prescribed harvest rate are within the range of specified OYs in recent years.

Motion 32 carried unanimously.

Mr. Anderson moved and Mr. Myer seconded a motion (Motion 33) to adopt the following 2011 and 2012 canary rockfish ACL alternatives for more detailed analysis: a preferred alternative with a 2011 ACL of 102 mt and a 2012 ACL of 107 mt; and a second alternative with a 2011 ACL of 49 mt and a 2012 ACL of 51 mt.

Mr. Anderson knows there is much interest in analyzing a higher ACL than the preferred alternative in the motion; however, there may be additional information that comes forward that might compel consideration for a higher ACL. The current canary OY of 102 mt appears to be manageable for the fishery this year. Therefore, he did not feel comfortable offering a higher ACL. The second ACL alternative for analysis is close to the 44 mt OY that was specified for several years. That harvest level was managed at a high cost to the fishing industry and coastal fishing communities. He felt the analysis of these two alternatives would provide a good contrast and give us the information needed to make a final decision in June.

Mr. Moore asked if the canary ACL alternative 5 (129 mt and 135 mt in 2011 and 2012, respectively) would be achievable under the status quo SPR rate and Mr. DeVore said that alternative has a higher harvest rate than that specified in the current rebuilding plan.

Motion 33 carried unanimously.

Mr. Anderson referred to page 12 in Agenda Item I.2.a, Attachment 2 and moved a motion (Motion 34 seconded by Mr. Myer) to adopt the following darkblotched rockfish ACL alternatives for more detailed analysis: a PPA ACL for darkblotched of 332 mt in 2011 and 329 mt in 2012, and an ACL alternative of 222 mt in 2011 and 2012.

Mr. Anderson said the preferred alternative rebuilds one year earlier than the current  $T_{TARGET}$  of 2028 and is consistent with the adopted rebuilding plan. The GMT indicated harvest levels less than 240 mt would have drastically reduced fishing opportunities and the second alternative will more thoroughly explore that. Mr. DeVore asked if the motion changes the  $T_{TARGET}$  in the rebuilding plan from 2028 to 2027 and Mr. Anderson said no, the motion would simply increase the probability of rebuilding by the current  $T_{TARGET}$ .

Motion 34 carried unanimously.

Mr. Anderson referred to page 12 in Agenda Item I.2.a, Attachment 2 and moved and Mr. Myer seconded a motion (Motion 35) to adopt the following POP ACL alternatives for more detailed analysis: a preliminary preferred ACL alternative of 180 mt and 183 mt for 2011 and 2012, respectively; and a second alternative of 80 mt for 2011 and 2012.

Motion 35 carried unanimously.

Mr. Anderson referred to page 13 in Agenda Item I.2.a, Attachment 2 and moved and Mr. Myer seconded a motion (Motion 36) to adopt the following widow rockfish ACL alternatives for more detailed analysis: a preliminary preferred ACL alternative of 400 mt for 2011 and 2012; and a second alternative of 200 mt for 2011 and 2012.

Mr. Anderson said he was aware there was industry desire for a higher widow ACL than 400 mt. However, the level of harvest under the PPA is within the current projected mortality of 375 mt in the 2010 fishery as indicated in the GMT scorecard.

Ms. Vojkovich voiced concern with using the scorecard as an indicator of the needs of fishing communities. The current OY is significantly higher than the projected mortality in the scorecard. She is concerned that we may not get an adequate analysis for a final decision by analyzing such a limited range of ACLs (i.e., 200-400 mt).

Ms. Vojkovich moved and Mr. Crabbe seconded a substitute motion (Motion 37) to adopt a PPA widow ACL of 600 mt for 2011 and 2012.

Ms. Vojkovich would like to see the results of having some catch limit that approximates our current fishery since there is no difference in the median time to rebuild across the range of all the initial ACL alternatives since the stock is predicted to be rebuilt in 2010.

Mr. Myer asked Ms. Vojkovich if the second alternative for detailed analysis would remain at 200 mt and Ms. Vojkovich said yes.

Motion 37 carried unanimously.

Mr. Anderson referred to page 13 in Agenda Item I.2.a, Attachment 2 and moved and Mr. Myer seconded a motion (Motion 38) to adopt the following yelloweye rockfish ACL alternatives for more detailed analysis: a preliminary preferred ACL alternative of 20 mt for 2011 and 2012; and a second alternative of 13 mt for 2011 and 2012.

Mr. Anderson said the PPA would maintain the current  $T_{\text{TARGET}}$  of 2084 at a slightly lower harvest rate than that specified in the current rebuilding plan. Maintaining the current SPR harvest rate predicts a median time to rebuild of 2087.

Motion 38 carried unanimously.

Ms. Vojkovich moved and Mr. Crabbe seconded a motion (Motion 39) to adopt the following ACL alternatives for more detailed analysis for bocaccio south of 40°10' N. latitude: an ACL alternative of 263 mt for 2011 and 274 mt for 2012; and a second alternative of 53 mt in 2011 and 56 mt in 2012. No preferred alternative was provided.

Ms. Vojkovich said the 263 mt ACL maintains the current harvest rate in our rebuilding plan. The analysis should address the rebuilding paradox and how management might be affected when a strong

episodic recruitment event occurs. The first alternative provides some management flexibility in that case. The second alternative is more in line with the most recent catches. This appears to be a good range of ACL alternatives for detailed analysis. Both alternatives are predicted to rebuild the stock faster than the current  $T_{TARGET}$ .

Motion 39 carried unanimously.

Mr. DeVore asked for clarification that there is no PPA specified in the motion and Ms. Vojkovich said that was correct.

Ms. Vojkovich moved and Mr. Crabbe seconded a motion (Motion 40) to adopt the following ACL alternatives for more detailed analysis for cowcod south of 40°10' N. latitude: a preliminary preferred ACL alternative of 4 mt in 2011 and 2012, and a second ACL alternative of 2 mt in 2011 and 2012.

Ms. Vojkovich thought this was a reasonable range of ACL alternatives for detailed analysis.

Motion 40 carried unanimously.

Ms. Vojkovich requested that the analysis of these ACL alternatives consider the implications and management measures associated with a delay in implementing the trawl rationalization program.

Ms. Ames directed the Council to the GMT-recommended yield set-asides for overfished species in Table 8 on page 9 of Agenda Item I.4.b, Supplemental GMT Report. There is a need to adopt set-asides to enable more detailed analysis under this agenda item.

The Council discussed the basis for the GMT-recommended set-asides and especially explored the canary rockfish set-aside for the tribal whiting fishery and how that associates with the whiting yields set-aside for 2011 and 2012.

Mr. Anderson moved and Mr. Myer seconded a motion (Motion 41) to adopt the set-asides for overfished species to be used in the 2011-2012 specifications analysis as shown in Table 8 of Agenda Item I.4.b, Supplemental GMT Report.

Mr. Moore moved to amend Motion 41 (Amendment 1 to Motion 41) to substitute a research set-aside of 4.5 mt for canary rockfish and adjust the totals accordingly. Mr. Anderson seconded the motion to amend for discussion purposes.

Mr. Moore said the 7.2 mt research set-aside for canary in Table 8 reflects a lightning strike incident that occurred in 2006. The 4.5 mt research set-aside is about the average amount taken in research fisheries since 2006. He was confident we can stay within the 4.5 mt research set-aside as we have every year since 2006. Mr. Anderson asked when do we get the results of the impacts in research fisheries and Ms. Ames said we get the final update of research take in the trawl survey at the November meeting.

Amendment 1 to Motion 41 carried. Mr. Anderson, Ms. Vojkovich, and Ms. Kirchner voted no. Motion 41 as amended carried unanimously.

Ms. Ames directed the Council to the GMT-recommended management measures for more detailed analysis in Agenda Item I.4.b, Supplemental GMT Report 2.

Ms. Vojkovich referred to page 13 of Supplemental GMT Report 2 and moved and Mr. Crabbe seconded a motion (Motion 42) to remove items 1 thru 12 from further analysis.

Ms. Vojkovich said she agreed with the GMT to remove these management measures from detailed analysis. She is concerned with GMT workload between now and the June Council meeting. Further, these items were identified as a low priority at the November 2009 Council meeting.

Motion 42 carried unanimously.

Ms. Vojkovich moved and Mr. Brizendine seconded a motion (Motion 43) to include the following management measures for detailed analysis: recommendation # 21 in Supplemental GMT Report 2; the additional option on page 2 in Agenda Item I.4.b, Supplemental CDFG Report I.4.b, "elimination of the 10 fathom depth closure around Farallon Islands and Noon Day Rock"; item #24 in Supplemental GMT Report 2 (also recommended by the EC); item #28 in Supplemental GMT Report, which is the contingency plan of analyzing management measures if trawl rationalization is not implemented; item #29 in Supplemental GMT Report 2; and item #31 in Supplemental GMT Report 2.

Mr. Lockhart said that workload has been mentioned a lot and he appreciates the vote on the prior motion. At this point in time we are voting for items to go forward for analysis. Our ability to move forward in the regulatory process will be constrained by efforts to implement trawl rationalization and the other amendments contemplated to go through the system. He will not vote against this motion, but NMFS intends to prioritize the adoption of biennial harvest specifications and implementation of trawl rationalization above all else.

Mr. Anderson agreed with Mr. Lockhart's priorities and added that one part of the analysis of management measure alternatives needs to be the ability to enforce current regulations. State agency staff should do the analysis of recreational management measures. Ms. Vojkovich agreed and said she would be directing her staff accordingly.

Motion 43 carried unanimously.

Ms. Kirchner referred to Supplemental GMT Report 2 and moved a motion (Motion 44 seconded by Mr. Moore) to remove items #13, #14, and #32 from detailed analysis. She added that the item #25 will be done under a state of Oregon process. She recommended items #16 and #30 as high priorities. The final part of the motion is to adopt the range of management measures for the Oregon recreational fishery outlined in ODFW Report 1.

Mr. Lockhart thought analyzing item #16 would be a huge workload and Ms. Kirchner said ODFW staff has done a lot of work on this item. Mr. Lockhart asked if the intent is to change elements of the trawl rationalization program in June and whether this analysis can be delayed. Ms. Kirchner said any new elements can be implemented when trawl rationalization is implemented.

Mr. Lockhart moved and Mr. Ortmann seconded a motion to amend Motion 44 (Amendment 1 to Motion 44) to remove item #16.

Mr. Lockhart said this analysis has the potential to take up a lot of the GMT's time and will involve Northwest Region staff and NOAA GC when addressing regulations. He did not see how we can get this done and have a meaningful conversation in June.

Amendment 1 to Motion 44 carried. Mr. Crabbe, Mr. Myer, Mr. Moore, and Ms. Kirchner voted no. Motion 44 carried unanimously.

Mr. Moore moved and Mr. Anderson seconded a motion (Motion 45) to analyze the following four items outlined in Supplemental GMT Report 2: high priority items #15, #17, #23, and #26.

Mr. Moore said the EC recommended these analyses. Ms. Kirchner said the analysis of item #23 will need to address whether changes to landing requirements will work with the coastal states. Mr. Moore said the intent of the motion is to look at existing state regulations. Ms. Vojkovich addressed the issue of ice and slime and thought it did not seem likely the GMT would be able to adequately work on this. Deputy Chief Cenci said the EC would address that item.

Motion 45 carried unanimously.

Mr. Anderson moved and Mr. Myer seconded a motion (Motion 46) to include the items in Agenda Item I.4.b, Supplemental WDFW Report for analysis. The motion includes an investigation of separate harvest guidelines for Oregon and Washington recreational fisheries.

Ms. Vojkovich moved and Mr. Anderson seconded an amendment to Motion 46 (Amendment 1 to Motion 46) to include the items recommended for analysis in Agenda Item I.4.b, Supplemental CDFG Report.

Amendment 1 to Motion 46 carried unanimously. Motion 46 carried unanimously.

Mr. Sones moved and Mr. Anderson seconded a motion (Motion 47) to include for analysis the items listed in Agenda Item I.4.b, Supplemental Tribal Report.

Motion 47 carried unanimously.

Ms. Kirchner asked Mr. Anderson for clarification on whether Motion 46 pertained to the recommendation in the WDFW report to investigate separate recreational harvest guidelines for canary and yelloweye and Mr. Anderson said yes.

[Agenda Item I.4 closed at 11:56 a.m.]

## **I.5 Consideration of Inseason Adjustments (04/14/10; 4:03 p.m.—done ahead of I.4)**

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

Ms. Kelly Ames provided the agenda item overview.

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

Mr. Robert Jones presented Agenda Item I.5.b, Supplemental GMT Report. Mr. Ancona said the GAP agreed with the GMT.

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

None.

### **I.5.d Council Action: Adopt Final Recommendations for Adjustments to 2010 Groundfish Fisheries**

Mr. Rod Moore moved and Ms. Kirchner seconded a motion (Motion 30) to reduce the LE non-whiting trawl fishery north of 40°10' N. latitude trip limit for minor slope and darkblotched rockfish from 6,000 pounds/2 months to 2,000 pounds/2 months, starting May 1, 2010 through the rest of the year (i.e., Periods 3-6) as shown in Agenda Item I.5.b, Supplemental GMT Report. Motion 30 carried unanimously.

Mr. Lockhart announced that NMFS has hired Mr. Sean Matson to work with the GMT and inseason management. He will start April 26.

The Council then went to the agenda item overview for Agenda Item I.4.

## **I.6 Part II of Management Measures for 2011-2012 Fisheries**

### **I.6.a Agenda Item Overview (04/15/10; 5:58 p.m.)**

Ms. Ames walked the Council through the situation summary and Agenda Item I.6.a, Supplemental PowerPoint. Ms. Vojkovich and Mr. David Crabbe were absent during this agenda item.

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

Mr. Jones summarized Agenda Item I.6.b, Supplemental GMT Report. The GAP reported that, due to scheduling changes, it did not have time to review the GMT report and discuss this matter.

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

Mr. Tommy Ancona, Tommy's Marine Service, Fort Bragg, CA

### **I.6.d Council Action: Adopt Revised Rebuilding Plans for Overfished Species and a Preliminary Range of Alternatives including Overfished Species Annual Catch Limits and Management Measures**

Mr. Anderson moved, and Mr. Myer seconded, a motion (Motion 67) to adopt the petrale set-aside of 104.6 metric tons to be used for the 2011-2012 specifications. Mr. Anderson explained that he used a maximum catch of 10 mt, instead of the 17 mt which was seen in 2007, when estimating the research set-aside (Agenda Item I.6.b, Supplemental GMT Report, Table 1). The remaining values in Table 2 were used in calculating the total impacts for the petrale sole set-asides.

Motion 67 carried unanimously.

Mr. Anderson said he was struggling with the  $T_{TARGET}$  and the SPR harvest rate for petrale sole. He had ACLs contemplated based on Table 7 in Agenda Item I.4.b, Supplemental GMT Report 3. He asked where he could find the associated  $T_{TARGETS}$  and SPR harvest rates.

Mr. DeVore directed Mr. Anderson's attention to Agenda Item I.2.a, Attachment 2; Table 2-4.

Mr. Anderson asked about GMT Supplemental Report 3. On page 2 of that document, the top of the page lists the four alternatives. Alternative 3 has harvesting at the MSY proxy harvest rate with a 25-5 precautionary adjustment. Is the proxy harvest rate 0.30?

Mr. DeVore said there was no proxy harvest rate associated with that alternative; it is an analog to the 40-10 harvest control rule; it's a variable harvest rate strategy. Each year, the harvest rate changes. Mr.

Anderson said he wanted to understand the  $T_{\text{TARGET}}$  and SPR harvest rate under that alternative. Mr. Anderson said, looking at Agenda Item I.2.a, Attachment 2, Table 2-4; toward the bottom, “petrale with a winter fishery” – under Alternative 3, the median time to rebuild is 2016, and the SPR rate is pursuant to the rules, and needs to be calculated. Mr. Devore said, under the 25-5 rule, which was adopted under Amendment 23, with a winter fishery, the 25-5 rule would give you a 2011 ACL of 776 mt; a 2012 ACL of 1,160 mt; and a median time to rebuild of 2015.

Mr. Anderson said he was thinking of the following phase-in of Alternative 3 (using the 25-5 rule) in a manner that would in 2011 set the ACL equal with the ABC (976 mt); and in the second year, in 2012, transition to full implementation of the 25-5 rule of Alternative 3, so the ACL would be 1,160 mt. He assumes the SPR harvest rate could be calculated; when he looked at supplemental GMT Report 3, page 4 of that report, there are two graphs there, and you can see that Alternative 3 and Alternative 4 essentially rebuild at the same rate for the first three years or so. He felt that the Council could phase in to the full implementation of Alternative 3. He felt it was a fairly draconian approach under Alternative 3 to set the ACL at 776 mt. That is the rationale. However, before he put it in motion form, he wanted to know if it would affect the  $T_{\text{TARGET}}$  of 2015. Mr. DeVore said it might; the Stock Assessment Team could easily run this. He speculated that if it did change the  $T_{\text{TARGET}}$ , it might go to 2016 or something like that.

Mr. Anderson moved and Mr. Myer seconded a motion (Motion 68) to develop a petrale sole rebuilding plan with a preliminary  $T_{\text{TARGET}}$  of 2015 and a phase in of Alternative 3 (25-5 rule) in a manner that the 2011 ACL would be equal to the ABC (976 mt); for 2012, transition to full implementation of the 25-5 rule under Alternative 3 which would set an ACL of 1,160 mt.

In speaking to his motion, Mr. Anderson said he considered the rate of rebuilding and implications to industry in Table 7 of the GMT report (Agenda Item I.4.b, Supplemental GMT Report 3). Mr. Anderson felt that having a year-round fishery was important to the fishery and processing sector in order to sustain and maintain a market.

Mr. Moore noted that according to the PacFin database, the total exvessel value of petrale in 2009 was over \$3 million. The ACL value chosen by Mr. Anderson would be between 28 and 37 percent of that. It is a significant reduction in value, and appeared to be the minimum necessary to provide for local communities while allowing rebuilding.

Mr. DeVore said that given the 25-5 harvest rule scenario, you will get year-specific SPR rates; that is part of the output you will see in June.

Motion 68 carried unanimously.

Ms. Ames asked, what sectors should be affected, and how should the non-treaty trawl fishery be structured? Your motion aims at a year-round fishery, but the first question about whether both trawl and non-trawl sectors should be restricted needs to be clarified.

Mr. Moore asked for clarification on the trawl and non-trawl allocations under Amendment 21, also noting that those allocations could be modified since petrale is overfished. Ms. Ames said it was 95 percent trawl and 5 percent non-trawl fisheries.

Mr. Moore moved and Mr. Anderson seconded a motion (Motion 69) to affect the sectors proportionate to the allocation percentages that are provided in Amendment 21.

Mr. Moore said we went through a thorough allocation analysis when developing Amendment 21. I don't see any reason to move away from that allocation percentage, even though petrale is overfished. It is primarily a trawl species.

Motion 69 carried unanimously.

Mr. Anderson asked if two alternatives were needed for analysis. Ms. Cooney said yes. Mr. DeVore said he could analyze the next lower number in Alternative 2.

Mr. Anderson moved (Motion 70) regarding ACLs for petrale, as a second alternative for analysis, the ACLs associated with Alternative 2 be analyzed; understanding that the previous motion, with the phase in of Alternative 3, is the Council's preferred alternative. Mr. Moore seconded the motion.

Motion 70 carried unanimously.

Mr. Anderson asked Ms. Ames to explain what is needed for the buffers, harvest guidelines, and ACTs. Ms. Ames directed Mr. Anderson's attention to Supplemental GMT Report, Agenda Item I.6.b, pages 4-5. She explained the GMT's report. Mr. Meyer asked if, in this particular report, we are looking for buffers, harvest guidelines, and ACTs for all species, for overfished species, or just petrale? How broad? Ms. Ames said she believed the GMT was trying to draw the Council's attention to the species where an ACT might be considered – those where we have had issues staying below the OY in some years. Mr. Meyer asked another clarifying issue about buffers. Ms. Ames explained that ACTs are generally used by east coast fishery managers who do not have the ability to track in-season. Ms. Ames said it might be sufficient to ask the GMT to come back with recommendations.

Mr. Lockhart said he believes the NS1 guidelines do require action if the ACT is projected to be attained. He reminded the Council of presentations given by NOAA Fisheries headquarters staff relative to the ACT. He said the ACT concept was generally for the management style of the east coast fisheries, where there is no ability to track fisheries inseason. The use of an ACT gives them a buffer since they cannot take inseason action.

Mr. Anderson noted that many of the overages displayed in Table 3 (Agenda Item I.6.b, Supplemental GMT Report) were over ten years ago. Mr. Anderson asked the GMT to take a closer look at this, and look at how to use buffers to ensure that we stay within our overfished species ACLs as one approach; and provide specific recommendations for ACTs and/or buffers based on performance during recent years. The Council concurred.

Ms. Ames noted that on the issue of two-year allocations for yelloweye, canary, bocaccio, and cowcod, the Council should see Agenda Item I.6.b, pages 14 through 17 (GMT report). For yelloweye and canary, the Council's PPA was to use the March 2009 scorecard. We do not have a PPA for bocaccio and cowcod; we are seeking guidance on that for preliminary analysis.

Mr. Myer asked about how to use the scorecard. Ms. Ames explained, walking the Council through the example of yelloweye.

Ms. Kirchner asked a process question about setting a range of alternatives. Ms. Ames explained that the Council would be setting a preliminary preferred allocation scheme for more detailed analysis; the remaining alternatives will be considered but rejected.

Mr. Anderson moved (Motion 71) to use the 2009/2010 specifications EIS alternatives as our PPA for yelloweye, bocaccio, and cowcod. The motion did not include canary. Mr. Myer seconded Motion 71.

Mr. Anderson noted that the March 2009 scorecard is currently being used as guidance. He said it was clear that, when matched up with the ACLs we've identified, it doesn't work in several cases. Given that our 2009/2010 specifications process involved the full public process and represents our most recent action related to allocation, that seems to be the most current, and it seems to work in all cases, except for canary.

Mr. Wolford said that using the 2009/2010 specifications EIS for cowcod does not work well for California recreational, so he would not like to use it there. California would prefer to use the March 2009 scorecard or the 2008 total mortality report. Mr. Wolford moved to amend Motion 71 to specify that for cowcod, we analyze two of these alternatives; one being the 2008 total mortality report, and the other being the March 2009 scorecard. Mr. Anderson seconded the amendment.

Mr. Wolford said these numbers would work best for the California recreational arena.

The amendment to Motion 71 carried unanimously. Motion 71 as amended carried unanimously.

Mr. Anderson asked, regarding canary, in looking at 2009/2010 specifications on page 15, second table, for the 102 mt under Alternative 4, the 102/107 mt piece, do the values in the recreational rows reflect recent harvest mortalities for canary in the three states?

Ms. Ames said the values in the status quo column are the harvest guidelines, not the projected impacts. She directed the Council to look at Agenda item I.4., Attachment 3; Table 3, page 11. That shows you the 2005-2009 estimated total mortality of overfished species in the recreational fisheries, compared to the harvest guidelines.

Mr. Anderson said, when he looks at canary, the mortalities in the recreational fisheries are in some cases substantially less than the values on page 15. In looking at LE non-trawl, April 2010, the value assigned to nonwhiting is 21.3 mt, and the values are 15.7 and 16.7 respectively. It appears to him that there is room to move some fish from the recreational sector to the LE trawl sector, so none of the rows would be shaded.

Ms. Kirchner said the tables are missing some shading for open access (OA), directed, and LE fixed gear. Looking at Alternative 4, for the March 2009 scorecard, neither OA directed or LE fixed gear is accommodated with this allocation scheme; nor under the 2009-10 specifications scorecard. Under the 2007-08 specifications, Alternative 4, it looks like LE fixed gear is almost accommodated, but not quite; for 2005-06, OA directed and LE fixed gear is not accommodated; and the mortality reports are also missing some shading.

Mr. Moore asked Ms. Ames, at one time we had a commercial/recreational allocation on canary, going back several years; I cannot recall what was adopted recently in the specifications. Do we still have any allocation? Can we explore Mr. Anderson's idea of moving fish around based on mortality rates?

Ms. Ames said sufficient guidance might be to ask how much fish from the recreational sector might be moved; the GMT could tell you how that would change opportunities in the fisheries that would have the shaded cells. As Ms. Kirchner pointed out, that would now be LE nonwhiting trawl, OA directed, and LE fixed gear if you're working off the March 2009 scorecard.

Mr. Anderson said it also looks like that under LE trawl whiting. If he looks at the values under Alternative 4 under the 2009-10 specifications, vs. what we have as status quo, that he's not sure we've got enough. He's interested in finding a combination to accommodate the fisheries that we've identified

relative to recreational fisheries, and then looking at distributing the commercial piece, if we can, in a way that doesn't end up "shaded gray" – although he knows he can't do that now.

Ms. Ames suggested that the Council instruct the GMT to start with the April 2010 scorecard percentages. Under that scenario, all fisheries appear to be accommodated, and there is a balance in the scorecard (Agenda Item I.5.b, Supplemental GMT Report).

Mr. Anderson moved (Motion 72) that we preliminarily adopt for canary the distribution of the ACL between sectors consistent with our April 2010 scorecard. Ms. Kirchner seconded motion 72.

Motion 72 carried unanimously.

Ms. Ames directed the Council's attention to Agenda Item Report I.6.b, Supplemental GMT Report; page 12, tables 9-11.

Mr. Moore moved (Motion 73) a preliminary allocation for minor shelf rockfish north and south. The allocations would be based on the average mortality percentages by sector from 2005-2008 as seen in Table 11. Ms. Kirchner seconded Motion 73.

Mr. Moore said he had thought about using the years from the intersector allocation framework (2003-2007), as was done previously, but those appeared to use catch numbers based on earlier years, and he felt we should use more recent years' total mortality numbers (2005-2008). Since the GMT provided that to us, that seemed a reasonable place to start.

Motion 73 carried unanimously.

Mr. Anderson moved (Motion 74) for longnose skate, to use the 95 percent trawl/5 percent non-trawl as the allocation between the sectors. Mr. Moore seconded motion 74.

Mr. Anderson said this is consistent under the allocations we made under Amendment 21; longnose skate is mainly a trawl species.

Motion 74 carried unanimously.

Mr. Moore moved (Motion 75) a preliminary preferred allocation of longnose skate to the whiting fishery of one percent of the trawl allocation, Mr. Myer seconded Motion 75. Mr. Moore noted some trace skate bycatch in the whiting fishery.

Mr. Myer asked if we could analyze a range between one and five percent as an alternative. Mr. Anderson moved to amend Motion 75 to provide a second alternative of 95 percent non-whiting and 5 percent whiting. Ms. Lowman seconded the amendment to Motion 75.

Mr. Anderson said that having an analysis of a wider range of options would improve opportunities for public input.

Amendment to Motion 75 carried unanimously. Motion 75 carried unanimously.

[I.6 done at 7:31 p.m.]

## **J. Pacific Halibut Management**

### **J.1 Incidental 2010 Catch Regulations in the Salmon Troll Fishery (04/14/10; 1:53 p.m.)**

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

Dr. McIsaac provided the agenda item overview.

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

Dr. McIsaac read Agenda Item J.1.b, Supplemental SAS Report.

#### **J.1.c Public Comment**

None.

#### **J.1.d Council Action: Adopt Final Annual Incidental Halibut Harvest Restrictions for the Salmon Troll Fishery**

Ms. Culver moved and Mr. Cedergreen seconded a motion (Motion 29) to adopt the following Pacific halibut landing restrictions:

Option 2: Beginning May 1, license holders may land no more than one halibut per each **three** Chinook, except one halibut may be landed without meeting the ratio requirement, and no more than 35 halibut may be landed per trip. Halibut retained must be no less than 32 inches in total length (with head on).

Motion 29 carried unanimously.

## **K. Administrative Matters**

### **K.1 Legislative Matters (04/15/10; 3:33 p.m.)**

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

Mr. Mike Burner provided the agenda item overview.

#### **K.1.b Legislative Committee Report**

Mr. Mike Burner read Agenda Item K.1.b, Supplemental Legislative Committee Report.

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

None.

#### **K.1.d Public Comment**

None.

### **K.1.e Council Action: Consider Legislative Committee Recommendations**

Mr. Moore moved and Ms. Kirchner seconded a motion (Motion 53) to adopt the Legislative Committee report (Agenda Item K.1.b, Supplemental Legislative Committee Report). Motion 53 carried. Mr. Lockhart abstained.

## **K.2 Membership Appointments and Council Operating Procedures**

### **K.2.a Agenda Item Overview (04/14/10; 3:48 p.m.)**

Dr. Coon provided the agenda item overview.

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

None.

### **K.2.c Public Comment**

None.

### **K.2.d Council Action: Consider Changes to Council Operating Procedures and Advisory Body Appointments as Needed**

Ms. Vojkovich moved and Mr. David Crabbe seconded a motion (Motion 54) to appoint Ms. Meisha Key to the CDFG position on the SSC (replacing Mr. Tom Barnes). Motion 54 carried unanimously.

LT Brian Chambers moved and Mr. Lockhart seconded a motion (Motion 55) to confirm LT Steve Arnwine as the 11<sup>th</sup> Coast Guard District representative on the EC (replacing LT Brittany Steward). Motion 55 carried unanimously.

Mr. Lockhart moved and Mr. Wolford seconded a motion (Motion 56) to appoint Ms. Suzanne Kohin to the NMFS Southwest Fishery Science Center position on the Highly Migratory Species Management Team (replacing Dr. Kevin Piner). Motion 56 carried unanimously.

Mr. Lockhart moved and Mr. Wolford seconded a motion (Motion 57) to appoint Mr. Merrick Burden to the conservation position on the Highly Migratory Species Advisory Subpanel. Motion 57 carried unanimously.

Mr. Lockhart moved and Mr. Wolford seconded a motion (Motion 58) to establish the following ad hoc committees as described in Agenda Item K.2.a, Supplemental Attachment 1: Groundfish Regulatory Workgroup and the Tule Chinook Abundance-Based Management Workgroup.

Mr. Anderson, regarding the tule Chinook abundance-based workgroup, noted he did not understand why the Council was establishing that ad hoc committee. He thought that the states and NMFS would be meeting to deal with that issue. If those discussions lead to identifying the need for a Council committee that could be dealt with at the June Council meeting. He will be voting no.

Mr. Moore moved to amend the motion (Motion 58) to remove the ad hoc Tule Chinook Abundance Based Management Workgroup. Mr. Steve Williams seconded the amendment.

Dr. McIsaac agreed that the Council could deal with the tule Chinook committee issue in June.

Amendment to Motion 58 carried unanimously. Motion 58 as amended passed unanimously.

Chairman Ortmann appointed the following people to the ad hoc committee for the Groundfish Regulatory Workgroup: Dr. Dave Hanson, (Chair), Mr. Merrick Burden, Mr. Joe Sullivan, Mr. Corey Niles, Mr. Craig Urness, Mr. Dayna Matthews, Mr. Robert Alverson, Mr. Pete Leipzig, AC Tony Warrington, Mr. Brent Paine, Mr. Michael Lake, Ms. Donna Parker, and Mr. Dan Waldeck (Mr. David Jincks was later added to the committee).

Mr. Mallet moved and Mr. Moore seconded a motion (Motion 59) to eliminate the Idaho at-large position on the Ecosystem Advisory Subpanel. Motion 59 carried unanimously.

The Council then moved on to Agenda Item I.2.d (for the fourth time).

### **K.3 Future Council Meeting Agenda and Workload Planning**

#### **K.3.a Agenda Item Overview (04/15/10; 7:37 p.m.)**

Dr. Don McIsaac reviewed the proposed changes in the Year-at-a-Glance Summary (K.3.a, Supplemental Attachment 3) and Proposed June Agenda (K.3.a, Supplemental Attachment 4). The changes were primarily aimed at eliminating nonessential agenda items to ensure room for the groundfish biennial specification process, the deeming of Groundfish Amendments 20 and 21, and necessary items for highly migratory species, coastal pelagic species, and salmon. The agenda is projected to take a full six days.

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

Agenda Item K.3.b, Supplemental HMSAS Report was referenced by Council staff.

#### **K.3.c Public Comment**

Mr. Joe Sullivan, The Nature Conservancy, San Francisco, CA

Mr. Shems Jud, Environmental Defense Fund, Portland, OR

#### **K.3.d Council Discussion and Guidance on Future Council Meeting Agenda and Workload Planning**

Council members suggested inseason changes in groundfish management only be considered if the issues were significant and that the deeming item be started on Tuesday afternoon to ensure adequate time.

Dr. McIsaac noted that Council staff suggested the Groundfish Allocation Committee meeting in mid-May be canceled to allow more time for the GMT to work on management alternatives. The Council concurred.

Dr. McIsaac spoke about trailing amendments for the trawl rationalization program and workshops as proposed by the public. He stated that workload pointed toward September as the earliest the workshops could be held. He did not see how it would be possible to participate over the summer.

Ms. Lowman suggested adding the trailing amendment item to the March meeting to make it a three-meeting process.

Council adjourned at 8:02 p.m., Thursday, April 15, 2010.

DRAFT VOTING LOG  
Pacific Fishery Management Council  
April 2010

**Motion 1:** Approve the meeting agenda as shown in Agenda Item A.4. Proposed Council Meeting Agenda.

Moved by: Rod Moore

Seconded by: Steve Williams

Motion 1 carried unanimously.

**Motion 2:** Adopt for NMFS approval, the EFP as shown in Agenda Item F.1.a, along with the relevant supplemental addendums.

Moved by: Rod Moore

Seconded by: Dale Myer

Motion 2 carried. Mr. Helvey abstained.

**Motion 3:** Adopt Supplemental HMSMT Report 2 for public review and the HMSMT Report. The HMSMT should address the recommendations contained in the Supplemental SSC Report.

Moved by: Michele Culver

Seconded by: Marci Yaremko

Motion 3 carried unanimously.

**Motion 4:** Have the HMSMT proceed with the four data collection and analytical tasks listed on page 2 of the HMSMT Report with particular attention to the analysis of management measures applied to North Pacific albacore elsewhere in the world. A fifth item should be added to the list of tasks in the HMSMT Report, which is to update the fishery statistics found in the white paper, Agenda Item G.3.a, Attachment 1. The HMSMT and HMSAS should then evaluate the management measures used elsewhere to support future Council deliberations on the applicability of such measures should any be necessary for the U.S. fishery. The HMSMT and HMSAS should report back to the Council with this information in March or April 2011.

Moved by: Marci Yaremko

Seconded by: Buzz Brizendine

Motion 4 carried unanimously.

**Motion 5:** Forward comments to NMFS in regard to proposed rule for leatherback sea turtle critical habitat designation (Agenda Item G.4.a, Attachment 1) based on the SSC, HC, and HMSMT Reports, especially noting agreement in all three reports that fisheries do not directly or indirectly affect physical or biological features essential to conservation (Primary Constituent Elements) identified in the proposed critical habitat designation.

Moved by: Rod Moore

Seconded by: Mark Cedergreen

Motion 5 carried unanimously.

**Motion 6:** Adopt for STT preliminary analysis the Treaty Indian ocean troll fishery management measures as presented in Agenda Item H.1.h, Supplemental Tribal Report.

Moved by: David Sones  
Motion 6 carried unanimously.

Seconded by: Phil Anderson

**Motion 7:** Adopt for STT preliminary analysis the non-Indian commercial and recreational fisheries in the area north of Cape Falcon presented in Agenda Item H.1.f, Supplemental SAS Report with changes as reflected in Agenda Item H.2.b, Supplemental STT Report.

Moved by: Phil Anderson  
Motion 7 carried unanimously.

Seconded by: Mark Cedergreen

**Motion 8:** Adopt for STT preliminary analysis the non-Indian commercial and recreational fisheries in the area between Cape Falcon and the Oregon/California border presented in Agenda Item H.1.f, Supplemental SAS Report with changes as reflected in Agenda Item H.2.b, Supplemental STT Report.

Moved by: Steve Williams  
Motion 8 carried unanimously.

Seconded by: Rod Moore

**Motion 9:** Adopt for STT preliminary analysis the non-Indian commercial and recreational fisheries in the area south of the Oregon/California border presented in Agenda Item H.1.f, Supplemental SAS Report with changes as reflected in Agenda Item H.2.b, Supplemental STT Report.

Moved by: Marija Vojkovich  
Motion 9 carried unanimously.

Seconded by: Buzz Brizendine

**Motion 10:** Using Agenda Item I.1.b, Supplemental NMFS Report 2, Page 1, Issue 3; thirty day clock: Adopt Option B, the NMFS preferred option—if an overage shows on the fish ticket at the time of landing or in the vessel account at any time after the landing, the clock would start when any data or documentation from the trip which caused the overage is available or the vessel account shows there is an overage.

Moved by: Michele Culver  
Motion 10 carried unanimously.

Seconded by: Dale Myer

**Motion 11:** Using Agenda Item I.1.b, Supplemental NMFS Report 2, page 3, issue 4, the carryover provision: Adopt Option A, the NMFS preferred option with some changes as follows: the carryover provision is 10 percent of the QP in a vessel's account based on the balance; however, strike "a certain date early in the year" and replace it with "as of September 1 of the year."

Moved by: Michele Culver  
Motion 11 withdrawn, not voted on.

Seconded by: Dale Myer

**Motion 12:** Using Agenda Item I.1.b, Supplemental NMFS Report 2, April 2010; page 7, Issue 7a: Adopt Option A, with changes (in bold):

Option A (NMFS-preferred): September 1-December 31 of the year before the whiting season the MS/CV endorsed permit must declare through the permit renewal process that they are going to participate in the Co-op or non-coop fishery. **And by September 1, of the year before the whiting season, the MS/CV permit must notify the MS permit that the MS/CV will deliver to the following year.**

Moved by: Michele Culver

Seconded by: Mark Cedergreen

Motion 12 carried. Mr. Dale Myer recused.

**Motion 13:** Using Agenda Item I.1.b, Supplemental NMFS Report 2, April 2010; page 9, Issue 7B; adopt Option B (NMFS-preferred).

Moved by: Steve Williams

Seconded by: Dorothy Lowman

Motion 13 carried. Mr. Dale Myer recused.

**Motion 14:** Using Agenda Item I.1.b, Supplemental NMFS Report 2, April 2010, Page 3, Issue 4; adopt Option D--“The carryover amount for a deficit is determined based on the amount of QP in the vessel account at the end of the 30-day period during which a vessel must cover its overage. The carryover amount for a surplus is determined based on the amount of QP in the vessel account at the end of the year.”

Moved by: Frank Lockhart

Seconded by: Marija Vojkovich

Motion 14 carried unanimously.

**Motion 15:** Referencing Agenda Item I.1.b, Supplemental NMFS Report 3, April 2010, First Issue on first page: the Council’s Amendment 21 species allocations supersede any allocations for those species in the groundfish FMP prior to Amendment 21, and to whatever extent the Council draft EIS or FMP language documents appear ambiguous in regard to part one of this motion, the Council staff is directed to alter or add language to make the Council action more clear.

Moved by: Michele Culver

Seconded by: Mark Cedergreen

Motion 15 carried. Mr. Frank Lockhart abstained.

**Motion 16:** Referencing Agenda Item I.1.b, Supplemental NMFS Report 3, April 2010, Issue 5, Page 6: for at-sea processing, specify that all processing of groundfish at-sea will be prohibited unless specifically authorized by NMFS regulations.

Moved by: Michele Culver

Seconded by: Rod Moore

Motion 16 carried. Ms. Marija Vojkovich voted no.

**Motion 17:** Referencing Agenda Item I.1.b, Supplemental NMFS Report 3, April 2010, Pacific Whiting allocation, page 9: do not remove the “5 percent whiting allocation language.”

Moved by: Rod Moore

Seconded by: Dale Myer

Motion 17 carried. 9 yes, 4 no. Ms. Marija Vojkovich, Mr. Dan Wolford, Mr. David Crabbe, and Mr. Buzz Brizendine voted no.

**Motion 18:** Referencing Agenda Item I.1.b, Supplemental NMFS Report 3, April 2010, Issue 6 on page 7: split deliveries are allowed as long as they are observed.

Moved by: Rod Moore

Seconded by: Dorothy Lowman

Motion 18 carried unanimously.

**Motion 19:** Referencing Agenda Item I.1.b, Supplemental NMFS Report 3 on page 5 and also taking in the regulatory language in Supplemental NMFS Report 6, page 105; Own and Control Issue: use the language on accumulation caps found on page 105, regarding control under the individual and collective rule, that we use the language presented in Agenda Item E.6.b, Revised NMFS Report (March 2010) pages 38 and 39, and indicate our intent to set up a trailing amendment process to deal with issues such as financing safe harbors etc., as suggested in public testimony.

Moved by: Rod Moore

Seconded by: Dale Myer

Motion 19 failed. 9 no, 3 yes, 1 abstention. Mr. Dan Wolford, Mr. Jerry Mallet, Ms. Marija Vojkovich, Mr. David Crabbe, Mr. Buzz Brizendine, Mr. Steve Williams, Ms. Michele Culver, Ms. Dorothy Lowman, and Mr. Lockhart voted no. Mr. David Sones abstained.

**Motion 20:** Using Agenda Item I.1.b, Supplemental NMFS Report 6: deem these draft proposed regulations as being consistent with the Council's action under Amendment 20 and 21 and that the language in the proposed regulations be revised to reflect the actions that we have taken previously here today and that the document also incorporate proposed recommended changes on Agenda Item I.1.a, Supplemental Attachment 5, the staff report on the draft initial issuance rule.

Moved by: Michele Culver

Seconded by: Mark Cedergreen

Motion 20 carried. Mr. Rod Moore voted no.

**Motion 21:** Have the Council include the plan described in Agenda Item I.1.b, PSMFC Report as the preferred approach in the Council's submission of Amendment 20 under the Magnuson-Stevens Act, as well as alert the NMFS that this plan represents the preferred Council approach with regard to any relevance to regulation development and federal funding assistance to states and the fishing industry.

Moved by: Dr. Dave Hanson

Seconded by: Mark Cedergreen

**Amdnt #1:** State that NMFS will work with the states to explore mechanisms to allow for the use of state employees as compliance monitors in both the shoreside fishery and on mothership catcher vessels.

Moved by: Michele Culver

Seconded by: Dave Hanson

Amendment #1 carried unanimously.

Main motion 21 as amended carried unanimously.

**Motion 22:** Utilizing Agenda Item I.2.a, Supplemental Attachment 3, page 1: adopt the SSC's recommended OFL levels for 2011-2012 for all groundfish stocks and groundfish stock complexes in Table 2-1a.

Moved by: Phil Anderson

Seconded by: Dale Myer

Amdnt #1: Adopt the 2010 ABC values for the 2011 and 2012 OFLs for the minor rockfish north (2011-2012 OFL of 3,678 mt) and south (2011-2012 OFL of 3,382 mt) complexes.

Moved by: Gway Kirchner

Seconded by: Rod Moore

Amendment to Motion 22 failed on a roll call vote (7 no, 6 yes) Mr. Sones, Mr. Wolford, Ms. Lowman, Mr. Anderson, Mr. Myer, Mr. Mallet, and Mr. Ortmann voted no.

Main Motion 22 carried. Ms. Vojkovich voted no.

**Motion 23:** Adopt 0.45 P\* for all species contained in the groundfish FMP (table 2-1c).

Moved by: Marija Vojkovich

Seconded by: David Crabbe

Amdnt #1: Do not include the overfished species, sablefish, and splitnose rockfish in the motion, and set P\* values of 0.35 for category 2 species and 0.32 for category 3 species in setting ABCs.

Moved by: Phil Anderson

Seconded by: Jerry Mallet

Amendment #1 withdrawn following voting on Amendment 2.

Amdnt #2: Use a preliminary P\* of 0.45 for setting the splitnose ABC. (Effectively removing Mr. Anderson's removal of that species in his amendment which was later withdrawn.)

Moved by: Rod Moore

Seconded by: Gway Kirchner

Amendment 2 to Motion 23 carried. Mr. Crabbe voted no.

Amdnt #3: Remove overfished species and sablefish from the main motion.

Moved by: Phil Anderson

Seconded by: Jerry Mallet

Amendment #3 to Motion 23 carried. Mr. Wolford voted no.

Amdnt #4: Remove both category 2 and category 3 species from the main motion.

Moved by: Dorothy Lowman

Seconded by: Dale Myer

Amendment #4 carried. Mr. Crabbe, Ms. Vojkovich, and Mr. Wolford voted no.

Amdnt #5: Adopt the sigma values associated with category 1, 2, and 3 species for P\* as recommended by the SSC and shown in table 2-1.e.

Moved by: Rod Moore

Seconded by: Dan Wolford

Amendment #5 withdrawn (see minutes, as there was further discussion).

Amdnt #6: Adopt the sigma values associated with category 1, 2, and 3 species for P\* as shown on table 2-1.e of the SSC report.

Seconded by: Dan Wolford

**Motion 24:** Adopt a P\* value for setting the sablefish ABC at 0.45

Seconded by: Rod Moore

**Motion 25:** Adopt a P\* value of 0.45 for all the overfished category 1 species (Pacific ocean perch, widow, canary, bocaccio, darkblotched, yelloweye, and petrale).

Seconded by: David Crabbe

**Motion 26:** Adopt a P\* value of 0.45 for setting the ABCs for category 2 and 3 stocks, including cowcod.

Seconded by: Gway Kirchner

**Motion 27:** Adopt a P\* of 0.4 for category 2 and 3 stocks in setting the ABCs for these stocks.

Seconded by: Phil Anderson

**Motion 28:** Assume all complexes are comprised of category 3 species in deciding complex ABCs.

Seconded by: Dan Wolford

**Motion 29:** Adopt the following Pacific halibut landing restrictions: Option 2: Beginning May 1, license holders may land no more than one halibut per each **three** Chinook, except one halibut may be landed without meeting the ratio requirement, and no more than 35 halibut may be landed per trip. Halibut retained must be no less than 32 inches in total length (with head on).

Seconded by: Mark Cedergreen

**Motion 30:** Reduce the limited entry non-whiting trawl fishery north of 40°10' N latitude trip limit for minor slope and darkblotched rockfish from 6,000 pounds/2 months to 2,000 pounds/2

months, starting May 1, 2010 through the rest of the year (e.g. Periods 3-6) [as shown in Agenda Item I.5.b, Supplemental GMT Report].

Moved by: Rod Moore  
Motion 30 carried unanimously.

Seconded by: Gway Kirchner

**Motion 31:** Referencing Agenda Item I.2.a, Attachment 2, page 12: adopt as a preliminary preferred alternative a revised canary rockfish rebuilding plan that modifies the target rebuilding year ( $T_{\text{TARGET}}$ ) from 2021 to 2027, while maintaining the status quo SPR harvest rate of 88.7 percent.

Moved by: Phil Anderson  
Motion 31 carried unanimously.

Seconded by: Dale Myer

**Motion 32:** Working from Agenda Item I.2.a, Attachment 2; page 12: adopt as a preliminary preferred alternative a revised POP rebuilding plan that modifies  $T_{\text{TARGET}}$  from 2017 to 2020 and establishes an SPR rate of 86.4 percent.

Moved by: Phil Anderson  
Motion 32 carried unanimously.

Seconded by: Dale Myer

**Motion 33:** Adopt the following 2011 and 2012 canary rockfish ACL alternatives for more detailed analysis: a preferred alternative with a 2011 ACL of 102 mt and a 2012 ACL of 107 mt; and a second alternative with a 2011 ACL of 49 mt and a 2012 ACL of 51 mt.

Moved by: Phil Anderson  
Motion 33 carried unanimously.

Seconded by: Dale Myer

**Motion 34:** Working from Agenda Item I.2.a, Attachment 2, page 12: adopt the following darkblotched rockfish ACL alternatives for more detailed analysis: a preliminary preferred alternative ACL for darkblotched of 332 mt in 2011 and 329 mt in 2012; and an ACL alternative of 222 mt in 2011 and 2012.

Moved by: Phil Anderson  
Motion 34 carried unanimously.

Seconded by: Dale Myer

**Motion 35:** Referring to page 12 in Agenda Item I.2.a, Attachment 2: adopt the following POP ACL alternatives for more detailed analysis: a preliminary preferred ACL alternative of 180 mt and 183 mt for 2011 and 2012, respectively; and a second alternative of 80 mt for 2011 and 2012.

Moved by: Phil Anderson  
Motion 35 carried unanimously.

Seconded by: Dale Myer

**Motion 36:** Referring to page 13 in Agenda Item I.2.a, Attachment 2: adopt the following widow rockfish ACL alternatives for more detailed analysis: a preliminary preferred ACL

alternative of 400 mt for 2011 and 2012; and a second alternative of 200 mt for 2011 and 2012.

Moved by: Phil Anderson

Seconded by: Dale Myer

**Motion 37:** Offered as a substitute motion to Motion 36—adopt a preliminary preferred alternative widow ACL of 600 mt for 2011 and 2012.

Moved by: Marija Vojkovich  
Motion 37 carried unanimously.

Seconded by: David Crabbe

**Motion 38:** Referring to page 13 in Agenda Item I.2.a, Attachment 2: adopt the following yelloweye rockfish ACL alternatives for more detailed analysis: a preliminary preferred ACL alternative of 20 mt for 2011 and 2012; and a second alternative of 13 mt for 2011 and 2012.

Moved by: Phil Anderson  
Motion 38 carried unanimously.

Seconded by: Dale Myer

**Motion 39:** Adopt the following ACL alternatives for more detailed analysis for bocaccio south of 40°10' N. latitude: an ACL alternative of 263 mt for 2011 and 274 mt for 2012, and a second alternative of 53 mt in 2011 and 56 mt in 2012. No preferred alternative was provided.

Moved by: Marija Vojkovich  
Motion 39 carried unanimously.

Seconded by: David Crabbe

**Motion 40:** Adopt the following ACL alternatives for more detailed analysis for cowcod south of 40°10' N. latitude: a preliminary preferred ACL alternative of 4 mt in 2011 and 2012; and a second ACL alternative of 2 mt in 2011 and 2012.

Moved by: Marija Vojkovich  
Motion 40 carried unanimously.

Seconded by: David Crabbe

**Motion 41:** Adopt the set-asides for overfished species to be used in the 2011-2012 specifications analysis as shown in Table 8 of Agenda Item I.4.b, Supplemental GMT Report.

**Amdmt #1:** Substitute a research set-aside of 4.5 mt for canary rockfish and adjust the totals accordingly.

Moved by: Rod Moore  
Amendment to Motion 41 carried. Mr. Anderson, Ms. Vojkovich, Ms. Kirchner voted no.  
Motion 41 as amended carried unanimously.

Seconded by: Phil Anderson

**Motion 42:** Using Agenda Item I.4.b, Supplemental GMT Report 2, page 13: remove from further analysis items 1 thru 12.

Moved by: Marija Vojkovich  
Motion 42 carried unanimously.

Seconded by: David Crabbe

**Motion 43:** Include the following management measures for detailed analysis: recommendation # 21 in Supplemental GMT Report 2; the additional option on page 2 in Agenda Item I.4.b, Supplemental CDFG Report I.4.b, “elimination of the 10 fathom depth closure around Farallon Islands and Noon Day Rock”; item #24 in Supplemental GMT Report 2 (also recommended by the EC); item #28 in Supplemental GMT Report, which is the contingency plan of analyzing management measures if trawl rationalization is not implemented; item #29 in Supplemental GMT Report 2; and item #31 in Supplemental GMT Report 2.

Moved by: Marija Vojkovich  
Motion 43 carried unanimously.

Seconded by: Buzz Brizendine

**Motion 44:** Referring to Agenda Item I.4.b, Supplemental GMT Report 2: remove items #13, #14, and #32 from detailed analysis [item #25 will be done under a state of Oregon process]; recommend items #16 and #30 as high priorities; and adopt the range of management measures for the Oregon recreational fishery outlined in ODFW Report 1.

Moved by: Gway Kirchner

Seconded by: Rod Moore

Amndmt: Remove Item #16.

Moved by: Frank Lockhart

Seconded by: Dave Ortmann

Amendment to Motion 44 carried. Mr. Crabbe, Mr. Myer, Mr. Moore, and Ms. Kirchner voted no.

Motion 44 as amended carried unanimously.

**Motion 45:** Analyze the following four items outlined in Supplemental GMT Report 2: high priority items #15, #17, #23, and #26.

Moved by: Rod Moore

Seconded by: Phil Anderson

Motion 45 carried unanimously.

**Motion 46:** Include the items in Agenda Item I.4.b, Supplemental WDFW Report for analysis. The motion includes an investigation of separate harvest guidelines for Oregon and Washington recreational fisheries.

Moved by: Phil Anderson

Seconded by: Dale Myer

Amdmt #1: Include the items recommended for analysis in Agenda Item I.4.b, Supplemental CDFG Report.

Moved by: Marija Vojkovich

Seconded by: Phil Anderson

Amendment to motion 46 carried unanimously.

Motion 46 as amended carried unanimously.

**Motion 47:** Include for analysis the items found in Agenda Item I.4.b, Supplemental Tribal Report.

Moved by: David Sones  
Motion 47 carried unanimously.

Seconded by: Phil Anderson

**Motion 48:** Adopt the SSC-recommended species categories and treat the complexes as category 3 species when deciding ABCs.

Moved by: Dan Wolford

Seconded by: Rod Moore

Amdnt #1: Include the SSC-recommended species categories for all the remaining species.  
Moved by: Marija Vojkovich  
Amendment to Motion 48 carried unanimously.  
Motion 48 as amended carried. Mr. Lockhart abstained.

Seconded by: Buzz Brizendine

**Motion 49:** Adopt the non-Indian commercial and recreational salmon management measures for the area north of Cape Falcon as presented in Agenda Item H.5.b, Supplemental STT Report.

Moved by: Phil Anderson  
Motion 49 carried unanimously.

Seconded by: Mark Cedergreen

**Motion 50:** Adopt the non-Indian commercial and recreational salmon management measures for the area between Cape Falcon and the Oregon/California border as presented in Agenda Item H.5.b, Supplemental STT Report, with the addition of a September 1-30 experimental non-retention GSI fishery between Cape Falcon and Humbug Mt.

Moved by: Steve Williams  
Motion 50 carried unanimously.

Seconded by: Rod Moore

**Motion 51:** Adopt the non-Indian commercial and recreational ocean salmon management measures for the area between the Oregon/California border and the U.S./Mexico border as presented in Agenda Item H.5.b.

Moved by: Marija Vojkovich  
Motion 51 carried unanimously.

Seconded by: Buzz Brizendine

**Motion 52:** Adopt the treaty Indian commercial ocean salmon management measures as presented in Agenda Item H.5.b, Supplemental STT Report.

Moved by: David Sones  
Motion 52 carried unanimously.

Seconded by: Phil Anderson

**Motion 53:** Adopt the Legislative Committee report (Agenda Item K.1.b, Supplemental Legislative Committee Report).

Moved by: Rod Moore  
Motion 53 carried. Mr. Lockhart abstained.

Seconded by: Gway Kirchner

**Motion 54:** Appoint Ms. Meisha Key to the CDFG position on the SSC (replacing Mr. Tom Barnes).

Moved by: Marija Vojkovich  
Motion 54 carried unanimously.

Seconded by: David Crabbe

**Motion 55:** Confirm Lt. Steve Arnwine as the 11<sup>th</sup> Coast Guard District representative on the Enforcement Consultants (replacing Lt Brittany Steward).

Moved by: Brian Chambers  
Motion 55 carried unanimously.

Seconded by: Frank Lockhart

**Motion 56:** Appoint Ms. Suzanne Kohin to the NMFS Southwest Fishery Science Center position on the Highly Migratory Species Management Team (replacing Dr. Kevin Piner).

Moved by: Frank Lockhart  
Motion 56 carried unanimously.

Seconded by: Dan Wolford

**Motion 57:** Appoint Mr. Merrick Burden to the conservation position on the Highly Migratory Species Advisory Subpanel.

Moved by: Frank Lockhart  
Motion 57 carried unanimously.

Seconded by: Dan Wolford

**Motion 58:** Establish the following Ad Hoc Committees as described in Agenda Item K.2.a, Supplemental Attachment 1: Groundfish Regulatory Workgroup and the Tule Chinook Abundance-Based Management Workgroup.

Moved by: Frank Lockhart

Seconded by: Dan Wolford

Amendment: Remove the ad hoc Tule Chinook Abundance Based Management Workgroup.

Moved by: Rod Moore  
Amendment to Motion 58 carried unanimously.  
Motion 58 as amended unanimously.

Seconded by: Steve Williams

**Motion 59:** Eliminate the Idaho at-large position on the Ecosystem Advisory Subpanel.

Moved by: Jerry Mallet  
Motion 59 carried unanimously.

Seconded by: Rod Moore

**Motion 60:** Adopt preliminary preferred 2011-2012 ACLS as follows:

- Lingcod (separate ACLs north and south of 42° N. latitude); ACLs equal to ABCs;
- Chilipepper (coast wide): 2011 (2,130 mt); 2012 (1,924 mt) ACLs equal to the ABCs;

- Splitnose south of 40°10' N. latitude equal to ABCs (2011 equal to 1,461 mt; 2012 equal to 1,538 mt). Splitnose will continue to be managed in the northern slope rockfish complex with the northern proportion of the ABC used as the contribution of splitnose to the northern minor slope rockfish complex; and
- Continue to manage greenstriped rockfish in the northern and southern minor shelf rockfish complexes.

Moved by: Phil Anderson

Seconded by: Dale Myer

Motion 60 carried. Ms. Vojkovich voted no.

**Motion 61:** Adopt as a preliminary preferred alternative, a 2011-2012 ACL of 2,283 mt for the northern minor rockfish complex; a 2011-2012 ACL of 1,190 mt for the southern minor rockfish complex; and remove the Oregon stock of cabezon from the Other Fish complex to allow management of the stock with stock-specific specifications as follows: a 2011 ACL of 50 mt and a 2012 ACL of 48 mt.

Moved by Gway Kirchner

Seconded by: Rod Moore

Motion 61 passed unanimously.

**Motion 62:** Adopt a preliminary preferred 2011-2012 ACL of 4,884 mt for the Other Flatfish complex.

Moved by: Rod Moore

Seconded by: Phil Anderson

Motion 62 passed. Ms. Vojkovich voted no.

**Motion 63:** Adopt a preliminary preferred 2011-2012 ACL of 4,884 mt for the Other Flatfish complex.

Moved by: Marija Vojkovich

Seconded by: David Crabbe

Motion 63 Passed. Mr. Anderson and Mr. Meyer voted no.

**Motion 64:** Adopt the 40-10 harvest control rule (option 1) with the expectation that stocks under 40 percent of unfished biomass may have ACLs lower than specified using the harvest control rule.

Moved by: Marija Vojkovich

Seconded by: David Crabbe

Motion 64 failed on a roll call vote. Ms. Lowman, Mr. Ortmann, Mr. Myer, Mr. Sones, Mr. Mallet, Mr. Anderson, and Mr. Lockhart voted no (7 no votes, 5 yes votes, and Mr. Brizendine was absent from this vote).

**Motion 65:** Adopt preliminary sablefish ACLs for 2011-2012 using the option 2 40-10 harvest control rule and the 68:32 north:south apportionment. The 2011 and 2012 northern ACLs are 4,961 mt and 4,689 mt, respectively and the 2011 and 2012 southern ACLs are 2,335 mt and 2,207 mt, respectively.

Moved by: Phil Anderson

Seconded by: Jerry Mallet

**Amdmt #1** Apply a 50 percent reduction to the southern sablefish ACLs in 2011 and 2012 (i.e., Alternative 3).

Seconded by: Dale Myer

Motion 65 as amended carried unanimously.

**Motion 66:** Set the following 2011 and 2012 ACLs: 155 mt for the northern minor nearshore rockfish complex; 968 mt for the northern minor shelf rockfish complex; 1,160 mt for the northern minor slope rockfish complex; 650 mt for the southern minor slope rockfish complex; 714 mt for the southern minor shelf rockfish complex; and 626 mt for the southern minor slope rockfish complex.

Seconded by: Rod Moore

Motion 66 passed unanimously.

**Motion 67:** Adopt the petrale sole set-aside of 104.6 metric tons to be used for the 2011-2012 specifications.

Seconded by: Dale Myer

Motion 67 passed unanimously.

**Motion 68:** In developing a petrale sole rebuilding plan use a preliminary  $T_{\text{TARGET}}$  of 2015 with a phase in of Alternative 3 (25-5 rule) in a manner that the 2011 ACL would be equal to the ABC (976 mt); for 2012, transition to full implementation of the 25-5 rule under Alternative 3 which would set an ACL of 1,160 mt.

Seconded by: Dale Myer

Motion 68 passed unanimously.

**Motion 69:** Affect the sectors proportionate to the allocation percentages that are provided in Amendment 21.

Seconded by: Rod Moore

Motion 69 passed unanimously.

**Motion 70:** Regarding ACLs for petrale, as a second alternative for analysis, the ACLs associated with Alternative 2 be analyzed; understanding that the previous motion, with the phase in of Alternative 3, is the Council's preferred alternative.

Seconded by: Rod Moore

Motion 70 passed unanimously.

**Motion 71:** Use the 2009/2010 specifications EIS alternatives as our preliminary preferred alternative for yelloweye, bocaccio, and cowcod. [does not include canary]

Seconded by: Dale Myer

Motion 71 passed unanimously.

**Motion 72:** For canary, adopt a preliminary distribution of the ACL between sectors consistent with our April 2010 scorecard.

Moved by: Phil Anderson  
Motion 72 passed unanimously.

Seconded by: Gway Kirchner

**Motion 73:** Adopt a preliminary allocation for minor shelf rockfish north and south based on the average mortality percentages by sector from 2005-2008 as seen in Table 11.

Moved by: Rod Moore  
Motion 73 passed unanimously.

Seconded by: Gway Kirchner

**Motion 74:** For longnose skate, use the 95 percent trawl/5 percent non-trawl as the allocation between the sectors.

Moved by: Phil Anderson  
Motion 74 passed unanimously.

Seconded by: Rod Moore

**Motion 75:** Adopt a preliminary preferred allocation of longnose skate to the whiting fishery of one percent of the trawl allocation.

Moved by: Rod Moore

Seconded by: Dale Myer

**Amndmt #1:** Amend Motion 75 to provide a second alternative of 95 percent non-whiting and 5 percent whiting.

Moved by: Mr. Anderson  
Amendment #1 to Motion 75 passed unanimously.  
Motion 75 as amended passed unanimously.

Seconded by: Dorothy Lowman

## MEMBERSHIP APPOINTMENTS AND COUNCIL OPERATING PROCEDURES

During this agenda item, the Council has the opportunity to consider changes in the Council Membership Roster, including Council Members, advisory body membership, and also any relevant changes in Council Operating Procedures (COP) or the Council's Statement of Organization, Practices, and Procedures (SOPP).

### Council Members and Designees

No resignations, nominations, or other changes were identified by the Briefing Book deadline.

### Council Member Committee Appointments

No resignations, nominations, or other changes were identified by the Briefing Book deadline.

### Council Advisory Body Appointments

#### *Scientific and Statistical Committee (SSC)*

No resignations, nominations, or other changes were identified by the Briefing Book deadline.

#### *Management and Technical Teams*

No resignations, nominations, or other changes were identified by the Briefing Book deadline.

#### *Advisory Subpanels*

##### **Groundfish Advisory Subpanel (GAP)**

Mr. Larry Giese has tendered his resignation from the Washington charter boat operator position on the GAP, effective August 15, 2011 (Attachment 1). Mr. Kenyon Hensel has also submitted his letter of resignation from the northern open access position on the GAP, effective immediately (Attachment 2). Staff has issued a request for nominations for those two positions and also for the current vacancy in the processor at-large position resulting from the resignation of Mr. Barry Cohen. Nominations received by May 18, 2011 will be available for Council consideration and appointment at the June Council meeting. The Council Chairman has made an interim appointment of Ms. Susan Chambers to serve in the processor position. Currently, there is no interim appointment for the northern open access position.

#### *Enforcement Consultants (EC)*

The California Department of Fish and Game (CDFG) has designated LT Bob Farrell to replace AC Tony Warrington as the CDFG representative on the EC (Attachment 3). AC Warrington will remain as the first designee for the CDFG position.

### *Groundfish Allocation Committee (GAC)*

No resignations, nominations, or other changes were identified by the Briefing Book deadline.

### *Habitat Committee (HC)*

Mr. Jeremy Gilman has submitted his resignation from the Northwest/Columbia River tribal seat on the HC (Attachment 4). Staff is seeking a replacement.

The CDFG has nominated Ms. Vicki Frey to replace Mr. Larry Hanson as the CDFG representative on the HC (Attachment 5).

### *Groundfish Essential Fish Habitat Review Committee (EFHRC)*

No resignations, nominations, or other changes were identified by the Briefing Book deadline.

### *Ad Hoc Council Committees*

No resignations, nominations, or other changes were identified by the Briefing Book deadline. However, at the April meeting, the Council is expected to consider formation of a new ad hoc committee to advise the Council on technical corrections and other fixes needed in the trawl rationalization regulations. The membership and charge for this ad hoc committee will be developed and considered under Groundfish Agenda Item I.7. The Council Chairman may announce his appointments to the committee during this agenda item, or at a later time.

### *Unfilled Vacancies*

None identified by the Briefing Book deadline that have not been addressed by the Council.

## **Appointments to Other Forums**

The Pacific Whiting Act of 2006, which implements the U.S. portion of the U.S.-Canada Pacific Hake/Whiting Agreement, provides for a representative from our Council on the U.S. Section of the Joint Management Committee (Attachment 6). In July 2007, the Council nominated Mr. Phil Anderson to that position (Attachment 7). Mr. Anderson has confirmed that he is still willing to serve in that position when the new management process begins.

## **Changes to Council Operations and Procedures**

No new changes have been made to the Council Operating Procedures (COP) or Statement of Organization, Practices, and Procedures.

### **Council Action:**

**Take action on appointments and operational changes as needed. Specifically, for the issues identified in this agenda item:**

- 1. Confirm the appointment of LT Bob Farrell to the CDFG position on the EC and AC Tony Warrington to first designee.**
- 2. Confirm the appointment of Ms. Vicki Frey to the CDFG position on the HC.**

3. **Consider direction to staff regarding a replacement for Mr. Jeremy Gilman in the Northwest/Columbia River tribal position on the HC.**
4. **Consider an interim appointment to the northern open access position on the GAP.**
5. **Confirm the continued appointment of Mr. Phil Anderson to the Council position on the U.S. Section of the Joint Management Committee under the Pacific Whiting Act of 2006.**

Reference Materials:

1. Closed Session A.1.a, Attachment 1: Resignation of Mr. Larry Giese from the Washington charter boat operator position on the GAP.
2. Closed Session A.1.a, Attachment 2: Resignation of Mr. Kenyon Hensel from the northern open access position on the GAP.
3. Closed Session A.1.a, Attachment 3: Nomination of LT Bob Farrell to the CDFG position on the EC and AC Tony Warrington to the position of first designee.
4. Closed Session A.1.a, Attachment 4: Resignation of Mr. Jeremy Gilman from the Northwest/Columbia River position on the HC.
5. Closed Session A.1.a, Attachment 5: Nomination of Ms. Vicki Frey to the CDFG position on the HC.
6. Closed Session A.1.a, Attachment 6: Title VI—Pacific Whiting.
7. Closed Session A.1.a, Attachment 7: Nomination of Mr. Phil Anderson to the U.S. Section of the Joint Management Committee.

Agenda Order:

- a. Agenda Item Overview
- b. Reports and Comments of Advisory Bodies and Management Entities
- c. Public Comment
- d. **Council Action:** Consider Changes to Council Operations and Procedures and Appointments to Advisory Bodies

**John Coon**

PFMC  
03/28/11

## FUTURE COUNCIL MEETING AGENDA AND WORKLOAD PLANNING

This agenda item is intended to refine general planning for future Council meetings, especially in regard to the details of the proposed agenda for the June 2011 Council Meeting. The following attachments are intended to help the Council in this process:

1. An abbreviated display of potential agenda items for the next full year (Attachment 1).
2. A preliminary proposed June 2011 Council meeting Agenda (Attachment 2).

The Executive Director will assist the Council in reviewing the items listed above and discuss any other matters relevant to Council meeting agendas and workload. After considering supplemental material provided at the Council meeting, and any reports and comments from advisory bodies and public, the Council will provide guidance for future agenda development, the proposed June Council meeting agenda, and workload priorities for Council staff and advisory bodies.

### **Council Task:**

- 1. Review pertinent information and provide guidance on potential agenda topics for future Council meetings.**
- 2. Provide guidance on a proposed agenda for the June Council meeting.**
- 3. Identify priorities for advisory body considerations at the next Council meeting.**

### **Reference Materials:**

1. Agenda Item E.5.a, Attachment 1: Pacific Council Workload Planning: "Preliminary Year at a Glance Summary."
2. Agenda Item E.5.a, Attachment 2: Preliminary Proposed Council Meeting Agenda, June 8-13, 2011, Spokane, Washington.

### **Agenda Order:**

- a. Agenda Item Overview
- b. Reports and Comments of Advisory Bodies and Management Entities
- c. Public Comment
- d. Council Discussion and Guidance on Future Council Meeting Agendas and Workload Planning

Don McIsaac

PFMC  
03/28/11

## Pacific Council Workload Planning: Preliminary Year-at-a-Glance Summary

(Parenthetical numbers mean multiple items per topic; shaded Items may be rescheduled re workload priorities; deletions= struck-out; border=new)

	<u>June 2011</u> (Spokane)	<u>September 2011</u> (San Mateo)	<u>November 2011</u> (Costa Mesa)	<u>March 2012</u> (Sacramento)	<u>April 2012</u> (Seattle)
<b>CPS</b>	NMFS Rpt Mackerel HG & Mgmt Meas.	SWFSC & Industry Methods Workshop Rpt	NMFS Rpt Sardine Asmnt & Mgmt Meas.	EFPs: for Pub Rev	NMFS Report EFPs: Final Recom.
<b>Groundfish</b>	NMFS Report Inseason Mgmt (2) 13-14 BienSpx Proc & Sched: Adopt Final Approve Stk Assessments A16-5 & 2012 Spx & Mgmt Measures A20 Tr'ling Actions & Int'sectr Allocation: Adopt PPA/FPA PIE Rule Issues: Adopt FPA  Prelim EFP Adoption	NMFS Report Inseason Mgmt (2) 13-14 Bien Spx & MM (Stage 1)  Approve Stk Assmnts Part 2 A16-5; & 2012 Spx & Mgmt Measures A20 Tr'ling Actions: Adopt FPAs (CFA, Risk P, Lenders, etc) A20 Emerging & Prioritized Iss. Plan Sci. Imprvmnts-Next Cycle	NMFS Report Inseason Mgmt (2) 13-14 BienSpx & MM (Stage 2) <del>Initial Bien Mgmt Rec</del> Approve Stk Assmnts-Final  A20 Emerging Iss.-Init. Analysis  Final EFPs	NMFS Report Inseason Mgmt 13-14 BienSpx: Info Briefing on Selected Items  Pac Whiting Mgmt Meas. Adopt Stock Assmnt Plan	NMFS Report Inseason Mgmt BienSpx & Mgmt 2013-14 for Pub Rev (3)    Review Initial EFH Report
<b>HMS</b>	NMFS Report Albacore Fisheries Economic Analysis Internat'l RFMO Matters Swordfish Workshop Rpt	NMFS Report	NMFS Report  Input to WCPFC		NMFS Report
<b>Salmon</b>	A 16: Final Action	NMFS Rpt Method Rev: Adopt Priorities Including CRT Update  Consider Amending EFH	NMFS Rpt 2011 Method Rev.--Final Final CRT Recom'dations 2012 Preseas'n Mgmt Schd	NMFS Rpt  2012 Season Setting (6) Cons. Obj. Report	NMFS Rpt 2011 Method Rev.--Identify & Include CRT Update 2011 Season Setting (3)
<b>Other</b>	Habitat Issues Ecosystem FMP Need & Purp.  Routine Admin (8)	Pacific Halibut (2)  MBNMS EBMI CA State Enforcement Rpt Habitat Issues Ecosystem FMP Dev Plan Deepwater Coral Update & Research Recommendations Routine Admin (8)	Pac Halibut: Adopt Final CS  Habitat Issues  Routine Admin (8)	Pacific Halibut (2) Incidental Halibut Ret. in LE Sablefish Fishery--PPA  Habitat Issues Ecosystem FMP Dev Plan  Routine Admin (7)	Halibut-Incidntl Regs  Habitat Issues  Routine Admin (7)
<b>Apx. Floor Time</b>	<b>6 days</b>	<b>6 days</b>	<b>6 days</b>	<b>5 days</b>	<b>5 days</b>

# PRELIMINARY PROPOSED COUNCIL MEETING AGENDA, JUNE 8-13, 2011 SPOKANE, WASHINGTON

(shaded items are scheduled on a tentative basis)

	Wed, June 8	Thu, June 9	Fri, June 10	Sat, June 11	Sun, June 12	Mon, June 13
	<b>CLOSED SESSION 8:00 AM</b>  <b>OPEN SESSION 9:00 AM</b> 1-4. Opening Remarks & Approve Agenda (30 min)  <b>OPEN COMMENT PERIOD</b> 1. Comments on Non-Agenda Items (45 min)  <b>SALMON</b> 1. Final Adoption of Amendment 16—Annual Catch Limits & Accountability Measures (4 hr 30 min)  <b>HABITAT</b> 1. Current Issues (45 min)  <b>HIGHLY MIGRATORY SPECIES</b> 1. NMFS Report (30 min)	<b>HIGHLY MIGRATORY SPECIES</b> 2. Swordfish Workshop Report (2 hr) 3. Albacore Fisheries Economic Analysis (1 hr) 5. Recommendations to Internat'l Fishery Mgmt Organizations (1 hr 30 min)  <b>GROUNDFISH</b> 1. NMFS Report (1 hr) 2. Adopt Preliminary EFP Recommendations for Public Review (1 hr) 3. Approve Stock Assessments (Part 1) from June STAR Panel (1 hr 30 min) [Continues Fri]	<b>GROUNDFISH</b> 3. Continue with--Approve Stock Assessments (Part 1) from June STAR Panel (2 hr 30 min) 4. Adopt Final Process & Schedule for the 2013-2014 Groundfish Biennial Mgmt Process (3 hr) 5. Consider Follow-up Action on Amendment 16-5 & 2012 Specifications & Mgmt Measures (2 hr 30 min)	<b>ADMINISTRATIVE</b> 1. Legislative Matters (30 min)  <b>COASTAL PELAGIC SPECIES</b> 1. NMFS Report (1 hr) 2. Pacific Mackerel Mgmt for 2011-12 (1 hr 30 min)  <b>ECOSYSTEM BASED MANAGEMENT</b> 1. Adopt Purpose & Need Statement & Determine Regulatory & Species Criteria for the Ecosystem-based FMP (3 hr)  <b>GROUNDFISH</b> 6. Consider Inseason Adjustments – Part I (2 hr)	<b>GROUNDFISH</b> 7. Adopt PPA & FPA for Priority Trailing Actions Under Trawl Rationalization & Intersector Allocation--Including Cost Recovery, Safe Harbors from the Control Rule, AMP Pass-Through, & A6 v. 21 (6 hr) 8. Adopt FPA for General Groundfish Fishery & Trawl Rationalization Issues to be Addressed by the NMFS Program Improvements & Enhancement Rule (2 hr) [Continues Monday]	<b>GROUNDFISH</b> 8. Continue Adopting FPA for General Groundfish Fishery & Trawl Rationalization Issues to be Addressed by the NMFS Program Improvements & Enhancement Rule (4 hr) 9. Consider Inseason Adjustments—Part 2, if needed (1 hr)  <b>ADMINISTRATIVE</b> 2. Approve Council Minutes (15 min) 3. Fiscal Matters (15 min) 4. Membership Appointments & COPs (15 min) 5. Future Meeting Agenda & Workload Planning (30 min)
<b>Mon, June 6</b>	8 am SSC GF SubCm 1 pm Habitat Cmte					
<b>Tue, June 7</b>	8 hr	8 hr	8 hr	8 hr	8 hr	6 hr 15 min
8 am Secretariat 8 am HMSMT & AS 8 am SSC 8 am STT & SAS 8:30 am HC 1:00 pm Leg Cmte 2:30 pm BC 4 pm Chr Brfg	8:00 am GAP & GMT 8:00 am HMSMT & AS 8:00 am SAS & STT 8:00 am SSC 4:30 pm EC	As Nec. EC 8:00 am CPSMT & AS 8:00 am GAP & GMT	As Nec. EC 8:00 am CPSMT & AS 8:00 am GAP & GMT	As Nec. EC 8:00 am GAP & GMT	As Nec. EC 8:00 am GAP & GMT	As Nec. EC

Council-sponsored evening sessions: Wednesday 6 pm – Chairman's Reception

## Pacific Council Workload Planning: Year-at-a-Glance Summary

(Parenthetical numbers mean multiple items per topic; shaded Items may be rescheduled re workload priorities; deletions= struck-out; border=new)

	<u><b>June 2011</b></u> (Spokane)	<u><b>September 2011</b></u> (San Mateo)	<u><b>November 2011</b></u> (Costa Mesa)	<u><b>March 2012</b></u> (Sacramento)	<u><b>April 2012</b></u> (Seattle)
<b>CPS</b>	NMFS Rpt Mackerel HG & Mgmt Meas.	SWFSC & Industry Methods Workshop Rpt	NMFS Rpt Sardine Asmnt & Mgmt Meas.	EFPs: for Pub Rev	NMFS Report EFPs: Final Recom.
<b>Groundfish</b>	NMFS Report Inseason Mgmt (2) 13-14 BienSpx Proc & Sched: Adopt Final Approve Stk Assessments A16-5 & 2012 Spx & Mgmt Measures A20 Tr'ling Actions & Int'sectr Allocation: Adopt PPA/FPA PIE Rule Issues: Adopt FPA  Prelim EFP Adoption	NMFS Report Inseason Mgmt (2) 13-14 Bien Spx & MM (Stage 1)  Approve Stk Assmnts Part 2 A16-5; & 2012 Spx & Mgmt Measures A20 Tr'ling Actions: Adopt FPAs (CFA, Risk P, Lenders, etc) A20 Emerging & Prioritized Iss. Plan Sci. Imprvmnts-Next Cycle	NMFS Report Inseason Mgmt (2) 13-14 BienSpx & MM (Stage 2) <del>Initial Bien Mgmt Rec</del> Approve Stk Assmnts-Mop-up Only if necessary  A20 Emerging Iss.-Init. Analysis  Final EFPs	NMFS Report Inseason Mgmt 13-14 BienSpx: Info Briefing on Selected Items  Pac Whiting Mgmt Meas. Adopt Stock Assmnt Plan PPA for Pub Rev	NMFS Report Inseason Mgmt BienSpx & Mgmt 2013-14 for Pub Rev (3)   Review Initial EFH Report
<b>HMS</b>	<del>NMFS Report</del> Albacore Fisheries Economic Analysis Internat'l RFMO Matters Swordfish Mgmt Workshop Rpt	NMFS Report  <del>Consider Pac Bluefin Tuna OF</del>	NMFS Report  <del>Consider Pac Bluefin Tuna OF</del> Input to WCPFC		NMFS Report
<b>Salmon</b>	A 16: Final Action	NMFS Rpt Method Rev: Adopt Priorities Including CRT Update  <del>Consider A-17 (EFH) PPA</del>	NMFS Rpt 2011 Method Rev.--Final Final CRT Recom'dations 2012 Preseas'n Mgmt Schd	NMFS Rpt  2012 Season Setting (6) Cons. Obj. Report <del>Consider A-17 (EFH) FPA</del>	NMFS Rpt 2011 Method Rev.--Identify & Include CRT Update 2011 Season Setting (3)
<b>Other</b>	Habitat Issues Ecosystem FMP Need & Purp.  Routine Admin (8)	Pacific Halibut (2)  MBNMS EBMI CA State Enforcement Rpt Habitat Issues Ecosystem FMP Dev Plan Deepwater Coral Update & Research Recommendations Routine Admin (8)	Pac Halibut: Adopt Final CS  Habitat Issues  Routine Admin (8)	Pacific Halibut (2) Incidental Halibut Ret. in LE Sablefish Fishery--PPA  Habitat Issues Ecosystem FMP Dev Plan  Routine Admin (7)	Halibut-Incidntl Regs  Habitat Issues  Routine Admin (7)
<b>Apx. Floor Time</b>	<b>6 days</b>	<b>6 days</b>	<b>6 days</b>	<b>5 days</b>	<b>5 days</b>

**PROPOSED COUNCIL MEETING AGENDA, JUNE 8-13, 2011 SPOKANE, WASHINGTON**  
(shaded items are scheduled on a tentative basis; new items within borders)

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Agenda Item E.5.a  
Sup. Attachment 4  
April 2011

## GROUNDFISH MANAGEMENT TEAM REPORT ON FUTURE COUNCIL MEETING AGENDA AND WORKLOAD PLANNING

The Groundfish Management Team (GMT) reviewed Agenda Item E.5.a. Attachment 2, Preliminary Proposed Council meeting Agenda for the June 8-13, 2011 meeting in Spokane, WA, and offer the following for Council consideration.

June Council Meeting GMT workload		
Groundfish Agenda Items	GMT Statement?	GMT Considerations
Prelim EFP recommendations for 2012	Yes	-GMT review of technical merits required by COP 19
Final Process for 2013 and 2014 SPEX process	Yes	-Briefing on the results of the Data Poor workshop -PSA on stock complexes to help determine workload involved with restructuring stock complexes -Report on exploration of programmatic framework including comments on the schedule to accomodate an FMP Amendment for 2015-16
Inseason Adjustments	Yes	-Typically heavier inseason meeting given that it is midseason - Discussion time will depend on the results of 2011 final rule -Respond to industry requests as necessary - If the 2011 yelloweye ACL is less than 17 mt there will be larger workload
FPA on PIE rule	Yes	-Scope could be limited based on guidance
Ecosystem FMP	Yes (due by BB deadline)	-The Council has tasked the GMT with looking at the EPDT reports and identifying any ecosystem considerations that may have been missed or anything we see as important in considering what regulatory authority, if any, an Ecosystem FMP should have
Reconsideration of A16-5 and 2012 SPEX	Maybe	-May not need a discussion/statement unless specific issues are highlighted for the Team
TIQ trailing amendments	Maybe	-May not need a discussion/statement unless specific issues are highlighted for the Team
Inseason II	Maybe	-Dependent on the outcome of Inseason I (note typically heavy inseason)
Future Workload Planning	Maybe	-This is the opportunity for the GMT to provide feedback on our upcoming workload
NMFS Report	Not Likely	-Statement decision dependent upon contents included in the NMFS report. -May include an update on the publishing of the 2011 harvest specifications and management measures
Approve stock assessmens updates	Not Likely	-Four stock assessment updates and one data report for cowcod
<b>Total Potential Statements</b>	<b>11</b>	

The GMT would like the Council to consider that, based on GMT discussions, this is our best estimate of what the Council's priorities are, and may only be able to report on those items where a statement is indicated with "yes" in the table. These items are required, routine, or were requested specifically by the Council. The other agenda items the Team sees as of lower

priority, and therefore may spend less or no time and effort on them. If the Council wishes the GMT to have different priorities, we request specific guidance on which agenda items to prioritize and will modify our plan for our June time accordingly. Additionally, the GMT acknowledges that as emerging issues develop, Council staff may need to adjust priorities accordingly. Finally, we would like express a desire that more complex issues be scheduled as late as possible in the agenda to allow for more complete analysis and time for statement development.

PFMC  
04/13/11