RESEARCH PLANNING

The Pacific Fishery Management Council (Council) continually identifies research and data needs across its fishery management plans (FMPs) through a variety of processes, including stock assessment and fishery management cycles. As a routine matter on roughly a 5-year cycle, the Council documents priority research and data needs and communicates these needs to organizations which may be able to support additional research. At this meeting, the Council is scheduled to review and comment on a public review draft of the Research and Data Needs document (Agenda Item F.1.a, Attachment 1) and consider adopting a final version.

The Council last approved a Research and Data Needs document in 2008. Council Operating Procedure 12 outlines a two-meeting (June/September) Council process for updating research and data needs. It is anticipated that the June through September period in 2013 will entail a heavy workload for the Scientific and Statistical Committee due, in part, to the groundfish assessment review cycle. Therefore, revision of the Research and Data Needs document has been rescheduled to occur between September 2012 and March 2013.

Section 302(h)(7) of the Magnuson-Stevens Fishery Conservation and Management Act (MSA) states that Regional Fishery Management Councils shall:

> "*develop, in conjunction with the scientific and statistical committee, multi-year research priorities for fisheries, fisheries interactions, habitats, and other areas of research that are necessary for management purposes, that shall establish priorities for 5-year periods; be updated as necessary; and be submitted to the Secretary and the regional science centers of the National Marine Fisheries Service for their consideration in developing research priorities and budgets for the region of the Council*."

The Research and Data Needs document, when adopted in its final form by the Council at the March 2013 Council meeting, is intended to record and communicate the Council's research and data needs through 2018 to ensure continued well-informed Council decision-making into the future and to fulfill the Council's responsibilities under the MSA.

Council Action:

Approve Final Five-Year Research Plan.

Reference Materials:

1. Agenda Item F.1.a, Attachment 1: Research and Data Needs, Public Review Draft, 2013.

Agenda Order

a. Agenda Item Overview — Mike Burner
b. Reports and Comments of Advisory Bodies and Management Entities
c. Public Comment
d. **Council Action:** Approve Final Five-Year Research Plan

PFMC
02/14/13

Agenda Item F.1.a
Attachment 1
March 2013

RESEARCH AND DATA NEEDS

2013

PUBLIC REVIEW DRAFT
DO NOT CITE

PACIFIC FISHERY MANAGEMENT COUNCIL
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FEBRUARY 2013

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ACRONYMS AND DEFINITIONS

Acronym	Definition
ABC - acceptable biological catch	The ABC is a scientific calculation of the sustainable harvest level of a fishery and is used to set the upper limit of the annual total allowable catch. It is calculated by applying the estimated (or proxy) harvest rate that produces maximum sustainable yield to the estimated exploitable stock biomass (the portion of the fish population that can be harvested).
ASAP	Age-structured Assessment Program
ATCA	Atlantic Tunas Convention Act
AUV	Autonomous Underwater Vehicle
barotrauma	Physical trauma or injury to a fish due to pressure change. When a fish is rapidly brought from deep water to the surface, the drop in pressure can cause a variety of physical problems, such as severe expansion of the swim bladder and gas bubbles in the blood.
CalCOFI	California Cooperative Oceanic Fisheries Investigations
catch per unit of effort	The quantity of fish caught (in number or weight) with one standard unit of fishing effort. For example, the number of fish taken per 1,000 hooks per day, or the weight of fish, in tons, taken per hour of trawling. CPUE is often considered an index of fish biomass (or abundance). Sometimes referred to as catch rate. CPUE may be used as a measure of economic efficiency of fishing as well as an index of fish abundance.
CCS	California Current System
CDFG	California Department of Fish and Game
coastal pelagic species	Coastal pelagic species are schooling fish, not associated with the ocean bottom, that migrate in coastal waters. They usually eat plankton and are the main food source for higher level predators such as tuna, salmon, most groundfish, and humans. Examples are herring, squid, anchovy, sardine, and mackerel.
coded-wire tag	Coded-wire tags are small pieces of stainless steel wire that are injected into the snouts of juvenile salmon and steelhead. Each tag is etched with a binary code that identifies its release group.
cohort	In a stock, a group of fish born during the same time period.
Acronym	Definition
COP	Council Operating Procedures

Council	Pacific Fishery Management Council
CPFV	Commercial passenger fishing vessel (charter boat)
CPS	Coastal pelagic species. See above.
CPSAS	Coastal Pelagic Species Advisory Subpanel
CPSMT	Coastal Pelagic Species Management Team
CPUE	Catch per unit of effort.
CUFES	Continuous Underwater Fish Egg Sampler
CWT	Coded-wire tag. See above.
DEPM	Daily egg production method
EBFM	Ecosystem-Based Fishery Management
EEZ	Exclusive Economic Zone. See below.
EFH	Essential fish habitat. See below.
EIS	Environmental impact statement. See below.
El Niño Southern Oscillation	Abnormally warm ocean climate conditions, which in some years affect the eastern coast of Latin America (centered on Peru) often around Christmas time. The anomaly is accompanied by dramatic changes in species abundance and distribution, higher local rainfall and flooding, and massive deaths of fish and their predators. Many other climactic anomalies around the world are attributed to consequences of *El Niño*.
Endangered Species Act	An act of Federal law that provides for the conservation of endangered and threatened species of fish, wildlife, and plants. When preparing fishery management plans, councils are required to consult with the National Marine Fisheries Service and the U.S. Fish and Wildlife Service to determine whether the fishing under a fishery management plan is likely to jeopardize the continued existence of an ESA-listed species or to result in harm to its critical habitat.

Acronym	Definition
Environmental impact statement	As part of the National Environmental Policy Act (NEPA) process, an EIS is an analysis of the expected impacts resulting from the implementation of a fisheries management or development plan (or some other proposed action) on the environment. EISs are required for all fishery management plans as well as significant amendments to existing plans. The purpose of an EIS is to ensure the fishery management plan gives appropriate consideration to environmental values in order to prevent harm to the environment.
ESA	Endangered Species Act. See above.
essential fish habitat	Those waters and substrate necessary to fish for spawning, breeding, feeding or growth to maturity.
Exclusive Economic Zone	A zone under national jurisdiction (up to 200 nautical miles wide) declared in line with the provisions of the 1982 United Nations Convention of the Law of the Sea, within which the coastal State has the right to explore and exploit, and the responsibility to conserve and manage, the living and non-living resources.
exempted fishing permit	A permit issued by National Marine Fisheries Service that allows exemptions from some regulations in order to study the effectiveness, bycatch rate, or other aspects of an experimental fishing gear. Previously known as an "experimental fishing permit."
Fathom	Used chiefly in measuring marine depth. A fathom equals 6 feet.
FEIS	Final Environmental Impact Statement (see EIS, NEPA).
Fm	Fathom (6 feet)
FMP	Fishery management plan. See above.
FRAM	Fishery Regulation Assessment Model. Typically used for salmon.
FWS	U.S. Fish and Wildlife Service
GIS	Geographic Information System
GLMM	Generalized Linear Mixed Model
GSI	Genetic stock identification

Acronym	Definition
Habitat areas of particular concern	Subsets of essential fish habitat (see EFH) containing particularly sensitive or vulnerable habitats that serve an important ecological function, are particularly sensitive to human-induced environmental degradation, are particularly stressed by human development activities, or comprise a rare habitat type.
HAPC	Habitat areas of particular concern. See above.
Harvest guideline(s)	A numerical harvest level that is a general objective, but not a quota. Attainment of a harvest guideline does not require a management response, but it does prompt review of the fishery.
Highly migratory species	In the Council context, highly migratory species in the Pacific Ocean include species managed under the HMS Fishery Management Plan: tunas, sharks, billfish/swordfish, and dorado or dolphinfish.
HMS	Highly migratory species. See above.
HMS FMP	Highly Migratory Species Fishery Management Plan. This is the fishery management plan (and its subsequent revisions) for the Washington, Oregon, and California Highly Migratory Species Fisheries developed by the PFMC and approved by the Secretary of Commerce.
IATTC	Inter-American Tropical Tuna Commission
IFQ	Individual fishing quota. See below.
IMECOCAL	A program in Baja California concerning small pelagics and climate change.
Incidental catch or incidental species	Species caught when fishing for the primary purpose of catching a different species.
Incidental take	The "take" of protected species (such as listed salmon, marine mammals, sea turtles, or sea birds) during fishing. "Take" is defined as to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture or collect, or to attempt to engage in any such conduct.
Individual transferable (or tradable) quota	A type of quota (a part of a total allowable catch) allocated to individual fishermen or vessel owners and which can be transferred (sold, leased) to others.
ISC	International Scientific Committee
ITQ	Individual Transferable (or Tradable) Quota. See above.
KOHM	Klamath Ocean Harvest Model (for salmon)

Acronym	Definition
LIDAR	Light Detection and Ranging, an active sensor, similar to radar, that transmits laser pulses to a target and records the time it takes for the pulse to return to the sensor receiver.
Magnuson-Stevens Act	Magnuson-Stevens Fishery Conservation and Management Act. See below.
Magnuson-Stevens Fishery Conservation and Management Act	The MSFCMA, sometimes known as the "Magnuson-Stevens Act," established the 200-mile fishery conservation zone, the regional fishery management council system, and other provisions of U.S. marine fishery law.
Marine Mammal Protection Act	The MMPA prohibits the harvest or harassment of marine mammals, although permits for incidental take of marine mammals while commercial fishing may be issued subject to regulation. (See "incidental take" for a definition of "take".)
Maximum sustainable yield	An estimate of the largest average annual catch or yield that can be continuously taken over a long period from a stock under prevailing ecological and environmental conditions. Since MSY is a long-term average, it need not be specified annually, but may be reassessed periodically based on the best scientific information available.
MMPA	Marine Mammal Protection Act. See above.
MPA	Marine protected areas
MSA	Magnuson-Stevens Fishery Conservation and Management Act. See above.
MSFCMA	Magnuson-Stevens Fishery Conservation and Management Act. See above.
MSY	Maximum sustained yield. See above.
National Marine Fisheries Service	A division of the U.S. Department of Commerce, National Ocean and Atmospheric Administration (NOAA). NMFS is responsible for conservation and management of offshore fisheries (and inland salmon). The NMFS Regional Director is a voting member of the Council.
NGO	Nongovernmental organization
NMFS	National Marine Fisheries Service. See above.
NMFS NWFSC	National Marine Fisheries Service Northwest Fisheries Science Center
NMFS NWR	National Marine Fisheries Service Northwest Region

Acronym	Definition
NMFS SWFSC	National Marine Fisheries Service Southwest Fisheries Science Center
NMFS SWR	National Marine Fisheries Service Southwest Region
NMSA	National Marine Sanctuaries Act
NOAA	National Oceanic & Atmospheric Administration. The parent agency of National Marine Fisheries Service.
ODFW	Oregon Department of Fish and Wildlife
ONMS	Office of National Marine Sanctuaries
Optimum yield	The amount of fish that will provide the greatest overall benefit to the Nation, particularly with respect to food production and recreational opportunities, and taking into account the protection of marine ecosystems. The OY is developed on the basis of the Maximum Sustained Yield from the fishery, taking into account relevant economic, social, and ecological factors. In the case of overfished fisheries, the OY provides for rebuilding to a level that is consistent with producing the Maximum Sustained Yield for the fishery.
OY	Optimum yield. See above.
Pacific States Marine Fisheries Commission	The PSMFC is a non-regulatory agency that serves Alaska, California, Idaho, Oregon and Washington. PSMFC (headquartered in Portland) provides a communication exchange between the Pacific Fishery Management Council and the North Pacific Fishery Management Council, and a mechanism for Federal funding of regional fishery projects. The PSMFC provides information in the form of data services for various fisheries.
PaCOOS	Pacific Coast Ocean Observing System
PFMC	Pacific Fishery Management Council
PNW	Pacific Northwest
PSMFC	Pacific States Marine Fisheries Commission. See above.
Quota	A specified numerical harvest objective, the attainment (or expected attainment) of which causes closure of the fishery for that species or species group.
RCA	Rockfish Conservation Area (Depends on how it is used)
RFMO	Regional Fishery Management Organization

Acronym	Definition
RMP	Resource management plan. Covers impacts to listed species from activities of state and local governments, under section 4(d) of the Endangered Species Act.
SAFE	Stock assessment and fishery evaluation. See below.
SEM	Scanning Electron Microscopy
Scientific and Statistical Committee	An advisory committee of the PFMC made up of scientists and economists. The Magnuson-Stevens Act requires that each council maintain an SSC to assist in gathering and analyzing statistical, biological, ecological, economic, social, and other scientific information that is relevant to the management of Council fisheries.
SS2	Stock Synthesis 2 – Population assessment program.
SSC	Scientific and Statistical Committee. See above.
STAR	Stock assessment review
STAR Panel	Stock Assessment Review Panel. A panel set up to review stock assessments for particular fisheries. In the past there have been STAR panels for sablefish, rockfish, squid, and other species.
Stock Assessment and Fishery Evaluation	A SAFE document is a document prepared by the Council that provides a summary of the most recent biological condition of species in the fishery management unit, and the social and economic condition of the recreational and commercial fishing industries, including the fish processing sector. It summarizes, on a periodic basis, the best available information concerning the past, present, and possible future condition of the stocks and fisheries managed in the FMP.
TIQ	Trawl Individual Quota
Vessel Monitoring System	A satellite communications system used to monitor fishing activities—for example, to ensure that vessels stay out of prohibited areas. The system is based on electronic devices (transceivers), which are installed onboard vessels. These devices automatically send data to shore-based "satellite" monitoring system.
WCGOP	West Coast Groundfish Observer Program
WCPFC	Western and Central Pacific Fisheries Commission
WDFW	Washington Department of Fish and Wildlife
WG	Working Group

1.0 INTRODUCTION

The Magnuson-Stevens Fishery Conservation and Management Act (MSA) includes directives to 1) prevent overfishing, 2) rebuild depressed fish stocks to levels of abundance that produce maximum sustainable yield (MSY), 3) develop standardized reporting methodologies to assess the amount and type of bycatch, 4) adopt measures that minimize bycatch and bycatch mortality, to the extent practicable, 5) describe and identify essential fish habitat (EFH), and 6) assess the impact of human activities, including fishing impacts, on habitat. The MSA also encourages the participation of the fishing industry in fishery research. Additionally, Standard 8 mandates consideration of the effects of fishery management measures on communities. These directives require substantial data collection and research efforts to support Council management of West Coast fisheries.

Section 302(h)(7) of the MSA requires Regional Fishery Management Councils to:

> "(7) develop, *in conjunction with the scientific and statistical committee, multi-year research priorities for fisheries, fisheries interactions, habitats, and other areas of research that are necessary for management purposes, that shall—*
>
> *(A) establish priorities for 5-year periods;*
>
> *(B) be updated as necessary; and*
>
> *(C) be submitted to the Secretary and the regional science centers of the National Marine Fisheries Service for their consideration in developing research priorities and budgets for the region of the Council*."

This report is intended to document and communicate the Council's research and data needs through 2018 thereby fulfilling the Council's responsibilities under MSA Section 302(h)(7).

1.1 Schedule of Document Development and Review

For 2012-2013 revisions, the Council has rescheduled and streamlined the process listed under Council Operating Procedure 12. This is, in part, in response to the anticipated heavy Council and Scientific and Statistical Committee (SSC) workload associated with the Groundfish stock assessment cycle in 2013. Council staff and the Scientific and Statistical Committee (SSC) reviewed Stock Assessment and Fishery Evaluation and other documents from recent years to develop this initial draft document. At the September 2012 Council meeting in Boise, Idaho, the Council and available advisory bodies reviewed the initial draft document and the Council approved a revised draft for public review. At the November 2012 Council meeting, the Council reviewed a draft Fishery Ecosystem Plan that included its own set of ecosystem related research initiatives and the Council recommended moving those initiatives from the FEP to this document. This Research and Data Needs document has been revised accordingly and is available for review and comment by the public and Council advisory bodies until the Council approves a final version, tentatively scheduled for March 2013.

1.2 Document Organization

This document represents a summary of research and data needed by the Council to implement its responsibilities as defined by the MSA, the Regulatory Flexibility Act, and other pertinent legislation. The document is largely organized around overarching fishery management topics such as economic and social science components, ecosystem-based fishery management (EBFM), marine protected area (MPA), and essential fish habitat (EFH) issues. Following these overarching topics, the document includes detailed sections that focus on each of the Council's four fishery management plans (FMPs). Because each FMP or management component has a unique Council history and its own issues and data needs, each section is organized in a style best suited for its particular research and data needs. Where appropriate, these sections address continuing issues and identify important emerging issues.

The bulleted list below represents the set of general criteria used in this most recent exercise as guiding principles rather than explicitly defined rules for developing research and data needs.

- Projects address long-term fundamental needs of West Coast fisheries.
- Projects improve the quality of information, models, and analytical tools used for biological assessment and management.
- Projects increase the long-run market competitiveness and economic profitability of the industry.
- Projects contribute to the understanding by decision makers of social and economic implications in meeting biological and conservation objectives.
- Projects provide data and/or information to meet the requirements of the MSA, the Regulatory Flexibility Act, and other applicable laws.

1.3 Communication and Coordination

When final, this will likely be transmitted to many West Coast organizations and agencies to broadly communicate Council needs and to solicit research support. Groups to be included in the distribution include the other seven Regional Fishery Management Councils, Headquarters as well as west coast Regional Offices and Science Centers of National Marine Fisheries Service (NMFS), west coast states, the Pacific States Marine Fisheries Commission (PSMFC), tribal management agencies, the National Ocean Service's Office of National Marine Sanctuaries (ONMS), west coast National Marine Sanctuaries (NMS), nongovernmental organizations (NGOs), Sea Grant, and academic institutions.

Following completion and distribution, as time and workload allow, the Council Chair and staff may meet with representatives from NMFS west coast regions and centers, ONMS and PSMFC to develop a consensus on high priority initiatives needed to respond to Council needs that would be conveyed to NMFS.

2.0 ECOSYSTEM-BASED FISHERIES MANAGEMENT

2.1 Introduction

Ecosystem science can be useful both in its application to FMP species-group management, and to aid in long-term Council planning on ecosystem-wide concerns. Francis et al. (2007) recommend making scientific progress towards ecosystem based fisheries management with these principles: 1. Keep a perspective that is holistic, risk-averse, and adaptive. 2. Question key assumptions, no matter how basic. 3. Maintain old-growth age structure in fish populations. 4. Characterize and maintain the natural spatial structure of fish stocks. 5. Characterize and maintain viable fish habitats. 6. Characterize and maintain ecosystem resilience. 7. Identify and maintain critical food web connections. 8. Account for ecosystem change through time. 9. Account for evolutionary change caused by fishing. 10. Implement an approach that is integrated, interdisciplinary, and inclusive (Francis et al. 2007).

The Council has nearly completed its initial Fishery Ecosystem Plan (FEP) which is intended to serve as an informative rather than prescriptive document to expand the application of ecosystem-based management principles into fishery management decisions under the Council's four FMPs. The Council has adopted the following purpose and need statement for the FEP.

The purpose of the FEP is to enhance the Council's species-specific management programs with more ecosystem science, broader ecosystem considerations and management policies that coordinate Council management across its Fishery Management Plans (FMPs) and the California Current Ecosystem (CCE). An FEP should provide a framework for considering policy choices and trade-offs as they affect FMP species and the broader CCE.

The needs for ecosystem-based fishery management within the Council process are:

1. *Improve management decisions and the administrative process by providing biophysical and socio-economic information on CCE climate conditions, climate change, habitat conditions and ecosystem interactions.*
2. *Provide adequate buffers against the uncertainties of environmental and human-induced impacts to the marine environment by developing safeguards in fisheries management measures.*
3. *Develop new and inform existing fishery management measures that take into account the ecosystem effects of those measures on CCE species and habitat, and that take into account the effects of the CCE on fishery management.*
4. *Coordinate information across FMPs for decision-making within the Council process and for consultations with other regional, national, or international entities on actions affecting the CCE or FMP species.*
5. *Identify and prioritize research needs and provide recommendations to address gaps in ecosystem knowledge and FMP policies, particularly with respect to the cumulative effects of fisheries management on marine ecosystems and fishing communities.*

Given the broad applicability of ecosystem-based management principles, many of the research priorities identified in this chapter are reiterative or closely related to FMP-specific recommendations in later chapters. As funding becomes scarcer, it is important to identify these linkages or cross-FMP initiatives to see where research in one FMP can have multiple benefits

for informing management in others. To begin moving towards these objectives and explicitly incorporating habitat and climatic factors in our fishery management models, the following data and research priorities are suggested:

2.2 Highest priority Issues:

- Identify ecosystem-related objectives at all levels of assessment and management. This includes stock assessments, habitat analyses, and coastwide and regional ecosystem status reports.

- Identify an approach for evaluating the benefits of various management tools in relation to achieving EBFM management objectives.

- Provide a status of the ecosystem report to the Council annually that includes, but is not limited to, evaluation of current and future oceanographic condition, analysis of ecosystem responses to management measures and these conditions, updated habitat mapping or evaluation, observations of recruitment patterns across species, shifts in species distribution and community composition, and changes in trophic dynamics

- Identify key physical and biological indicators for prediction of salmon early ocean survival and groundfish recruitment, as well as other conditions that are directly applicable to management.

- In the longer term, identify how the climate might be changing on long time scales in a way that will affect fisheries (i.e., climate change).

- Identify indices of ecosystem state (on appropriate temporal and spatial scales, e.g. demarcation points might be Point Conception, Point Año Nuevo, San Francisco Bay, Point Reyes, Cape Mendocino, Cape Blanco, Columbia River, Cape Flattery):
    - upwelling, El Niño, Pacific Decadal Oscillation, Sea Surface Temperature, etc.
    - abundance of key ecosystem process indicators, such as zooplankton and forage fishes
    - larval and juvenile fish abundance
    - total annual production and surplus production
    - species diversity and other measures of ecological health and integrity. Describe rationale underlying each.
    - a measure of ocean acidification and its associated impacts on marine resources and ecosystem structure and function.

- Estimate total catch for target and non target species and their prey and predators.

- Evaluate the effect of fishing on habitat and response of habitat to spatial closures.

- Encourage development of probabilistic/stochastic ecosystem-based models that incorporate environmental variation and anthropogenic disturbances to guide harvest policies and enable risk assessment for fishing strategies.

- Provide report on trophic interactions among exploited species and model consequences of fishing at various levels on predators or prey and/or the changes in biomass that may be expected due to major shifts in climate, oceanographic parameters such as acidification, and temperature, as well as anticipated effects on productivity.

- Prioritize these issues according to immediate need and relevance to management, and develop a comprehensive plan to integrate ecosystem-based processes and information into all aspects of assessment, monitoring and evaluation.

- Estimate total population size (or collect existing time series) of higher level carnivores, including sea birds and marine mammals and estimate forage needs and foraging efficiencies (to provide an estimate of not only their food requirements, but the prey density needed for them to acquire these food resources).

The following items arose during the development of the Pacific Council's development of a Fishery Ecosystem Plan. These concepts reflect the general prioritization provided by the Council's Ecosystem Advisory Subpanel based on consideration of the relative benefit of the information and the relative costs in terms of needed research, analysis, and workload. [1]

Relatively High Benefit with Relatively Low Cost

- Identify key indicators for recruitment, growth, spatial availability, and overall CCE productivity.

- Examine ecological interactions for influence on managed and non-managed species, including predator-prey relationships, competition, and disease. Investigate the role of FMP species in the food web, including analysis of behavioral interactions (e.g. functional response) between predators and prey.

- Better understand spatial structure and geographic range (meta-population structure) of managed stocks and investigate what are the most appropriate spatial scales for management.

Relatively High Benefit with Relatively High Cost

- Assess high and low frequency changes in the availability of target stocks, and the vulnerability of bycatch species, in response to dynamic changes in climate and oceanographic conditions (such as seasonal changes in water masses, changes in temperature fronts or other boundary conditions, and changes in prey abundance).

- Assess near-shore distribution of FMP species for habitat needs and fishery vulnerability during nursery and pre-reproductive life stages. Characterize the influence

[1] For additional information on EAS recommendations and prioritization see the November 2012 Briefing Book, Agenda Item K.1.c Supplemental EAS Report (http://www.pcouncil.org/wp-content/uploads/K1c_SUP_EAS_NOV2012BB.pdf)

of nearshore marine, estuarine and freshwater water quality on survival, growth, and productivity.

- Evaluate the influence of climatic/oceanographic conditions on the population dynamics of FMP species. Develop indicators to track that influence, such as for upwelling, sea surface temperatures, Pacific Decadal Oscillation, chl-a, and zooplankton index. Evaluate the efficacy of incorporating environmental factors within the current stock assessment modeling framework (Stock Synthesis 3). Model effects of climate forcing and other ecosystem interactions (e.g., trophic interactions) on productivity and assess utility of simulated estimates of the unexploited biomass over time (a "dynamic B0") rather than the static estimate of long-term, mean, unfished abundance.

Relatively Moderate Benefit with Relatively Low Cost

- Investigate how fishing activity affects ecosystem structure and function, particularly spatial and temporal fishing patterns and their relation to changing patterns in the ecosystem (cumulative impacts of all FMP fisheries).

- Spatially-explicit management: What is the effect of marine spatial planning on FMP species and fisheries? A review marine spatial planning should include consideration of both fisheries and non-fisheries closures and the effects of spatially explicit management, not only on fisheries, but also on fisheries research, monitoring, and modeling (e.g. stock assessments).

- Evaluate effectiveness of standardized bycatch reporting methodologies in all FMP fisheries and develop quantitative information on the extent of the cumulative bycatch of all FMP fisheries.

Relatively Moderate Benefit with Relatively High Cost

- Develop an analytical framework to compile information and evaluate the tradeoffs society is willing to make across the alternative ecological benefits fishery resources provide.

- Investigate how viability and resilience of coastal communities are affected by changes in ecosystem structure and function, including short- and long-term climate shifts.

- Non-market valuation techniques need to be developed in order to estimate existence or other non-use values that are applicable to FMP target species, as well as the non-target species that interact with FMP target species.

- Develop methods and linkages to socio-economic data and modeling to assess effects of changes in resource availability, climate, and regulations on West Coast fisheries.

2.3 Emerging Issues:

- Develop an approach for interpreting the values for indicators, including the development of thresholds, where appropriate.

- Collect data on distribution, diet, and abundance for target and non-target species and their prey and predators on finer spatial scales, following a prioritization exercise that identifies target species in greatest need of finer scale assessment and non-target or target species that may function as indicators of trophic interactions and ecosystem condition.

- Conduct comprehensive stomach analysis to determine trophic interactions among and within target and non-target species. This information would be essential for assessments of the California Current Large marine Ecosystem (CCLME) and represents the cross-FMP linkages that are sought under the developing EBM FMP.

- Use of hydrodynamic modeling, otolith elemental analysis or genetic fingerprinting and parental analysis to determine origin of benthic juvenile groundfish and formulate hypotheses for larval dispersal and stock structure.

2.4. Broad-Scale and Long-Term Oceanographic Conditions

Changes in temperature, oxygen saturation, and ocean pH are key oceanographic features that help to define both habitability and productivity for much of the CCE, have both direct and indirect impacts on fisheries species, and are expected to change with future climate variability. Future research considerations that would improve the Council's ability to incorporate oceanographic conditions into ecosystem-based fishery management are:

- Direct physiological effects of temperature, pH, and O changes on managed and non-FMP forage species, including, but not limited to: tolerance limits, growth rate, reproductive rate

- Current spatial and depth boundaries of all FMP, and non-FMP forage species in regards to temperature, pH, and O.

- Spatially-specific trend analysis of temperature, pH, and O changes specific to the EFH of all FMP and non-FMP forage species

- Spatially-specific forecasts of temperature, pH, and O changes specific to the EFH of all FMP and non-FMP forage species

- Spatially-specific trend and forecast of temperature, pH, and O effects on food chain base (1° and 2° production) for all FMP and non-FMP forage species

3.0 MARINE PROTECTED AREAS AND ESSENTIAL FISH HABITAT

3.1 Marine Protected Areas

In 1999, the Council began a two-stage process to consider marine reserves as a tool for managing groundfish. The first part was a "conceptual evaluation" and the second part was to develop alternatives for consideration. The second phase was to be started only if there was a positive result from the conceptual evaluation.

The first phase (Phase 1 Technical Analysis) ran from the spring of 1999 through September 2000. During this phase, a technical analysis[2] of marine reserves was prepared and an Ad-Hoc Marine Reserve Committee met to develop recommendations for the Council. Following these efforts, the Council adopted marine reserves as a tool for managing the groundfish fishery.

As part of the first phase, the technical analysis was designed to assist the Council in the conceptual evaluation of the role of marine reserves as a management tool. Four options were developed in considering the implementation of marine reserves. One option was the creation of "*heritage and research reserves*." The analysis concluded that these "heritage and research" types of marine reserves should be viewed as a supplementary management tool.

The types of research included evaluating the impacts of fishing on marine ecosystems relative to effects caused by natural changes and improving estimates of population parameters for harvested species, thereby directly improving management of the fisheries and our understanding of impacts on EFH from fishing.

The analysis also noted that these types of small marine reserves may play a valuable role in fisheries management by serving as "*reference or benchmark sites*" which would provide necessary controls for monitoring local trends in populations and ecosystem processes and would be particularly effective as controls for evaluating the effects of fishing activities in nearby unprotected areas. Use as a reference presumes independence, which needs to be justified

In 2004, the SSC completed a white paper entitled "Marine Reserves: Objectives, Rationales, Fishery Management Implications and Regulatory Requirements."[3] This document contains additional recommendations regarding research needs associated with marine reserves and MPAs.

As MPAs and marine reserves are added to state waters and National Marine Sanctuaries, an evaluation of the likely benefits of these actions in the context of current management strategies

[2] Pacific Fishery Management Council. 2001. Marine reserves to supplement management of West Coast groundfish resources. Phase I Technical Analysis. Prepared by R. Parrish, J. Seger, and M. Yoklavich. 62 pp. Portland, Oregon.

[3] Pacific Fishery Management Council 2004. Marine Reserves: Objectives, Rationales, Fishery Management Implications and Regulatory Requirements. Pacific Fishery Management Council, Portland Oregon, 97220-1384.

should be required. Cumulative impacts of closures on fishing effort distribution should be examined, as well as social and economic costs and benefits.

3.2 Priority Research and Data Needs Related to Marine Protected Areas

- Identify type and scale of information needed to conduct stock assessments after establishment of marine reserves and evaluate the feasibility and cost of collecting such information.
- Information on the location and type of harvest and effort relative to a proposed marine reserve area is needed in order to begin to evaluate the degree of impact and effectiveness of the creation of marine reserves. Use of Before/After/Control/Impact (BACI) research design methods improves the inference of harvest and habitat relations in marine reserves. Over the past couple decades this has been the approach of choice for scientifically rigorous and defensible studies for determining differences in a control vs. treatment area and has been applied to marine reserves monitoring elsewhere in the world.
- Research is needed to understand the biological and socioeconomic effects of marine reserves and determine the extent to which ABCs would need to be modified when marine reserves are implemented, over the short-term and long-term.
- Information on advection of eggs and larva and pre-settlement juveniles from marine reserves would help answer whether an individual marine reserve or network of marine reserves serve as either sources, sinks, or both of future fish populations. In other words are the marine reserves providing offspring to the areas outside the marine reserve (a source) or is the outside area providing offspring to the marine reserve that may function as a nursery area and protection for the growing larva and juveniles (a sink). Research emphasizing the differences between areas upstream and downstream of major geographical features may enhance our understanding of dispersal patterns of eggs and larva and therefore the optimal placement of marine reserves.
- Knowledge of when in the life cycle density dependent effects occur is important in the assessment of the effects of marine reserves (as it is in assessing conventional catch management).
- Increased biological and socioeconomic monitoring of existing marine reserves and other areas of restricted fishing in order to gain information that might be extrapolated to evaluate the creation of additional reserves on the west coast.
- Biological and physical indicators should be developed and monitored over long time scales to assess the effectiveness of reserves.
- Information is needed on movement patterns of species (e.g., fish home ranges, residence times, distance for foraging forays) in different habitats (rocky and soft bottom), in different locales, and throughout the year to determine the appropriate sizing, spacing and scale of MPAs.

3.3 Essential Fish Habitat Issues

The Council has developed documents that describe and map EFH for CPS, salmon, groundfish, and HMS and has suggested management measures to reduce impacts from fishing and non-fishing activities. The Council may use area closures and other measures to lessen adverse impacts on EFH. Given the Council's intention to review EFH descriptions, designations of HAPCs and fishing impacts on EFH every five years, new data and the tools to analyze those data will be needed.

- Continue development of dynamic spatially-explicit models of habitat sensitivity, fishing impact, and habitat recovery. This should include spatially explicit description of ocean habitat, and include how those may change with shifting climate.

- Specifically identify HAPCs: those rare, sensitive, and vulnerable habitats (to adverse fishing and non-fishing effects). Identify associated life stages and their distributions, especially for species and life stages with limited information. Develop appropriate protection, restoration, and enhancement measures.

- Identify any existing areas that may function as "natural" reserves and protection measures for these areas.

- Map benthic habitats within Federal and state waters on spatial scales of the fisheries and with sufficient resolution to identify and quantify fish/habitat associations, fishery effects on habitat, and the spatial structure of populations. Mapping of the rocky areas of the continental shelf is critical for the identification of the rocky shelf and non-rocky shelf composite EFHs.

- Conduct experiments (such as the use of resource areas) to assess the effects of various fishing gears on specific habitats, including habitat recovery rates, on the west coast and to develop methods to minimize those impacts, as appropriate. From existing and new sources, gather sufficient information on fishing activities for each gear type to prioritize gear research by gear, species, and habitat type.

- Explore and better define the relationships between habitat, especially EFH, and stock productivity. Improved understanding of the mechanisms that influence larval dispersal and recruitment is especially important.

- Evaluate the potential for incentives as a management tool to minimize adverse effects of fishing and non-fishing activities on EFH.

- Standardize methods, classification systems, and calibrate equipment and vessels to provide comparable results in research studies and enhance collaborative efforts to the extent practicable.

- Develop methods, as necessary, and monitor effectiveness of recommended conservation measures for non-fishing effects. Develop and demonstrate methods to restore habitat function for degraded habitats including measuring the effectiveness of these restoration methods in pilot/demonstration projects.

4.0 ECONOMICS AND SOCIAL SCIENCE COMPONENTS

4.1 Introduction

This section focuses on research and data needed to (1) support and expand the use of socioeconomic information in Council deliberations and regulatory analyses, (2) improve understanding of the socioeconomic, biological and ecological tradeoffs involved when applying an existing policy or considering alternative policies to achieve a given objective (e.g., capacity management, stock rebuilding), (3) improve the Council's ability to monitor the socioeconomic status of fisheries and fishing communities, (4) provide retrospective evaluations of past policies that could help inform future policies and (5) advance National Standard 8 "Consider fishing communities to provide for their sustained participation and to minimize adverse economic impacts."

Methods of economic analysis include benefit-cost analysis and regional economic impact analysis. Benefit-cost analysis provides estimates of net economic benefits (positive and negative) to businesses and consumers directly affected by a regulatory action. Regional impact analysis focuses on employment and income impacts in industries directly affected by a regulatory action, as well as secondary ("multiplier") effects on the suppliers of those industries and households that derive income from the affected industries. Perhaps due to data limitations, benefit-cost analysis tends to be a less common component of regulatory analysis than regional impact analysis. It is important that the data and models needed to conduct benefit-cost analysis and regional economic analysis be developed for every FMP fishery.

4.2 Highest Priority Issues

Highest priority items were identified on the basis of whether they have broad potential for improving the socioeconomic content of Council deliberations and analyses, or address an important management issue that would benefit from advanced modeling or analysis to facilitate understanding of its socioeconomic implications. Further discussion of these items is provided in Sections 7.3 and 7.4.

The Council notes that socioeconomic data and analyses tend to be more robust for commercial than recreational fisheries. The Council recommends a research emphasis on socioeconomic impacts associated with recreational fisheries because they are of increasing interest of the Council and are an important aspect of community impact estimation.

Data priorities:

- Commercial cost-earnings surveys, including the Groundfish Economic Data Collection Program
- Periodic recreational angler and charter boat (CPFV)[4] surveys
- Spatial data on location of catch for commercial and recreational fisheries

[4] Charter boats are known as commercial passenger fishing vessels (CPFVs) in California.

Modeling and analysis priorities:

- Expansion of the Council's regional input-output model IO-PAC to cover all FMP fisheries and fishery sectors
- Recreational valuation models, particularly for salmon and groundfish
- Models of fleet dynamics for commercial harvesters and recreational charter boats, including spatial and fishery choice behavior
- Indicators of community dependence on fisheries and community well-being and resilience that can be linked to regulations, economic conditions and other relevant factors
- Improved integration of socioeconomics into bycatch models used by the Groundfish Management Team to develop management alternatives for the Council
- Management strategy evaluation of alternative groundfish rebuilding strategies and alternative sardine harvest control rules to help clarify the socioeconomic, biological and ecological trade-offs
- Analysis of socioeconomic effects of the groundfish catch share program on fishery participants and fishing communities

4.3 Ongoing Issues

Ongoing issues are categorized into two types of activities: data collection/augmentation and model development/analysis. Some of the data and modeling needs identified in this section are relevant to social as well as economic issues. The Council report *Social Science in the Pacific Fishery Management Council Process* provides additional information on social science needs and ways of increasing social science considerations in the Council process and can be found on the Council's website at http://www.pcouncil.org/resources/research-and-data-needs/.

4.3.1 Data Collection and Augmentation

Economic data needs, as described in the Council's *West Coast Fisheries Economic Data Plan 2000-2002*, are summarized in the following table and augmented to include communities as well as specific fishery sectors. Core data needs pertain to fundamental information relevant to understanding economic behavior and estimating the economic value and impact of fisheries. An emphasis should be placed on collaborative research efforts with stakeholders.

Harvesters	Processors	Charter Vessels	Recreational Fishers	Communities*
# harvesters, effort by fishery (including AK)	# companies, associated plants and buying stations	# vessels, effort by trip type	# anglers, effort by mode/trip type	Fishery-related businesses in harbor and larger community
Revenue by fishery (incl AK)	Volume of raw product by source (fishery deliveries, imports), revenue and value added	Revenue by trip type		
Variable (trip) and fixed costs	Variable and fixed costs	Variable (trip) and fixed costs	Variable (trip) and fixed costs	Expenditures by fishery-related businesses
Employment and income (crew as well as vessel owners)	Employment and income (plant labor as well as plant owners)	Employment and income (crew as well as vessel owners)		Fishery-related employment and income
Vessel characteristics (including harvest capacity)	Processor characteristics (including processing capacity), location of markets and product flows	Vessel characteristics	Angler demographics and socioeconomic characteristics	Community demographics and socioeconomic characteristics

* Data elements listed under this heading may require updating as improved community analysis methods become available.

Data are needed to enumerate and quantify the spatial distribution of commercial and recreational fishing trips, processors and buying stations, charter (CPFV) activity and other fishery-dependent businesses. Spatial data on fishing trips should include both landing sites and areas fished. Such data are needed to evaluate a range of spatial management issues, including,

but not limited to, marine reserves.

Processor files and vessel characteristic files available from the Pacific Fisheries Information Network are probably in need of updating, or at least a thorough check for consistency and accuracy. The processor list, in particular, has typographical errors and non-standardized spelling that lead to ambiguities regarding the identity of processors. To facilitate analysis, each processor should be assigned a unique identification code that is standardized across states and that allows each processor to be linked with its associated plants and buying stations.

Currently, landings receipt data provide fairly coarse measures of fishing effort (numbers of vessels and landings). Analysts must rely on these measures or use logbooks, which are not available for most fisheries. Adding finer measures of effort, such as number of days fished or days at sea associated with each landing, would make the fish tickets more useful for economic analysis.

Inclusion of crewmember IDs on landings receipts would greatly facilitate understanding of the economic effects of regulations on crew participation, and provide routine information on this data-poor segment of the commercial fishery.

Bycatch has become a central issue in west coast fisheries management. Groundfish trawl logbooks have been an important tool for analyzing bycatch, and logbook programs have been implemented in fisheries such as that for market squid. Logbooks are a primary source of information on the spatial distribution of catch and fishing effort and should be considered for other fisheries. VMS data are being collected for commercial groundfish vessels, and should be investigated as a potential basis for analyzing spatial dynamics of fleet behavior.

Commercial fishery cost/earnings data should be collected and routinely updated to ensure that they reflect changing regulatory and market conditions. Groundfish catcher vessels, processors and catcher-processors involved in the groundfish catch share program are subject a mandatory Economic Data Collection (EDC) Program. Voluntary cost-earnings surveys are conducted on a three-year rotating basis that cover other fisheries in which groundfish vessels participate (shrimp, crab), as well as the salmon troll fishery. Results of cost/earnings surveys and associated metadata for all FMP fisheries should be made available to the Council in formats that protect confidentiality and are useful for SAFE documents and regulatory analysis.

Angler surveys are needed to estimate the economic value and regional economic impacts of recreational fisheries. Such surveys are conducted fairly routinely on the Pacific coast and have been facilitated in recent years by improved electronic coverage of recreational license holders, including addresses/phone numbers. When supplemented by intercept interviews or other means of contacting anglers who are not in the license frame, such dual frame approaches are effective for collection of representative economic data. In order to expand economic survey results from the sample to the population, estimates of aggregate fishing effort (number of participants as well as number of trips by mode and trip type) are also needed for all states.

4.3.2 Model Development and Analysis

A regional input-output model (IO-PAC) developed by the NWFSC was reviewed by the SSC and has been used to analyze alternatives for the groundfish harvest specification process. IO-

PAC should be expanded to include all FMP fisheries and fishery sectors as the required fishery-specific economic data becomes available. This would allow routine use of IO-PAC whenever estimates of regional economic impacts are needed (e.g., for SAFE documents and regulatory analysis).

Models of commercial fleet dynamics (e.g., spatial behavior, fishery choices) are needed to better understand fishing behavior and anticipate the effects of regulations.

Comprehensive models of charter (CPFV) fleet dynamics are needed that reflect the multi-species nature of the fishery, economic incentives of charter operators to provide not just fish but a "fishing experience," and adaptations of charter vessels to regulatory, market and environmental conditions. Such models could be used to determine whether charter fleet dynamics yield single-species CPUEs that can reasonably be used as an index of relative abundance for that species.

Angler participation models and net economic value estimates are needed for recreational salmon and groundfish fisheries. Recent modeling and valuation estimates are available for the Pacific Northwest.

The maintenance of fisheries socioeconomic baseline data at the community level is critical to effective socioeconomic analysis. Socioeconomic profiles of coastal communities significantly involved in west coast fisheries were compiled several years ago. Information that could enhance the utility of these profiles for management include the following:

- community-specific trends in major commercial and recreational fisheries, and factors affecting these trends,
- infrastructure availability and needs (for commercial fisheries, recreational fisheries, other marine resource-related uses),
- financial aspects of infrastructure development and maintenance, and
- indicators of community dependence on fisheries and community well-being and resilience that can be linked to changes in regulations, economic conditions and other relevant factors.

Over the past decade or so, the Council has taken a number of major actions – including Rockfish Conservation Areas (RCAs) in the late 1990s, the groundfish trawl vessel buyback in 2003, salmon fishery closures in the late 2000s, and the groundfish catch share program in 2011. Retrospective analysis of these actions is needed to determine their actual socioeconomic effects on fisheries and fishing communities, and the extent to which the Council's goals for each action were achieved. Retrospective analysis would also help determine whether and how each measure might be effective in addressing similar issues in the future. Research is underway to evaluate the effects of some of these actions, with thorough evaluation being most likely for the catch share program (due to the mandatory EDC Program and a currently-funded project that focuses on qualitative social effects of catch shares in west coast fishing communities).

Periodic assessments of current fishery status are contained in SAFE documents produced for each FMP. Quantitative descriptions of economic status are generally limited to basic information such as landings, ex-vessel revenues and fishing effort. Cost-earnings surveys, the Groundfish EDC Program, recreational angler surveys, charter boat (CPFV) surveys, the IO-PAC model, and recreational valuation models provide the means to enhance the utility of SAFE documents. Information on profitability of commercial operations, economic value of recreational fisheries, employment and income impacts, and other community effects should be

included in SAFE documents as such information becomes available. For groundfish catch share fisheries, quota share prices are good indicators of economic status for those fisheries.

Harvest projection models are used to craft regulatory alternatives for the salmon and groundfish fisheries. Due to concerns regarding weaker (e.g., overfished, ESA-listed) stocks and the constraining influence of those stocks on the harvest of healthier stocks, a major focus of such models is to identify regulatory alternatives that keep the bycatch of weak stocks at acceptable levels. Methods of linking such harvest projection models (including the Groundfish Management Team's bycatch models) to associated socioeconomic effects should be considered and periodically re-evaluated to ensure that they reflect best available socioeconomic information.

Management strategy evaluation should be conducted to evaluate the effects of alternative groundfish rebuilding strategies and alternative sardine harvest control rules – both of which have socioeconomic as well as biological and ecological consequences.

Information is needed regarding the socioeconomic effects of alternative capacity management programs - including limited entry and catch shares - on fishery participants and fishing communities. Important non-trawl fisheries to consider are open access groundfish and coastal pelagics. Models are needed to analyze the transition from open access to limited entry or limited entry to catch shares in terms of regional economic impacts, effects on costs, earnings and harvest capacity of the fleet, and community effects.

Bycatch is an important issue for many Council-managed fisheries. Alternative approaches to managing and reducing bycatch, bycatch mortality, and effects of gear on habitat should be evaluated – with cost-effectiveness and incentive compatibility included among the evaluation criteria.

Fisheries and communities benefit not only from the size of harvest opportunities but also the stability of such opportunities and the flexibility afforded by a diversity of such opportunities. Management approaches that enhance fishery stability and flexibility should be identified and evaluated.

4.4 Emerging Issues

Growing attention is being paid to more holistic approaches to management that focus on the relationship of fisheries to habitat, bycatch, and environmental and domestic/global market conditions, and that consider non-fishery activities and values that may be enhanced by ecosystem approaches to management. As above, these needs are divided into two activities: data collection/augmentation, and model development/analysis.

4.4.1 Data Collection and Augmentation

Many of the data needs previously identified in Section 4.3.1 are relevant to emerging as well as continuing issues.

To achieve some of the more holistic modeling discussed in Section 4.4, fishery data will need to be integrated with data on habitat, environment, market conditions and other human activities. Such integration will likely pose challenges in terms of data availability and lack of standardization in the measurement and temporal/spatial scale of individual data elements. Cooperative data collections that pool resources and expertise of agencies, fishermen and

research entities may prove beneficial to all involved.

Spatial socioeconomic information by fishery type is needed at a scale that is also useful for ecosystem and habitat based management activities. Spatial information is useful, for example, for determining economic effects of EFH and other protected habitat areas, and for anticipating the effects of other activities (e.g., wave energy development, aquaculture projects) on both fish habitat and fisheries.

Collaboration and cooperation among local (county), state, and federal agencies to collect, analyze and share socioeconomic information is paramount. Developing a clearinghouse for socioeconomic data and research methods would be valuable for agencies and the public.

4.4.2 Model Development and Analysis

A more holistic perspective is being promoted in marine resource management (e.g. ecosystem-based management). In light of this perspective, a characterization is needed of all commercial and recreational fisheries within the California Current Ecosystem, including spatial distribution and identification of behavioral linkages among complementary and substitute fishing activities. In addition, an analytical framework that accounts for dynamic and inter-regional interactions among industries and households would improve estimates of economic impacts, and comparison of costs and benefits among management alternatives. A systematic and critical evaluation of alternative economic models and analytical frameworks should be conducted, perhaps in the context of a workshop.

Computable bioeconomic models of fishing effort that are spatial and include effects of economic and environmental factors (e.g. prices, sea surface temperatures) are needed to predict effects of changes in regulatory, habitat, environmental and market constraints on participation and harvest in the ocean commercial, ocean sport, tribal and in-river sport salmon fisheries.

Models are needed to estimate and manage bycatch in non-trawl fisheries, for different species of concern including marine mammals, birds, sea turtles, and others.

Models are needed to evaluate the economic dependency of coastal communities on fishery and marine resources and the linkages between these industries and the broader regional economy. This type of analysis should be developed to the point of incorporating general equilibrium effects, and linked to participation and bioeconomic factors.

Stated preference surveys and other non-market valuation techniques could be used to estimate existence or other non-use values associated with threatened and endangered species, ecosystem protection, and stock rebuilding plans. Studies are needed that (1) evaluate the robustness of stated preference responses to the types of information provided in the valuation scenario, (2) evaluate how the “extent of the market” varies according to the nature/scope/location of the good being valued, (3) address aggregation issues that may arise when summations of valuations across multiple goods yield implausible results, and (4) consider the extent to which non-use values are applicable to fisheries as well as environmental goods.

5.0 GROUNDFISH FISHERY MANAGEMENT PLAN

5.1 Introduction

The focus of this section is on research and data needs to support quantitative stock assessments and management of groundfish stocks in the FMP. Identification of research and data needs is a routine part of the groundfish STAR process, and the needs summarized below were developed based on recommendations made by stock assessment authors and STAR panels. An emphasis is made on 1) continuation of on-going data collection programs that support assessments of groundfish stocks, 2) improving the quality and representativeness of these data collection programs, 3) developing new survey and sampling techniques to monitor stocks that cannot be surveyed effectively using current methods, and 4) further advancing modeling techniques and methods to analyze the data.

5.2 Data Needs

5.2.1 Fishery-Independent Data

Continue to conduct annual comprehensive shelf and slope bottom trawl survey

An annual slope survey in the U.S. Vancouver, Columbia, Eureka, Monterey, and a portion of the Conception INPFC areas was initiated by NMFS NWFSC in 1998. In 2003, the range of the slope survey was extended in depth onto the shelf and in latitude to the entire coast from the Mexican to Canadian border. The data from this survey have been used in almost every groundfish assessment on the U.S. West Coast. It is essential to continue this comprehensive annual survey, since a consistent long-term survey index informs estimates of abundance and productivity of groundfish stocks.

Continue to explore additional survey methods

Although informative for many groundfish species, the current NWFSC shelf and slope survey cannot access rocky areas, where a number of rockfish species occur. Also, trawl survey efforts are currently closed in the Cowcod Conservation Area (CCA), which is likely to include habitat for a number of rockfish (based on fishermen's knowledge and the observation of catch rates at similar habitats along the boundaries of the CCA). There is, therefore, a need to develop alternative methods to assess abundance of fish in these untrawlable areas as well as other areas not well surveyed by the current bottom trawl survey. Also, low yield and long rebuilding times of some rockfish, including yelloweye and canary rockfish, highlight a need to develop alternative methods of estimating abundance and biomass trends that have a lesser impact on resources than trawl surveys. All new survey methods should be thoroughly evaluated before being used in stock assessments. Specific recommendations regarding some of the alternative methods include:

- Continue exploring survey methods to survey untrawlable areas, including those that employ Autonomous Underwater Vehicles (AUVs), submersibles, drop cameras, acoustics, towed cameras, light detection and ranging (LIDAR), etc. In recent years, small-scale surveys have been conducted using these non-invasive methods. Studies

should be conducted to evaluate the comparative costs of these alternative survey methods for groundfish assessment.

- Maintain California Cooperative Oceanic Fisheries Investigations (CalCOFI) egg and larval production surveys. Abundance indices based on data from these surveys have been used in a number of groundfish assessments, including bocaccio, chilipepper and shortbelly rockfish. It has been recommended to expand processing of biological samples collected, and improve survey data on canary and widow rockfish. It is also important to further explore the use of genetic methods to accurately identify larval fish species in plankton samples.

- Continue exploring the use of hook-and-line or longline gear for surveying rockfish populations, since this gear is inexpensive and can be deployable on a variety of bottom types. Since 2004, the hook and line survey has been conducted by NMFS NWFSC in collaboration with the Pacific States Marine Fisheries Commission and the commercial passenger fishing vessel industry. This survey has been collecting data to generate abundance indices for several key species of shelf rockfish in the Southern California Bight, including bocaccio, the vermilion rockfish complex and greenspotted rockfish. The International Pacific Halibut Commission (IPHC) has conducted annual hook-and-line survey since 1998; this survey provides data on a number of groundfish species, including yelloweye rockfish.

- Explore tagging programs as a potentially useful source of information on trends for nearshore species, such as black rockfish. When the tagging program is smaller in scale than range of the stock assessed, quantitative prior probability distribution on tagging catchability should be developed.

- Evaluate the usefulness of current seafloor maps off the Pacific coast to better interpret survey abundance indices.

- Explore utility of genetic tags in estimation of population size.

5.2.2 Fisheries -Dependent Data

Improve on fishery monitoring and data collection

Collection of high quality fishery-dependent data continues to be one of the highest priorities for groundfish assessment and management. Fish ticket data are needed to census the landed catch, logbooks to document areas of capture, port sampling to estimate species composition of aggregated landings and biological characteristics of target and bycatch species, and observer program to document catch discarded at sea.

- Continue research on barotrauma and the use of recompression, or descending devices, for released rockfish, particularly for deeper waters (> 30 fm), over a broader suite of species, including overfished species. Estimates of discard mortality rates in recreational fisheries should be re-evaluated because the ability to survive barotrauma or hooking or trapping injuries may vary by depth and among species. Progress has been made in understanding short-term effects of barotrauma on some groundfish species. Additional

work is needed to examine long-term physiological effects of capture and release on reproductive output of groundfish species, which could have implications for stock productivity and, therefore, management. Alterative release methods (e.g. post-capture release at depth) have been shown to be effective in reducing short-term mortality, but additional work is needed to accurately quantify the effects of real world implementation of these methods on discard mortality, for use in assessment and management.

- Continue to monitor catch and discard in commercial fisheries at-sea. Currently there are two observer programs operated by the NMFS NWFSC on the U.S. West Coast. These programs include the At-Sea Hake Observer Program (A-SHOP), which monitors the at-sea hake processing vessels, and the West Coast Groundfish Observer Program (WCGOP), which monitors catcher vessels that deliver their catch to a shore-based processor or a mothership. The A-SHOP dates back to the 1970s, while WCGOP was implemented in 2001. The WCGOP began with gathering data for the limited entry trawl and fixed gear fleets. Observer coverage has expanded to include the California halibut trawl fishery, the nearshore fixed gear and pink shrimp trawl fishery. Since 2011, the U.S. West Coast groundfish trawl fishery has been managed under a new groundfish catch share program. The WCGOP provides 100% at-sea observer monitoring of catch for the new, catch share based Individual Fishing Quota (IFQ) fishery, including both retained and discarded catch. The WCGOP also provides estimates of discard and total groundfish removals from commercial, recreational and research sources (including incidental catch from non-groundfish fisheries) for use in stock assessment and management. The methods used by WCGOP to estimate discard and total groundfish removals should be well documented and reviewed by the SSC to ensure that the most reliable estimates are generated. Additionally, a method should be developed to evaluate observer coverage levels, and how that might influence management, stock assessments, and fleet behavior.

- Review the process for determining the species viability and the resulting discard mortality estimates for Pacific halibut and possibly other species in the commercial fisheries. The current mortality rates applied to the viability of released Pacific halibut is based on work conducted in Alaska in the 1970s and updating this research may provide additional insight. Additionally, exploring a method that would apply a formula consisting of variables such as tow/set time, temperature, and time on deck, etc. to determine viability, rather than the current visual estimate. This method might have the added benefit of easing some of the workload on the observers, since they would no longer have to conduct Pacific halibut viability estimates.

- The limited entry trawl fishery now operates under a catch-share program that requires full observer coverage and full sorting to species. The system for monitoring the landed catch should be evaluated to determine the levels of species contamination that may be occurring.

- Further explore use of electronic monitoring system (EMS) in commercial fisheries to monitor catch, estimate discard and identify species composition of the discarded portion of the catch. Studies should be designed and conducted to test reliability of EMS in

collecting the data. Also, efforts should be devoted to evaluate costs of EMS data collection and processing, compared to observers' costs.

- Continue to collect information on the size composition of the discarded portion of the commercial catch, because it is unlikely that discards have the same size composition as retained catch. In some cases, the size composition of discard can also provide information about the magnitude of recruiting year classes.

- Protocols and priorities for biological sampling (lengths and age structures) should be evaluated to ensure that sufficient data are being collected to support existing and new stock assessments. Significant gaps in the age and growth information have been identified for a number of stock assessments, including sablefish (for which age sampling from the commercial fishery has generally been sparse compared to other groundfish) and petrale sole, among others. There is a need to optimize the use of available resources (i.e., port samplers) in a way that provides maximum benefit to stock assessments.

- The accuracy and precision of recreational catch and effort estimates for minor fishing modes, such as beach and bank anglers, private access sites, and night fishing, needs to be further investigated and improved.

- Discard estimates in the recreational groundfish fishery, particularly for non-retention species, should be improved. Additional data should be collected on size composition of recreational discard.

- Recreational data (catch and biological samples) are currently available from several sources, including the state agencies and RecFIN. Total mortality estimates between these sources do not always match. A single database that holds all recreational data in a consistent format would reduce time spent by assessment scientists obtaining and processing these data, and ensure that the best available information is utilized by the assessments.

- Cooperative research programs are required under the recently reauthorized MSA and are playing an increasing role in west coast fishery science and management and could be utilized to expand data collection as fishing opportunities have decreased and research needs increased. However, it is critical to design programs and implement the necessary data evaluations and analyses to ensure that ongoing and future cooperative research work can be used in fishery management (i.e., fishery models, stock assessments, etc.) on a timely basis.

- Improve the spatial coverage of logbook haul location information with additional 'location' fields added to trawl logbooks and West Coast Groundfish Observer Program forms for interval or periodic recordings of GPS coordinates by fishers and observers. The haul information currently recorded in trawl logbooks do not provide accurate coverage of the area fished because only set and end locations are required. Interpolation methods provide only a course estimate of spatial coverage.

Develop a coastwide system for electronic fish ticket and fishery logbook data

Development of an integrated system for reporting of electronic fish ticket data and logbook information on the U.S. West Coast would provide real-time and near real-time information needed to address a variety of stock assessment and inseason management needs.

Fish ticket data and logbook information, along with data from the West Coast Groundfish Observer Program (WCGOP), are used to reconcile the total catch by area, and determine bycatch rates associated with target species. Currently, logbook data can lag by as much as a year, which delays the entire process of catch reconciliation. An electronic fish ticket and logbook system would substantially increase the timeliness of landings and discard estimates produced.

Electronic data are now available for the new IFQ fishery through the NMFS Vessel Accounts Database. Currently, the IFQ fishery is the only one which is completely covered by electronic tickets. Washington and Oregon are exploring expansion of their electronic fish ticket systems to other fisheries, but the potential range of coverage or possible timing of any expansion is not yet clear.

Continue to improve historical catch time series

Historical catch information is essential for fisheries stock assessment; without knowing the catch history it is difficult to understand how a stock responds to exploitation. Recent catch data (from 1981 on) are available from the Pacific Fisheries Information Network (PacFIN), a regional fisheries database that manages fishery-dependent information in cooperation with National Marine Fisheries Service (NMFS) and West Coast state agencies. Catch information prior to 1981 is sparse and there is no database analogous to PacFIN to handle those data. In the recent past, historical reconstruction of catches prior to 1981 has been conducted by assessment authors for each assessment individually, and authors have often approached the problem differently, using different data sources and a variety of methods.

A coordinated effort to reconstruct West Coast groundfish historical catches has been recommended, to provide a comprehensive species specific time series for use in stock assessments to help improve the reliability of historical catches by identifying and drawing on preferred data sources, as well as applying a standardized method across all species. Such a coordinated effort should also facilitate review of stock assessments in the future.

Progress has been made in reconstructing California commercial and recreational, and Oregon commercial landings. However, historical time series of Oregon recreational and Washington commercial and recreational landings are not yet complete.

In addition to providing the best reconstructed catch histories by species, alternative catch streams should be developed to reflect differences in data quantity and quality for different time periods. Such alternative catch streams would be very useful for exploring assessment models sensitivity to uncertainty in catch history, rather than applying a simple multiplier to entire catch time-series, which is currently the case for most groundfish assessments. An evaluation of time series of historical discard is also needed, although it is recognized that historical discard data are extremely limited.

A database for historical (pre-PacFIN) time series of groundfish landings should be established. Ideally, in addition to providing the best reconstructed catch histories by species, this database would also include estimates of uncertainty in these catch time series. Also, process for updating and revising this database should be well established.

Investigate impact of fishing gear on habitats

A major effort was made to prepare a comprehensive Environmental Impact Statement (EIS) analysis for the Essential Fish Habitat (EFH) amendment to the FMP. The EIS was based on Geographic Information System (GIS) analysis that included integration of substrate maps of the Northeast Pacific Ocean off the Pacific coast, habitat suitability maps for groundfish species and maps of fishing impacts and habitat sensitivity. The analysis discovered a complete lack of information on fishing impacts specific to Pacific coast habitats, and estimates of habitat sensitivity to fishing gear and habitat recovery were borrowed from studies in other areas.

It is, therefore, recommended to conduct studies to evaluate the effects of fishing on Pacific coast benthic habitats. These studies should be conducted on a variety of bottom habitat types and using different gear types. They should focus on both short- and long-term fishing effects on benthic communities and bio-geological processes.

The Council is currently engaged in reviewing groundfish EFH and has tentatively identified research and data needs through Essential Fish Habitat Review Committee. The higher priority items are included in Appendix II of this document.

5.2.3 Life History Data

Life history parameters determine the productivity of a stock, and therefore affect estimates of stock status and management quantities related to spawning stock biomass. There have been a number of data and research needs related to life history parameters identified in the most recent stock assessments, including:

- Refine the estimates of maturity and fecundity for a number of species, including sablefish, yelloweye rockfish and petrale sole. Assessment results for these species were found to be sensitive to changes in maturity and fecundity parameters, yet the available information is outdated, in addition to being variable among sources, years and regions.

- Improve quality of age data. If age data were more accurate, cohorts could be better tracked to older ages, and estimates of historical year-class strengths may be improved. Quality of age data could be improved through validation studies and exchange of age structures among labs. Also, ageing methods that could provide more precise age estimates should be explored. Studies to investigate the potential for bias in ageing methods should be conducted, as the results of these studies may have a strong effect on natural mortality estimates used in stock assessments.

- It has been shown that a number of species exhibit spatial variability in life history traits. It is therefore recommended to continue to collect data to capture habitat-related and climate-driven variability in life history traits, and explore methods to integrate this information into stock assessments.

- A number of unassessed species lack basic life history information, such as growth, length-weight relationships, maturity and fecundity. These species should be identified and studies should be designed to estimate parameters for these life history traits.

- Recent genetic research indicates that such species as vermillion and blue rockfish may each represent two morphologically similar, but genetically distinct species. Further genetic studies are needed to confirm these findings. These studies should be designed to investigate differences in spatial distribution between potentially different species, the extent of intermixing, differences in growth, maturity and longevity.

- Conduct comprehensive stomach analysis to determine trophic interactions of groundfish. This information would be essential for assessments of the California Current Large marine Ecosystem (CCLME).

5.3 Stock Assessment Issues

Improve on methods to assess data-poor and data-moderate stocks

A substantial progress has been made in developing and implementing methods to assess data-poor and data-moderate stocks. The Depletion-Based Stock Reduction Analysis (DB-SRA) and Depletion-Corrected Average Catch (DCAC) method have been adopted by the Council to estimate OFLs and set harvest specifications for data-poor stocks. XDB-SRA and exSSS have recently been developed to assess data-moderate stocks. Further work is recommended to refine data-poor and data-moderate methods, which includes:

- Improve inputs used by the data-poor and data-moderate methods, including natural mortality (M), a ratio of B_{MSY} to B_0, a ratio of F_{MSY} to M, and reduction in abundance, or delta parameter (which represents stock depletion).
- Catch time series in data-poor and data-moderate methods are currently assumed to be known, and tools for incorporating catch uncertainty into these methods should be developed.
- Performance of data-poor and data-moderate stock assessments has been evaluated through comparing data-limited and data-moderate assessment results with outputs from full assessments. Simulations studies are needed to further evaluate utility of these data-poor and data-moderate methods in real applications.
- Data-moderate assessments are likely to have greater uncertainty in their results than full assessments since much fewer data are used in data-moderate assessments. Further work is needed to determine how to best describe uncertainty in data-moderate assessments.

Further advance modeling approaches and data analyses

- Current models used to assess groundfish stocks are complex, with many parameters being estimated, yet often the data used to fit these models are sparse. Also, complex models make it difficult to understand how specific data elements affect model outcomes. The benefits of adopting the complex model should be evaluated relative to simpler assumptions and models.

- In a number of recent stock assessments, Bayesian prior probability distributions for natural mortality (M) and stock-recruitment steepness (h) derived from meta-analyses of different species and different methods were utilized. Guidance should be provided on how to best use these (and other) priors in stock assessment models to account for uncertainty in parameter estimates and propagate this uncertainty to the assessment results.

- Continue to develop and evaluate standard methods to process biological data for assessment model input files, including those related to input sample sizes and data weighting procedures. Explore alternative error distribution assumptions used for compositional data.

- Conduct studies to help determine which selectivity assumptions (dome shape vs. asymptotic) are most appropriate for the various groundfish stocks, including lingcod and other species with age-structured assessment models.

- Further explore models that account for spatial structure of the stock, with spatial differences in life history parameters (multi-area assessments). It is also recommended to further explore models that account for migration patterns (via incorporating tagging data) as this feature is currently available within the Stock Synthesis modeling framework.

- Continue to explore methods to include environment variables in stock assessment. Previous work has illustrated methods to relate recruitment to environmental factors using Stock Synthesis, but environmental forcing applied to other population parameters has not been fully explored. When selecting environmental variables to include in an assessment model, cross-validation should be used to ensure a derived relationship between climate forcing and a parameter is robust.

- A number of stock assessments utilize international boundaries to delineate stocks even though stocks' ranges are not limited always to the area managed by the Council. These stocks include sablefish, spiny dogfish, blackgill, canary, widow, yelloweye rockfish, Pacific ocean perch, and others. It is therefore recommended to further investigate structure of transboundary stocks and evaluate implications of stocks connectivity with Canada on the north, and Mexico on the south, and in some cases, explore the possibility of joint stock assessments in future years.

- Continue to evaluate biological reference points, harvest control rules and policies used for groundfish, to ensure the best available scientific information is utilized for management decision-making. Harvest policies should be tested to determine whether they are robust to decadal-scale environmental variation and directional climate change.

- Further explore how best to account for (and report) uncertainty in stock assessments. Explore alternative approaches to evaluate scientific uncertainty associated with OFL estimates, as the method that is currently in place does not include all sources of scientific uncertainty.

- The use of recreational fishery CPUE in stock assessments has increased, particularly for assessing nearshore species for which there are no other reliable indices of abundance. Although there have been some recent advances in the analytical methods used to derive abundance indices from CPUE data, further work is needed to understand the properties of recreational CPUE data (e.g., method evaluation with simulation data or cross-validation studies). In particular, the effect of management changes and alternative fishing opportunities should be evaluated.

Improve on stock assessment data and methods reporting

- Establish a database for all the data relevant to groundfish stock assessments, with a current point of contact identified for each source. This database should be accessible online and include details about the nature and quality of the data in each source. Such a database would help stock assessors make informed decisions on which sources could be useful in their assessment as well as expedite the process of requesting the data.

- Develop a concise set of documents (and update them when needed) that describe current best practices in treating data from sources commonly used in stock assessments and in deriving assessment model inputs. These documents would include, for instance, a description of methods to calculate survey abundance indices via Generalized Linear Mixed Model (GLMM), and an approach used to develop prior probability distributions for natural mortality (M) and stock-recruitment steepness (h). Ideally, these documents would be reviewed by the SSC prior to the assessment cycle.
- The current best practices (item above) should be well communicated among stock assessment scientists and the SSC.

5.4 Ecosystem Issues

Ecosystem-based research needs arose as the Council developed its Fishery Ecosystem Plan. Some of these research needs are similar and complimentary to needs identified elsewhere in the document.[5] The following ecosystem considerations specific to HMS are included here for emphasis:

- West Coast groundfish species show low frequency variability in recruitment (i.e. prolonged periods of high and low recruitment) due to lower biomass and/or a low productivity environmental regime. This variability can increase the level of uncertainty in assessment results. Specifically, strong ENSO conditions (especially in Southern California) may be a pre-cursor to significant recruitment events and should be explored further to help increase the understanding of spatially-explicit recruitment responses and inform future recruitment events Historical reports of large year classes (e.g., the 1947 year class of canary rockfish reported by sport fishermen in central California) could be

[5] For additional information, see the November 2012 FEP Draft, November 2012 Briefing Book, Agenda Item K.1.a, Attachment 1 (http://www.pcouncil.org/wp-content/uploads/K1a_ATT1_DRAFT_FEP_NOV2012BB.pdf)

investigated to better inform recruitment drivers. Finally, periods of low and high recruitment may correlate with the environmental conditions that could help predict future biomass levels. Investigate the effects of PDO, ENSO and other climatic variables on recruitment and develop a better understanding of the relationship between the population dynamics and climate using tools such as meta-analysis as a means of reducing the uncertainty of future assessments.

- Research is needed on relative density of rockfish in trawlable and untrawlable areas and differences in age and length compositions between these areas. Understanding groundfish distribution and habitat features can provide more precise estimates of abundance from the surveys, and can guide survey augmentations that could better track changes in stock size through targeted application of newly developed survey technologies (e.g. for untrawlable habitats). Such studies could also assist in determining selectivity and in aiding the evaluation of spatial structure and the use of fleets to capture geographically-based patterns in stock characteristics, such as different exploitation histories, growth, or fecundity in different areas.

- Investigate predation impacts likely to affect abundance of assessed species.
- Time-varying catchability and availability of fish to surveys may affect our fishery independent index of abundance for some groundfish species. A review of the survey data and stock migration to assess whether there are spatial trends in the indices that are not being captured by assessment models.

- Investigate how growth rates, maturity schedules, and fecundity have varied over time and between areas, as influenced by environmental factors and changes in population density because of apparent low frequency variability in environmental conditions and/or population density. Regional differences in exploitation history and biological traits can result in demographic independence of local stocks, even in the absence of clear genetic differentiation, with important implications for management.

- Standard modeling approaches that take into account changes in target fisheries to estimate historical discards (bycatch) should be developed that can be used across stock assessments .

- There are high densities of many groundfish stocks near the U.S.-Canada or U.S.-Mexico borders. Given the high likelihood that many groundfish stocks are transboundary, combined with potential seasonal or directed movement patterns for some species, suggests that U.S. and Canada/Mexico should explore the possibility of joint groundfish stock assessments. At a minimum transboundary stock effects—in particular the consequences of having spawning contributions from external stock components, catches in transboundary waters, and common life history traits—should be evaluated. While resolution of conducting bi-national assessments is beyond the scope of what can be reasonably expected from the U.S. stock assessment teams alone, a formal framework for completing such assessments should be established.

6.0 SALMON FISHERY MANAGEMENT PLAN

6.1 Introduction

In the previous Research and Data Needs report, two highest priority issues were identified separately for Research Issues and Data Issues. The issues, and the progress on them, are summarized below:

Research Issues:

- ***Further development and application of stock identification methods such as Genetic Stock Identification (GSI), Parentage-based (intergenerational genetic) tagging (PBT), and otolith marking to augment the fishery-specific stock information supplied by the current coded-wire tag (CWT) system.*** GSI, in combination with at-sea sampling by fishermen, is providing detailed information regarding migration patterns and stock contributions to ocean fisheries for Chinook salmon. There have been three years of reasonably comprehensive sampling in Washington, Oregon, and California. Development of applications to fisheries management depends on continuing coast-wide annual data collection. PBT is now in place for many California and all Idaho Chinook salmon hatchery programs and allows identification of both the stock and exact age of individual fish. This technique can provide data for cohort reconstruction, migration and straying studies, survival-rate comparisons, and other fine-scale data needs.

- ***The development of habitat-based models that incorporate environmental variation and anthropogenic disturbances to evaluate harvest policies and enable risk assessment for different fishing strategies is encouraged.*** There has not been much progress on this issue since the 2008 Research and Data Needs Report.

Data Issues:

- ***Escapement and fishery monitoring should be maintained and expanded where appropriate and data collection should include information on age and sex composition, mark rates, CWT recovery, and include spawning ground carcass enumeration and sampling***. Sampling programs in some systems have been expanded and new escapement estimation methods developed such as genetic mark-recapture techniques.

- ***Related to mark-selective fisheries and their use as a management tool, a more accurate assessment of total fishing-related mortality for natural stocks of coho and Chinook is needed. The ability of existing management models to predict and assess non-catch mortalities needs to be evaluated and the models modified, as needed***. Theoretical development of unbiased methods for estimating non-catch mortalities has occurred and been evaluated through simulations. The incorporation of these methods into the management models and evaluation of their performance are the required next steps.

Research issues and data issues for salmon management are discussed and prioritized in the following two sections. Other high priority needs associated with hatchery fish and their

interactions with wild stocks are also identified. All research and data projects listed in this chapter are considered either "highest priority needs" or "high priority needs" according to their ability to meet the criteria listed in the introduction to this report.

6.2 Research Issues

6.2.1 Highest Priority Research Issues

Data and information issues are covered in the next section. Section 4.5 (which addresses emerging issues) contains additional information on the highest priority research and data needs.

6.2.1.1 Stock Identification

Advances in GSI, PBT, otolith marking, and other techniques may make it feasible to use a variety of stock identification technologies to assess fishery impacts and migration patterns.

The increasing necessity for weak-stock management puts a premium on the ability to identify naturally-reproducing stocks and stocks that contribute to fisheries at low rates. In many instances, the coded-wire tag (CWT) system alone does not provide the desired level of information. The Council encourages efforts to integrate a variety of techniques to address this issue.

Substantial progress has been made on this issue in the past eight years. Through the West Coast Salmon Genetic Stock Identification (WCSGSI) Collaboration three years of fine-scale GSI data have been collected for Chinook in Washington, Oregon, and California. Based on a coast-wide microsatellite database for Chinook and, more recently, a single-nucleotide polymorphism (SNP) database for use in California, distributions and migration routes of Chinook in the commercial salmon fishery have been charted. A similar database for coho salmon is under development, but needs resources to coordinate efforts for the entire coast. Genetic techniques have improved so that samples can potentially be analyzed within 24-48 hours of arrival at the laboratory. GSI is being used on an inseason basis in Canada to manage salmon fisheries off the west coast of Vancouver Island and in the Strait of Georgia. Studies are underway to evaluate the potential usefulness of real time GSI samples in Chinook management.

6.2.1.2 Habitat-based Fisheries Models

The development of habitat-based models that incorporate environmental variation and anthropogenic disturbances to evaluate harvest policies and enable risk assessment for different fishing strategies is encouraged.

Overfishing definitions are required to relate to the MSY exploitation rate (F_{MSY}). F_{MSY} is related to productivity, which varies annually in the freshwater and the marine environments. Techniques for evaluating productivity, or survival, in freshwater and marine habitats are needed to set appropriate harvest targets and associated conservation guidelines such as escapement goals and overfishing determinations.

Various habitat-based models have been developed, but in general they are not being applied to harvest management. One reason for this is that most of these models are developed to identify

limiting factors and evaluate potential habitat restoration measures. Application to harvest management would require refined population dynamic components to these models. There is the potential for using these types of models to evaluate recovery exploitation rates. Other possible contributions could be improved understanding of climate variability and environmental influences on survival and stock productivity. Once satisfactory habitat-based models of population dynamics have been developed, they can be used in management strategy evaluations to simulate alternate management scenarios. This would be a valuable contribution to harvest management, but to become useful, substantial development efforts are needed.

6.2.2 High Priority Research Issues

Alternatives to Time-Area Management. The annual planning process for salmon centers on the crafting of intricate time-area management measures by various groups. The feasibility of using alternative approaches (e.g., pre-defined decision rules to establish upper limits on fishery impacts, individual quotas, effort limitation) to reduce risk of error, decrease reliance on preseason abundance forecasts, improve fishery stability, simplify regulations, and reduce management costs needs to be investigated. For instance, the integration of Council preseason planning processes with the abundance-based coho management frameworks under consideration by the Pacific Salmon Commission, and by the State of Washington and Western Washington Treaty Tribes, needs to be developed and evaluated.

Stock Migration and Distribution. The Council currently employs "single pool" type models (i.e., ocean fisheries operate simultaneously on the entire cohort) for evaluating alternative regulatory proposals. Under certain conditions, such models can produce results that are inconsistent with expectations of biological behavior. For example, if a fishery off Central California is closed to coho fishing for a given time period, the fish that were saved become available to fisheries off the Northwest Coast of Washington in the next time period. Research is needed to determine the feasibility of incorporating explicit migration mechanisms into planning models. In most cases it is not feasible to rely upon coded-wire tagging of natural stocks, particularly those in depressed status, to obtain direct information on patterns of distribution and exploitation. Alternative stock identification technologies should be explored as a means to collect data necessary for stock assessment purposes.

Ocean Distribution of Natural Stocks. Research is needed to improve our ability to estimate contributions of natural stocks in ocean fisheries and escapement. Potential research areas include 1) association studies to determine the degree to which hatchery stocks can be used to represent the distribution and migration patterns of natural stocks; 2) GSI, DNA, otolith marking, and scale studies; 3) improved statistical methods and models; and 4) basic research on stock distribution and migration patterns.

Limiting Factors. Research is needed to identify and quantify those factors in the freshwater habitat which limit the productivity of salmon stocks. Research should focus on 1) quantifying relationships between habitat factors and salmon production; 2) measuring the quantity and quality of these habitat factors on a periodic basis; and 3) evaluating habitat restoration projects for both short-term and long-term effects. Activities such as water diversions, dams, logging, road building, agriculture, hydroelectric projects, and development have reduced production potential by adversely affecting freshwater conditions. Habitat quality and quantity are crucial for the continued survival of wild stocks.

Explicit Consideration of Uncertainty and Risk. Current planning models employed by the Council are deterministic. Most aspects of salmon management, such as abundance forecasts and effort response to regulations, are not known with certainty. Given the increased emphasis on stock-specific concerns and principles of precautionary management, the Council should receive information necessary to evaluate the degree of risk associated with the regulations under consideration. Research is needed to evaluate the accuracy of existing planning models, characterize the risk to stocks and fisheries of proposed harvest regimes, and to effectively communicate information on uncertainty for use in the Council's deliberations.

Coast-wide Models. Currently, at least five models are employed to evaluate impacts of proposed regulatory alternatives considered by the Council. A single coast-wide Chinook model would provide analytical consistency and eliminate the need to reconcile and integrate disparate results. Additionally, research is needed to determine the feasibility of combining Chinook and coho into a single model to simplify the tasks of estimating mortalities in fisheries operated under retention restrictions (e.g., landing ratios or non-retention).

New Forecast and Harvest Models. Develop forecast and harvest models for numerous west coast salmon stocks including Klamath River spring Chinook, California coastal Chinook, Oregon coastal Chinook, and Central California coastal coho. This information could then be used to establish or reevaluate appropriate conservation objectives.

Forecast Precision and Accuracy. Investigate the precision and accuracy of existing and new abundance forecasts, including examination of forecast models incorporating environmental variables. Develop estimates of uncertainty for stock assessments and abundance and harvest models used in fishery management.

6.3 Data Issues

6.3.1 Highest Priority Data Issues

Research issues are covered in the previous section and Section 6.5 contains additional information on high priority research and data needs related to emerging issues.

6.3.1.1 Fisheries Data Collection and Modeling Improvements

Better information leads to better fishery management decisions and improved fishery performance relative to preseason expectations. These benefits have the potential to increase the effectiveness of conservation objectives and decrease the negative socioeconomic impacts of drastic stock fluctuations and fishery closures.

California Central Valley Fall Chinook Assessment and Management

A sharp decline in SRFC abundance led to widespread fishery closures in 2008-2010. A NMFS scientific work group was convened in 2008 to analyze the potential causes of the decline, and a report describing their findings was released in 2009 (Lindley et al. 2009[6]). The report

[6] Lindley, S., C. Grimes, M. Mohr, W. Peterson, J. Stein, J. Anderson, L. Botsford, D. Bottom, C. Busack, T. Collier, J. Ferguson, J. Garza, A. Grover, D. Hankin, R. Kope, P. Lawson, A. Low, R. MacFarlane, K. Moore, P. Palmer-Zwahlen, F. Schwing, J. Smith, C.

concluded that poor ocean conditions were likely the proximate cause of the poor performance of the 2004 and 2005 broods. However, in addition to the effect of poor ocean conditions, the report concluded that degradation of freshwater and estuarine habitats as well as the heavy reliance on hatchery production likely also contributed to the decline.

As a result of the SRFC decline, increased attention has been directed at better understanding the dynamics of the SRFC stock. For instance, recent changes have been made to SRFC hatchery marking and tagging practices. Currently, 25% of SRFC production releases are marked and tagged with a CWT. This represents a large improvement on earlier marking and tagging practices that had been inconsistently applied. In addition, a recently developed Central Valley Chinook escapement monitoring plan is in the process of being implemented, resulting in changes to data collection and methods used to estimate escapement. Such changes could allow for development of new models for use in assessment and management of SRFC. The research and data needs for this stock include a mixture of items related to the development new models, as well as investigations aimed at improving the current assessment.

- Estimation of age-specific river harvest and escapement. Collection and analysis of CWTs and scales collected from river fishery and escapement surveys can allow for estimation of age-specific return information. Estimates of age-specific river harvest and escapement is a priority because it is necessary for cohort reconstructions.
- Development of a cohort reconstruction model for SRFC. Cohort reconstructions would allow for estimation of ocean abundance, exploitation rates, maturation rates, and other metrics that could be used to improve management.
- Continued evaluation of the contribution of hatchery-origin SRFC to ocean harvest, river harvest, and escapement.
- Evaluation of alternative forecast models for the Sacramento Index (SI). Current management of SRFC depends heavily on the SI forecast. In recent years, forecasts have been overly optimistic, and consideration of alternative forecast methodologies is warranted.

Klamath and California Coastal Chinook Management

Many research and data needs for Klamath River Fall Chinook (KRFC) have been identified through the annual salmon management cycles and the methodology reviews. While some of the research needs identified in the past have been addressed, more exist. Furthermore, other stocks in the region such as Klamath River spring Chinook and California Coastal Chinook are relatively data poor in comparison to KRFC, and many research and data needs exist for these stocks as well. Data needs and potential avenues for future research on these stocks include:

- Increased collection of basic escapement data for California Coastal Chinook. Current escapement data for populations in this Evolutionarily Significant Unit (ESU) is sparse

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Tracy, R.Webb, B. Wells, and T. Williams (2009). What caused the Sacramento River fall Chinook collapse? NOAA Technical Memorandum NOAA-TM-NMFS-SWFSC-447, U.S. Department of Commerce.

and generally confined to small portions of the available spawning habitat. More complete escapement survey coverage is needed.

- Estimation of the concordance of KRFC and California Coastal Chinook stock distributions. Such an investigation will allow for inference regarding how the cap on the forecast KRFC age-4 ocean harvest rate serves to limit ocean fishery impacts on California Coastal Chinook.
- Increased collection and reporting of Klamath River spring Chinook escapement and river harvest data.
- Investigation of the existence of trends in KRFC age-specific maturation rates, and the effect such trends may have on abundance forecasting.
- Examination of Klamath Chinook stock proportions in areas north and south of Point Reyes. GSI data has provided evidence that the proportion of the catch in the San Francisco management area north of Point Reyes commonly has a greater Klamath contribution rate than the areas south of Point Reyes. Investigation into the magnitude and consistency of this difference in stock proportions north and south of Point Reyes may allow for consideration of Point Reyes as a management line.
- Evaluation of the onshore versus offshore distribution of KRFC relative to other Chinook stocks.

Fall Ocean Salmon Fishery Impact Estimation

Model development should include an assessment of data needs to move to a 12-month fishery impact estimate to avoid the current accounting dilemma for fall salmon fisheries. Currently, salmon impacts associated with ocean fisheries in the fall are not estimated pre-season, but rather, are accounted for post-season with any resulting overages considered in the following year's management cycle. This so called "credit card" mechanism can create considerable management challenges and a modeling change to improve our pre-season or inseason understanding of fall ocean fishery impacts would have substantial benefits for Council salmon management.

6.3.1.2 Mark-Selective Fisheries

A more accurate assessment of total fishing-related mortality for natural stocks of coho and Chinook is needed. The ability of existing management models to predict and assess non-catch mortalities needs to be evaluated and the models modified, if needed.

Fishery management regimes designed to reduce impacts through selective fishing, or non-retention, depend on the accuracy of estimates of non-catch mortality. In recent years, an increasing proportion of impacts of Council fisheries on naturally-spawning stocks have been caused by non-catch mortality as regulations such as landing ratio restrictions and mark-selective retention have been employed. Research using standardized methodologies (e.g., handling, holding, reporting, post-mortem autopsies, etc.), is needed to better estimate release mortality, encounter, and drop-off rates associated with gears and techniques that are typically employed in different areas and fisheries. Special attention needs to be paid to mid-term and long-term mortality. Fleet profile data (i.e., fishing technique and gear compositions) are needed to estimate release mortality rates for individual fisheries.

Harvest models have been modified to incorporate non-catch mortality. The current Fishery Regulation Assessment Models (FRAM) used for coho and Chinook should work well when exploitation rates are relatively low, but as selective fisheries become more intense these models will tend to underestimate total mortality of the unmarked stocks. Theoretical development of unbiased methods for estimating non-catch mortalities has been conducted, evaluated using simulations, and reviewed for Coho FRAM. The incorporation of these methods into Coho FRAM and evaluation of their performance are the required next steps. These harvest models become more sensitive to estimates of non-catch fishing mortality as the selective fisheries modeled become more intense. Uncertainty and risk need to be explicitly incorporated into these models as they are developed.

Continue double index tagging (DIT) of all exploitation rate indicator stocks and electronic sampling for them in all fisheries.

With the advent of mark-selective fisheries that use the adipose fin clip as a mass mark, CWT and marked groups no longer represent unmarked groups and cannot be used to estimate exploitation of natural or unmarked stocks in the presence of mark-selective fisheries. DIT releases have been implemented to address this change in the CWT program. DIT releases consist of paired tag groups, one marked, and the other unmarked. The relationship between marked and unmarked groups in a DIT pair provides a means to estimate encounters of the unmarked group in mark-selective fisheries. The tagged and unmarked fish are released to provide a representative for natural production.

Evaluation of DIT as a means to monitor and assess mark-selective fisheries remains a high priority.

6.3.2 High Priority Data Issues

Mass Marking. Estimates of mark rates are essential for planning mark-selective fisheries. The accuracy of mark rates at release needs to be evaluated as well as the variability of mark-induced mortalities under operational conditions.

Environmental Influences on Survival. Estimates of natural survival and stock distribution in the estuary and ocean, year-to-year, age-to-age, and life-history variability, and relationships to measurable parameters of the environment (i.e., temperature, upwelling, etc.) are needed. Substantial predictive errors in forecasts based on previous year returns and apparent large-scale, multi-stock fluctuations in abundance suggest important large-scale environmental effects. Some work has been done for coho but little is known for Chinook. Included in the information need are long-term and short-term relationships between environmental conditions and fluctuations in Chinook and coho salmon survival, abundance, and maturation rates.

Cohort Reconstruction. Develop full cohort reconstruction for all Council-managed Chinook and coho salmon stock complexes. This would require additional escapement monitoring for some stocks, notable Rogue River Chinook stocks.

6.4 Interaction of Hatchery and Wild Salmon

In addition to the above high-priority items a number of issues related to hatchery/wild salmon interactions are of ongoing interest:

Genetics. Determine the extent to which there may be gene flow between hatchery and wild stocks, and what the likely effect of that gene flow may be on the fitness of wild stocks. A new genetic technique that is being applied to this problem is PBT (parentage-based tagging). If all mating adults can be captured and genotyped then offspring can be linked to their specific parents. This has great power for identifying the relative success of various hatchery/wild matings, but is limited in practice to relatively small systems and systems where all returning adults can be captured.

Freshwater Ecology. Investigate the ecological effects (competition, predation, displacement) of hatchery fish on natural production in freshwater. All life stages from spawner to egg to smolt may be affected.

Estuary Ecology. Migration timing, habitat utilization patterns, competition for food or space, and predator interactions are areas of interest. Differences between hatchery and natural smolts in these areas could help address the questions of the importance of density-dependent growth and survival and potential negative effects of hatchery releases on natural stock production.

Early Ocean Life-history. Points of comparison between hatchery and wild stocks could include: ocean distribution, migration paths and timing, size and growth, food habits, and survival rates.

Identification of Hatchery Fish. The presence of hatchery fish may interfere with the accurate assessment of the status of natural stocks. This problem may be alleviated by the use of mass-marking, otolith marking, CWTs, genetic marking, or other technologies to estimate the contribution of hatchery fish to fisheries and natural- spawning populations.

Supplementation. Research is needed to investigate the utility of using artificial propagation to supplement and rebuild natural stocks. Guidelines for the conduct of supplementation to preserve genetic diversity and legacy of populations are needed. Special care is needed to ensure that supplementation programs do not unintentionally jeopardize natural runs.

6.5 Emerging Issues

Genetic Stock Identification

Several emerging issues are related to the high priority assigned to the implementation of GSI technologies in weak stock fishery management. Research tasks and products necessary for this to be successful are:

- Identification of the error structure of GSI samples taken from operating fisheries.
- Development and application of technologies to collect high-resolution at-sea genetic data and associated information (time, location, and depth of capture, ocean conditions, scales, etc.).

- Collection of stock-specific distribution patterns on a coast-wide, multi-year basis analogous to the current CWT data base, but at a higher time-and-space resolution.
- Identification of stock distribution patterns useful for fisheries management and appropriate management strategies to take advantage of these distribution patterns.
- Development of pre-season and in-season management models to implement these management strategies and integrate them with Council management.
- Evaluate whether PBT sampling and tag recovery programs can be practically and cost-effectively implemented to provide information for annual stock assessment needs.

Essential Fish Habitat

The Council is currently reviewing EFH for salmon and has developed the following data and mapping needs.

- Improve fine scale mapping of salmon distribution to inform future reviews of EFH for Pacific Coast salmon and aid in more precise and accurate designation of EFH and the consultation process. Potential approaches include, but are not limited to:
    - Develop distribution data at the 5th or 6th Hydrologic Unit level, across the geographic range of these species;
    - Develop habitat models that can be used to predict suitable habitat, both current and historical, across the geographic range of these species;
    - Develop seasonal distribution data at a 1:24,000 or finer scale.

Ecosystem and Habitat Issues

Long-term fluctuations in salmon abundance have proven to be difficult to predict and can create significant instability in the conservation, management, and economics of salmon and salmon fisheries. A better understanding of marine and freshwater conditions and their impacts on salmon populations is needed. Recent declines in west coast salmon populations, most notably Sacramento River fall Chinook, serve as a reminder of the volatility of salmon populations over time.

Analyses are needed to which describe the impact of environmental variability in the California Current ecosystem on seasonal to decadal time scales to the distribution and population structure of salmon. This effort is broadly relevant to other species in the Council's FMPs and is closely related to ecosystem research needs identified in Chapter 1.

- Develop tools that describe the environmental state and potential habitat utilization for near-shore anadromous fish.
- Characterize and map the ocean habitats for anadromous species using data from satellites and electronic tags.
- Characterize climate variability in the northeast Pacific and its relation to salmon production.

Ecosystem-based research needs arose as the Council developed its Fishery Ecosystem Plan. Some of these research needs are similar and complimentary to needs identified elsewhere in the document. The following ecosystem considerations specific to CPS are included here for emphasis:

- Develop tools that describe the environmental state and potential habitat utilization for near-shore anadromous fish, including coastwide sampling of juvenile distributions, monitoring and characterization of the forage based for juvenile and adult salmon, and fine-scale mapping of stock-specific ocean habitat and catch distributions.
- Examine temporal trends in regional salmon harvest rates and measure their covariation with temporal and spatial patterns of environmental variability. Characterize temporal changes in size, age and migration timing of heavily exploited salmon stocks to evaluate correlations with harvest and environmental patterns. Assess the evolutionary effects of fishing season timing and location.
- Characterize the influence of nearshore marine, estuarine and freshwater water quality on survival, growth, and reproduction of salmon.
- Determine influence of sea surface temperature anomalies to smolt-to-adult return predictions.
- Evaluate apparent increasing percentage of one-ocean jacks in salmon returns to fresh water.
- Develop targets and metrics for monitoring regional ecosystem and/or population-level effects of climate change on the distribution and survival of salmon.
- Acquire data and develop management tools to support regional, total-mortality management of salmon harvests.
- Evaluate the positive and negative effects of hatchery production, on a regional basis, on population dynamics of wild salmon stocks, in maintaining the role of salmon in the CCE, mitigating for loss of historic production, serving objectives of salmon restoration and recovery, sustaining local components of the fishing industry, sustaining treaty fisheries and meeting international agreements.
- Document the effects of ecological interactions such as disease, predation and competition on the population dynamics of adult and juvenile salmon.
- Develop cumulative risk assessment models and other tools to evaluate the cumulative effects of human activities (habitat reduction, hydropower generation, hatchery production, harvest) and ocean conditions (seasonal variations, interannual and inter-decadal climate shifts, long-term climate change) on West Coast salmon productivity, population status, and predator-prey relationships.

7.0 COASTAL PELAGIC SPECIES FISHERY MANAGEMENT PLAN

7.1 Highest Priority Research and Data Needs

- Establish a long-term index of abundance(s) for the coastal pelagic species (CPS) assemblage off the USA Pacific coast that is based on a sound and representative sampling design, which necessarily will require systematic/synoptic survey efforts, both temporally (annual) and spatially (Mexico to British Columbia) .

- Coordinate more timely exchange of fishery catch and biological port samples for age structures for both Pacific sardine and Pacific mackerel in the northern and southern end of their respective ranges. In particular, efforts must be made to develop a systematic and long-term program of data exchange with Mexico.

- Re-evaluate the harvest control rules (HCRs) for Pacific sardine and Pacific mackerel, as well as other members of the broader assemblage, including northern anchovy (two substocks) and jack mackerel. Since the establishment of the current MSY-proxy control rule in the CPS FMP more than a decade ago, modeling tools have advanced and data on CPS have been accumulated. Moreover, recent research suggests that the relationship between F_{MSY} and temperature, which is a formal part of the HCR for Pacific sardine, may no longer be meaningful for management purposes. Simulation modeling that addresses Pacific sardine and Pacific mackerel should be undertaken and potential management strategy evaluations (MSE) should consider the broader CPS assemblage as well, given biology and fishery operations are generally similar across the individual species.

- Biological research studies should be developed for individual species based on a long-term program that allows stock parameters to be evaluated in an efficient and timely manner. In this context, age/growth, maturity/longevity, diet, natural mortality, etc. projects should be conducted on a systematic basis and consider the broader assemblage over the long-term. For example, presently, the ageing error time series for Pacific mackerel used in an ongoing stock assessments is outdated, potentially biased, and would benefit from further age/growth analysis in the laboratory; such work was recently conducted for Pacific sardine. Finally, a life history studies program should be ongoing and include CPS in general.

- Federally-mandated ecosystem considerations are now critical requirements of most marine resource management frameworks and as such, dictate a broader research and stock assessment direction for CPS than currently in place. In this context, a general, more adaptive approach for conducting supportive research and formal assessments for CPS should be developed in accordance with the amount of information available, the uncertainty associated with the available data and time series, the fraction of the quota which is taken coastwide (domestic and international landings), and the (historical) frequency of formal assessments and review.

7.2 Continuing Issues

7.2.1 General CPS Research and Data Needs

- Develop a coastwide (Mexico to British Columbia, Canada) synoptic survey of sardine and Pacific mackerel biomass, i.e., coordinate a coastwide sampling effort (during a specified time period) to reduce "double-counting" caused by migration. The acoustic-trawl survey now covers the bulk of the USA west coast, but does not yet cover waters off Baja Mexico and British Columbia, Canada. Development of a coastwide survey needs to account for the distribution of the CPS at various times of the year.

- Gain more information about the status of the CPS resources in the north using egg pumps during NMFS surveys, sonar surveys, and spotter planes.

- Increase fishery sampling for age structures (Pacific sardine and Pacific mackerel) in the northern and southern end of the range. Establish a program of port sample data exchange with scientists from Mexico (Instituto Nacional de la Pesca [INP], Ensenada). There has been interest in coastwide management for the Pacific sardine fishery, which would entail a more consistent and well supported forum for discussion between the USA, Mexico, and Canada. Recent USA-Mexico bilateral meetings indicated willingness from Mexico to continue scientific data exchange and cooperation on research, and engage in discussions of coordinated management. Mexico suggested that the MEXUS-Pacifico Cooperation Program would be a good venue for starting that discussion. In November 2007, the USA hosted the 8th annual Trinational Sardine Forum which resulted in effective exchange of data and ideas on the science and economics of coastwide sardine management. The 13th annual forum is scheduled for winter 2012 in Seattle, WA.

- Evaluate the role of CPS resources in the ecosystem, the influence of climatic/oceanographic conditions on CPS, and predatory/prey relationships. Increase the use of fishery information to estimate seasonal reproductive output (e.g., fat/oil content). The Coastal Pelagic Species Management Team (CPSMT) continues to encourage research projects related to the role of CPS in the ecosystem, the influence of climatic/oceanographic conditions on CPS, and defining predator-prey relationships.

- Studies of krill concentrations and CalCOFI larval data in association with annual and intra-annual variations in environmental conditions may provide insights into predator-prey relationships, ocean productivity, and climate change (also see Section 2.3).

- More collaboration should be encouraged with the fishing industry, particularly, related to the overall data collection and analysis processes for CPS.

- Improve information on salmon and other bycatch in the CPS fishery. The NMFS Southwest Region initiated a pilot observer program for California-based commercial purse seine fishing vessels targeting CPS in July 2004 with hopes of augmenting and confirming bycatch rates derived from CDFG dockside sampling. Future needs of the CPS observer program include: standardization of data fields, development of a fishery-specific Observer Field Manual, construction of a relational database for the observer data, creation of a statistically-reliable sampling plan, and increasing sample sizes

(spatially and temporally) to ensure an adequate number of trips are 'observed' to produce statistics that are representative of the fishing fleets at large.

7.2.2 Pacific Sardine

- Growth data for Mexico, southern California, northern California, the PNW and the offshore areas should be collected and analyzed to quantitatively evaluate differences in growth among areas. This evaluation would need to account for differences between Mexico and the USA on how birthdates are assigned, and the impact of spawning on growth.

- The timing and magnitude of spawning off California and the PNW should be examined.

- Hypothesis of a single stock off the USA west coast should be examined using existing tagging data and additional tagging experiments, trace element analysis, and microsatellite DNA markers.

- Biological surveys should include regular systematic sampling of adult sardine for: 1) reproductive parameters for the daily egg production method (DEPM); 2) population weight at age; and 3) maturity schedule. Specifically, adults collected during survey trawls must be collected and analyzed more routinely in the future than has been the case in the past.

- Information which could be used in an assessment of the PNW component of a single coastwide population or of a separate PNW stock should be obtained. Synoptic surveys of Pacific sardine on the entire USA west coast have the potential to provide such information as well as basic data.

- The Tri-national Sardine Forum and MEXUS-Pacifico (i.e. the NMFS-Instituto Nacional de Pesca Forum) should be utilized to share fishery, survey and biological information among researchers in Mexico, Canada, and the USA. The long-term benefits of this forum will be greatly enhanced if it can be formalized through international arrangements.

- Assess changes in early life history information from CalCOFI samples to evaluate the response of Pacific sardine to climate change.

7.2.3 Pacific Mackerel

- A large fraction of the catch can be landed by fisheries in Mexico given the range of the species. Efforts should continue to be made to obtain total catch, length, age, and biological data on a timely basis from these fisheries for inclusion in stock assessments. Survey data (Investigaciones Mexicanas de la Corriente de California [IMECOCAL] program) should be obtained and analyses conducted to determine whether these data could be combined with the CalCOFI data to construct a coastwide index of larval abundance.

- Applicability of the acoustic-trawl survey time series as an index of abundance in stock assessments of this species should be further evaluated, i.e., the current fishery-dependent indices of abundance used in this species' assessment are necessarily problematic, and highly uncertain. This effort would include reviewing/summarizing historical information from 2006 to the present, as well as consulting with survey staff regarding appropriate spatial extent of future surveys.

- Revisit biological parameters, such as maturity-at-age, ageing error, sex ratio, sex-specific parameters, and natural mortality rates (M), e.g., examine sex- and/or age-specific M.

7.2.4 Market Squid

- Additional work is required on reproductive biology, including the potential fecundity of newly mature females, the duration of spawning, egg output per spawning episode, the temporal patterns of spawning, and the growth of relatively large immature and adult squid. Also, further clarity regarding this species' age/growth dynamics (via laboratory statolith studies), both spatially and temporally, would benefit management efforts directed towards this important commercial resource off California.

- There should be overall greater collaboration with industry in the collection and analysis process for CPS, including market squid.

- Gain a better understanding (and quantify if possible) impacts to substrate used to attach eggs and to the egg masses themselves. Information about egg survival and paralarvae production per unit area in different types of spawning habitats is needed for understanding potential impacts from fishing and non-fishing activities in shallow water.

- Improve information on the distribution and depth of squid spawning grounds, as well as the dispersal of adults and paralarvae, along the West Coast (information north of Central California is particularly limited)

7.3 Emerging Issues

Standard data processing procedures should be developed for CPS species, similar to those developed for groundfish species.

7.3.1 Pacific Sardine

The most recent full stock assessments for Pacific sardine was conducted in 2011 using the Stock Synthesis 3 (SS3) platform. Several of the recommendations below came directly from the 2007, 2009 and 2011 assessment review processes.

- The DEPM method should be extended so that constraints are placed on the extent to which the estimates of P_0 vary over time.

- The data on maturity-at-age should be reviewed to assess whether there have been changes over time in maturity-at-age, specifically whether maturity may be density-dependent.

- The aerial surveys should be augmented to estimate schooling areas and distinguish schools, and the enhanced survey design should undergo rigorous review. Data (e.g. bearing and distance to schools) should be collected which could be used in line transect-type estimation methods. 'Sea-truthing' of the species identification of the aerial surveys will enhance the value of any resulting index of abundance. In addition, aerial surveys should be extended to cover the PNW. Aerial surveys are not only useful for relative abundance estimates, but for studying pelagic habitat utilization. This survey has been in place since 2008 and it should be reviewed taking into account the recommendations of the 2007 review panel and the review of the aerial survey during the 2009 STAR Panel.

- Noting that there is potential for sardine from different stock subcomponents to recruit to adjacent stock areas, it would be desirable to account for this in the assessment model. To do so requires development of a new assessment model or modification of an existing one. Consider spatial models for Pacific sardine, which can be used to explore the implications of regional recruitment patterns and region-specific biological parameters. These models could be used to identify critical biological data gaps as well as better represent the latitudinal variation in size-at-age.

- The catch history for the Mexico and southern California fisheries should be examined to estimate the catch from the southern subpopulation. For example, temperature and/or seasonality could be used to separate catches by subpopulation. Based on the results of this analysis, biological data (length- and conditional age-at-length) can be determined by subpopulation. The analysis of subpopulation structure should ideally be conducted in conjunction with a re-evaluation of the current harvest control rule.

- Develop an index of juvenile abundance. The indices used in the assessment pertain only to spawning fish. An index of juvenile abundance will enhance the ability to identify strong and weak year-classes earlier than is the case at present.

- Consider a model which explicitly models the sex-structure of the population and the catch, and models with variable natural mortality by age, location, and year.

- Fecundity-at-age is based on weight and does not account for the total number of batches of eggs produced during a season (annual fecundity). While the spawning frequency during the peak season does not appear to be age-dependent, the length of the spawning season may be longer in older fish. This may affect the stock-recruitment relationship. Whether visual estimates of activity (presence of developed gonads) from port-collected samples can be used to estimate length-specific timing and duration of spawning across the stock's range should be explored.

7.3.2 Pacific Mackerel

The most recent full stock assessments for Pacific mackerel was conducted in 2011 using the Stock Synthesis 3 (SS3) platform. The recommendations below come directly from the most recent, as well as previous assessment reviews.

- Examine the disparity between the observed recruitment dynamics (boom-bust) and the underlying spawner-recruit model (uncorrelated recruitment deviations).

- In additional to estimating ageing imprecision and bias for incorporation into assessment models, an age validation study should be conducted for Pacific mackerel. Such a study should compare age readings based on whole and/or sectioned otoliths and consider a marginal increment analysis.

- The data on catches come from several sources, which are not well documented. The catch history from 1926-27 to 2006-07 should be documented in a single report.

7.3.3. Market Squid

- The use of target egg escapement levels as biological reference points for managing this resource is partly predicated on the assumption that the spawning that takes place prior to capture is not affected by the fishery and ultimately, fully contributes to future recruitment. However, it is possible that incubating eggs are disturbed by the fishing gear since the fishery takes place directly over shallow spawning beds,, resulting in unaccounted egg mortality. It is also possible that the process of capturing ripe squid by purse seine might induce eggs to be aborted, which could also affect escapement assumptions. In this context, the CalCOFI ichthyoplankton collections contain approximately 20 years of unsorted market squid specimens that span at least two major El Niños. This untapped resource might be useful in addressing questions about population response to El Niño conditions.

7.3.4. Northern Anchovy and Jack Mackerel

Population estimates of anchovy and jack mackerel are in need of update. Reasonable estimates of their current biomass are needed for sound ecosystem management, particularly before ecosystem models can be used to accurately forecast dynamics of planktivorous organisms in the food web. One potential direction for these species is to use similar fishery-independent methods developed for species such as Pacific sardine and Pacific mackerel.

7.3.5. Habitat and Distribution

- Address the southern vs. northern stock designations, and boundaries defined by sea surface temperature. Is SST a robust indicator of north/south stock boundaries, and what additional ecosystem indicators provide better predictive power for determining sardine productivity than SST?
- Characterize and map the ocean spatial distribution patterns of abundance both seasonally and interannually. Coastal pelagic species may have aggregated distributions tied to spatially and temporally fixed areas of high productivity, which could be useful to fisheries that pursue them.

7.4 Ecosystem Issues

Ecosystem-based research needs arose as the Council developed its Fishery Ecosystem Plan. Some of these research needs are similar and complimentary to needs identified elsewhere in the document. The following ecosystem considerations specific to CPS are included here for emphasis:

- Research related to the role of CPS in the ecosystem, the influence of climactic/oceanographic conditions on CPS, and defining predator-prey relationships.

- Climate or ecosystem indicators are not included in the annual stock assessments for Pacific sardine and Pacific mackerel, the FMP's actively managed species. If significant climate-productivity relationships could be developed for Pacific sardine and Pacific mackerel, as well as for other CPS, assessments would benefit since CPS are known to be quite sensitive to long and short-term climate change in the CCLME.

- Review and revise the climate-based factor in the harvest control rule for Pacific sardine. While not included directly in the assessment process, a climate-based factor is included in the process for determining the annual harvest level for Pacific sardine.

- A management concern of the Council under EBFM will be the evaluating trade-offs between increasing/decreasing the yield of CPS and the potential yield loss/gain of a predator that may be in another Council FMP or be of concern in terms of its ecological importance. In order to evaluate optimum yield in this situation, ecological and economic considerations come to the fore, since its resolution depends crucially on the relative net benefits provided society through these interactions.

- Determine whether climate change and ocean acidification pose differential risk to invertebrates (squid) compared to fish in the CPS group.

8.0 HIGHLY MIGRATORY SPECIES FISHERY MANAGEMENT PLAN

8.1 Background

The Council's FMP for highly migratory species (HMS) covers a broad range of species including tunas, billfishes, and sharks. The spatial extent of the Pacific Ocean used as habitat for these species extends well beyond the U.S. Exclusive Economic Zone (EEZ). The HMS FMP recognizes that stock assessment and management of these species cannot be done unilaterally – rather it must be done in conjunction with other nations that exploit these species throughout their range.

In the Pacific Ocean, HMS are managed by two regional fishery management organizations (RFMO) – Inter-American Tropical Tuna Commission (IATTC) and Western and Central Pacific Fisheries Commission (WCPFC) – that together cover the breadth of the Pacific Ocean habitat for the species included in the Council's HMS FMP (Figures 1 and 2). Stock assessments and related research are conducted under the auspices of these RFMO. U.S. scientists (whose affiliations include NMFS, academia, NGOs, and the fishing industry) participate in both RFMO processes.

A third scientific organization – International Scientific Committee (ISC) on Tuna and Tuna-like Species in the North Pacific Ocean provides scientific advice on the status of North Pacific HMS stocks that straddle the 150^{o} W longitude boundary between the RFMOs. Examples of these stocks include North Pacific albacore, Pacific bluefin tuna, swordfish, and striped marlin. The ISC is not an RFMO in that it does not manage HMS international fisheries. Rather, it provides the stock assessments and advice that the RFMOs use to base management decisions for the straddling stocks.

Research and data needs for the Council's HMS FMP have been organized in this chapter by order of priority. These needs cover a range of HMS management issues, from stock assessments to protected species interactions, EFH, and fisheries economics.

For stock assessments, the overarching priority is to permit accurate and timely status determinations and monitoring of trends in population abundance and fishing mortality for all stocks with priority given to stocks that are most important to and most affected by Council-managed fisheries. Stock assessments rely on three main categories of data: (1) indices of abundance, (2) accounting of total fishing mortality ("fisheries statistics"), and (3) biology and life history characteristics. Thus, in addition to prioritizing stocks in terms of management need, this chapter also identifies priority data gaps for each stock. A comprehensive prioritization would consider these data gaps across the full set of stocks and evaluate which data sources should be added, enhanced, or maintained to produce some optimal level of information. In some cases, it may be desirable to collect information on a stock with relatively lower management priority if higher priority stocks are already being adequately assessed. This balancing of the need to address data poor stocks while also maintaining and improving timeliness and accuracy of assessments for stocks of highest management priority must also take into account the transboundary nature of HMS stocks—as mentioned above, NMFS cannot make status determinations or track catches for most HMS stocks without cooperation from other countries.

Stock assessment priorities will also have to factor in the new MSA requirements. All of the Council's HMS stocks are managed under international treaty agreements and, as such, are exempted from annual catch limit (ACL) and accountability measure (AM) requirements. However, all will still require an estimate of acceptable biological catch (ABC) and status determination criteria. The HMS sharks include some of the most data poor stocks in the FMP. In some cases, it may be necessary to give priority to sharks of lower management priority (e.g., thresher sharks) in order to obtain basic fisheries information (e.g., total annual catch), and meet the ACL requirements.

8.2 Highest Priority Issues

Research and data needs are identified in this section for the major HMS species and HMS fisheries interactions pertinent to the Council.

8.2.1 North Pacific Albacore

Fisheries Statistics: Timely submission of national fishery data to the ISC Albacore WG data manager is critical for producing timely and up-to-date stock assessments. Additional resources are needed to monitor the submission of these data, to provide adequate database management, and to adequately document the entire database system, including metadata catalogs. Electronic reporting systems increase data entry convenience for industry participants, reduce processing time and costs for data managers, and significantly improve the quality of data being collected through validation checks. Following examples set in Alaska and on the east coast, the implementation of an electronic fish ticket system on the West Coast would greatly improve the availability, timeliness and accuracy of fishery landings data. The development of a coastwide, multi-fisheries electronic logbook system would provide similar results for logbook data.

Biological Studies: Biological information is a critical building block for stock assessments and should be reviewed and updated regularly to capture changes in population parameters as they occur. Unfortunately, these updates have not been accomplished for North Pacific albacore because of limited resources for biological studies. Consequently, the stock assessment models used by the ISC Albacore WG still rely on some biological information that was developed largely in the 1950s and 1960s, although updated length-weight schedules have been applied and a recent age and growth study has provided new information.

There is a critical need to reassess the biological information and to conduct contemporary research studies to update this information. More specifically, there is a critical need to conduct and/or continue studies on:

- age and growth with the goal of updating growth rates and identifying regional differences in growth rates;
- reproductive biology with the goal of updating the maturity schedule and identifying regional differences;
- development of new indices of abundance particularly from fisheries that regularly catch recruitment age albacore (age 1), e.g. the U.S. recreational fishery;
- migration and habitat utilization, with the goal of determining migration and habitat use patterns, improving fishery catch-effort standardization and fishery selectivity/catchability estimates;

- natural mortality with the goal of estimating natural mortality rates using well-designed tagging experiments;
- influence of environmental conditions on albacore biological parameters, including recruitment, growth, migration, habitat use, and catchability of albacore; and
- albacore age and length data through port and biological sampling.

Stock Assessment and Management Studies: Demand for more frequent and more precise information on the status of the stock and the sustainability of albacore fisheries is likely to increase. With this in mind, the albacore stock assessment needs improvement in several areas:

- evaluate effects of changes to assessment model structure and assumptions, by testing the assessment model with data generated by a simulation model tuned to albacore biology;
- investigate the drivers of biomass scaling in the SS3 model used for the most recent (2011) stock assessment;
- develop simulations to assist fishery managers in selecting appropriate biological reference points for albacore;
- development and improvement of abundance indices from commercial and recreational fisheries;
- stock-recruitment relationship, with the goal of improving current assumptions of the stock-recruitment relationship;
- evaluation of the utility of formally adding tagging data into the assessment; and
- development of environmental indices that influence albacore population dynamics and evaluate effects of including these environmental indices in assessment models.

8.2.2 Swordfish

Fisheries Statistics: The timeliness of data reporting, as outlined above for albacore, is equally important for swordfish.

Biological Studies: All biological studies listed above for albacore are needed for swordfish as well. In addition, age and growth data from locally caught fish should be examined, and the distribution of swordfish by season and age within the outer portions of the EEZ and high seas should be evaluated.

Stock Assessment and Management Studies: All stock assessment and management studies listed above for albacore are also needed for swordfish. In particular, there is a need for additional work on effort standardization.

Economic Studies: Explore economic viability of harpoon and longline gear as an alternative to DGN gear for swordfish. Research the best options to promote developing and testing novel gear (e.g., deep-set buoy gear or deep-set daytime longlining) to reduce protected species interactions and increase swordfish catch. Gauge the impact on global swordfish production and trade of unilateral measures to limit West Coast fishing effort.

8.2.3 Sharks

Most of the tunas covered in the HMS FMP are being assessed on a regular basis, with varying degrees of completeness and sophistication. Some of the billfishes—particularly striped marlin and swordfish—are either being assessed or have assessments planned in the near future. On the other hand, stock assessments for sharks have been preliminary at best, and few and far between. This situation should not be taken to imply that sharks are unimportant. Nor should it be inferred that sharks are less vulnerable to the effects of fishing than are the tunas and billfishes. In fact, because of the key vital rates of most sharks (especially reproductive rates that are lower than those for tunas and billfishes), many HMS shark species are likely to be more vulnerable to overfishing than other HMS. The Pacific RFMOs have begun to prioritize shark stock assessments. The WCPFC, IATTC and ISC have each developed plans to assess some shark stocks over the next several years, but given the fact that many species are not targeted and fishery data are scant, there will be many challenges.

As with the other transboundary species covered by the HMS FMP, most shark species cannot be assessed or managed unilaterally by the Council. Some species are highly oceanic with ranges similar to that of tunas (e.g., blue shark and shortfin mako shark). Others are more coastal—with a substantial portion of their habitat shoreward of the U.S. EEZ—but exhibit north-south migrations with significant catches in Mexican waters (e.g., common thresher shark). The net effect is that accounting for the total catch of sharks over their entire period (several decades) and areas of exploitation is not possible. Furthermore, there is a paucity of the biological samples needed to characterize the size of animals taken from the fisheries that account for most of the catch. Active biological studies (age, growth, maturity, food habits, etc.) are ongoing (NMFS, State, non-profit, and academic researchers) and understanding of the biological characteristics for at least some shark species is probably sufficient for stock assessment purposes. However, without an accurate history of total catch, effort, and the corresponding size samples, stock assessment efforts and concomitant management by the Council will be problematic.

The following specific research priorities have been identified for the two sharks species of greatest priority to the Council with respect to their importance in U.S. West Coast commercial and recreational fisheries:

Common thresher shark:

- stock structure and boundaries of the species and relationships to other populations;
- estimate total annual stockwide catch;
- the pattern of seasonal migrations for feeding and reproduction, and where and when life stages may be vulnerable;
- improved recreational catch estimates which adaptively sample the pulse nature of fishing effort;
- improved commercial fishery monitoring in Mexican waters;
- age and growth rates, including comparisons of growth rates in other areas; and
- maturity and reproductive schedules.

Shortfin mako shark:

- distribution, abundance, and size in areas to the south and west of the West Coast EEZ;
- estimate total annual stockwide catch;
- stock structure and boundaries of the species and relationships to other populations; and
- age and growth rates (current growth estimates differ widely).

8.2.4 Interactions with Protected Species and Prohibited Species

More complete catch information and data on interactions with protected and prohibited species are needed for most HMS fisheries. There is inadequate understanding of the fisheries on some HMS stocks that are shared with Mexico (e.g., species composition of shark catches in Mexican fisheries), and inadequate data exchange with Mexico. These fisheries are likely affecting both protected species and prohibited species of fish.

More work is needed to better understand possible impacts of the HMS fisheries on protected species of sea turtles, birds, and marine mammals. For example, there is a need to investigate the post-release survivorship of protected species, such as turtles and seabirds that are caught as bycatch in the HMS fisheries. In addition, fisheries-independent research is required to better understand distribution and habitat use by turtles and to determine the linkages to ecosystem parameters (oceanographic and biological). This includes data on turtle migration seasonality and routes, genetic stock composition of populations by species, and habitat use in order to better understand turtle life histories and likely periods of interaction with fisheries. Predictive models that integrate oceanography, ecosystem parameters (e.g., prey distribution), and habitat use of turtles are needed. More work on the sizes and structures of turtle populations by species would also enable improved application of the ESA and other laws and regulations to HMS fisheries. Continued research on the abundance and distribution of marine mammals is also critical, particularly for HMS fisheries operating within the West Coast EEZ.

Some specific research priorities include:

- Research habitat use of leatherback turtles and other species of concern, including target species, to better understand the potential for reducing bycatch;
- Explore whether hotspots or temperature bands can be identified in near-real-time in order to provide information to fishermen regarding places with potentially high interaction risks;
- Explore how regulating the U.S. West Coast Pacific swordfish fishery affects international trade in swordfish and the potential unintended consequences for protected species interactions in foreign fisheries;
- Compare bycatch rates of DGN vs. shallow set longline gear for swordfish, both by mining observer data and conducting gear comparison studies in the fishery areas; and
- Develop probability-based estimates of unobserved bycatch for observer programs with less than 100 percent observer coverage.

8.3 High Priority Issues

8.3.1 Blue shark

As noted above, relatively little assessment and research activity is focused on shark species compared to the existing work being done on other HMS such as tunas. Blue shark catch was relatively high in the California CPFV fishery of the late 1980s, but has steeply declined. Blue sharks are encountered in relatively small numbers coastwide in commercial and recreational fisheries. Three specific research needs identified for blue sharks are to: 1) monitor sex and size composition of catches; 2) determine the migratory movements of juvenile and maturing fish from the EEZ to high seas; and 3) examine the Pacific-wide stock structure and interactions among populations using genetics and other techniques.

8.3.2 Striped Marlin

Fisheries Statistics: The timeliness of data reporting, as outlined for albacore, is equally important for striped marlin. Additionally, the official striped marlin catch statistics are considerably less well developed than those for albacore, and significant effort is needed to ensure that the total catch from all nations is well estimated.

Biological Studies: All biological studies listed above for albacore are also needed for striped marlin. In addition,

- Stock structure for striped marlin in the Pacific Ocean is more uncertain than for other HMS species and several stock structure hypotheses are credible. A synoptic, critical review of all available information (fisheries data, icthyoplankton data, and genetic studies) is needed to either resolve the issue or at least to reduce the number of credible hypotheses; and
- Age and growth data from locally caught fish should be examined.

Stock Assessment and Management Studies: All stock assessment and management studies listed above for albacore are also needed for striped marlin. Specific to striped marlin, there is a need for additional work on effort standardization.

8.3.3 Pacific Bluefin Tuna

Fisheries Statistics: The timeliness of data reporting, as outlined for albacore above, is equally important for bluefin tuna. Additionally increased port sampling of commercial bluefin length frequencies is needed in the EPO, particularly of the fish destined for the pens in farming operations.

Biological Studies: All biological studies listed above for albacore are also needed for bluefin tuna. Additionally, there is a need to:

- develop seasonal and perhaps area-based weight-length relationships as the bluefin condition factor appears to vary both seasonally and regionally;

- estimate natural mortality rates since previous assessment results were highly sensitive to the assumed mortality rates; and
- estimate age-specific migration rates of bluefin tuna from the WCPO to the EPO and understand the factors that influences those rates, since this in turn strongly influences the availability of bluefin in the EPO.

Stock Assessment and Management Studies: All of stock assessment and management studies listed above for albacore are also needed for bluefin tuna. In addition:

- there is a need for improvements to standardization of abundance indices;
- development of an abundance index from spotter plane data from the EPO; and
- incorporating tagging data and environmental indices into the assessment model.

8.4 Other Priority Stocks and Issues

8.4.1 Management Unit Species Catch Data

Total catch data are likely inaccurate for some HMS fisheries due to an inadequate at-sea data collection programs, logbook programs, and shoreside sampling programs for west coast fisheries and unreported catch by international fisheries. Catch data needs include:

- Total catch information (including incidental and bycatch) and protected species interactions for surface hook-and-line, purse seine, and recreational fisheries, and additional at-sea sampling of drift gillnet fisheries
- Catch composition data for harpoon gear
- Size composition of bycatch in drift gillnet fisheries
- Condition (e.g., live, dead, good, poor) of discarded catch in all HMS fisheries

Additional work needs to be done to develop ways to adequately sample recreational fisheries, particularly shore-based anglers and private vessels. There is a need to develop methods for sampling private marinas and boat ramps to determine catch, and the level of bycatch and protected species interactions, as well as sample the catch for length and weight of fish caught to convert catches reported in numbers to catches by weight. Better catch and effort estimates are also needed for HMS recreational fishing tournaments, in particular those tournaments focusing on common thresher and mako sharks.

8.4.2 Survivability of Released Fish

Little is known of the long-term survivorship of hooked fishes after release, the effectiveness of recreational catch-and-release methods on big game fishes (pelagic sharks, tunas, and billfishes) and of methods to reduce bycatch mortality in longline fishing. Controlled studies of the survivability of hooked and released pelagic sharks and billfishes are needed to determine the physiological responses to different fishing gears, and the effects of time on the line, handling,

methods of release, and other factors. Appropriate discard mortality rates, by species, need to be identified in order to quantify total catch (including released catch). Alternative gears and methods to increase survivability of recreationally caught fish and to minimize unwanted bycatch in fisheries should be identified.

8.4.3 Essential Fish Habitat

There is very little specific information on the migratory corridors and habitat dependencies of these large mobile fish; how they are distributed by season and age throughout the Pacific and within the west coast EEZ, and how oceanographic changes in habitat affect production, recruitment, and migration. Research is needed to better define EFH and to identify specific habitat areas of particular concern (HAPCs), such as pupping grounds, key migratory routes, feeding areas, and where adults aggregate for reproduction. A particularly important need is to identify the pupping areas of thresher and mako sharks, which are presumed to be within the southern portion of the west coast EEZ, judging from the occurrence of post-partum and young pups in the areas (e.g., NMFS driftnet observer data). Areas where pregnant females congregate may be sensitive to perturbation, and the aggregated females and pups there may be vulnerable to fishing.

8.4.4 Stock Assessment Review

Pacific HMS stock assessments are carried out by the RFMOs and by the ISC. The processes used to conduct the assessments and to have them critically reviewed varies considerably across the organizations and the species being assessed. In none of these cases, however, does the level of critical peer review approach that of the Council's STAR process. This may become an issue for the Council if international management regulations begin to affect U.S. coastal fisheries to a greater extent than they do at present. The Council may want to consider having some member(s) of its SSC participate in these international processes. This will provide the Council with a better perspective on the stock assessments and the ensuing international management advice.

8.4.5 Tropical Tuna Species and Dorado

The commercially important tropical tuna species, namely yellowfin, bigeye, and skipjack tuna, are principally harvested in the EPO by vessels from the Central and Latin American fishing fleets. Although a small West Coast based U.S. flag purse seine fishery opportunistically harvests these tunas, the U.S. does not have a fleet active in the main EPO fishery at present. The tropical yellowfin, bigeye and skipjack tunas are no longer taken in large numbers by West Coast based commercial fisheries.

The California commercial passenger fishing vessel (CPFV) fleet is the principal U.S. West Coast fishery for dorado which are often taken in the Mexican EEZ. Dorado can be a significant portion of the total CPFV annual catch and has been the leading species in some years, followed by yellowfin tuna and albacore tuna. Specific recommendations on dorado research include:

- Determine the stock structure of dorado in the eastern Pacific, and
- Investigate the significance of floating objects and other-species associations relative to life history.

8.4.6 Pelagic and Bigeye thresher sharks,

These species occur in far lower frequency than common thresher sharks in U.S. West Coast fisheries. Nevertheless, they are taken in Council-managed fisheries and studies of their life history and ecology, and temporal and spatial catch monitoring will help inform management along the West Coast and in other areas.

8.4.7 Archival PacFIN Data Cleanup

Some progress has been made to address coding issues with the gear codes for drift gillnet records in the PacFIN data base. The results of the recoding are reflected in drift gillnet landings and revenues summaries provided in Chapters 2 and 4 of this HMS SAFE Report; however, issues remain for PacFIN archived longline records.

Review and subsequent revision of archival PacFIN data is needed to improve the accuracy of historical commercial landings and revenues for longline landings.

8.4.8 Ecosystem Issues

Ecosystem-based research needs arose as the Council developed its Fishery Ecosystem Plan. Some of these research needs are similar and complimentary to needs identified elsewhere in the document. The following ecosystem considerations specific to HMS are included here for emphasis:

- Assess nearshore distribution of juvenile sharks for habitat needs and fishery vulnerability during nursery and pre-reproductive life stages.

- Research and modeling needed on the links between climate and the migration patterns of protected bycatch species to allow us to refine our closed area management programs, such as for leatherback and loggerhead sea turtles. For turtles in particular, fisheries-independent research is needed to better understand turtle distribution and habitat use, and to assess and model linkages to oceanographic and biological trends within the CCE.

- Evaluate utility of Pacific pelagic ecosystem models for informing Council or other management body decisions. Both models and empirical evidence suggest that with increasing fishing pressure, decline in top predators has or should contributed to increasing catch rates of mid-trophic level species such as mahimahi, pomfret and escolar. An improved understanding of the impacts of fishing on pelagic food webs and the productivity on different trophic guilds in this ecosystem should be beneficial to both modeling and management efforts.

- More comprehensive data and modeling of real or potential interactions with protected and prohibited species are needed for most HMS fisheries. This is particularly the case with HMS stocks that are shared with Mexico, where there is inadequate understanding and data exchange for HMS fisheries that are likely affecting both protected species distribution patterns and migration routes of prohibited species of fish. Improved habitat

data for target and prohibited species north of Point Conception, where there has similarly been very little research on habitat associations, could also reveal insights about the potential differences in both geographic and vertical distribution of target and prohibited species.

- The long-term consequences of climate change are expected to drive large scale changes in species-specific habitat availability as well as ecosystem-wide patterns of biodiversity, with up to 35 percent change in the core habitat for some species. An improved understanding of which species (including both target species and protected species that interact with fisheries) might benefit and which might become more vulnerable to fishing impacts would benefit long-term management efforts.

Inter-American Tropical Tuna Commission (IATTC)

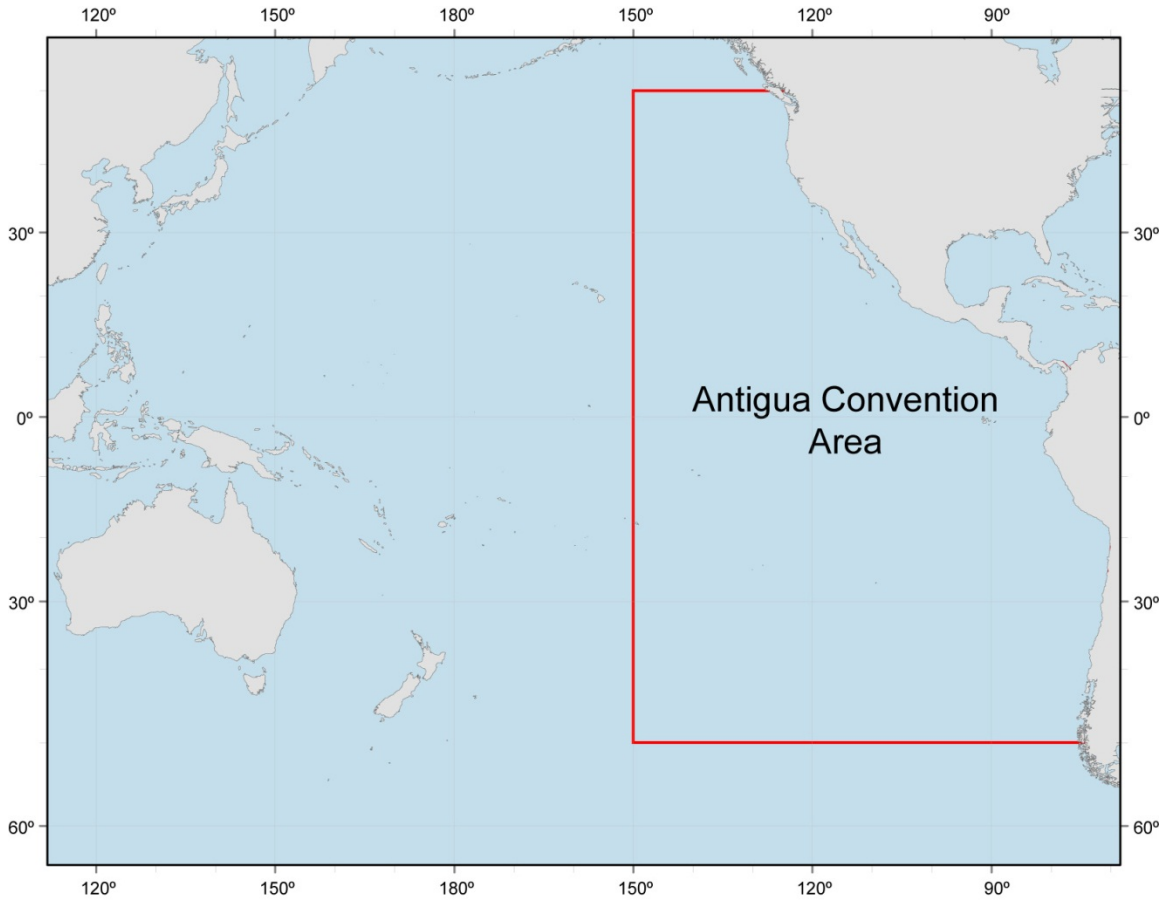

Figure 1. Area covered by the Inter-American Tropical Tuna Commission (IATTC). The Antigua Convention refers to the recent international treaty that revised the IATTC boundaries.

Western and Central Pacific Fisheries Commission (WCPFC)

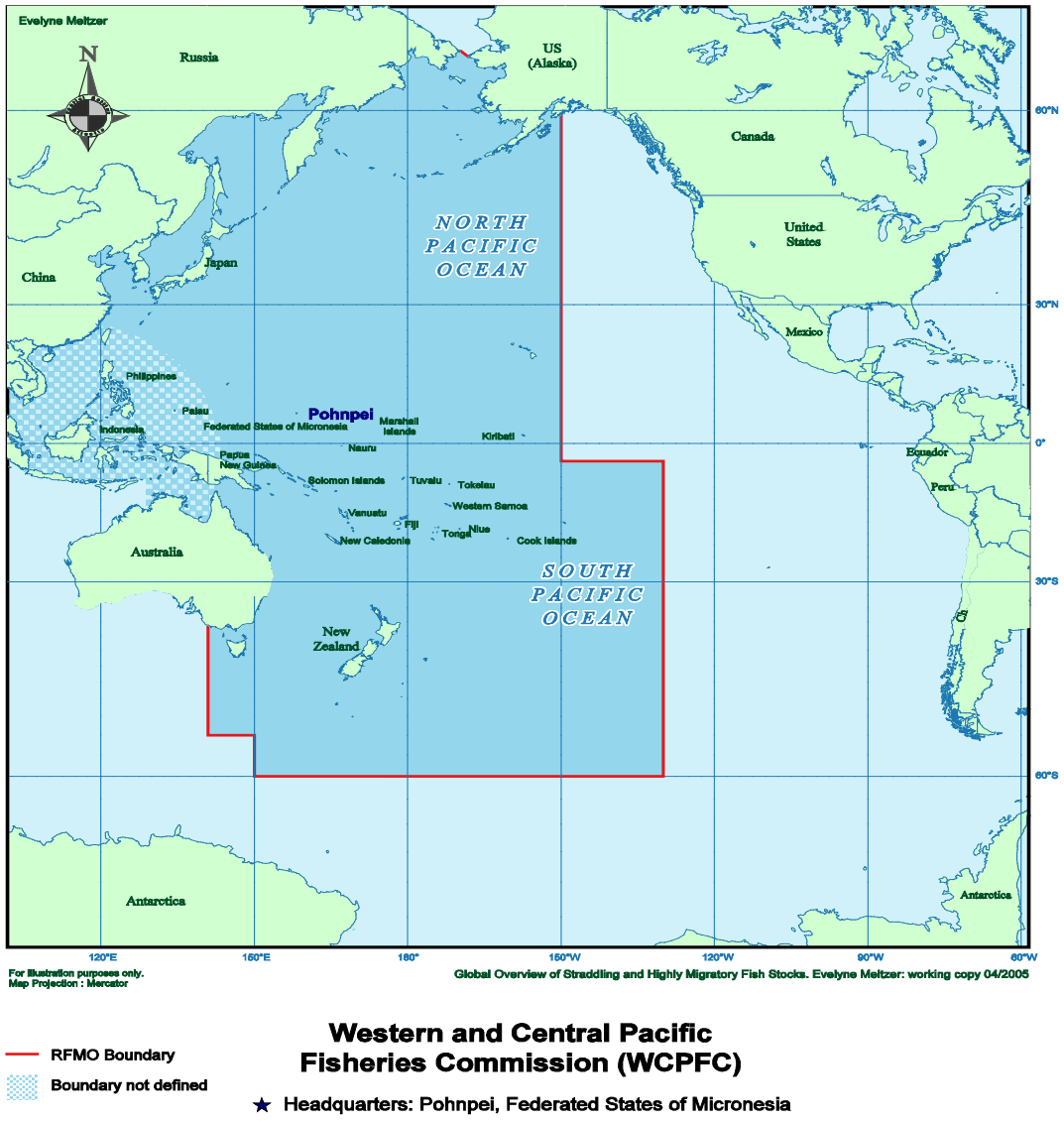

Figure 2. Area covered by the Western and Central Pacific Fisheries Commission (WCPFC).

APPENDIX I - 2011 GROUNDFISH STOCK ASSESSMENT REVIEW PANEL RECOMMENDATIONS FOR FUTURE RESEARCH AND DATA COLLECTION

Pacific Ocean Perch

- Considering transboundary stock effects should be pursued. In particular the consequences of having spawning contributions from external stock components should be evaluated relative to the steepness estimates obtained in the present assessment (see more complete discussion of this recommendation under the *Unresolved Problems and Major Uncertainties* section, above).
- The benefits of adopting the complex model used this year should be evaluated relative to simpler assumptions and models. While the transition from the simpler old model to Stock Synthesis was shown to be similar for the historical period, the depletion estimates in the most recent years were different enough to warrant further investigation.
- Discard estimates from observer programs should be presented, reviewed (similar to the catch reconstructions), and be made available to the assessment process.
- The quality of the age and length composition data, as presented, should be reevaluated since they appear to affect model results.
- A survey that is better suited to rockfish species would be beneficial for the assessment.
- The ability to allow different "plus groups" for specific data types should be evaluated (and implemented in Stock Synthesis). For example, this would provide the ability to use the biased surface-aged data in an appropriate way.
- Historical catch reconstruction estimates should be formally reviewed prior to being used in assessments and should be coordinated so that interactions between stocks are appropriately treated. The relative reliability of the catch estimates over time could provide an axis of uncertainty in future assessments.

Petrale sole

- Expand the stock assessment area to include Canadian waters to cover the entire biological range of petrale sole (see more complete discussion of this recommendation under the *Unresolved Problems and Major Uncertainties* section, above).
- Conduct a formal review of all historical catch reconstructions and if possible stratify by month and area. The mixing of U.S. and Canadian catches is of particular concern for the Washington fleet.
- Discard estimates from the WCGOP should be documented, presented and, reviewed (similar to catch reconstructions) outside of the STAR panel process. The reviewed WCGOP data should then be made available to the assessment process.
- Consider combining Washington and Oregon fleets in future assessments within a coastwide model.
- The petrale sole maturity and fecundity information is dated and should be updated.

- As noted by the previous STAR Panel, the current assessment platform (SS3) is structurally complex, making it difficult to understand how individual data elements are affecting outcomes.
- The Panel recommends, where possible, investigating simpler, less structured models, including statistical catch/length models, to compare and contrast results as data and assumptions are changed.
- The length binning structure in the stock assessment should be evaluated, including tail compression fitting options.
- The residual patterns in the age-conditioned, length compositions from the surveys should be investigated and the potential for including time-varying growth, selectivity changes, or other possible solutions should be examined.
- Management strategy evaluation is recommended to examine the likely performance of new flatfish control rules.

Spiny dogfish (prioritized)

1. Improve age estimates and aging methods.
2. Examine the uncertainties regarding the catch data and discard mortalities. In particular bycatch estimations are very important, given that they are larger than the recorded landings over recent years
3. Research on dogfish movement. This would be informative not only in providing a better definition of the unit stock, but also aid addressing # 4 (below)
4. Linkage with fish on Canadian side of the border and exploration of a joint assessment process for this stock
5. Continuation of the commercial catch and bycatch sampling
6. Examination of catchability priors in the New Base model as well as a method for deriving future priors
7. Examination of the Beverton-Holt derivation, as it relates to dogfish, and comparison with new stock-recruitment model used in this report.

Widow rockfish (not prioritized)

The Scientific and Statistical Committee Groundfish Subcommittee (SSCGS) reviewed widow rockfish assessment at the “mop-up” meeting. The SSCGS recommends devoting additional efforts to reconstructing historical landings. This recommendation also applies to most groundfish species on the U.S. West Coast (and not only widow rockfish). In addition to providing the best reconstructed catch histories by species, this effort should develop alternative catch streams that would reflect differences in data quantity and quality available for different time periods. Such (more realistic) alternative catch streams would be very useful while exploring model sensitivity to uncertainty in catch history (rather than applying a simple multiplier to the entire catch time series, which is currently the case for most groundfish assessments).

The SSCGS also recommends further exploration of historical discards, especially given that more detailed (trip limit specific) historical discard information (GMT discard rate estimates from the Pikitch study) has become available.

The SSCGS suggests revisiting the fleet structure used in the assessment, particular exploring the option of splitting bottom and midwater trawl fisheries in Washington and California, and/or evaluating the need of treating bottom and midwater Oregon trawl fisheries separately.
The assessment includes a number of "legacy" data sources (for example, Oregon bottom trawl logbook CPUE index); however, those sources lack proper documentation on the how the data were collected and analyzed. The SSCGS recommends revisiting those "legacy" sources and considering whether these data sources still contribute to the assessment. If the "legacy" data sources are still considered valuable, detailed information should be provided for each.

The assessment utilizes age data from six different sources (state agencies and NOAA Fisheries' science centers). These data were generated by different age readers, labs, and through different methods in some cases. However, only one ageing error matrix is used in the assessment (developed based on double reads form the most recently collected otoliths). The SSCGS recommends generating additional double reads (and age error matrices) to more accurately account for ageing error associated with data from different sources.

At the review meeting, efforts were devoted to exploring different assumptions regarding fishery selectivity patterns (dome-shaped and asymptotic). The SSCGS recommends further investigation of the theoretical basis for selecting particular patterns for different fisheries and evaluation of data (biological and fishery-related) which would provide information on this issue.

Sablefish (prioritized)

General recommendations affecting more than one assessment.

- Complete and review the Washington catch reconstruction and review the California and Oregon catch reconstructions. The accuracy and wide availability of consistent basic information is essential to the development of Pacific coast assessments. In addition to the raw data, the reliability and availability of more spatially dis-aggregated forms of the data should be investigated to determine if they could be used to develop more spatially or temporally explicit models without causing sacrifices in accuracy.
- Include in future versions of Stock Synthesis the capability to explore alternative error distribution assumptions for compositional data. Currently the multinomial distribution is the only type of error distribution available in Stock Synthesis for length or age information. It appears that this may have some impact with respect to underestimating strong year-classes. It would be helpful to be able to explore alternative error assumptions in order to analyze composition information, in particular where the effective sample size estimates (which control the variance in the composition data) may be related to perceived stock abundance.
- Develop guidelines for use of the Lorenzen model for age-dependent natural mortality. The panel investigated the use of age dependent M in both the Dover sole and sablefish

assessments. In each case one of the reasons for exploring different mortality schedules was the potential imbalance between the genders in the age- and length composition information, either in the sex ratio at older ages (Dover sole) or in the ratio of young to old fish (Sablefish). The use of the Lorenzen M model, which is based on a decline in M with age by the inverse of the growth rate, implies a link with size-based predation. However, with likely wider use of this model feature there should be development of some guidance on the appropriateness of the implementation in other stock assessments.

- Conduct new studies of maturity by length and age based on more comprehensive coastwide and depth-based sampling and using histological techniques for determining maturity stage. Given that there is uncertainty regarding the temporal stability of maturity schedules, there should be periodic monitoring to explore for changes in maturity
- Modify the Stock Synthesis code to allow changes to the plus-group age. The Panel found it very helpful to be able to modify the plus-group in the age-composition data to investigate the influence of old versus young age composition data. This feature could also be used to explore the influence of ageing errors. The current version of SS requires restructuring of the input data if the plus-group is changed.

Recommendations specific to sablefish.

- Further investigate potential inaccuracy in using maximum likelihood estimates and the normal distribution to approximate confidence limits for estimates of spawning biomass. The current assessment's measures of uncertainty in spawning biomass are based on the assumption that the errors can be adequately approximated by normal distributions. The current model for sablefish is sufficiently simple that it may be feasible to conduct a full Bayesian analysis of uncertainty. There is concern that asymmetries in the error distributions, which the normal distribution cannot account for, may be creating a biased view of stock status.
- Conduct new studies on maturity and age-reading error. A major uncertainty in the sablefish assessment relates to the maturity schedule and in age determination. Better maturity and age-at-length data could reduce uncertainty and help resolve issues of cohort size.

Dover sole

General (affecting more than one assessment)

1. Complete and review the Washington catch reconstruction and review the California and Oregon catch reconstructions. The accuracy and wide availability of consistent basic information is essential to the development of Pacific coast assessments. In addition to the raw data, the reliability and availability of more spatially dis-aggregated forms of the data should be investigated to determine if they could be used to develop more spatially explicit models without causing sacrifices in accuracy.
2. The difficulties encountered in the Dover sole assessment and some other flatfish assessments with respect to the linkage between selectivities require addressing.

Although in many instances sized based selectivity may be appropriate, when sexes separate spatially there is a requirement for models to at least be able to investigate complete independence between genders. It is important that this be implemented in an updated version of SS3.

3. The panel investigated the use of age-specific natural mortality in both assessments presented during STAR 4. In each case, one of the reasons for exploring different mortality schedules was the difficulty in fitting the imbalanced abundance at age information (as seen through residuals to fits), either in the sex ratio at older ages (Dover sole) or the ratio of young to old fish (Sablefish). The use of Lorenzen M based on a decline in natural mortality by the inverse of the growth rate implies a link with predation; however, wider use and development of some guidance on the appropriateness of the implementation in other stock assessments should be investigated.
4. Currently the only available error distribution for age information is the multinomial probability function. It appears that this may have some impact with respect to underestimating strong year-classes and it would be desirable to explore the use of alternative error assumptions in order to analyze survey information, in particular where variance estimates in catches-at-age may be less than independent on abundance.
5. There should be new studies of maturity by length and age based on more comprehensive coastwide and depth-based sampling and using histological techniques for determining maturity stage. Given that there is uncertainty regarding the temporal stability of maturity schedules, there should be periodic monitoring to explore for changes in maturity.
6. Update the STAR Terms of Reference to ensure that assessment documents include standard plots (or tables) of likelihood profiles that include likelihood components by data source and fleet. Such plots are an important diagnostic tool for displaying tensions among data sources.

Specific to Dover sole

1. Researching ageing error, particularly aging bias, is important for Dover sole given the current base models difficulty with reconciling some tensions between different data sources regarding the sex ratio at the oldest ages. In addition, the ability of the model to track cohorts accurately would be significantly disrupted if there were severe size-based bimodality in cohorts caused by vastly different times of settlement (Dover sole are thought to have a larval period of 6-18 months). Consequently, larval period should also be examined.
2. For the NWFSC combo survey, raw age and length information appeared to imply persistently different sex ratios when viewed in isolation. The concern is that there is some unrepresentative sampling occurring in the age distribution as ages are sub-sampled from length. The sampling procedure should be investigated more closely and potentially improved.
3. The conclusions of the NMFS workshop on developing priors on catchability were not available to the Panel. These should be made available and the information reconsidered

specifically with respect to Dover sole, in an attempt to reconcile the relatively low catchability estimates for the surveys, particularly the NWFSC combo survey which is thought to cover the majority of the stock distribution.

4. Having simplified the model compared to previous assessments, especially with respect to uniform growth, it is important to continue investigating if this is likely to introduce undesirable levels of bias into the assessment process as more information becomes available. Spatial information on the distribution by age/size of females, particularly in the southern part of the rang, particularly across the stratification boundaries of the survey as well as between stocks, should be the primary focus of this work.

Blackgill rockfish (not prioritized)

To address uncertainty regarding the portion of blackfish population residing in Mexico, the Panel follows the suggestions of the 2005 STAR Panel to attempt to document catches in Mexican waters by both U.S. and Mexican fishers and consider the implications of blackgill being a shared stock. The Panel also suggests exploring alternative sources of information (i.e. to investigate whether there are relevant studies conducted at Universities in Mexico), that could yield information on biology, life history and exploitation of the blackgill that could be used in the next assessment.

The Panel recommends devoting additional efforts to reconstructing historical landings. This recommendation applies to most groundfish species on the U.S. West Coast (and not only blackgill rockfish). In addition to providing the best reconstructed catch histories by species, this effort should develop alternative catch streams that would reflect differences in data quantity and quality available for different time periods. Such (more realistic) alternative catch streams would be very useful while exploring model sensitivity to uncertainty in catch history (rather than applying a simple multiplier to entire catch time-series, which is currently the case for most groundfish assessments). Also, taking into account a spatial shift in fishing efforts to deeper waters would be a significant improvement to catch reconstruction of blackgill rockfish and other species landed in mixed-species categories.

Both the STAR Panel and the STAT agreed that alternative means of exploring relative or absolute abundance in the CCA is a key research priority. Submersible or other non-invasive survey methods could potentially provide additional information on habitat and abundance for this species. Also, it is important to develop alternative methods to monitor length and age compositions of fish inside CCA.

The STAT emphasized that blackgill rockfish has proven to be very difficult to age, and age estimates are highly uncertain. Improving age data quality (through validation studies, otolith exchange between labs) and greater exploration of possible differences in age and growth throughout the range of this stock using the data from otoliths that have not yet been processed is desirable. The STAR Panel agreed, but noted that careful consideration should be devoted to producing exactly the age data which would be of most direct benefit to the assessment, based on representative sampling, since expertise, time and funds are all limited.

Greenspotted rockfish (not prioritized)

To address uncertainty regarding the portion of the greenspotted rockfish population residing in Mexican waters, the Panel suggests an attempt should be made to document catches taken in Mexican waters by both U.S. and Mexican fishers, and to consider the implications of there being a single shared stock. The Panel also suggests exploring alternative sources of information (i.e. to investigate whether there are relevant studies conducted at Universities in Mexico), that could yield information on biology, life history and exploitation of greenspotted rockfish that could be used in the next assessment.

The Panel recommends devoting additional efforts to reconstructing historical landings. This recommendation applies to most groundfish species on the U.S. West Coast (and not only greenspotted rockfish). In addition to providing the best reconstructed catch histories by species, this effort should develop alternative catch streams that would reflect differences in data quantity and quality available for different time periods. Such (more realistic) alternative catch streams would be very useful while exploring model sensitivity to uncertainty in catch history (rather than applying a simple multiplier to entire catch time-series, which is currently the case for most groundfish assessments). Taking into account a spatial shift in fishing efforts to deeper waters would be a significant improvement to catch reconstruction of greenspotted rockfish and other species landed in mixed-species categories. Also, existing reconstruction efforts focus entirely on historical landings, although discard has been a significant portion of removals for many species on the U.S. west coast. The Panel recommends devoting efforts to reconstruct historical discard as well.

Both the STAR Panel and the STAT agreed that alternative means of exploring relative or absolute abundance in the CCA is a key research priority. Submersible or other non-invasive survey methods could potentially provide additional information on habitat and abundance for this species. Also, it is important to develop alternative methods to monitor length and age compositions of fish inside CCA.

The available data were limited (especially for the southern region) to reliably estimate growth, therefore, consideration of ageing available otoliths should be a priority. The Panel noted that ageing of historic samples (and future samples) would only be useful if samples were representative of the population. This needs to be examined before undertaking time-consuming and costly ageing work.

It is important to further explore stock structure and spatial variability of life history parameters of greenspotted rockfish, since currently only limited (or not species-specific) information is available. The Panel also recommends exploring alternative model structures to account for spatial pattern in species biology, including the model with one stock assumption, model with two areas (with linkage between areas), several growth assumptions and others. Given this recommendation, the Panel suggests conducting a full assessment next time the species is assessed to allow exploration of model structure (which would be impossible in the case of an update assessment).

APPENDIX II - ITEMS DESCRIBED AS "HIGH" PRIORITIES IN THE ADDENDUM TO THE PACIFIC COAST GROUNDFISH 5-YEAR REVIEW OF ESSENTIAL FISH HABITAT

For additional details, see the September 2012 Council Briefing Book, Agenda Item H.6. [7]

- (high) Evaluate the boundaries of the 2005 EFH closures, relevant to the distribution of seafloor habitats in the newly developed 2011 maps, to identify areas where habitat protection should be refined.
- (high) Evaluate changes in the distribution of fishing effort, using the new 2005 and 2011 maps of effort for the bottom-contact fisheries, and determine if changes to current area management measures and gear restrictions from 2006 groundfish EFH regulations may be warranted.
- (high) Update the table in Amendment 19 (Summary of mean sensitivity levels and recovery times for all combinations of major gear types (including new gear types and midwater trawl) and bottom habitat types: Appendix 10 of Appendix A, Table 3) that addresses relative ranking of gear types in terms of their habitat impacts.
- (high) Evaluate new information on EFH relative to Level 1-4 (as defined in the EFH guidance, EFHRC Phase I Report page 13) and compare to information level available in establishing the 2006 groundfish EFH regulations.
- (high) Evaluate corals and sponges as components of EFH for groundfishes (conduct studies to map the distribution and abundance of biogenic species) (high) Evaluate the 2005 mobile-fishing-gear risk assessment model relevant to new data.
- (high) Run the habitat suitability probability models for all west coast groundfish species, using the new maps of habitat distributions and other relevant data.
- (high) Conduct visual, no-take surveys of fishes and habitats inside and outside current EFH closures in order to evaluate the effectiveness of these conservation areas.
- Assess near-shore distribution of FMP species for habitat needs and vulnerability during nursery and pre-reproductive life stages.
- Describe and classify soft-sediment habitat types and fish-habitat relationships. Dynamic seafloor conditions, such as dunes, mobile sand sheets, sediment waves and ripples occur in soft, unconsolidated sediment. These features may be foraging habitat for groundfishes.

Habitat Impact Analyses and Baseline Data Gathering

- Conduct studies to understand the relationship between an individual trawl pass and the level of disturbance of benthic macro-invertebrates that results. Develop new models for estimating fishing impacts on biogenic and physical habitats, such as those used in the Alaska 2006 EFH process.

[7] For additional information, see September 2012 Briefing Book, Agenda Item H.6., http://www.pcouncil.org/resources/archives/briefing-books/september-2012-briefing-book/#groundfishSeptember2012

- Conduct long-term studies to understand how benthic environments (including sessile benthic macro-invertebrates) recover from the effects of fishing, including control areas that remain closed to trawling. Studies since 2005 found significant impacts of trawling on soft sediment habitats, and little is known about recovery of seafloor habitat.
- Conduct studies to explain past and present trends in the bycatch of biogenic species, particularly in areas off Oregon, as emphasized in the EFH report.
- Conduct studies to understand the cumulative impacts of fishing gear (including line, weights, traps and pots) including derelict fishing gear on important habitats such as rocky reefs and eelgrass beds. These gears can impact rocky and biogenic habitat. Evaluate adverse effects of hypoxic conditions on resident species in rocky habitats, and susceptible species (e.g., petrale sole) in soft-bottom habitats
- Conduct baseline studies of fisheries resources at the onset of newly funded offshore energy development projects, particularly off southern Oregon, where a BOEM-sponsored wind energy demonstration project has recently been funded.

Improve seafloor maps (bathymetry, backscatter, and associated interpreted substrata types):

- (high) Conduct high-resolution seafloor mapping, particularly on the shelf and slope associated with groundfish EFH conservation areas not previously mapped.
- (high) Develop maps of interpretative substrate from a backlog of sonar mapping data. that was not examined or used to create substrate interpretations presented in the Groundfish EFH Review Report. Create an integrated data set from the "aggregate seabed habitat" data to produce a seamless substrate map suitable for regional scale analyses.

Improve the Habitat Use Database (HUD):

- (high) Develop tools and protocols to aid in data entry and to address specific architectural problems
- (high) Address potential biases associated with the recent inclusion of species from the Oregon Nearshore Strategy
- (high) Update associations and distribution of groundfish habitat (including prey), using new information reported in the EFHRC report. Add descriptions for other species groups similar to those provided for Flatfish group.
- (high) Update HUD definitions, documentation, and standards (e.g. clarify 'preferred depth'; consider young of year (YOY); verify species range and habitat preference using fishery dependent and independent survey data; develop standards for recording database amendments and expert opinion).

Improve groundfish prey information for under-sampled FMP species:

- (high) Develop criteria for defining major prey species for groundfish species and lifestages.
- (high) Compile lists of major prey species for the all stocks and lifestages in the groundfish FMP.
- (high) Evaluate the habitat use and distribution of major prey species for groundfishes.
- (high) Evaluate potential adverse effects from fishing and non-fishing activities on the major prey species in the diets of groundfishes.

APPENDIX III – RESEARCH AND DATA NEEDS EXCERPTED FROM RECENT ASSESSMENTS OF PACIFIC SARDINE

The following model-related research recommendations are excerpted from reports of the 2011and 2012 assessment reviews.

- Explore use of Canada DFO's mid-water trawl survey off Vancouver Island.
- Temperature-at-catch could provide insight into stock structure and the appropriate catch stream to use for assessments, because the southern subpopulation is thought to inhabit warmer water than the northern subpopulation. Conduct tests of sensitivity to alternative assumptions regarding the fraction of the MexCal (in particular, Ensenada and Southern California) catch that comes from the northern subpopulation.
- Explore models that consider a much longer time period (e.g., 1931 onwards) to determine whether it is possible to model the protracted period and determine whether this leads to a more informative assessment and provides a broader context for evaluating changes in productivity.
- Consider a scenario that explicitly models the sex-structure of the population and the catch.
- Reconsider a model that has separate fleets for Mexico, CA, OR-WA, and Canada.
- Develop a relationship between egg production and age that accounts for the duration of spawning and batch fecundity by age.
- Consider model configurations that use age compositions, rather than length compositions and conditional age-at-length data, given evidence for time- and spatially-varying growth.
- Explore reasons for the discrepancy between the observed and expected proportions of old animals in the length and age compositions. Possible factors to consider in this investigation include ageing error / ageing bias and the way dome-shaped selectivity has been parameterized.
- Consider a Beverton-Holt or other spawner-recruit relationship in place of the Ricker to see if such a change will stabilize the model relative to the number of recent years of recruitments estimated, while providing a biologically realistic relationship.
- Consider the changes within and between years regarding targeting in developing appropriate fishery selectivities, as well as proper blocking and/or weighting of these data.
- Conduct a methods review to consider how best to use data from the aerial survey. Consider incorporating the aerial survey as a minimum estimate of total abundance.

Agenda Item F.1.b
Supplemental GAP Report
March 2013

GROUNDFISH ADVISORY SUBPANEL REPORT ON RESEARCH PLANNING

The Groundfish Advisory Subpanel (GAP) reviewed the draft Research and Data (R&D) Needs document. The GAP supports final adoption, but provides general comments about research prioritization, use of the R&D document, and National Oceanic and Atmospheric Administration research priorities. The GAP also recommends a few items for inclusion in the final R&D document.

In general, the GAP welcomes what we perceive as a more cohesive relationship between the two west coast science centers. For example, completion of the 2012 sardine/hake acoustic survey would not have been possible but for the hard work of the two centers in developing a joint survey design. The 2012 survey also relied upon the centers' willingness to engage with the whiting industry in bringing the survey to fruition. In this vein, the GAP recommends the Council strongly encourage the science centers to work with recreational and commercial fishing interests in using the R&D document to prioritize research. In this time of limited National Marine Fisheries Service (NMFS) resources, priorities need to be determined about how to get the most bang for the buck. Fishermen and processors have a stake in these priorities; NMFS should engage with us in developing them.

The GAP recommends the R&D Needs document be formally recognized by NMFS as a key document for use in developing their research priorities. The R&D Needs document should not gather dust on a shelf. The document represents the collective wisdom of the Pacific Council family and deserves to be used in defining NMFS workload.

The GAP also recommends the Council request NMFS make fisheries research the highest priority when allocating R/V Bell Shimada ship time. The Shimada was designed and built to be a fisheries research vessel. However, the GAP was informed that a significant portion of the sea days allocated to the Shimada is taken up with research that is not directly related to fisheries. The GAP recommends that Shimada ship time be prioritized to fisheries research.

The GAP recommends the following specific groundfish research and data needs be added:

- Prioritize age reading of groundfish otoliths. Accurate, timely, and comprehensive age data is critical to the stock assessment process. The GAP knows that collection of otoliths is an ongoing project. The GAP recommends that otolith age reading and associated research is a priority.

- The GAP notes that continuation of the bottom trawl surveys is listed as a high priority. The GAP agrees with this prioritization. However, the GAP recommends inclusion of an assessment of the need for the hake acoustic survey to occur every year rather than every other year. The GAP understands the issue of acoustic survey frequency is under study

by the Joint Management Committee of the Agreement Between the Government of Canada and the Government of the United States of America on Pacific Hake/Whiting. The GAP recommends the Council engage in that process. Issues that could be addressed include – acoustic survey frequency, the use of acoustic surveys for other midwater groundfish (e.g., widow rockfish and yellowtail rockfish), acoustic survey design (including target strength), and development of an age-1 hake index. This exploration should examine the trade-offs of increased survey frequency versus time off the water for researchers to do other important projects (e.g., survey design review, age-1 index).

- The current R&D Needs document discusses that the Cowcod Conservation Area (CCA) is closed to the trawl survey. The GAP recommends that conducting hook-and-line surveys within the CCA should be explored. Hook-and-line surveys (especially if they employ new barotrauma mitigation techniques) could provide sorely-needed data about groundfish within the CCA. Moreover, the current R&D Needs document states "Research is needed on relative density of rockfish in trawlable and untrawlable areas and differences in age and length compositions between these areas." The use of hook-and-line surveys to collect this information within untrawlable areas should be a research priority.

PFMC
03/07/13

Agenda Item F.1.b
Supplemental GMT Report
March 2013

THE GROUNDFISH MANAGEMENT TEAM REPORT ON RESEARCH PLANNING

The Groundfish Management Team (GMT) has reviewed the Council's Research and Data Needs document, which has been modified to include GMT and Scientific and Statistical Committee (SSC) suggestions provided at the September 2012 Council meeting. The GMT notes that since the National Oceanic and Atmospheric Administration (NOAA) scientific research five-year strategic planning needs document is not yet available for public review, it may be beneficial for the Council to submit their report during the NOAA research planning document public comment period to inform the national priorities, based on the needs of our region.

The GMT suggests that in future iterations of the research and data needs review that there be some information on prioritization of the research and data items listed. Furthermore, consideration of expense to benefit ratios of the differing priorities may also prove beneficial if possible (e.g., similar to that shown in the Ecosystem-Based Fisheries Management section of the document). However, the team understands that given funding, staffing, and other limitations, items listed as priorities and further outlined in a rough cost/benefit format may not always be possible.

Looking to the next iteration of the document, it might also be informative to track how long research items have been identified as needs and to describe what progress has been made against them, if any, over the previous five years.

In addition to timing and prioritization considerations, the GMT identified additional needs that may benefit the Council research and data needs document. The GMT notes that this document may benefit researchers that cite the document for future grant proposals.

Research and Data Needs

- Size and Species Selectivity: Continue to conduct size and species-selectivity research for groundfish trawl and non-trawl fisheries. Size and species selectivity is important for stock assessments, establishing and understanding potential impacts of management measures, fisheries monitoring, and for fisherman (e.g., to maximize catches of marketable species and sizes while reducing catches of unmarketable, overfished, or threatened/endangered species). Individual accountability due to the Individual Fishing Quota (IFQ) program provides greater incentives for IFQ fishermen to utilize the most selective fishing practices available. Unfortunately, most selectivity studies available for fisherman, managers, and researchers are dated and were conducted during a period where the fisheries, assemblages, and gears were much different than presently seen. Other potentially needed selectivity studies (e.g., on non-trawl West Coast groundfish fisheries) have not been conducted at all. Note that recently selectivity studies have been undertaken or are currently underway to evaluate the selectivity of sorting grids and various trawl-codend mesh size and mesh shapes for various groundfish species caught in the trawl fishery.

- Mortality of Discarded Groundfish: Research designed to evaluate mortality of discarded groundfish under various conditions (e.g., gear types, depths, water and air temperatures, etc.) is needed for stock assessments and management. Currently, discard-mortality assumptions (some < 100% mortality) are applied to selected species in recreational, commercial non-trawl, and trawl fisheries. These estimates may have been derived by research conducted in other regions (e.g., Alaska), or during narrow environmental or operational conditions (e.g., only during shallow-water sets or low-water temperature condition). Much research has shown that discard mortality may vary considerably (and predictably) over a range of conditions. For example, recent articles discuss the impact of water temperature on discard mortality. The need for these types of experiments may be prioritized based on the level of discard relative to stock status (e.g., the assumed discard mortality proportion for some stocks may have no meaningful impact on the stock).

- Continuation of whiting midwater acoustic surveys on a frequent basis and potential expansion to include rockfish surveys for species that spend the majority of their life history in the midwater portion of the water column. Research should be conducted on survey design, acoustic methods, and inclusion of age-1 whiting to make the survey as accurate and informative as possible. Trade-offs associated with continuing to combine the surveys for sardine and whiting should be explored. Additionally, the GMT would like to express support for the Alaska Fisheries Science Center's efforts to validate acoustic surveys using non-extractive CamTrawl methods, and hope that such technological developments can be deployed and tested in West Coast fishery surveys.

- Research should be conducted using automated image recognition (computer vision) over a variety of resource management applications. Incorporation of computer vision image recognition concepts into West Coast research and management objectives offers promise in advanced EM strategies, aerial surveys of forage fish, marine mammal surveys, recreational vessel effort estimates, vessel-based automated bird-cam surveys, as well as other applications.

PFMC
03/07/13

Agenda Item F.1.b
Supplemental HC Report
March 2013

HABITAT COMMITTEE REPORT ON RESEARCH PLANNING

The Habitat Committee (HC) submitted habitat-focused recommendations on the Council's Research and Data Needs Document into the March Briefing Book. We were pleased to see that most of the comments the HC provided were accepted into the document. The HC recommends adoption of the Research and Data Needs document with some additional consideration. The HC notes that the document could be improved with further technical review and a more consistent method for prioritization of research needs.

For example, the priorities (listed as high priority/low cost, etc.) included in the Fishery Ecosystem Plan research and data needs section weren't integrated into the bulleted priorities that appear on page 3. The resulting combined list may contain redundancies and a loss of continuity between research needs and management activities in the Fishery Management Plan. The Research and Data Needs document could benefit from technical editing.

The HC also notes that the priority research and data needs for Groundfish Essential Fish Habitat are buried in Appendix II, and that the reference to Appendix II is incorrectly placed on page 26, Section 5.2.2: "Fisheries-Dependent Data" under the sub-heading, "Investigate impact of fishing gear on habitats," where the reader is unlikely to look for habitat-related content. The HC recommends that the contents of Appendix II be placed under a Habitat Issues subheading in the Groundfish FMP Section, similar in format to the use of subheadings in other Sections (e.g., stock assessments, habitat-based models, etc.).

PFMC
03/08/13

Agenda Item F.1.b
Supplemental SSC Report
March 2013

Scientific and Statistical Committee report on Research Planning

The Scientific and Statistical Committee (SSC) reviewed the February 2013 draft (for public review) of the Research and Data Needs Report (Attachment 1). The SSC endorses the changes made to the document since November 2012. However, the SSC recommends categorizing the research needs within the Ecosystem-Based Fisheries Management section based exclusively upon potential benefits since it is premature to anticipate costs associated with the research projects listed in this section of the document.

PFMC
03/08/13

APPROVAL OF COUNCIL MEETING MINUTES

The draft June and September 2012 Council meeting minutes are provided for Council review and approval in Attachments 1 and 2.

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

1. The meeting notice and proposed agenda (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, martinaudio@aol.com).

4. All documents produced for consideration at the Council meeting, including (1) pre-meeting advance 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; (4) written public comments received at the council meeting in accordance with agenda labeling requirements; and (5) electronic material 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. The Council Decision Summary 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. Draft or final decision documents finalized after the Council meeting such as Environmental Impact Statements or Environmental Assessments.

7. Pacific Council News. The Spring Edition covers March and April Council meetings; the Summer Edition covers the June Council meeting; in some years, a Fall Edition covers the September meeting; and the Winter Edition covers the September and November Council meetings (available online at http://www.pcouncil.org/resources/archives/newsletters/).

Council Action:

1. Review and approve the draft June and September 2012 Council meeting minutes.

Reference Materials:

1. Agenda Item F.2.a, Attachment 1: Draft Minutes: 214th Session of the Pacific Fishery Management Council (June 2012).
2. Agenda Item F.2.a, Attachment 2: Draft Minutes: 215th Session of the Pacific Fishery Management Council (September 2012).

Agenda Order:

a. Council Member Review and Comments — Dan Wolford
b. **Council Action:** Approve Previous Council Meeting Minutes

PFMC
02/07/13

DRAFT MINUTES
214th Session of the
Pacific Fishery Management Council
June 21-26, 2012
San Mateo Marriott Hotel
1770 South Amphlett Boulevard, San Mateo, CA 94402

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A. Call to Order

A.1 Opening Remarks

Mr. Dan Wolford, Chairman, called the 214th meeting of the Pacific Fishery Management Council (Council) to order at 8:02 a.m. on Thursday, June 21, 2012. He noted that a closed session would be held to discuss litigation and personnel matters after the regular business concludes this afternoon.

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. Brian Corrigan (U.S. Coast Guard, non-voting designee)
Mr. David Crabbe (California Obligatory)
Mr. Jeff Feldner (At-Large)
Dr. Dave Hanson, Parliamentarian (Pacific States Marine Fisheries Commission, non-voting designee)
Mr. Rich Lincoln (Washington Obligatory)
Mr. Frank Lockhart (National Marine Fisheries Service (NMFS), Northwest Region designee)
Ms. Dorothy Lowman, Vice Chair (Oregon Obligatory)
Mr. Dale Myer (At-Large)
Mr. David Ortmann (Idaho State Official, designee)
Mr. Phil Anderson (Washington State Official)
Mr. Herb Pollard (Idaho Obligatory)
Mr. Tim Roth (U.S. Fish and Wildlife Service (USFWS), non-voting designee)
Mr. David Sones (Tribal Obligatory)
Ms. Marija Vojkovich (California State Official, designee)
Mr. Gordon Williams (Alaska State Official, non-voting designee)
Mr. Steve Williams (Oregon State Official, designee)
Mr. Dan Wolford, Chair (At-Large)

During the week, the following people were present in their designated seats for portions of the meeting: LCDR Brian Chambers (U.S. Coast Guard, non-voting designee); Ms. Michele Culver (Washington State Official, designee); Mr. Mark Helvey (NMFS), Southwest Region, designee); Mr. Robert Jones (U.S. State Department, non-voting designee); Ms. Gway Kirchner (Oregon State Official, designee); and Ms. Marci Yaremko (California State Official, designee).

A.3 Executive Director's Report

Dr. McIsaac briefed the Council on several items, including the recent Council Coordination Committee (CCC) meeting, upcoming Council meeting dates, and an Office of the Inspector General audit of Council and NMFS operations. He referred to the following documents:

Agenda Item A.3, Supplemental Attachment 1: Council Coordination Committee Draft Schedule of Events, April 30-May 3, 2012.

Agenda Item A.3, Supplemental Attachment 2: 2012 Annual Council Coordination Committee Outcome Statements and Recommendations.
Agenda Item A.3, Supplemental Attachment 3: May 18, 2012 Letter to Dr. Jane Lubchenco from RFMC Chairs and Executive Directors.
Agenda Item A.3, Supplemental Attachment 4: Managing Our Nation's Fisheries 3—Advancing Sustainability (Website Home Page).
Agenda Item A.3, Supplemental Attachment 5: Managing Our Nation's Fisheries 3 and Council Coordinating Committee Structure and Schedule Graphic for May 6-11, 2013.
Agenda Item A.3, Supplemental Attachment 6: Managing Our Nation's Fisheries 3, Current Refinements in Conference Proposed Statement, Session Themes and Focus Topics.
Agenda Item A.3, Supplemental Attachment 7: Letter to Todd J. Zinser, Inspector General, Office of the Inspector General.
Agenda Item A.3, Supplemental Attachment 8: Letter to The Honorable Barney Frank and The Honorable John F. Tierney.
Agenda Item A.3, Supplemental Attachment 9: Memo to Dr. Jane Lubchenco Regarding Review of FMC's and Fishery Rulemaking.

Dr. McIsaac also called the Council's attention to:

Supplemental Informational Report 1: Oregon Live Editorial from Ben Enticknap Regarding World Oceans Day; Forage Fish.

A.4 Agenda (6/21/2012; 8:27 a.m.)

A.4.a Council Action: Approve Agenda

Mr. Dale Myer moved and Mr. Rich Lincoln seconded Motion 1 to approve the agenda as shown in Agenda Item A.4.a. Motion 1 carried unanimously.

B. Open Comments

B.1 Comments on Non-Agenda Items (6/21/2012; 8:28 a.m.)

B.1.a Advisory Bodies and Management Entities Comments

Agenda Item B.1. Supplemental Open Comment 2: *Federal Register* Notice Wednesday, May 23, 2012 Regarding NMFS Proposed Revisions to Existing Regulations Governing the Confidentiality of Information Submitted in Compliance with any Requirement or Regulation Under the MSA.

Ms. Lynn Mattes presented Agenda Item B.1, Supplemental Open Comment 3, GMT Report on the *Federal Register* Notice Regarding Proposed Revisions to Confidentiality of Information.

Dr. Rikki Dunsmore, Monterey Bay National Marine Sanctuary, Monterey, California, spoke concerning the Sanctuary's goals and discontinuance of the ecosystem-based management initiative.

B.1.b Public Comment

See Council website for a full list of written public comments (http://www.pcouncil.org/council-operations/briefing-books/june-2012-briefing-book/#openJune2012).

Chris Kubiak, Central Coast Sustainable Groundfish Association, Los Osos, California; presented Agenda Item B.1.b, Open Comment: Central Coast Sustainable Groundfish Association and Fort Bragg Groundfish Association Letter regarding risk pools.

John Pennisi, Fisherman, Monterey, California; critical of regulation for long lines that requires both ends be marked.

John Holloway, Recreational Fishing Alliance, Portland, Oregon; concerning long leader EFP.

Heather Mann, Community Seafood Initiative, Newport, Oregon; presented Agenda Item B.1.b, Supplemental Public Comment 5 concerning the ability to trace the origin of seafood.

Leesa Cobb, Port Orford Ocean Resource Team, Port Orford, Oregon; concerning community fishing associations.

Daniel Platt, Fisherman, Fort Bragg, California; concerning the need for regulation changes in the head-on sablefish market.

Scott Hartzell, Keltie Fishing Inc., Florence, Oregon; concerning issues between fixed-gear and trawl sablefish fisheries.

[Council break from 9:18 to 9:40 a.m.]

Marc Gorelnik, Coastside Fishing Club, California; Agenda Item B.1.b, Supplemental Open Comment 4: presentation on a salmon smolt acclimation project.

B.1.c Council Discussion of Comments as Appropriate (6/21/2012; 9:49 a.m.)

Dr. McIsaac provided information regarding the Confidentiality of Information process for Council consideration, noting the deadline for comments was August 21, 2012. He suggested that staff could request an extension of the deadline to allow other advisory bodies and the states time for more considered comments.

Ms. Vojkovich noted she did not see any urgency to this rule and wanted time to get input from the state's legal advisors. If an extension is not possible, then the Groundfish Management Team (GMT) has provided specific comments and recommendations to use as a springboard for further review. Mr. Steve Williams agreed concerning advice from the state attorneys.

Mr. Lockhart responded that, due to the importance of the issue, he believes it is a reasonable request for NMFS to extend the deadline. This is a headquarters-led notice, and the extension would have to come from them.

Mr. Steve Williams stated that the GMT has raised good issues about eligibility of the management and technical teams to review the data. He also wondered how this new rule would affect the current Memorandum of Understanding (MOU) NMFS signed with Oregon Department of Fish and Wildlife (ODFW) and the other states.

Ms. McCall responded that the exception for MSA data confidentiality that is shared with Oregon is independent of the Council process, but is interrelated.

Dr. McIsaac summed up the issues by stating they would ask for comments from all the advisory bodies and send a request for extending the comment period to the end of the year. If an extension is granted, the issue would be included in the September agenda.

[Council concluded this agenda item at 10:04 a.m.]

C. Habitat

C.1 Current Habitat Issues (6/21/2012; 10:04 a.m.)

C.1.a Agenda Item Overview

Dr. John Coon provided the Agenda Item Overview, which referenced the following items:

Agenda Item C.1.a, Attachment 1: Letter on Levee Vegetation.
Agenda Item C.1.a, Attachment 2: Letter on Klamath Water Management.

C.1.b. Report of the Habitat Committee

Mr. Tim Roth presented Agenda Item C.1.a, Supplemental PowerPoint Presentation on comparative salmon smolt survival through the Columbia River dam system, and Agenda Item C.1.b. REVISED Supplemental Habitat Committee Report

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

None.

C.1.d Public Comment

None.

C.1.e Council Action: Consider Habitat Committee Recommendations (6/21/2012; 10:25 a.m.)

Council members discussed the issues in the Habitat Committee report, especially with regard to the issue of debris and invasive species resulting from the Japanese tsunami.

[Council break until 10:43 a.m.]

Council Informational Session (6/21/2012; 10:43 a.m.)

An informal working session provided a staff briefing by Dr. Kit Dahl, Mr. John DeVore, and Ms. Kelly Ames to help the Council members with understanding some of the more complex issues and actions necessary to adopt the 2013-2014 groundfish harvest specifications and management measures.

[Council break from 11:53 a.m. to 1:00 p.m.; Informational Session concluded at 1:18 p.m.]

D. Groundfish Management

D.1 National Marine Fisheries Service Report (6/21/2012; 1:18 p.m.)

D.1.a Agenda Item Overview

Ms. Kelly Ames provided the Agenda Item Overview (all documents referenced for this agenda item can be found at http://www.pcouncil.org/council-operations/briefing-books/june-2012-briefing-book/#groundfishJune2012 .

D.1.b Regulatory Activities

Mr. Frank Lockhart provided Agenda Item D.1.b, Attachment 1: *Federal Register* Notices Published Since the Last Council Meeting.

Mr. Lockhart also noted that starting October 1 the groundfish public notices will no longer be mailed; they are available through email and on the Region's website. With regard to the trawl rationalization program and cost recovery, Mr. Lockhart noted that if the states are performing what are essentially Federal duties, they may be reimbursed. The agency will be sending letters to the states that outline the details and provisions in the next few weeks. Applications for first receiver licenses under the trawl rationalization program have been received, and the agency believes all applicants will receive their licenses. With regard to surplus carry-over in the shorebased Individual Fishing Quota (IFQ) program, the agency will provide more information under the inseason agenda item. Mr. Lockhart said that in summary, the agency issued surplus carry-over from 2011 into 2012 for all species, except sablefish and Pacific whiting. Also, the at-sea whiting fishery allocations were issued on May 15. There were two co-op permits issued – one for the catcher-processors and one for the motherships. As in 2011, there is no non co-op fishery.

D.1.c Fisheries Science Center Activities

Mr. John Stein and Dr. Michelle McClure presented Agenda Item D.1.c, Supplemental NWFSC PowerPoint and presented Agenda Item D.1.c, Supplemental Attachment 1: 2011 Catch Share Preliminary Landings and Retention Rates.

Ms. Marija Vojkovich asked Dr. McClure to clarify the geographic distribution of the hake and sardine survey. Dr. McClure noted that the traditional hake survey extends to Morro Bay. If there are hake present in the Morro Bay area, the survey will extend to the south until no more hake are encountered. The survey for sardine only occurs south of Morro Bay.

Ms. Vojkovich asked about the status of the California hook-and-line survey and whether the survey is expected to be used for management. Dr. McClure confirmed that the survey data are currently used in stock assessments. The review will explore the costs and benefits of extending the survey to other non-trawlable habitats. Dr. Jim Hastie said the hook-and-line survey data is geographically limited, therefore the data are most useful to inform assessments for species that have a predominant portion of their biomass south of Point Conception. The hook-and-line survey data were included in the bocaccio assessment and are available to interested parties. The survey data may also be used in the data-limited methodologies.

Ms. Vojkovich noted her concerns relative to the stock complex analysis and implementation. She also noted the costs associated with implementing ecosystem-based management. She noted that there are increasing agency priorities, yet funding is decreasing. Mr. Lockhart said the revised National Standard 1 (NS1) guidelines recommended that complexes are composed of homogenous species (e.g., fishing pressures, reproductive potential) whereas our complexes may contain a more heterogeneous mix. Mr. Lockhart said he believes the Council intends to address this matter for the 2015-2016 management cycle and the Northwest Fisheries Science Center (NWFSC) is drafting the framework for analysis, which will involve the Council.

Ms. Vojkovich expressed concern for the decreased level of funding for the non-catch-share programs. Dr. McClure said the agency reduced the funding for non-catch observers by about $900,000. The agency decided to retain the 12-month observers to maintain program continuity. They will not be contracting the seven-month observers next year. That results in close to a 60 percent reduction in coverage overall because the seven-month observers work during the busiest times of the year.

Ms. Vojkovich asked if any new initiatives were added. Dr. Stein said the agency is cutting and not adding new programs under the proposed budget. The habitat blueprint initiative, which was discussed under Agenda Item C.1, is maximizing coordination within existing programs within the existing resources.

Mr. Phil Anderson noted that 10 positions from fiscal year 2010-2011 would not be backfilled. He asked if the observer reductions mentioned by Dr. McClure are included in the 10 positions. Dr. Stein said no, those 10 positions were largely composed of individuals who retired or moved on to other positions.

Mr. Anderson asked about the anticipated non-catch-share observer coverage as a result of the proposed funding cuts. Dr. McClure said they would be reduced by 40 percent coverage across all non-catch-share fisheries and the percent coverage varies by fishery and geographic area. Ms. Janell Majewski provided an example: if the historical observer coverage for a fishery was 25 percent, a 40 percent reduction would apply, and the resulting coverage would be 15 percent.

Dr. Don McIsaac asked about the stock complex timeline. Dr. McClure said they would like to proceed with the analysis as soon as possible, since staff will be fully engaged in the stock assessment process in 2013.

D.2 Barotrauma Workshop Report and Potential Use of Recompression Catch-and-Release Survival Estimates (6/21/2012; 2:15 p.m.)

D.2.a Agenda Item Overview

Mr. John DeVore presented the agenda item overview. The following attachments were provided for this agenda item:

Agenda Item D.2.a, Attachment 1: Summary Recommendations of Participants at the 2012 Portland, Oregon and 2011 Atlanta, Georgia Barotrauma Workshops.

Agenda Item D.2.a, Attachment 2: Annotated Bibliography of Research Conducted on Barotrauma and Recompression of Rockfish Species Caught and Released Using Hook-and-Line Gears.

Agenda Item D.2.a, Attachment 3: Slides from a PowerPoint Presentation Given by Dr. Alena Pribyl at the Portland Barotrauma Workshop Entitled "Venting and Recompression: Techniques and Appropriate Uses."

Agenda Item D.2.a, Supplemental Attachment 4: CDFG Report from April 2012 Briefing Book Regarding Calculating Cowcod Mortality in the California Recreational Fishery.

D.2.b Workshop Report

Mr. Dan Wolford summarized the recommendations of the barotrauma workshop held in May in Portland, Oregon.

[Council break from 2:37 to 2:57 p.m.]

D.2.c Reports and Comments of Advisory Bodies and Management Entities (6/21/2012; 2:58 p.m.)

Dr. Russ Vetter presented Agenda Item D.2.c, Supplemental SWFSC PowerPoint: Post-release Survival and Behavior of Deep-Dwelling Rockfishes (genus *Sebastes*) Suffering from Barotrauma: Using Recompression Devices to Reduce Bycatch Mortality.

Mr. Russell Porter, Pacific States Marine Fishery Commission (PSMFC), Portland, Oregon provided comment from the PSMFC RecFIN Technical Committee. He noted the RecFIN Technical Committee recommended a measured process for adopting survival credits of released fish that suffer barotrauma using descending devices. The RecFIN Technical Committee was mainly concerned that recreational census programs collect these data in a standardized way and that the appropriate survival rates are used in catch estimation.

Dr. David Sampson presented Agenda Item D.2.c, Supplemental SSC Report.

Ms. Lynn Mattes presented Agenda Item D.2.c, Supplemental GMT Report.

Mr. John Holloway presented Agenda Item D.2.c, Supplemental GAP Report.

D.2.d Public Comment

Tom Marking, Fisherman, McKinleyville, California.

Steve Moore, Patriot Sportfishing, Avila Beach, California.

Jeff Richards, Michelle Gandola, Ken Franke, and Roger Thomas, California Recreation Fisheries, presented a joint PowerPoint Presentation.

Robert Ingles, Golden Gate Fishermen's Association, Newark, California.

[Council break from 4:34 to 4:43 p.m.]

D.2.e Council Action: Review Recompression Methods and Survival Information and Provide Guidance on its Integration into Council Management (6/21/2012; 4:44 p.m.)

Mr. Wolford moved and Mr. Brizendine seconded (Motion 2) that the Council:

(1) declare that barotrauma associated with our hook-and-line catch and release recreational groundfish fishery is a priority consideration that needs to be accounted for in our catch forecasting and catch accounting models, and that such accounting should include the differential release mortality associated with depth of catch and depth of release.
    a. That 2 or 3 of our most constraining species be addressed with the highest priority.
    b. That additional species be addressed as data, and Council and state staff workloads permit.
(2) in recognition that several viable recompression devices are effective in releasing fish back at depth with low mortality, and that devices are currently in use in West Coast recreational fisheries, to conserve various groundfish stocks, that the Council:
    a. assign the GMT to develop draft proposed estimates, or methodologies, for recompression release survival rates for appropriate groundfish species in West Coast recreational fisheries – specifically depth-based mortality tables, by the deadline of the September Council meeting advance Briefing Book;
    b. assign the Scientific and Statistical Committee (SSC) to review the GMT depth-based mortality tables with regard to best available science and suitability for use in active fishery management decision-making, and produce a statement for consideration at the September Council meeting; and to identify additional research and data needs; and
    c. that the Council consider the GMT proposal, the SSC review, and a GMT response to the SSC review at the September Council meeting, towards consideration for use as soon as practical.
        i. With an objective for 2013 on the 2 or 3 most constraining species;
        ii. With a broader range of species in the 2015-16 specification cycle, as additional data becomes available.

Mr. Wolford spoke to his motion regarding the scientific work done that indicates survival rates using descending devices is species-specific and the fish have a reasonable survival rate. The charter boats have endorsed this and we need to encourage this activity. There are tasks to be assigned to the GMT to develop the assessments and provide data on the most constraining species (yelloweye, cowcod, and canary). We need to add data for additional species when available, and we have seen the data from several sources. We need to add this information to our management tool box.

Mr. Wolford continued that the focus is on the most constraining species for the data requirements. The rockfish fishery is largely a meat fishery, so the only fish that are released are those required to be discarded in regulations. That is why the motion focuses on the constraining species. This effort is targeted for the 2013 fishing season start to consider integrating the survival credit associated with the use of descending devices into GMT models. He envisions expanding this initiative for the 2015-16 specification cycle to integrate the use of descending devices and the provision of survival credits more fully into our management system. He did not make reference to specific types of descending devices or how they are used. Use of descending devices would be voluntary. He is seeking an adjustment to the fishing mortality accounting

procedures when fish are released using descending devices. He believes the available barotrauma research results are sufficient to begin considering this change to our management system and that we should concentrate on the constraining species for initial consideration at the September Council meeting. This needs to be declared an important issue since it will enhance the survival of discarded rockfish. We need to encourage the support of recreational fisherman.

Mr. Lockhart asked how Mr. Wolford envisions the process at the September Council meeting and Mr. Wolford anticipated the GMT would work on a proposal during the summer for SSC review in September. The GMT response to SSC recommendations would also be provided in September with a report back to the Council at that time.

Mr. Anderson agrees with the motion, but there are process questions. For instance, he expects the GMT response to SSC recommendations from their September review would be provided at the November Council meeting. There are issues that were raised in the SSC comments that the GMT would need to consider prior to the review. He agrees with the focus on the constraining species, but he has concerns with how the motion is getting us there.

Mr. Wolford did consider the GMT workload and timing of the process before making his motion. He thinks there is a window of opportunity to do the work this summer and, if the review and response to SSC recommendations could be done in September, this change in accounting could be considered for the 2013-14 management cycle. He thought this process was doable.

Ms. Vojkovich raised questions about competing GMT workload this summer and what this task might displace. She asked if this is regulatory change and how many Council meetings would be needed to implement this change.

Dr. McIsaac responded that this is a technical adjustment to mortality accounting procedures and is not a regulatory amendment. With public notice, this could be done in a two-meeting process.

Ms. Mattes had concern for tasking the GMT to provide a report and proposal by the September briefing book deadline, which is about six weeks away. She mentioned there are other GMT tasks and deadlines this summer. She mentioned there is a week in July scheduled for the GMT to complete the 2013-14 specification Final Environmental Impact Statement (FEIS).

Ms. Kirchner was concerned that if we try to fast track this, then we wouldn't do a good job. The start of the 2015-16 specification cycle is in the middle of next year. It may be more efficient to task the GMT to complete this work in time for the 2015-16 specification cycle.

Mr. Wolford explained this is why he wanted the GMT to do the work this summer. It is a window of opportunity before they are busy working on the 2015-16 specification.

Mr. Anderson said he was excited about the availability and the use of descending devices. The workshop held in Portland was very valuable and he encouraged public education on this initiative. Washington Department of Fish and Wildlife (WDFW) has purchased these devices for distribution to anglers, but the agency is not as far along on the education of the anglers to

use these devices as he would like. We need to focus our energy on educating anglers now so that by the time the use of descending devices is integrated in our management system, the devices are widely used and accepted. Then we can begin to go forward with quantifying the survival benefits and bring the data forward. We don't currently have any confidence recreational anglers would widely use the devices, and there is little confidence in calculations that could be used to estimate total mortality of rockfish released in the fishery.

Ms. Vojkovich said she supported the intent of the motion and would like to amend the timeframe based on the input of the GMT and SSC. She would also like further discussion of the top three species for initial consideration. Her focus is to prioritize cowcod. She would also like to change the date to November for the SSC review, and there may not be the same type of data available for the other areas. Cowcod is different in respect to what we have to work with as an annual catch limit (ACL) and there isn't a buffer for the odd years for fishing encounters. The recreational fishery is the most important in California and if there is only one thing to use in 2013 it should be Cowcod.

Ms. Vojkovich moved and Mr. Crabbe seconded to amend the main motion (Amendment 1 to Motion 2) to change the September date in sections 2(a) and 2(b) of Motion 2 to November 2012, and to change the September date in section 2(c) to March 2013.

Mr. DeVore asked for clarification of the SSC Review by the GMT. He noted that it would be difficult for the GMT to respond to SSC comments from their review at the November meeting during that same meeting. He thought we would need two agenda items for that process to work at a single Council meeting.

Ms. Vojkovich offered further clarification that the change in section 2(c) of Motion 2 in her amendment was to solicit SSC comments in November and have the GMT respond to those comments in March for Council consideration.

Mr. Myer said he was inclined to table the motion until the morning to give Council members a chance to review the written motion.

Dr. McIsaac responded that the motion can be provided in writing.

The Council consented to table the motion until morning.

[Council adjourned at 5:18 p.m., and reconvened on 6/22/2012 at 8:09 a.m.]

Ms. Vojkovich restated her reasons for the amendment to the motion.

Mr. Wolford stated that the intent was to go as far as we can with the science as workload priorities permit, consistent with the objective of integrating the use of descending devices in our accounting of recreational mortalities of our most constraining rockfish.

Amendment 1 to Motion 2 carried unanimously.

Ms. Kirchner moved and Mr. Anderson seconded to amend the main motion (Amendment 2 to Motion 2) to make the following edits:

(1) Declare that barotrauma associated with our hook-and-line catch-and-release recreational groundfish fishery is a priority consideration that needs to be accounted for in our catch forecasting and catch accounting models, and that such accounting should include the differential release mortality associated with depth of catch and depth of release.
    a. ~~That 2 or 3 of our most constraining species~~ Cowcod and yelloweye rockfish be addressed with the highest priority.
    b. That additional species be addressed as data, and Council and State workloads permit.

(2) In recognition that several viable recompression devices are effective in releasing fish back at depth with low mortality, and that devices are currently in use in West Coast recreational fisheries to conserve various groundfish stocks, that the Council
    a. assign the GMT to provide a progress report to the Council that may include ~~develop~~ draft proposed ~~estimates, or~~ methodologies, for recompression release survival rates for appropriate groundfish species in West Coast recreational fisheries – specifically depth-based mortality tables, by the advance briefing book deadline of the ~~September~~ November 2012 Council meeting advance Briefing Book;
    b. assign the SSC to review the GMT progress report which may include depth-based mortality tables with regard to best available science and suitability for use in active fishery management decision-making, and produce a statement for consideration at the ~~September~~ November 2012 Council meeting; and to identify additional research and data needs; and
    c. that the Council consider the GMT proposal progress report, the SSC review, and a GMT response to the SSC review at the ~~September~~ March 2013 Council meeting, towards consideration for use as soon as practical.
        i. With an objective for 2013 ~~on the 2 or 3 most constraining species~~ for cowcod and yelloweye rockfish.
        ii. With a broader range of species should be analyzed in the 2015-2016 management specifications process, as additional data becomes available.

Ms. Kirchner spoke to her motion and the reason to move forward. She has concerns for the workload. Two of the GMT recreational members are working on halibut duties. Additionally, these GMT members have other duties. If a full proposal is developed, it would increase the workload. She would like to advance this initiative as quickly as possible, and believes implementation of this initiative in 2013 for cowcod and yelloweye rockfish is possible.

Ms. Vojkovich asked for clarification of the process. She asked if the motion anticipates that we receive a progress report which may include depth-based mortality rates in November, or is the expectation for the progress report to describe the methodology? If the latter, would we expect to see proposed mortality rates at the March meeting. Ms. Kirchner responded yes, methodology in November, mortality rates in March.

Mr. Wolford asked if there is the ability to add more species to the progress report if the time and data are available to do so. Ms. Kirchner responded that instead of selecting two of the three most constraining species as a first step, this motion would specify the two species that are the highest priority.

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

[This agenda item concluded at 8:25 a.m. on 6/22/2012]

Closed Executive Session

[The Council was in Closed Session from 8:28 a.m. to 10:25 a.m. on 6/22/2012. An additional Closed Session was held from 4:57 p.m. to 5:07 p.m. on 6/25/2012.

D.3 Stock Assessment Planning (6/22/2012; 3:39 p.m.)

D.3.a Agenda Item Overview

Mr. John DeVore provided the agenda item overview, and the following attachments were provided for this agenda item:

Agenda Item D.3.a, Attachment 1: A "Refreshed" Estimation of the Relative Strength of the 2010 Year Class for Bocaccio, *Sebastes paucispinis*.
Agenda Item D.3.a, Attachment 2: Draft Terms of Reference for the Groundfish and Coastal Pelagic Species Stock Assessment and Review Process for 2013-2014.
Agenda Item D.3.a, Attachment 3: Draft Terms of Reference for the Groundfish Rebuilding Analysis for 2013-2014.
Agenda Item D.3.a, Attachment 4: Draft Terms of Reference for the Methodology Review Process for Groundfish and Coastal Pelagic Species.

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

Dr. Michelle McClure and Dr. Jim Hastie presented Agenda Item D.3.b, Supplemental NMFS PowerPoint and Agenda Item D.3.b, NMFS Report: Considerations for Selecting Species for Assessment in 2013.

Ms. Culver noted that if bocaccio is changed to an update, there would be a Stock Assessment Review (STAR) panel slot open for another full assessment to be reviewed in May. She asked if the results of assessments reviewed in May would come to the Council in June and Dr. Hastie said yes. Dr. McIsaac asked about the 6-12 data-limited assessments and when they would be done and available for Council consideration. Dr. Hastie said, if the data-moderate methods workshop participants recommend new data-moderate assessment methods, those assessments would be done in the winter and could be available by the June Council meeting.

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

Ms. Culver asked if the SSC talked about the assessments that would take the place of bocaccio if bocaccio becomes an update. Dr. Hamel answered there was some discussion that centered around rougheye rockfish or rex sole. The rougheye assessment will not lend itself well to a data-moderate assessment since there is more fisheries-dependent data and sparse survey data informing a potential assessment. The current proposed methodologies for data-moderate assessments do not support stocks with only fisheries-dependent data informing the assessment; therefore, this would be a more appropriate full assessment. There is a lot of available data for rex sole which has never been assessed.

Dr. Jason Cope presented Agenda Item D.3.b, Supplemental GMT Report.
Mr. Gerry Richter presented Agenda Item D.3.b, Supplemental GAP Report.

Ms. Vojkovich asked for clarification on the Groundfish Advisory Subpanel (GAP) statement and recommendation for sablefish. It was clarified that the GAP is recommending the next sablefish assessment should be done in 2015 to inform management in 2017 and beyond.

D.3.c Public Comment

Ralph Brown, trawl fisherman, Brookings, Oregon.

D.3.d Council Action: Refine the List and Schedule of Stocks for Assessment in 2013 and the Terms of Reference (6/22/2012; 4:23 p.m.)

Ms. Culver asked about the data availability to do a full assessment for rex sole, rougheye, or yellowtail. Since the three states have been sharing age reading duties, we often think there is a lot of data available. However, she is not certain of the data available for those three species. Washington does have data for these species; however, it may not have been processed or there may not be the ability to process the data before the next stock assessment. If we are looking at adopting a list of stock assessments for public review, we should also request the GMT or SSC bring more information on the availability of data for these three species.

Mr. DeVore responded that the Council's intent on the preliminary decision should be as clear as possible for public review. Candidate stocks for assessment should be communicated to the public to solicit answers to such questions as data availability for assessment purposes.

Ms. Vojkovich said there was a list of candidate stocks for assessment and a proposal by the NWFSC. She thought we may need to put the whole list out there for public review and defer a decision until September.

Mr. DeVore thought we could make some progress in refining the list. We have clear recommendations to do an update assessment for bocaccio and we certainly could determine most of the list of those stocks recommended for a full assessment, given the recommendations received at this meeting.

Ms. Vojkovich moved and Mr. Brizendine seconded (Motion 3) to adopt for public review the list of stocks to be assessed in 2013 as shown in Agenda Item D.3.b, Supplemental GAP Report

(aurora rockfish, cowcod, darkblotched rockfish, longspine thornyhead, shortspine thornyhead, Pacific sanddabs, and petrale sole); recommend that yellowtail, rougheye, and sablefish be listed as candidates for a full assessment, depending on data availability; bocaccio would be an update assessment; and POP would be a data report.

Ms. Vojkovich spoke to her motion with the question of data appropriateness and can wait for the final decision. She did not include rex sole at this time since there were better candidate species for assessment and rex sole is not a targeted species.

Motion 3 carried unanimously.

Ms. Culver moved and Mr. Lincoln seconded a motion (Motion 4) to adopt for public review the three draft Terms of Reference under consideration (Agenda Items D.3.a, Attachments 2 thru 4); and adopt for public review the 2013 proposed groundfish STAR panel meeting schedule provided in Table 1 in Agenda Item D.3.b, NMFS Report, as updated in the NWFSC PowerPoint.

Ms. Vojkovich requested information on the review process for 2013-14. She asked if the Terms of Reference are to be used in 2014. Mr. DeVore explained if there is a problem assessment and a review is needed out of cycle, we would use the same Terms of Reference.

Ms. Kirchner noted the GMT asked to have further discussion with the SSC regarding rebuilding issues for the rebuilding analysis Terms of Reference. Dr. McIsaac said that would be included in future meeting planning under Agenda Item G.7.

Motion 4 carried unanimously.

Ms. Vojkovich explained there were some issues that were brought up regarding the CalCOM database as the source for catch data used in stock assessments. Also, the GMT recommended choosing candidate stocks for data-moderate assessment. Finally, she would like to have some follow-up discussion on what Mr. Brown brought up regarding doing a sablefish assessment next year.

Mr. DeVore recommended waiting until September to decide on a list of candidate stocks for data-moderate stock assessments pending the methods review workshop recommendations next week. He also noted that NMFS recommended providing an analysis of recent sablefish recruitment data in September before deciding whether to do a sablefish assessment next year.

Ms. Vojkovich explained there is a convention to use PacFIN catch data rather than CalCOM data in stock assessments; however, CalCOM data have been used instead in some recent assessments. Mr. DeVore explained that CalCOM is supposed to feed their data to PacFIN and they are not supposed to be in conflict. Ms. Vojkovich stated that these data sources are somewhat different and Mr. DeVore said he would communicate the need to use PacFIN data instead of CalCOM data to stock assessment scientists.

Ms. Culver requested that NMFS provide the list of available data sources for doing a rougheye or yellowtail assessment for the September meeting. Dr. McClure said that would be done.

[The agenda item concluded on 6/22/2012 at 4:47 p.m.]

[A motion to reconsider this agenda item was moved on 6/24/2012 at 2:09 p.m., and the agenda item was reopened.]

Ms. Vojkovich moved and Ms. Culver seconded (Motion 19) to reconsider Motion 3 under Agenda Item D.3; to clarify the motion.

Motion 19 carried unanimously.

Mr. Crabbe moved and Ms. Lowman seconded to amend Motion 3 (Amendment 1 to Motion 3) as follows: for the purpose of the public review prior to the final action in the September meeting, remove sablefish from the list of candidates for full stock assessments and specify the stock as a candidate for an update assessment or to not do an assessment at all next year.

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

[Council concluded this agenda item at 2:13 p.m.]

D.4 Exempted Fishing Permits (EFP) for 2013-2014 Fisheries (6/22/2012; 4:48 p.m.)

D.4.a Agenda Item Overview

Mr. John DeVore provided the agenda item overview, and the following attachments were provided for this agenda item:

Agenda Item D.4.a, Attachment 1: Evaluation of an epibenthic trolled longline to selectively catch chilipepper rockfish (*Sebastes goodie*) off California.
Agenda Item D.4.a, Attachment 2: Groundfish EFP Proposal: Yellowtail Rockfish Jig Fishing off California.
Agenda Item D.4.a, Attachment 3: Supporting a Spatial Analysis of the Distribution and Size of Rebuilding Stocks in the Rockfish Conservation Area through Directed Fishing Surveys.
Agenda Item D.4.c, Public Comments.

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

Dr. Owen Hamel provided Agenda Item D.4.b, Supplemental SSC Report.

Ms. Vojkovich asked if there was potential value of data collected in the survey EFP for future stock assessments. Dr. Hamel said that was discussed in March but not at this meeting. Ms. Vojkovich asked if they are specifically recommending this EFP and Dr. Hamel said there was some information lacking in the EFP for compiling species distribution maps; however, there is the potential for collecting information useful for management. Mr. Wolford asked if the lack of detail in the survey study design was a

fatal flaw and Dr. Hamel said there are details that could be provided but those details have yet to be evaluated by the SSC.

Ms. Heather Reed provided Agenda Item D.4.b, Supplemental GMT Report.

Ms. Culver asked if the GMT discussed the translation of the Fosmark and San Francisco Community Fishing Association (SFCFA) EFP results into regulations for the entire fleet. Ms. Reed said a GMT discussion concluded if the area is limited to the areas where the EFPs will be conducted, then there was a potential these results could be implemented in regulation. However, there could be issues if the results are applied coastwide.

Ms. Culver asked how the Central Coast Sustainable Groundfish Association (CCSGA) EFP results could inform management, and Ms. Reed said it might inform Rockfish Conservation Area (RCA) boundaries.

Mr. Tommy Ancona provided Agenda Item D.4.b, Supplemental GAP Report.

Ms. Vojkovich asked about the GAP support of the original version of the CCSGA EFP and Mr. Ancona said the GAP does not support the addition of testing trap gear to catch lingcod.

Capt. Bob Farrell provided Agenda Item D.4.b, Supplemental EC Report.
Ms. Karen Reyna provided a letter from the Gulf of the Farallones National Marine Sanctuary.

[Council adjourned for the evening at 5:31 p.m.]

D.4.c Public Comment (6/23/2012; 8:03 a.m.)

Agenda Item D.4.c, Public Comments.
Mr. Daniel Platt, Salmon Trollers Marketing Association, Fort Bragg, California.
Mr. Steve Fosmark, Fisherman, Pebble Beach, California.
Mr. Bob Ingles, Golden Gate Fisherman's Association, Newark, California.
Mr. Chris Kubiak, Central Coast Sustainable Groundfish Association, Los Osos, California.
Mr. Zeke Grader, Pacific Coast Fisherman's Federation Association, San Francisco, California.
Mr. John Holloway, Oregon Recreational Fishing Alliance, Portland, Oregon.

D.4.d Council Action: Adopt Final Recommendations (6/23/2012; 8:41 a.m.)

Mr. Crabbe moved and Mr. Wolford seconded (Motion 5) for the Council to recommend to NMFS, for the 2013-2014 cycle, approval of all three EFP applications as shown in Agenda Items D.4.a, Attachments 1-3, with the following changes:

- For the Fosmark EFP, no more than a thousand hooks per set.
- The set-aside amounts for the SFCFA and the Fosmark EFPs to be allowed are as listed in Agenda Item D.4.b, Supplemental GMT Report in Table 1 on pages 5 and 6 in the column labeled "EFP totals" with the changes listed below:
  a. The Fosmark set-aside for canary is changed to 0.5 mt and 0.015 mt for yelloweye.

b. The SFSCA set-aside for canary is changed to 1.0 mt, 0.015 mt for yelloweye, and black rockfish is removed.

- For the CCSGA EFP, the changes are to adopt the recommendations of the GMT listed in Agenda Item D.4.b, Supplemental GMT Report.

Mr. Crabbe explained his rationale for recommending the three EFPs. The two fishery EFPs provide a chance for fishermen to prove they can selectively target healthy stocks while avoiding overfished species. The changes to the Fosmark EFP are the revisions recommended by the GMT, and limiting the number of hooks may prevent a disaster set. The set-aside amounts are low, which challenges the proponents to perform better. The recommendations of the GMT for the CCSGA EFP were acceptable to the applicant, and we heard testimony that the data obtained from that research may inform future decisions regarding spatial management of the fishery.

Ms. Culver asked if the recommended set-aside amounts result in EFP totals of 1.5 mt for canary and 0.03 mt for yelloweye. Mr. Crabbe said yes.

Ms. Culver noted her struggle with the fishery EFPs and she appreciates ways to be innovative in the process and help others in the industry. While she is certain the applicants can be successful with their EFPs, she is struggling with the prospect of implementing these results in regulation with the assumption that all fixed gear fisherman could perform as well. The challenge of considering new fixed gear opportunities, assuming these results compel such consideration, is that we will struggle with how to account for bycatch in a program with significantly less than 100 percent observer coverage.

Mr. Wolford agreed with these concerns. The SFCFA proposal is something that most fishermen could do based on the recreational yellowtail EFP conducted the last few years. The Fosmark EFP is one that would require more skill, making it more of a challenge to implement fleetwide. The applicants acknowledge the need for observer coverage if they were going to be able to fish in the RCA. These are the big items that we must be concerned about.

Mr. Crabbe thought these EFPs will better inform us of the bycatch rates of overfished species in the RCA, which will be particularly useful in making future management decisions.

Mr. Lockhart explained one of the applicants had assistance from NMFS and for that reason he would be abstaining from the vote.

Ms. Vojkovich observed that on the application from CCSGA utilizing quota in the IFQ fishery, the title of the EFP is "Supporting a Spatial Analysis of the Distribution and Size of Rebuilding Stocks in the Rockfish Conservation Area through Directed Fishing Surveys." Since we are trying to avoid the directed fishing of overfished species, she is not sure if we want to send this message to the public. Mr. Crabbe agreed that we generally avoid directed fishing of overfished stocks, but given that industry and the GAP are supportive of the EFP to obtain spatial analysis information and the fact the Council will need such data to surgically change the RCA, he is supportive of this research effort.

Ms. Culver moved and Mr. Lincoln seconded to amend the main motion (Amendment 1 to Motion 5) to change the set-aside amounts under items a and b below for yelloweye on both EFPs to 0.01 mt:

a. The Fosmark set-aside for canary is changed to 0.5 mt and **0.01 mt** for yelloweye.
b. The SFCFA set-aside for canary is changed to 1.0 mt, **0.01 mt** for yelloweye, and black rockfish is removed.

Ms. Culver explained that reducing the yelloweye EFP set-asides may allow us to maintain the Washington yelloweye harvest guideline (HG). Otherwise, we are looking at the potential need to change the management measures proposed for the Washington recreational fishery.

Amendment 1 to Motion 5 carried unanimously. Motion 5 as amended carried (Ms. Vojkovich and Ms. Culver voted no; Mr. Lockhart abstained).

Mr. Lockhart noted that approving EFPs is a fairly significant NMFS workload. Since EFPs are an exemption to the regulations, there is a timing delay to get these implemented. Therefore, he is notifying the applicants that final EFP approval may not be complete until early in 2013.

[The agenda item concluded at 9:07 a.m. and the Council went on break until 9:23 a.m.]

D.5 Tentative Adoption of 2013-2014 Biennial Harvest Specifications and Management Measures (6/23/2012; 9:23 a.m.)

D.5.a Agenda Item Overview

Mr. John DeVore and Ms. Kelly Ames provided the Agenda Item Overview and introduced the following materials:

Agenda Item D.5.a, Attachment 1: Anticipated Council Actions and References Relevant to Decision-Making.

Agenda Item D.5.a, Attachment 2: Table 1. Preferred 2013 and 2014 overfishing limits, acceptable biological catches, and ACLs for west coast groundfish stocks and stock complexes; and Table 2. Estimated time to rebuild and spawning potential ratio harvest rate relative to alternative 2013-2014 ACL's for overfished west coast groundfish stocks.

Agenda Item D.5.a, Attachment 3: Executive Summary and Description of the Preferred Season Structures and Management Measures, and Excerpt from the Preliminary DEIS.

Agenda Item D.5.a, Supplemental Attachment 4: Supplementary Information Related to Comments Received to Date on Preliminary Council Actions. (This item was not provided at the meeting.)

Agenda Item D.5.a, Attachment 5: Proposed Harvest Specifications and Management Measures for the 2013-2014 Pacific Coast Groundfish Fishery and Amendment 31-2 to the Pacific Coast Fishery Management Plan; Preliminary DEIS.

Agenda Item D.5.a, Supplemental Attachment 6: Council Staff and GMT Subgroup Report on Considering Risk in the IFQ Trawl Sector when Setting ACLs for Canary Rockfish and Pacific Ocean Perch.

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

Mr. Frank Lockhart presented Agenda Item D.5.b, NMFS Letter: At-Sea Pacific Whiting Incidental Catch in 2011.
Mr. David Sones presented information regarding Agenda Item D.5.b, Supplemental Makah Report.
Ms. Lynn Mattes presented Agenda Item D.5.b, Supplemental GMT Report.
Mr. Tommy Ancona presented Agenda Item D.5.b, Supplemental GAP Report.
Captain Robert Farrell presented Agenda Item D.5.b, Supplemental EC Report.

D.5.c Public Comment

The following comments were included in the briefing materials:

Agenda Item D.5.c, Supplemental Public Comment 2: Letter from Newport Landing Sportfishing.
Agenda Item D.5.c, Supplemental Public Comment 3: Letter from Fishermen's Marketing Association.

The following individuals provided public testimony:

Mr. Seth Atkinson, National Resources Defense Council, San Francisco, California.
Mr. Rod Moore, West Coast Seafood Processors Association, Portland, Oregon.
Mr. Brad Pettinger, Oregon Trawl Commission, Brookings, Oregon.

[Council break from 10:54 a.m. until 11:10 a.m.]

D.5.d Council Action: Adopt Tentative Final Annual Catch Limits and Management Measures (6/23/2012; 11:11 a.m.)

Ms. Michele Culver moved and Mr. Rich Lincoln seconded Motion 6:

> In an effort to reduce the analytical workload, ensure that the 2013 regulations are implemented on January 1, 2013, and provide sufficient time for the Council and its advisory bodies to effectively consider major changes to the groundfish harvest specifications, rebuilding plans, stock complexes, and management process, the Council reiterates its intent to keep the harvest specifications and management measures for 2013 and 2014 as close to the 2012 harvest specifications and management measures (i.e., status quo), as much as possible with minimal exceptions.
>
> 1. Reaffirm the preliminary preferred alternatives (PPAs) for the ACL for all groundfish stocks and stock complexes for 2013-2014 as presented in Agenda Item D.5.a, Attachment 2.
> 2. Reaffirm the PPAs relative to allocations and HGs (Agenda Item D.5.a, Attachment 5). This includes the Fishery Management Plan (FMP) allocations for widow rockfish, two-year allocations and HGs for overfished species (i.e., bocaccio, canary, cowcod, petrale, and yelloweye rockfish), recreational HGs (bocaccio, canary, and yelloweye) and HGs

for black rockfish, blackgill rockfish, blue rockfish, and longnose skate. There is no HG for spiny dogfish.

3. Reaffirm the PPAs relative to season structures, RCA configurations, and recreational fisheries.

Ms. Culver spoke to her motion and explained that there would be a subsequent motion for management measures. The Council has had considerable discussion and the GMT and SSC have prepared sufficient analyses and recommendations that support the preferred alternative as described in Attachment 2.

In April, Ms. Culver said, the Council requested an alternative be analyzed that paired the preferred Pacific ocean perch ACL with the higher canary rockfish ACL (147 and 151 mt in 2013-2014, respectively). Ms. Culver said her motion maintains the 88.4 percent spawning potential ratio for canary rockfish, which is the rate in the current rebuilding plan. This SPR results in a new median time to rebuild of 2030. The GMT statement indicates the probability of rebuilding by 2030 under the proposed ACLs for 2013-2014 is 54.6 percent, higher than the required minimum probability (Agenda Item D.5.b., Supplemental GMT Report). Ms. Culver said canary rockfish is caught by all sectors and therefore is a driving stock for the groundfish management. As such, the Council needs to be particularly careful to keep the rebuilding schedule for this stock. Ms. Culver understands the concerns expressed by the GAP with regard to the trading of canary quota pounds (QP) in the shorebased IFQ fishery. She believes that the lack of trading for many species was somewhat anticipated given the uncertainty in the first year of the program. Ms. Culver does not believe, however, that increasing the canary ACL for 2013-2014 is the appropriate solution, and such action could actually exacerbate the problem.

Ms. Culver noted that the Council previously discussed in great detail the rationale for the remaining harvest specifications and management measures contained in her motion, which are documented in the DEIS.

Mr. DeVore clarified that the values for the HGs would be modified based on action taken under Agenda Item D.4, Exempted Fishing Permits for the 2013-2014 fisheries. Ms. Culver agreed and noted her motion is with regard to the percentages and she anticipates that updated values will be provided under Agenda Item D.9.

Mr. DeVore asked if item 3 in the motion contained bag and size limits for the recreational fisheries. Ms. Culver responded yes.

Ms. Marija Vojkovich moved to amend the motion (Amendment 1), seconded by Mr. Brizendine, to strike cowcod rockfish under item 2 and insert the phrase "except cowcod rockfish."

Ms. Vojkovich spoke to her motion, expressing a desire to consider the cowcod allocations and HGs in a separate motion so there could be further Council discussion. It was noted that if the Amendment passed, a subsequent motion would be needed to establish cowcod allocations.

Amendment 1 carried unanimously.

Ms. Vojkovich spoke in support of the California recreational management measures under item 3 of the motion, specifically the 50 fathom depth closure in the Southern Management Area. She acknowledged the public comment that did not support moving the restriction from 60 fm (No Action) to 50 fm (proposed). Ms. Vojkovich said the southern California fleet enjoys the longest season, however, cowcod rockfish interactions are common in this area and in this fishery – especially between 50 to 60 fm. There is no buffer between the projected cowcod impacts and the cowcod ACLs for 2013-2014. She believes the proposed depth restriction will help reduce the possibility of an inseason closure, which would negatively impact recreational fisherman and businesses.

Ms. Gway Kirchner spoke in favor of the motion and acknowledged the additional analysis that paired the preferred POP ACL with the higher canary rockfish ACL (147 and 151 mt in 2013-2014, respectively). In particular, she noted that the analysis in Attachment 6, which expanded on analysis conducted by Dan Holland and Jason Jannot, provided the basis for the preferred alternative for canary rockfish and maintaining the SPR in the current rebuilding plan for 2013-2014. She also supports continuing with this analytical approach in future cycles, since the IFQ program is new.

Mr. Wolford asked Mr. DeVore to confirm that the canary SPR included in the motion is the same SPR in the current rebuilding plan. Mr. DeVore said yes.

Motion 6, as amended, carried unanimously.

Ms. Vojkovich moved and Ms. Kirchner seconded (Motion 7) option 1 for the two-year cowcod allocations which are 34 percent to trawl and 66 percent to non-trawl, as described in Appendix C of the DEIS, page 28.

Ms. Vojkovich said the allocation in her motion is the exact opposite of the current two-year allocation (i.e., No Action). She said the recreational fishery in California accounts for more than 85 percent of the economic value for the state, while the commercial fishery is approximately 15 percent. Further, recent data indicate the non-trawl sector, in particular the recreational fisheries, have a greater risk of exceeding allocation under No Action. As such, Ms. Vojkovich said there was a need to change the allocations.

Mr. Dale Myer asked if the proposed allocation was for 2013-2014, that is, only for the two-year time cycle. Ms. Vojkovich said yes and also noted that a full cowcod assessment is anticipated for the next cycle, which may result in consideration of different allocation schemes.

Mr. David Crabbe noted that the shorebased IFQ fishery in this area is evolving. As the fishery evolves, he noted that the allocation may need to be revisited to provide increased access to target species.

Ms. Vojkovich noted that, prior to the rationalized fishery, the Council had the ability inseason to move fish between the trawl and non-trawl sectors to maximize access to target species. Under the new management system, the Council cannot make such adjustments and therefore fish may

be stranded in one sector while the other is constrained. Ms. Vojkovich considered this issue as it related to the cowcod allocations for 2013-2014. In 2011, the trawl sector catch was 39 pounds and so far, in 2012 it is only nine pounds. Her motion would provide 1 metric ton of cowcod which should be sufficient to access target species, based on historical data.

Motion 7 carried unanimously.

Mr. David Sones moved and Mr. Pollard seconded a motion (Motion 8) to adopt the set-asides and allocations for the 2013-2014 tribal fisheries reflected in Table 2-48 and Table 2-49 of the DEIS, with the following changes: In April, the Makah Tribe updated the set-aside request for widow rockfish from 45 mt to 60 mt, minor shelf rockfish from 9 to 30 mt, and shortspine thornyhead increased from 38 to 50 mt as well as the updated petrale set-aside request at this meeting for 220 mt. Management measures to stay within these allocations and set-asides will be largely unchanged from 2012 unless inseason statistics indicate the need to be more restrictive to stay within an allocation or the treaty right to half the harvestable amount in tribal areas.

Mr. Sones said the tribes have encountered increased catches of petrale sole in 2012 to the extent that operations had to be restricted to stay within the 2012 petrale set-aside. The proposed set-aside value for 2013-2014 is meant to meet the needs of the tribal fishery operations. The value is not anywhere near the appropriate treaty share, but it is intended to accommodate the tribal fishery operations in 2013-2014.

Ms. Culver spoke in support of the motion, particularly the petrale sole set-aside. The Supplemental Makah Report indicates the context for the request is the proposed coastwide petrale sole ACL increase - from 1,160 mt in 2012 to 2,592 mt and 2,652 mt in 2013-2014, respectively. Given that the coastwide ACL is proposed to increase substantially, it seems appropriate to increase the set-aside.

Motion 8 carried unanimously.

Ms. Culver moved and Mr. Myer seconded (Motion 9) that the Council:

1. Reaffirm its PPA as the No-Action Alternative with regard to sorting requirements for aurora, shortraker, rougheye, and blackgill rockfish.
2. Reaffirm its PPA for the removal of the minimum size limit for lingcod in the shorebased IFQ fisheries.
3. Reaffirm its PPA as the No Action alternative relative to modifications to the shorebased IFQ accumulation limits.
4. Reaffirm its PPA for the at-sea whiting set-aside amounts as recommended by the GAP.

Ms. Culver said that the Council has had detailed discussions on these matters in the past, which is documented in the DEIS. She said she wanted to be clear that items 1 and 3 confirm that the No Action regulations should be carried forward for 2013-2014.

Ms. Culver said relative to the sorting requirements for the slope species – aurora, shortraker, rougheye, and blackgill – we generally support sorting requirements when the data collected

better inform management. However, a comprehensive review of the groundfish stocks and complexes is needed instead of just singling out these four species. Ms. Culver noted that implementation requires considerable effort and resources on behalf of the states, particularly the port sampling programs. Funding for those programs has been stagnant or decreased and has not certainly caught up with the increased costs of the port sampling programs. As a result, she said, it has been difficult to achieve the sampling goals for the different market categories. Adding in additional market categories as a result of a new sorting requirement would exacerbate this issue. Ms. Culver believes the comprehensive review of the stock complexes is the first step, and the results of that analysis could be used to set priorities for the port samplers and maximize the limited resources.

Relative to removing the minimum lingcod length limit in the shorebased IFQ fishery, Ms. Culver noted the recommendations of the GAP and those received through public comment. However, given the concerns expressed by the Enforcement Committee, she is open to amendments.

Relative to the shorebased IFQ accumulation limits, Ms. Culver appreciated the analysis and recommendations provided by the GAP. She is not opposed to changing the accumulation limits; however, she would like to review the information in a more comprehensive manner.

Ms. Culver referenced the GAP statement with regard to the 2011 at-sea whiting catches and the proposed 2013-2014 set-asides. The GAP noted that the 2011 catches were an anomaly due to the timing of fishing operations, which were later than normal. Ms. Culver recommends maintaining the at-sea whiting set-asides and providing the fishery the opportunity to regulate their catch.

Mr. DeVore noted that Motion 6 established an HG for blackgill rockfish south of 40°10′ N. latitude, therefore the regulations require sorting. Ms. Culver clarified that the PPA was for north of 40°10′ N. latitude, therefore the intent of the motion was only north of 40°10′ N. latitude.

Mr. Myer moved and Ms. Dorothy Lowman seconded to amend (Amendment 1) to insert the phrase "north of 40°10′ N. latitude" after blackgill rockfish.

Amendment 1 carried unanimously.

Ms. Vojkovich moved and Mr. David Crabbe seconded to amend (Amendment 2) the language under item 2 to delete "reaffirm its PPA, for the removal of minimum size limit for lingcod in IFQ fisheries" and replace with "status quo size limit for lingcod in IFQ fisheries."

Ms. Vojkovich said the public testimony from April focused on 20 inches while today she heard support for 18 inches. The Enforcement Committee report identified enforcement concerns with differential limits between sectors. Ms. Vojkovich said since lingcod can be discarded with minimal mortality; therefore, the size limit does not result in increased mortality. She understands the desire to develop markets for some of the fish that are required to be discarded; however, she would like to maintain the status quo limits until the issues are resolved.

Amendment 2 carried (Mr. Sones and Mr. Myer voted no).

Mr. Frank Lockhart spoke to item 1, maintaining the No Action regulations and current sampling protocol for aurora, blackgill, shortraker, and rougheye. He referenced the NWFSC presentation under Agenda Item D.1 (Agenda Item D.1.c, Supplemental NWFSC PowerPoint), which detailed the steps in the stock complex analysis. Mr. Lockhart said we are making good progress on the comprehensive analysis of the stock complex for consideration in the 2015-2016 cycle. He will be supporting the main motion but notes that he is interested in more information. It is his understanding that catch of these species can be provided to the Council, if requested, in 2013-2014 under the inseason agenda item. Such information would help the Council understand the fishery interactions with these species.

Motion 9, as amended, carried unanimously.

Ms. Culver spoke to the IFQ surplus carry-over for QP. In 2012, NMFS approved the issuance of surplus QP for all IFQ, except sablefish and Pacific whiting (see Agenda Item D.8.b, NMFS Report). The GAP report under this agenda item recommends suspending the surplus carry-over for sablefish and petrale sole for 2013-2014 until a long-term solution can be developed. Ms. Culver said the NMFS report rationale for the disapproval was with regard to the risk of exceeding the ACL for sablefish and the total allowable catch for Pacific whiting. Ms. Culver noted that Pacific whiting is managed under a treaty with Canada and she understands the need to have further dialogue with Canada about the surplus carry-over matter. Ms. Culver said she is more concerned with the exclusion of sablefish. The decision not to issue surplus carry-over is a matter of risk policy and would benefit from an open and transparent process that includes Council discussion and input from the advisory bodies. Ms. Culver said the sablefish decision relates to the National Standard One guidelines, which are currently under review by the Council and NMFS. She believes the agency's interpretation of the National Standard One guidelines as it relates to the sablefish disapproval was too rigid. In April, the SSC provided a statement on the surplus carry-over concluding that relatively modest interannual departures from annual ACLs is not a cause for concern from a biological perspective (Agenda Item I.3.b, Supplemental SSC Report). Ms. Culver said if NMFS is going to exclude any stocks from the surplus carry-over provisions, then she would rather have the discussion in the Council process. Ms. Culver said that her interpretation of the GAP recommendation is that industry would prefer an early notice if there is a chance that surplus carry-over will not be issued by the agency. Such a notice would provide stability in fishing operations. Ms. Culver asked Mr. Lockhart if the agency can provide advanced notice when these situations arise.

Mr. Lockhart noted that further discussions on this matter are scheduled to occur under Agenda Item D.8 Inseason.

Ms. Kirchner asked the advisory bodies to review a proposal that would expand the lingcod size limit adjustment to all sectors (including the recreational fisheries), in particular the proposal for an 18 inch minimum length for all sectors.

[Council break from 12:07 p.m. until 1:16 p.m.]

Mr. DeVore reviewed the items from Attachment 1 that were still outstanding. Mr. Wolford asked Council members to clarify the parts that were intended to be included in previous motions.

Ms. Culver said Motion 7 included the revisions to the RCA way-points (item 5a in Attachment 1) as well as longnose skate and dogfish trip limits that are designed to attain the respective ACLs (items 5l and 5m). These matters were included in the PPA in the DEIS.

Ms. Vojkovich asked Ms. Culver to confirm that the motion (Motion 7) also included the Council's PPA for providing shelf rockfish retention in the Cowcod Conservation Area (item 5n in Attachment 1), removing the California recreational bocaccio size limit (item 5o), increasing the California recreational bocaccio bag limit from two to three fish (item 5p), and increasing the California recreational greenling bag limit from two to ten fish (item 5q). Ms. Culver responded yes.

Ms. Culver moved and Mr. Lockhart seconded (Motion 10) to adopt the GMT recommendations number four, five, and six on page one of the GMT Report (Agenda Item D.5.b, Supplemental GMT Report). These measures would require that all fish from any trip be offloaded prior to the commencement of a subsequent trip to ensure accurate catch accounting (item 5e, Attachment 1), modify the FMP and regulations to specify that IFQ participants fishing with a non-endorsed gear be exempt from the open access trip limits since catch is covered by QP (item 5e, Attachment 1), and modify the shorebased IFQ carry-over provisions (item 6, Attachment 1).

Motion 10 carried unanimously.

Ms. Culver moved and Mr. Myer seconded (Motion 11) to adopt items 5a, 5j, 5l, and 5m as shown in Agenda Item D.5.a, Attachment 1, on page 2. These measures include RCA boundary modifications (5a), proposed changes to sablefish limited entry and open access bi-monthly cumulative limits (5j), modifications to longnose skate bi-monthly cumulative landings limits and RCAs (5l), and modifications to longnose skate bi-monthly cumulative landings limits and RCAs.

Ms. Culver spoke to her motion noting the considerable work by the GMT and GAP, which is captured in the DEIS, that demonstrates these measures will achieve but not exceed the ACLs adopted by the Council.

Motion 11 passed unanimously.

Ms. Culver moved and Mr. Lincoln seconded (Motion 12) that the Council adopt the option analyzed in the DEIS and in Agenda Item D.5.a, Attachment 3, page 41 for the shorebased IFQ surplus carry-over.

Ms. Culver said NMFS reviewed the Council's decision to provide for surplus carry-over and announced that in 2012 they would issue all surplus carry-over from 2011, except for sablefish (north and south) and Pacific whiting. The decision to exclude sablefish and Pacific whiting was

based on the potential risk of exceeding the ACL, which is a matter of policy. The risk evaluation and exploration of any biological impacts would benefit from input from the Council advisory bodies and a Council recommendation to NMFS. The modifications to the program (i.e., the option) would provide for an open transparent public process and enable better business planning.

Mr. Lockhart noted that final data may not be available until the June Council meeting of the following year. Therefore, the timing of the discussion under the option may be too late to enable better business planning by industry. While the option does provide greater Council involvement and the ability to make a recommendation to NMFS, it doesn't address all of the industry concerns.

Ms. Culver said she shares the concern for stability in the fishery. She views the option as a temporary measure and recognizes the need for a long-term solution.

Ms. Lowman said she supports the motion as an interim. She is looking forward to the upcoming review of the NS2 guidelines. She does believe that the option included in the motion provides for a better process; however, a long-term solution is needed.

Mr. Wolford asked about the timing and workload involved.

Ms. Culver did not believe there would be a significant workload and it could be accommodated in the spring agendas.

Ms. Ames clarified that the option does not hard-wire the timing of the discussion, therefore, it is flexible.

Motion 12 carried unanimously.

Ms. Culver moved and Ms. Kirchner seconded a motion (Motion 13) that the Council adopt PPAs for items 5b, 5d, and 5i. These measures would provide for the flexible management of set-asides (5b), clarify language regarding catch accounting in the limited entry and open access sectors (5d), and establish a threshold in the regulations for moving between the sablefish primary fishery to the daily trip limit fishery north of 36° N. latitude (5i).

Ms. Vojkovich asked if item 5k, blackgill rockfish trip limits south of 40°10′ N. latitude, was previously covered. Mr. DeVore said yes.

Motion 13 carried unanimously.

Mr. DeVore asked if there were any more tasks for the GMT. The Council agreed there were no further assignments.

[Council concluded this agenda item at 1:46 p.m.]

D.6 Trawl Rationalization Trailing Actions (6/24/2012; 2:14 p.m.)

D.6.a Agenda Item Overview

Mr. Jim Seger presented the Agenda Item Overview which included references to:

Agenda Item D.6.a, Attachment 1: Status of Trailing Actions and Calendar;
Agenda Item D.6.a, Supplemental Attachment 2: PSMFC Status Report on the 2012 Electronic Monitoring Field Study; and
Agenda Item D.6.a, Supplemental Attachment 3: Letter to RFMC Executive Directors from Ms. Kitty Simonds Regarding Recommendation of Establishing CCC Subcommittee on Electronic Monitoring Issues.

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

Mr. Frank Lockhart provided comments from NMFS.
Dr. Owen Hamel presented Agenda Item D.6.b, Supplemental SSC Report.
Mr. Tommy Ancona presented Agenda Item D.6.b, Supplemental GAP Report.
Mr. Seger provided a verbal summary of the GMT Report – a written version of which was provided later (Agenda Item D.6.b, Supplemental GMT Report).

D.6.c Public Comment

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

D.6.d Council Action: Make recommendation on extension of quota share (QS) trading moratorium to facilitate reallocation of QS for widow rockfish, provide guidance on an electronic monitoring regulatory process if appropriate, and provide other direction as needed. (6/24/2012; 2:47 p.m.)

Ms. Lowman addressed electronic monitoring. She commented that there were a number of issues that needed to be examined that would not be addressed by the field study and need to be thought through early in the process to determine how the pieces fit together in order to be ready to take action when the field study is complete. There is some time pressure because funding for observer cost reimbursements is running out in 2015. This requires final action in April 2014 or November of 2013 (taking into account infrastructure change). On this basis, scoping needs to begin early.

Mr. Lockhart noted that some results from the field study should be available at the November Council meeting, which would provide a chance for some discussion as to what the Council wants from electronic monitoring. On that basis, starting to work on the project in June or September of 2013 may be appropriate. He also noted that the agency would need substantial personnel and financial resources to implement electronic monitoring.

Ms. Culver noted that a change will take some policy action. She expressed frustration that money was being expended on a field study before design of the program had been developed. The policy questions would shape the study design and ensure that key questions are answered. A discussion in November would be a good idea. The GAP, consultants, and regulatory agencies should be involved and discuss such things as types of management measures needed, penalties

for violations, and how one person's activities could potentially affect others in the fleet. With such information they may change their mind and want an observer on the boat.

Mr. Lockhart explained the window of opportunity for funding of an initial study of feasible uses of electronic monitoring. When possible uses of these funds were being considered, the question arose as to whether electronic monitoring could detect discards as well as an observer.

Ms. Culver recalled the PSMFC presentation from the April Council meeting and said she would like more detail on the study design, including objectives and methods. She also expressed concerned about the design elements that are in place to get at the questions.

Ms. Vojkovich expressed concern about potentially unreasonable expectations in the fleet and the possibility that we might start developing a policy that can't go anywhere given the results of the study. Also, when PSFMC sent us the briefing book, the study design was 15 mothership catcher vessels, 15 shoreside, and 2 fixed gear vessels. What we received today was six vessels. There are differences between what we were being told last time and this time. That raises concerns about what we are doing and what we can get in the end.

Mr. Lockhart said the money had not been cut, but there have been logistical problems with placing cameras on vessels. It sounds as if it would be a good idea to have a more detailed discussion on these issues.

Dr. McIsaac stated that the object of this agenda item is to have a common understanding of the game plan. The Council was provided a rough outline of a study design in April that was to be refined. The report now indicates that a more limited study is just getting started. He discussed alternative calendars for moving forward, all of which would be unlikely to have something in place before 2015 or 2016. We wanted to see what is realistic and what might need to be reprioritized in G.7 (agenda planning).

Ms. Vojkovich noted uncertainty in future study funding and suggested that we may need to talk to the nongovernmental organization partners on how they might help facilitate some of this and find some solutions.

Ms. Kirchner moved and Mr. Feldner seconded Motion 20 that the Council suspend widow QS trading until the Council deliberations are completed and NMFS has implemented any widow QS reallocation, or December 31, 2014, whichever is earlier.

Ms. Kirchner spoke to her motion. This would give NMFS 18 months after the Council's final determination and it coincides with the divestiture period which ends December 31, 2014.

Ms. Kirchner concurred with Mr. Lockhart's interpretation that the "implementation" referenced in the motion would include the regulatory as well as the appeals process.

Motion 20 carried unanimously.

[Council concluded this agenda item at 3:16 p.m. and was on break until 3:30 p.m.]

D.7 Reconsideration of Initial Catch Shares in the Mothership and Shoreside Pacific Whiting Fisheries (6/24/2012; 3:31 p.m.)

Mr. Dale Myer announced he would recuse himself from any vote in this agenda item because he is an employee of a whiting processor.

D.7.a Agenda Item Overview

Mr. Jim Seger presented the Agenda Item Overview, which included reference to the following:

Agenda Item D.7.a, Attachment 1: Reconsideration of Initial Catch Share Allocations in the Mothership and Shoreside Pacific Whiting Fisheries, Draft Environmental Assessment;
Agenda Item D.7.a, Attachment 3: Description of Segments of the QS Allocations Potentially Affected by Reconsideration of Allocation of Whiting;
Agenda Item D.7a, Supplemental Attachment 4: Guidance for Making Allocation Decisions Related to Catch Shares; and
Agenda Item D.7.a, Supplemental Attachment 5: Whiting Catch Share Allocations: Supplemental Analysis.

Dr. Steve Freese presented information on Agenda Item D.7.a, Supplemental Attachment 2: Description of the Affected Environment. Mr. Frank Lockhart provided additional remarks on information that may be needed by the Council to make its decision, and Mr. Anderson also made some preliminary comments. A complete list of documents supporting this agenda item can be found at http://www.pcouncil.org/resources/archives/briefing-books/june-2012-briefing-book/#groundfishJune2012.

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

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

Mr. Frank Lockhart presented:

Agenda Item D.7.b, NMFS Report 1: Draft Rulemaking Schedule for the Reconsideration of Initial Individual Fishing Quotas in the Mothership and Shoreside Pacific Whiting Trawl Fisheries (RAW 1 and 2);
Agenda Item D.7.b, NMFS Report 2: *Federal Register*, 77(98): 29955-29961 (RAW 1, Proposed Rule, Request for Comments); and
Agenda Item D.7.b, NMFS Report 3: Issues Related to the Reconsideration of Allocation of Whiting: Divestiture and Transfer of Quota.

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

[Council adjourned at 5:10 p.m. and reconvened on 6/25/2012 at 8:02 a.m.]

Dr. McIsaac reported that Council member appointments were announced today, and the following were reappointed to the Council: David Crabbe (California Obligatory), Dorothy

Lowman (Oregon Obligatory), Dale Myer (Washington At-Large), William (Buzz) Brizendine (California At-Large); and David Sones (Tribal). There will be a short closed session this afternoon for discussion of the coastal marine spatial planning personnel appointment.

D.7.c Public Comment (6/25/2012; 8:04 a.m.)

Agenda Item D.7.c, Public Comment.
Agenda Item D.7.c, Supplemental Public Comment 2.
Agenda Item D.7.c, Supplemental Public Comment 3.

Mr. Marion Larkin, Seattle, Washington.
Mr. James Mize, PPSI/PPLP, Seattle, Washington.
Ms. Donna Parker, Arctic Storm, Seattle, Washington with additional Supplemental Public Comment.
Mr. Brent Paine, United Catcher Boats, Seattle, Washington.
Mr. Tom Libby, Processor, Astoria, Oregon.
Mr. Tim Hobbs, MTC/EDF, Seattle, Washington.
Mr. Bud Walsh, Davis Wright Tremaine, San Francisco, California.
Mr. Steve Hughes, Natural Resources Consultants.

[Council break from 9:22 to 9:36 a.m.]

Mr. Rich Carroll, et al; Ocean Gold, Westport, Washington, provided a PowerPoint Presentation (Agenda Item D.7.c, Supplemental Public Comment 5).
Mr. Jim Seavers, Newport, Oregon.
Mr. Craig Urness, Pacific Seafood Group, Clackamas, Oregon.
Mr. Jeff Lackey, Newport, Oregon.
Mr. Robert Smith, Fisherman, Newport, Oregon.
Mr. Mark Cooper, Cooper Fishing, Inc, Toledo, Oregon.
Mr. Joe Pleschner and Mr. Chris Riley, Trident Seafood, Seattle, Washington, described Agenda Item D.7.c, Supplemental Public Comment 4.
Mr. David Jinks, Mid-water Trawlers Cooperative, Newport, Oregon.

[Council break from 10:47 to 11:02 a.m.]

D.7.d Council Action: Select Preliminary Preferred Alternative and provide guidance on analysis, as necessary (6/25/2012; 11:02 a.m.)

The Council discussed Supplemental Attachment 5 and its interpretation. The values on page 5 and 6 cannot be added together because some permits may show up in both tables. There are a total of 15 permits in both the shoreside and mothership fisheries that have no participation in the whiting fishery after 2003. Mr. Myer noted that some of the vessels that did not participate after the control date had stopped participating earlier than the control date. In response to questions about participation, Mr. Seger noted that under Council policy with respect to the trawl fishery, ownership of a permit is considered participation (there is not a requirement that the permit owner be on board, or that the permit owner also own a vessel).

Mr. Anderson noted the State of Washington's diverse interests in the whiting fishery. Some of the comments from industry that struck him were: "We tried to put together a program in which there were no big winners or losers;" that previously when decisions were made people didn't know with certainty what they would get, whereas now everybody knows what they got and they know how changing the criteria would change the allocations; because people didn't know everyone was looking at what was best for the industry and not necessarily best for me as an individual; there were a series of compromises made (including drop years and qualify years). There are few places in American politics where success is achieved and compromises are not part of the solution. Today the Council needs to identify an appropriate set of alternatives that will allow us to make a good decision in September and to provide instruction to staff to ensure that we have appropriate analysis. Because of the amount of new information this week, and analysis yet to come, he was not prepared to determine a PPA.

Mr. Anderson continued by stating that we have the two main issues that were flagged by the Court: the reason for choosing different window periods for harvesters and processors, and the reason for not considering years beyond those to control dates. In the summary judgment order the Court said that the agency "failed to present a reasonable explanation for relying on the 2003 control date for some purposes, but not for others." In the Order on Remedy, the Court found "the defendant's failure to consider history beyond 2003 for harvesters and beyond 2004 for processors when setting initial fishing quotas for Pacific whiting was arbitrary and capricious." The Court went on to give some discussion about relying on control dates for some purposes but not for others and gave one example: the use of 2003 through 2006 for allocating overfished species. And, the Court described that this was a departure from the control date but that the departure was "adequately justified." The Court keyed in on the "reasonably reflecting recent fishing patterns" rationale, and was assuming that was the main rationale for the allocations. The Court noted that we did not "appear to have undertaken the same analysis for Pacific whiting," hinting its doubt that 1994 to 2003 did not reasonably reflect recent patterns. The Court pointed out that Washington's share of whiting moved from 29 percent in 2003 up to 50 percent in 2008. Mr. Anderson stated that in considering recent history, which is what we've been directed to do, he believed it best to think of the data gaps (that is consideration of participation after the control dates relative to recent participation) in two time-frames. In terms of harvesters, he thinks about the 2004-2007 time-frame that could have been considered when the Council decision was made differently from the period between 2008 and 2010, after the final decision and when the regulations were being promulgated. The same thing holds true for processors.

Mr. Anderson went on to address a few other issues in the summary judgment order. One of the "most problematic" parts of the decision, in the Court's opinion, was the explanation of why the qualifying period for processors was extended to 2004. The reason given for deviating from the 2003 control date was that "keeping the date at 2003 was viewed to disadvantage one processor that was present as a participant during the window period, but had increased its share of the processing substantially since the original allocation period in 2003." Moreover, that this decision was made to benefit a single processor was a red flag to the Court. The Court asked "why that particular processor should benefit, not withstanding an earlier control date, when others should not." In following the "when others should not benefit" line of thought, the Court noted that five new buyers had entered since 2004, purchasing nearly 3 percent of the shoreside whiting quota. The Court said it heard no arguments as to why it was rational for those new

entrants to be excluded, especially those that had “significant amounts of landings that will not receive an initial allocation of whiting QS in the IFQ program." The Court assumed that the reason for cutting off the date at 2004 was to prevent speculation, like it was in the harvesting sector, and did not see any evidence of speculation from these new entrants. Mr. Anderson said he was not sure he agreed with the Court’s conclusion that there had not been speculation. From his perspective, speculation in the processing sector was not the biggest concern for the Council. At the time of the decision, the control date was set because the Council had two concerns: that there needed to be a recognition of the processors’ past investment and participation in the fishery; and that there was a need for a transition period in anticipation of a new system where the timing of harvest and the bargaining relationship between harvesters and processors would potentially be shifting. For the new participants in the processing sector, the transition was not as big of an issue, given that the new entrants would have had notice that the system might change. Their investment in participation occurred in awareness that the system was likely changing.

The next topic is that Court made reference to the 2004 control date as being the result of a political compromise. The plaintiffs cited the 2003 Rhode Island case where a court found that the best available science had been ignored in accommodating an industry compromise. That case cited the 2002 midwater trawl decision on the tribal Whiting allocation, where the court said the tribal allocation had to be justified based on the best available science and not mere political compromise. All this really means is that more than the compromise is needed as the reason to justify the recommendation. It’s not that basing decisions on a compromise is not allowed, provided we articulate why it is fair and equitable to the affected parties. In hindsight, we didn't adequately explain in the record that was presented to the Court, or during our discussion, why the agreement reached by a large segment of the harvester and processing sectors was fair and equitable. It seems reasonable to conclude that the negotiations that led to the agreement presented to the Council in November 2008 was fair and equitable, considering that it was crafted by the sectors that are impacted by the agreement. Who better to craft a solution that fairly represents the interests of all in the most fair and equitable way? And, one of the objectives in the trawl rationalization process was stakeholder buy-in, which he thought critical for long-term success of the program. So, the Court left us a number of different options, including that the fair and equitable standard could be met with status quo, provided that there was a sound rationale for the conclusion.

Mr. Williams concurred with Mr. Anderson and provided additional comments from the State of Oregon. The shoreside whiting fishery, both harvesters and processors, are extremely valuable and important to the State of Oregon. The issue before us is basic: the tenant of using the control date or control rule is a critical piece of fishery management for a lot of different sectors—and we use it a lot in different approaches, whether it be crab management, whiting management, groundfish management, etc. It relies upon the fact that, after you've argued it through and come down with that date, reasonable people should not expect to get a benefit after that date. It is not only a standard tenant that we use and should use, but it's also the personal honorable way to approach it. That's how we do our business. That's what we expect of people. Someone testified earlier that those who respected that control date would be punished. That's a little harsh, but certainly folks made choices: we heard testimony that described what folks might have done, or would have done, if they had thought they could dispose with the control date, or at least treat it

differently. And I think those are all very real. And, we've seen it in other areas as well, where folks have not honored a control date and things have occurred.

Mr. Williams concurred with Mr. Anderson that possibly today we don't need to make a PPA decision. We heard a lot of information. We still have a lot of questions about some of the information that has been provided to us. He stated that he would like the opportunity to study the issues more before selecting the PPA. The GAP Report on Agenda Item D.7.b is probably one of the better documents coalescing some of the thoughts and ideas that he holds. There is no question that we look at all the options clearly. While there's probably no surprise to anyone that I am leaning a certain direction, today the choice does not need to be made. More information can be considered and a better-informed decision made in the future.

Mr. Myer commented on the use of control dates and historical participation that we have seen in the past used by this Council and across the nation. When Dr. Freese handed out Agenda Item D.7.a, Attachment 2 (which included a timeline of management actions for the whiting fishery) he started recognizing that all the way through this we have used historical participation and control dates. In 1992, when the Council set the limited entry implementation, the control date was used. And, historical participation was used as a criteria to determine whether or not you received a limited entry permit. Mr. Myer noted that he was rightfully denied a permit for one of his vessels on this basis. He noted that 1997 was the first year of sector-specific allocations in the Pacific whiting fishery. Even though there was no control date, historical participation was the main argument that people used to determine what the percentages should be to each of the sectors. Congress' American fisheries Act was in 1998. The arguments around it were on historical participation. Going all the way down to 2003, the U.S.-Canadian Whiting Agreement again used historical participation as the major focus of that agreement. For the trawl buyback program, although there wasn't a control date, people again were looking back at what people had produced historically to determine the value of the permits before they were purchased. The Council's control date was set in 2004. In 2009, when this Council passed Amendment 15, it used a control date and went back into history to determine whether or not a vessel or permit should be qualified. So we have a long history of this throughout the process.

Ms. Vojkovich stated that her experience in this Council has been that we've established control dates for many different fisheries, we have followed through on plans to use those control dates in some of our fisheries, and have reconsidered control dates for other fisheries where we have not moved forward with any plans. In this case, she was looking at it from the standpoint of a control date, the reason the control date was selected, and what our intent was going forward. Setting the control date and moving forward to establish a program that's based on the control date looked consistent to her.

Ms Vojkovich stated that we all know how this public process and how the Council operates is not the quickest process in decision-making. However, it's thorough; it delves into detail. By that very nature it is extended, and often time takes us much longer to get to the final answer. The control date in this case is very important. It is tied to the decision the Council made just from a process standpoint. We did not set something, move onto something else, and let it sit there. So it's very tied to the final decision. The second thing she had difficulty with is figuring

out how to use any data about the fishery that comes from a time period after the Council's original decision was made.

Ms. Lowman concurred with the comments so far. She noted that she needed more time to completely understand the analysis and so was not prepared to select a PPA. She was struck by Mr. Anderson's discussion on the importance of compromise. Semantically, she did not view it so much as compromising, as balancing a number of goals and objectives. We did not have everyone's catch information because we were trying to look at principles and at, for example, history, by having a full range up through the control date. Understanding that was important, the drop years had been included. So we were trying to balance goals and objectives and come to something that was perceived as, at a fleet-wide level, fair and equitable. She stated that she strongly supported control dates and that they are important to Council objectives related to not wanting to have increased overcapitalization. Additionally, there was a management concern related to the validity of the control date. If the date were meaningless, with the fishery already struggling, particularly with constraining bycatch, if people fishing for history raced even harder, we would have had severe problems. This is something that is a serious consideration, and as we go forward in other fisheries, sending a message that these things are meaningless would be a very, very bad mistake.

Mr. Anderson added to his earlier comments. Washington has a very significant tribal participation in the whiting fishery that also benefits its businesses, both shoreside processors as well as motherships. While it is not wrapped up in this particular decision, he wanted to acknowledge the significant importance of that fishery. He acknowledged that whether it is 2003 or 2004, from then until we got this program implemented was long time. There are very good reasons why it took us that long. At the same time, businesses need to modify, change business plans, both from a fishing or processing perspective. He did not want his remarks to in any way suggest that we expected things to stay static.

Mr. Anderson moved and Mr. Lincoln seconded Motion 21 that the Council would adopt the following:

a. **Relative to recent participation for processors**.
    i. Revise Alternative 3 to be 1998-2007 (page 12 of Agenda Item D.7.a, Attachment 1).
b. **Qualifying period for MS/CV Endorsements**
    i. Same as qualifying period for shoreside harvesters.
c. **Buyback permit share determination**
    i. Under all of the alternatives maintain status quo, i.e., the QP from the buyback permits are distributed proportionately among the current qualifying permits (94-03 base period).
d. **Entity qualifying for initial allocation** (QS account holders vs. permit holder).
    i. For all the alternatives, the QS adjustments, if needed, would be to the QS Account, not the permit holder.

With regard to the participation period for processors, Mr. Anderson noted that under Alternative 3 and 4 they are the same (2004 to 2010). Given his desire to look at post-2007 history differently, the motion would modify the 2004 through 2010 timeframe under Alternative 3 to be

2004 through 2007. Mr. Anderson indicated there was an error in the motion writing: "1998" should have been "2004."

Mr. Myer moved and Mr. Lincoln seconded to amend Motion 21 (Amendment 1) in part "a" by striking the year "1998" and replacing it with the year "2004."

Amendment 1 carried (Ms. Vojkovich voted no, Mr. Myer recused, and Mr. Sones abstained.)

Mr. Anderson explained that remaining elements of the motion are consistent with the recommendations we received from the GAP. We've held the qualifying period between shoreside and mothership catcher vessels the same, as we've have done in our program. He did not support modifying the buyback permit share allocations. And, while permits have changed hands since the program was implemented, the QS accounts have stayed with the original entities that held the QS.

Mr. Myer moved and Mr. Lincoln seconded to amend the motion (Amendment 2) to make the following edits to the motion: insert "for analysis in the DEA" after "adopt the following" in the first sentence of the motion.

Amendment 2 carried (Mr. Myer recused, Mr. Sones abstained).

Motion 21 carried (Mr. Myer recused, Mr. Sones abstained).

Mr. Anderson moved and Mr. Lincoln seconded Motion 22 that the Council provides the following comments to NMFS regarding the Reconsideration of Allocation of Whiting (RAW) 1 and 2:

a. **Trading moratorium**
   Confirm delay of transfer of QS and individual bycatch quota between QS accounts in the shorebased IFQ fishery for all species.
b. **Divestiture period**
   Confirm delay of the requirement to divest excess QS amounts for the shorebased IFQ fishery (December 31, 2014) and the at-sea mothership fishery (December 31, 2012).
c. **MS/CV Endorsement Severability**
   Confirm the delay of the ability to move MS/CV endorsement and catch history assignments from one limited entry trawl permit to another.
d. **Start of Year QP Issuance**
   Confirm the need to modify the provisions for the start of the year issuance of QP on 2013 to accommodate possible reallocation of QS.
e. **Catch Share Reallocation**
   No action needed, part of RAW (reallocation of whiting) 2, only needed to address the potential reallocation of whiting QS, bycatch species QS, and mothership sector endorsement and catch history reallocation.

Mr. Anderson spoke to his motion, noting that the motion is consistent with the GAP recommendations and is in keeping with what needs to be done considering our process for the

potential reallocation of whiting. With respect to the date specified in item b and the duration of the moratorium, the exact length of the delay in divestiture might be addressed further in September.

Motion 22 carried (Mr. Myer recused; Mr. Lockhart and Mr. Sones abstained).

Mr. Anderson requested that analysts provide information on the number of permits transferred to new ownership since January 2008. Ms. Lowman asked for indications of speculation, perhaps types of product delivered.

[Council concluded this agenda item at 12:10 p.m. and was to reconvene at 1:17 p.m. on Enforcement Issues]

D.8 Consideration of Inseason Adjustments (6/25/2012; 2:17 p.m.)

D.8.a Agenda Item Overview

Ms. Kelly Ames presented the Agenda Item Overview (to view all documents referenced in this agenda item see http://www.pcouncil.org/council-operations/briefing-books/june-2012-briefing-book/#groundfishJune2012).

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

Mr. Frank Lockhart presented Agenda Item D.8.b, NMFS Report: 2011 Surplus Carry-Over.
Ms. Gway Kirchner presented Agenda Item D.8.b, Supplemental ODFW Report.
Dr. Sean Matson and Ms. Lynn Mattes presented Agenda Item D.8.b, Supplemental GMT Report.
Mr. Tommy Ancona presented Agenda Item D.8.b, Supplemental GAP Report.

D.8.c Public Comment

Mr. Bill James, Port San Luis Commercial Fishing Association, Port San Luis, California.
Mr. Mark Cooper, Cooper Fishing, Inc, Toledo, Oregon provided Agenda Item D.8.c, Supplemental Public Comment.

D.8.d Council Action: Adopt Final Recommendations for Adjustments to 2012 Groundfish Fisheries, Including the Carry-Over Issue (6/25/2012; 3:28 p.m.)

Mr. Dale Myer moved and Ms. Michele Culver seconded Motion 23 to accept the recommendations detailed in Agenda Item G.8.b, Supplemental GMT Report (page 14) as follows:

- Increase the limited entry shelf rockfish trip limit south of 34°27' N. latitude from “3,000 pounds per 2 months” to “4,000 pounds per 2 months” as soon as possible, through the end of the year.
- Increase the limited entry fixed gear trip limits for bocaccio south of 34°27' N. latitude from “300 pounds per 2 months” to “500 pounds per 2 months” as soon as possible, through the end of the year.

- Reduce trip limits in the limited entry sablefish daily trip limit fishery, north of 36° N. latitude from "1,000 pounds per week, not to exceed 4,000 pounds per two months" to "800 pounds per week, not to exceed 1,600 pounds per two months" beginning September 1, 2012, according to Alternative 1, in Table 7, through the end of the year.

Mr. Myer spoke to his motion, referencing the analysis and recommendations in the GMT and GAP reports. He did not include the nearshore trip limit proposal in his motion.

Ms. Marija Vojkovich spoke in support of the motion since the adjustments do not result in increased mortality of overfished species compared to the current scorecard estimates. When the nearshore model was updated with the most recent bycatch data, there was an increase in overfished species impacts beyond the 2012 canary target for the sector. The nearshore trip limit proposal would further increase bocaccio and canary mortality; therefore, she does not support the nearshore trip limit proposal.

Motion 23 carried unanimously.

Mr. Lockhart referenced the discussion under Agenda Item D.5 with regard to stock complexes. Under that agenda item, we were informed that there is information available in the Pacific Fisheries Information Network (PacFIN) and the Recreational Fisheries Information Network (RecFIN) relative to inseason landings by sector for aurora, rougheye, shortraker, china, copper, and quillback. Mr. Lockhart requests the GMT include these data in the 2013 inseason reports. The purpose of including these data in the inseason reports is to gain a better understanding of how catch accrues by sector throughout the year for these species. This information would not be used for inseason action.

Ms. Vojkovich proceeded to discuss the GMT and GAP comments on the surplus carry-over issue. In particular, she was struck by the GMT discussion relative to the ACL, overfishing limit (OFL), and the associated management response. She hoped the conversation will continue between now and September and a solution will be generated. Ms. Vojkovich said the carry-over program was designed to provide flexibility and personal accountability, and it appears the decision in 2011 to forgo carry-over for sablefish and Pacific whiting works against those goals.

Mr. Lockhart recognized that the result was unsatisfactory and expressed support in moving forward for a long-term solution. He is willing to work with Council staff and the GMT to develop a solution.

Ms. Culver expressed concern for the way this issue was handled in 2012. The GMT outlined some relevant questions which will help us address these issues in the future. There is a policy issue with regard to sablefish. The shorebased IFQ program was at 94 percent and coastwide attainment of the northern sablefish ACL was 97 percent in 2011. Closer examination reveals that overages in other sectors are being covered by the surplus that remained in the shorebased IFQ sector, which is an allocation issue. The NMFS report says that we do not have tools to limit access to sablefish; however, Ms. Culver argued that we have tools to reduce catch in the non-trawl sector since that is where the overages are occurring.

Ms. Kirchner asked Mr. Lockhart to consider the option presented by Mr. Cooper with regard to Pacific whiting. He suggested that if tribal whiting reapportionment occurs in 2012, that surplus carry-over be issued prior to the reapportionment. Several individuals purchased Pacific whiting with the intent of carrying-over. Mr. Cooper's idea may be a short-term solution to resolving the problem in 2012.

Mr. Lockhart said the agency would explore Mr. Cooper's proposal to see if it can be done.

[Council concluded this agenda item at 3:39 p.m. and went on break until 3:55 p.m.]

D.9 Final 2013-2014 Biennial Harvest Specifications and Management Measures (6/25/2012; 3:55 p.m.)

D.9.a Agenda Item Overview

Mr. John DeVore and Ms. Kelly Ames provided the Agenda Item Overview.

D.9.b Reports and Comments of Advisory Bodies and Management Entities.

Ms. Lynn Mattes presented Agenda Item D.9.b, Supplemental GMT Report.
Mr. Tommy Ancona presented Agenda Item D.9.b, Supplemental GAP Report.

D.9.c Public Comment

None.

D.9.d Council Action: Adopt Final 2013-2014 Biennial Harvest Specifications and Management Measures (6/25/2012; 4:20 p.m.)

Ms. Kirchner moved and Ms. Culver seconded (Motion 24) that the Council confirm the adoption of groundfish harvest specifications and management measures in Agenda Item D.5 with the following modifications:

1. Adopt the current trawl RCA structure for 2013-2014; and
2. Adopt the vessel accumulation limits for lingcod as shown in Agenda Item D.9.b, Supplemental GAP Report (5.3 percent north, 13.3 percent south).

Additionally, she moved that the Council adopt the set-asides and sector-specific allocations as shown in Attachments 1 (4 tables) and 2 (3 tables) in Agenda Item D.9.b, Supplemental GMT Report. Also, analysis should be included in the FEIS to allow implementation of a lingcod minimum size limit of 18 inches for commercial and recreational fisheries through inseason action in 2013-2014.

Ms. Kirchner said her motion confirms the actions taken under Agenda Item D.5 with few modifications. Most items were sufficiently discussed under Agenda Item D.5 and in the Draft Environmental Impact Statement. Ms. Kirchner said adopting the current trawl RCA structure means that we would implement the structure as it is today, instead of the structure that was in place on January 1, which was included in the PPA. Ms. Kirchner said that the GAP identified concerns with the new lingcod management unit – changing from coastwide to north and south

of 40°10′ N. latitude – and an increase to accumulation limits was recommended. Further, differential lingcod length limits between sectors were a concern to Enforcement. Analyzing the option of 18 inches for all sectors in the FEIS would address those concerns and allow the change to be implemented inseason after additional public process.

Mr. DeVore said the GAP spoke to the accumulation limits for vessels, that is, QP limits or vessel use limits. There are also accumulation limits for ownership and control of QS. If the motion passes, Mr. DeVore recommends that Council staff and NMFS have the ability to adjust the QS limits, if necessary, to achieve the same objective (i.e., making the maximum share equivalent to what it was prior to the change in the management unit).

Mr. Lockhart said the regulations do not provide for automatic action with regard to changing the QS limits when changes are made to the QP limits. Therefore, if the Council wishes to modify the QS limits, we would need appropriate guidance to do so.

Ms. Culver said the QP accumulation limits were discussed in public testimony. Some fishermen would be at the maximum amount of the vessel use caps and would be forced to sell QPs or fish in one area only. The GAP has spoken to the QP limits and she is not sure why the Council would need to change the QS limits.

Ms. Sarah Williams (NMFS staff) confirmed the current coastwide QS limit in regulation (2.5 percent) would be brought forward in 2013-2014 and applied north and south of 40°10′ N. latitude (i.e., limited at 2.5 percent in the north and in the south), unless modified by the Council. The motion would modify the QP limit in regulation from 3.8 percent to the values recommended of 5.3 percent north and 13.3 percent south. Ms. Culver agreed that the current motion would only modify the QP limits.

Mr. DeVore noted that if the current coastwide QS limit (2.5 percent) is applied north and south, then some entities may not be able to own sufficient quota necessary to utilize the increased QP limit included in the motion.

Ms. Culver said that originally the vessel use cap (QP limit) was set at twice the ownership cap (QS limit). She does not understand how if, under the proposed motion, the vessel use cap is increased, the ownership cap would be limiting.

Mr. DeVore said the numbers are not currently available. He is just requesting that if the Council's intent for QS is not achieved once the QP limit is raised, then Council staff and NMFS have the ability to propose modifications accordingly.

Ms. Vojkovich asked if the Council could change the QS limits inseason, should a problem develop. Mr. DeVore said such action is not considered a routine adjustment.

Mr. Wolford asked about an amendment to the motion on the floor that would clarify the Council's objectives and provide staff the flexibility to address any emerging issues. Mr. DeVore said such an amendment would be to establish lingcod QS consistent with the objectives outlined in Amendment 20.

Ms. Culver said she has not seen information that compares the original objectives of establishing the QS and QP limits to the proposed changes for the QP limit while maintaining the current QS limit. Therefore, she is not supportive of changes to the QS limits at this time.

Mr. Lockhart noted that the proposed rule will be out for comment during the September 2012 Council meeting. If there are problems with the revised QP limits as it relates to carrying forward the existing QS limit, comment could be provided at that time.

Mr. DeVore responded that Mr. Lockhart's proposal would work.

Ms. Vojkovich noted the different terminology that is being discussed relative to the motion and asked for clarification.

Mr. DeVore said the term accumulation limits apply to QS and QP. The GAP recommendation was with regard to QP limits, which apply to vessels, and are also called vessel use limits. He raised the issue regarding QS limits, which apply to ownership and control of the QS. He believes if the analysis of the QS issue is analyzed in the FEIS and identified in the proposed rule, that would be sufficient to address the concerns he raised.

Ms. Culver moved and Ms. Vojkovich seconded to amend Motion 24 (Amendment 1) by making the following edit to the motion under #2: "Adopt the vessel ~~accumulation~~ use limits for lingcod quota pounds" and retain the rest of the motion as specified.

Amendment 1 carried unanimously.

Mr. Sones noted that the tribal set-asides in the Supplemental GMT report may be incorrect for yellowtail rockfish. That value should be 677 mt and not 490 mt. He asked whether a motion would be necessary to correct this error.

Mr. Sones moved and Mr. Pollard seconded amending Motion 24 (Amendment 2) to have staff align the tribal set-asides to correct any inaccurate information in the table relative to previous tribal requests.

Mr. Rob Jones (Tribal Staff) explained that all requests for tribal set-asides have previously been brought forward for Council consideration but there may be some errors in the GMT tables. He explained that the value in the Supplemental GMT report (490 mt) was taken from Table 2a of the current regulations, which is an error. Regulations at 660.50(g)(5) contain the correct value of 677 mt, which should be carried forward for 2013-2014.

Amendment 2 carried unanimously. Motion 24 as amended carried unanimously.

Mr. Sones moved and Mr. Pollard seconded Motion 25 to reaffirm the tribal set-asides and allocations adopted under Agenda Item D.5 and also update the Federal regulations as follows:

- Add a sublimit of 800 pounds per trip for redstriped rockfish into the section dealing with "other rockfish."

- Remove the limit of 50,000 pounds per two months for petrale sole under "Flatfish and other fish" and replace with "For petrale sole the entire fleet will be managed not to exceed the 220 mt set-aside each year."

Mr. Sones said relative to petrale sole, the Council adopted a 200 mt set-aside to meet the needs of the tribal fishery, which coincides with the increased ACL for 2013-2014. Removing the limit will reflect the current tribal management measures.

Motion 25 carried unanimously.

[Council concluded this agenda item at 4:51 p.m.]

Dr. McIsaac noted that Council member appointments were announced today and the following Council members were reappointed: David Crabbe (California Obligatory), Dorothy Lowman (Oregon Obligatory), Dale Myer (Washington At-Large), William (Buzz) Brizendine (California At-Large), and David Sones (Tribal). He proposed a short closed session for discussion of the Coastal Marine Spatial Planning personnel appointment.

[Council was in closed session from 4:57 to 5:07 p.m. and reconvened at 8:02 a.m. the following morning].

E. Highly Migratory Species Management

E.1 Management Reference Points and Measures for 2013-2014 Fisheries (6/22/2012; 10:33 a.m.)

E.1.a Agenda Item Overview

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

Agenda Item E.1.a, Attachment 1: Table 4-3, HMS Fishery Management Plan (FMP).
Agenda Item E.1.a, Attachment 2: March 15, 2011 Letter from Kitty Simonds, (Western Pacific Fishery Management Council (WPFMC) Executive Director) to Samuel Rauch III, Deputy Assistant Administrator for Regulatory Programs.

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

Mr. Kirt Hughes presented Agenda Item E.1.b, HMSMT Report.

E.1.c Public Comment

None.

E.1.d Council Action: Consider Revision of the Biological Reference Points and Identify Potential Management Changes for Implementation in 2013.

Ms. Vojkovich asked whether Secretarial approval of HMS FMP Amendment 2 identified whether the HMS FMP or the WPFMC's Pelagics Fishery Ecosystem Plan (FEP) would be the primary FMP for management unit species in the respective Plans (per 50 CFR 600.310(d)(7)).

Dr. McIsaac noted that the last page of Attachment 2 shows what the PFMC had proposed with regard to primary FMP designations. The determination was not made as part of Secretarial approval of the FMP; rather, it is up to the two Councils to agree on the designations. Dr. McIsaac noted that he had discussed the matter with the WPFMC Executive Director and they agreed that for a given stock, whatever fishery managed under the respective Plans caught the most fish should determine the primary FMP. He will report back to the Council on further discussions.

Mr. Helvey discussed the division of responsibilities between the Pacific Islands and Southwest Fishery Science Centers referenced in Attachment 2. He is not sure whether the two Science Centers have fully worked this out and recommended that the Council wait until that is finalized.

Mr. Williams asked what the effect would be if the two Councils don't reach agreement on this issue. Dr. Dahl said that the impact would be negligible, because management unit species in both Plans are subject to the "international exception" from the requirement to set acceptable biological catches (ABCs) and ACLs (50 CFR 310(h)(2)(ii)).

Mr. Williams and Dr. McIsaac both observed that it does not appear necessary to resolve this issue at present and, more broadly, to revisit the estimates for reference points currently listed in the HMS FMP.

Mr. Helvey noted that the status of Pacific bluefin tuna is a concern, but the stock assessment being conducted under the auspices of the International Scientific Committee for Tuna and Tuna-like Species in the North Pacific Ocean has been delayed, lessening the urgency for the Council to address the reference points issue at this time.

Dr. McIsaac noted that, since no regulatory changes have been proposed and the Council will delay reevaluation of reference point estimates, the time reserved for this topic on the Council's September and November agendas is no longer needed.

The Council agreed by consensus that further consideration is unnecessary at this time.

[Council concluded this agenda item at 10:52 a.m.]

E.2 International Management Activities and Recommendations (6/22/2012; 10:52 a.m.)

E.2.a Agenda Item Overview

Dr. Kit Dahl presented the Agenda Item Overview and summarized the following documents:

Agenda Item E.2.a, Attachment 1: Northern Committee Schedule for Development of International Management Framework for North Pacific Albacore Tuna and Associated Conservation Measures.

Agenda Item E.2.a, Attachment 2: Reference Points, Decision Rules, and Management Strategy Evaluation for Tunas and Associated Species in the Eastern Pacific Ocean (IATTC Document SAC-03-09) by Mark Maunder.

Agenda Item E.2.a, Attachment 3: April 17, 2012 Letter from Michael Tosatto, NMFS Pacific Islands Regional Administrator, to Council Chair Dan Wolford Reporting Outcomes of the Eighth Regular Session of the Western and Central Pacific Fisheries Commission.
Agenda Item E.2.a, Attachment 4: March 13, 2012 letter from Dr. Donald O. McIsaac to Mr. Samuel Rauch III.

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

Canadian Delegation:

Mr. Barron Carswell, Minister of Agriculture, British Columbia Province, British Columbia, Canada.
Mr. Ian Bryce, BC Tuna Fisherman's Association, Victoria, British Columbia, Canada.
Mr. Lorne Clayton, Canadian Highly Migratory Species Foundation, Victoria, British Columbia, Canada.
Mr. Gregg Holm, British Columbia Tuna Fisherman's Association, Shawinigan Lake, British Columbia, Canada).

Mr. Phil Anderson presented Agenda Item E.2.b, Supplemental WDFW Report.

[Council break from 11:48 a.m. to 1:03 p.m.]

Mr. Mark Helvey summarized information from Agenda Item E.2.b, NMFS Report: Report on International Management Activities.
Mr. Robert Jones gave information regarding the activity of the Department of State information.
Mr. Kirt Hughes presented Agenda Item E.2.b, HMSMT Report and Agenda Item E.2.b, Supplemental HMSMT Report 2.
Mr. Doug Fricke presented Agenda Item E.2.b, Supplemental HMSAS Report.
Dr. Owen Hamel presented Agenda Item E.2.b, Supplemental SSC Report.

E.2.c Public Comment

Agenda Item E.2.c, Public Comment.
Agenda Item E.2.c, Supplemental Public Comment 2.
Mr. Wayne Heikkila, Western Fishboat Owner Association, Redding, California, Agenda Item E.2.c, Supplemental Public Comment 3: Letter from Western Fishboat Owners Association.
Mr. Steve Fosmark, Fisherman, Pebble Beach, California.
Mr. Steve Moore, Fisherman, Los Osos, California.
Mr. Chip Bissell, American Albacore Fishery Association, Oak View, California.
Mr. Rod Moore, West Coast Seafood Processor Association, Portland, Oregon.
Mr. Peter Flournoy, American Fisherman's Research Foundation & Fisherman, San Diego, California.

[Council break from 2:34 to 2:53 p.m.]

E.2.d Council Action: Adopt, as Necessary, Recommendations for 1) Highly Migratory Species under the Purview of the Western and Central Pacific Fishery Commission (WCPFC), Especially in Regard to Albacore Tuna, and 2) the Fishery Regime Pursuant to the U.S.-Canada Albacore Treaty (6/22/2012; 2:54 p.m.)

Ms. Vojkovich asked, with respect to the schedule for development by the Western and Central Pacific Fisheries Commission (WCPFC) Northern Committee (NC) of an international management framework for North Pacific albacore tuna, described in Agenda Item E.2.a, Attachment 1, whether the Council needed to make recommendations relative to the biological reference points and management activities immediately or wait until the September Council meeting. She thought the Council needed more time and input from the HMSMT.

Dr. Dahl said the next NC meeting occurs right before the Council's September meeting, but according to the schedule described in Attachment 1 he didn't think the Council needed to develop specific recommendations immediately. A proposed management framework would not be finalized until 2013, and any revisions to the conservation and management measure for North Pacific albacore would not occur until 2014. On the other hand, there is some utility in providing recommendations at this time to influence the NC's initial discussion of the management framework.

Ms. Vojkovich pointed to the discussion on page 1 of Supplemental HMSMT Report 2 describing "developing a template of options that includes the broadest possible range of potential management alternatives" in the event domestic management is needed in response to international action as an important task for the HMSMT.

Dr. Dahl noted that the NC has not discussed conducting a Management Strategy Evaluation (MSE); this could be a Council recommendation for the upcoming NC meeting. If the NC decides to commission an MSE, it would take some time to complete. At a future meeting, the Council could identify management objectives for the MSE.

Ms. Vojkovich observed that the SSC and HMSMT Reports contain advice for the NC delegation. Further work by the Council will then depend on the outcome of the next NC meeting and additional input from Council advisory bodies. She identified the recommendation in the SSC Report that B_{MSY} should not be established as both a target and limit reference point. Supplemental HMSMT Report 2 emphasizes that any biological reference points and conservation and management measures adopted for North Pacific albacore by the WCPFC and Inter-American Tropical Tuna Commission (IATTC) should be compatible.

Mr. Williams recommended that the HMSMT continue to work with the HMSAS to develop the "template of options" for potential domestic management measures.

Dr. Dahl noted that the SSC and HMSMT both recommended that biologically-based reference points related to maximum sustainable yield (MSY) are preferable to the current interim reference point adopted by the NC. The SSC noted that, because of the difficulty in deriving a

plausible estimate for MSY, a proxy may be necessary. Ms. Vojkovich agreed with Dr. Dahl's observations.

Mr. Williams asked about a potential Council schedule for further progress on these issues. Ms. Vojkovich observed that the Council should have some solid recommendations for the NC delegation at future June Council meetings. The IATTC has not to date taken any specific steps, like the NC, with respect to North Pacific albacore management. An update from the advisory bodies at future March Council meetings would help aid development of Council recommendations and actions. Mr. Williams agreed with the suggestion of using the March meeting as a forum for updates and the June meeting for developing recommendations.

Dr. Dahl interpreted the Council's discussion to mean the HMSMT and HMSAS should continue work on the management measure template. There is also enough guidance to draft a letter with Council recommendations for the NC delegation.

Mr. Anderson commented on the status of the fishing regime pursuant to the U.S.-Canada Albacore Treaty. He did not think it likely that there is sufficient time for a Council recommendation to influence negotiations on an interim fishing regime for 2012; instead, the focus should be on ensuring that agreement on a regime be concluded in time for the 2013 fishing season. He thought the Council should immediately draft a letter to the State Department recommending a concerted effort to reach agreement for 2013. He didn't have specific recommendations as to the content of the letter, but it should state clearly in strong language that an agreement for 2013 is necessary.

Ms. Vojkovich said she is encouraged by hearing that U.S. fishery participants are committed to work with the State Department and NMFS to forge an acceptable agreement for 2013. She also appreciated the presence of Canadian Government representatives at this meeting so they could hear Council comments and concerns. Further progress should be made by the bilateral working groups on data exchange and socioeconomics. She looks forward to future reports from NMFS and the State Department on progress in the negotiations. The parties need to put 2012 behind them and look towards 2013.

While observing that the U.S. and Canada treat each other as friends and neighbors, Mr. Williams said the Council should reaffirm their March recommendation with respect to the Treaty and fishing regime while focusing on an agreement for 2013. The parties should not be in the same situation in March 2013 as they were this year. He also agreed with Mr. Anderson that a letter with Council recommendations should be sent immediately. He is not sure about the Council's role in the negotiations, but thought it should facilitate reaching agreement between the parties.

Mr. Helvey thanked the States for their comments. He felt a letter from the Council at this time would help further the negotiations.

Mr. Sones supported sending the letter with Council recommendations at this time. Any new regime should protect U.S. interests as well as the resource.

Dr. McIsaac summarized Council discussion: Staff should have a letter drafted by the end of this Council meeting with a recommendation to immediately begin negotiating a new fishing regime for 2013 and beyond while reaffirming the Council's position from March with respect to a fishing regime in 2012. The letter should also recommend continued work by the bilateral working groups.

Ms. Lowman stated that the Council would review the letter before the end of this meeting.

Dr. Dahl said staff would begin drafting a letter immediately.

[Council concluded this agenda item at 3:33 p.m.]

F. Coastal Pelagic Species Management

F.1 National Marine Fisheries Service Report (6/23/2012; 1:54 p.m.)

F.1.a Agenda Item Overview

Mr. Kerry Griffin provided the Agenda Item Overview.

F.1.b Regulatory Activities

Mr. Mark Helvey presented Agenda Item F.1.b, NMFS Report. He summarized the recent workshop on rights-based management in CPS fisheries, and said that the proceedings would be completed and posted on the Council website when completed.

F.1.c Fisheries Science Center Activities

Drs. Cisco Werner and Russ Vetter presented Agenda Item F.1.c, NMFS SWFSC Report.

Dr. Vetter discussed the Southwest Fishery Science Center's (SWFSC) plans for an adaptive approach to stock assessments, which would be a flexible, adaptive, and efficient way to conduct stock assessments for the CPS assemblage. Dr. Werner updated the Council on the new La Jolla SWFSC facility, and noted the launch of the R/V Reuben Lasker, a research vessel scheduled to arrive on the west coast in 2013.

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

Dr. Robert Emmett presented Agenda Item F.1.d, Supplemental CPSMT Report.
Mr. Mike Okoniewski presented Agenda Item F.1.d, Supplemental CPSAS Report.

F.1.e Public Comment

Dr. Geoff Shester, Oceana, Monterey, California.
Ms. Diane Pleschner-Steele, California Wetfish Producers Association, Buellton, California.

F.1.f Council Discussion (6/23/2012; 2:50 p.m.)

Ms. Yaremko said that she appreciated the focus on sardines, especially noting that the sardine HG went way up and has recently been fully utilized. She also noted that since there was not a

mackerel assessment completed in 2012, she expects to hear a plan for mackerel assessments in the future.

[The Council concluded this agenda item at 2:54 p.m.]

F.2 Pacific Mackerel Management for 2012-2013 (6/23/2012; 2:54 p.m.)

F.2.a Agenda Item Overview

Mr. Kerry Griffin provided the Agenda Item Overview and referenced Agenda Item F.2.a, Supplemental Attachment 1: Pacific Mackerel (*Scomber japonicas*) Stock Assessment for USA Management in the 2011-2012 Fishing Year.

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

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

F.2.c Public Comment

Ms. Diane Pleschner-Steele, California Wetfish Producers Association, Buellton, California.
Dr. Geoff Shester, Oceana, Monterey, California.

F.2.d Council Action: Approve Harvest Guideline and Management Measures (6/23/2012; 3:16 p.m.)

Ms. Yaremko moved and Mr. Crabbe seconded (Motion 14) that the Council adopt the recommendations included in the CPSAS supplemental report (Agenda Item F.2.b, Supplemental CPSAS Report) which carries over the management measures from the previous year. These include a P* choice of 0.45, resulting in an OFL of 44,336 mt, an ABC of 42,375 mt, an ACL/HG of 40,514 mt, an ACT of 30,386 mt, and an incidental set-aside of 10,128 mt. In the event the directed fishery closes, any remaining incidental catch may be used as follows:

- A 45 percent incidental catch is allowed when Pacific mackerel are landed with other coastal pelagic species; and
- Up to 1 mt of Pacific mackerel could be landed without landing any other CPS.

Ms. Yaremko said that we intended to use the assessment for two years; it went through a thorough peer review process and the resulting management measures are appropriately consistent with that assessment. She would like to hear at some point what the SWFSC's plan for future mackerel assessments will be.

Ms. Culver moved and Mr. Lincoln seconded Amendment 1 Motion 14 to include the CPSAS recommendation for the inseason review of the mackerel fishery at the April 2013 Council Meeting as included on page two of Agenda Item F.2.b, CPSAS Supplemental Report.

Amendment 1 carried unanimously. Motion 14, as amended, carried unanimously.

Ms. Yaremko discussed the use of the mackerel assessment for future years and noted Dr. Shester's comments about assessments becoming stale. If we are to use the same mackerel assessment later, we would need to consider the use of the P*, heed those warnings and consider an alternative approach. She noted that this HG is relatively high, and she is confident with the numbers and does not intend to carry the number forward without looking at it again or giving it another full assessment.

Mr. Griffin gave a follow-up on the assessment of the Council action, saying that November would be a good time for the SWFSC to update the Council regarding plans for Pacific mackerel stock assessments.

[Council concluded this agenda item at 3:24 p.m. and took a break until 3:35 p.m.]

G. Administrative Matters

G.1 Consideration of Further Protection of Currently Unmanaged Forage Species (6/23/2012; 3:35 p.m.)

G.1.a Agenda Item Overview

Mr. Mike Burner presented the Agenda Item Overview.

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

Agenda Item G.1.b, Supplemental Senate Letter: to Dan Wolford from Honorable Senators Ron Wyden and Jeff Merkley.
Ms. Yvonne DeReynier presented Agenda Item G.1.b, EPDT Report.
Mr. Don Maruska presented Agenda Item G.1.b, Supplemental EAS Report.
Mr. Mike Burner read Agenda Item G.1.b, Supplemental HMSAS Report into the record.
Mr. Tim Roth presented Agenda Item G.1.b, Supplemental HC Report.
Mr. Rob Jones presented Agenda Item G.1.b, Supplemental GMT Report [with the fourth paragraph on page one beginning, "Use of authorities…" stricken from the statement.
Mr. Tommy Ancona presented Agenda Item G.1.b, Supplemental GAP Report.
Dr. Robert Emmett presented Agenda Item G.1.b, Supplemental CPSMT Report.
Mr. Mike Okoniewski presented Agenda Item G.1.b, Supplemental CPSAS Report and Agenda Item G.1.b, Supplemental CPSAS Report 2.

G.1.c Public Comments

Agenda Item G.1.c Public Comment.
Agenda Item G.1.c, Supplemental Public Comment 4.
Agenda Item G.1.c, Supplemental Public Comment 5.
Agenda Item G.1.c, Supplemental Public Comment 6.
Mr. Steve Scheiblauer, City of Monterey, Monterey, California.
Mr. Zeke Grader, Pacific Coast Federation of Fishermen's Associations.
Mr. George Lawson, Friends of the San Juan's, Lopez Island, Washington.
Ms. Kaitlin Gaffney, Ocean Conservancy, Santa Cruz, California.
Mr. Russell Bassett, Association of Northwest Steelheaders, Milwaukie, Oregon, introduced Agenda Item G.1.c, Supplemental Public Comment 8.

Mr. Jonathan Gonzalez, EatU.S.seafood.com (blog), Santa Barbara, California.
Mr. Matt Carreira, ilovebluesea.com, San Francisco, California.
Mr. Rocky Burns, ilovebluesea.com, San Francisco, California.
Mr. David McGuire, Turtle Island Restoration Project, Forest Knolls, California.
Ms. Andrea Treece, Earthjustice, San Francisco, California.
Ms. Diane Pleschner-Steele, California Wetfish Producers Association, Buellton, California; introduced Agenda Item G.1.c, Supplemental Public Comment 3.
Dr. Geoff Shester and Ben Enticknap, Oceana, presented Agenda Item G.1.c, Supplemental Public Comment 7.

[Council adjourned for the evening at 5:41 p.m. and reconvened at 8:07 a.m.]

Mr. Ken Hinman, National Coalition for Marine Conservation, Leesburg, Virginia.
Mr. Leaf Gildersleeve, Flying Fish Company, Portland, Oregon.
Mr. Steve Moore, Patriot Sportfishing, Los Osos, California.
Mr. Mark Cedergreen, Westport Charter Boat Association, Westport Washington; introduced Agenda Item G.1.c, Supplemental Public Comment 2.
Mr. Steve Marx, Pew Environmental Group, Portland, Oregon.

G.1.d Council Action: Provide Guidance on Mechanisms for Potential Future Council Management, if Appropriate (6/24/2012; 8:49 a.m.)

Ms. Lowman asked NMFS staff for clarification of the process under the list of fisheries (LOF) options.

Mr. Lockhart stated that if a person was interested in starting a fishery for a species and/or gear that is not on the current list, they would have to submit their intent to the Council via letter. Although the regulations are a bit vague, the Council would first need to verify that the letter or application was complete and then a 90-day review period would start. The Council would need to review the proposal and determine if there are conservation concerns. By the end of the 90-day period the Council could determine that there are no concerns and recommend that NMFS revise the list to accommodate the new fishery/gear, or recommend that the list not be changed.

Mr. Feder added that, in summary, the list of fisheries process is a notification requirement and if there isn't regulatory action taken within the 90-day notification process then the fishery could commence.

Mr. Crabbe asked about the original intent of the list and if it is meeting expectations. Mr. Feder responded that the list is primarily a means of providing Councils an advance notice of a new fishery. The list itself is intended to be a factual representation of existing fisheries. In his opinion, the list is currently very broad and includes many fisheries that do not currently exist. That is not to say the list is incorrect, but the descriptions are subjective and broad.

Mr. Lockhart added that the regulations also recognize that the Council should have a role in determining what fisheries can start up in their areas, while allowing some innovation in fishery

development that does not cause conservation concerns; there is a general tension between fishery promotion and resource conservation.

Mr. Wolford asked what would occur if the 90-day review period did not span a Council meeting.

Mr. Lockhart and Dr. McIsaac noted that there were two routes. The first is to hold an extra Council meeting between scheduled meetings and characterized the process as burdensome and very rarely used. Mr. Lockhart added that the Council could also delegate the authority to the Council Chair and/or the Executive Director.

Mr. Lockhart clarified for Mr. Wolford that NMFS could take regulatory action based on the Council action to prevent a new fishery, and although the action may not require an FMP amendment, there would be a regulatory process and review under the National Environmental Policy Act.

Mr. Lockhart clarified for Ms. Yaremko that the Council does have the authority to review the application for completeness and that the fishery could not proceed on an incomplete application. He also stressed that the regulations are subject to interpretation and that the process has been used elsewhere, but not in this Council process.

[Council break from 9:06 until 9:23 a.m.]

Mr. Lockhart expressed appreciation for the good public testimony on this issue and noted the frequent theme of ecosystem-based management. Ecosystem-based management is broad and can be a tool to put individual issues into a larger perspective, thus informing decisions on the use of limited resources. This Council is dealing with overfished species, marine mammals, communities, etc. Forage issues need to be considered in a broad ecosystem context. The list of fisheries does provide some level of protection. He reminded the Council that the krill prohibition took four years to complete and wanted to dispel any notion that an FMP amendment process to ban forage harvest would be simple and/or fast. The Arctic Ecosystem FMP was successful and timely, but the arctic ecosystem is very unique and not directly applicable to the West Coast. There is a workload issue associated with the direction chosen, and many of the same people who are trying to advance ecosystem-based management are working on forage issues. He feels forage is an important issue to address, but he thinks the matter should be considered in the broad context of ecosystem-based management.

Ms. Culver moved and Mr. Lincoln seconded (Motion 15) that the Council:

1. Request that the NMFS update the List of Fisheries (Section 305(a) of the Magnuson-Stevens Act) to accurately reflect the legal gears and species that can be harvested within the West Coast Exclusive Economic Zone (EEZ) now under the Council's FMPs or state fisheries authorities. NMFS should work with the states with a goal of bringing the proposed changes to the List to the November 2012 meeting and having those changes deemed appropriate by the Council as early in 2013 as possible;

2. Reconfirm the Council's prior action to address unmanaged forage fish species through the Coastal Pelagic Species (CPS) FMP as its primary vehicle, which would not preclude the Council from using other FMPs, as it deems appropriate; and
3. Establish a subcommittee of the Ecosystem Plan Development Team (EPDT) comprised of representatives from the NMFS Northwest and Southwest regions, and the states of California, Oregon, and Washington, and Council staff, as needed, to scope alternatives for unmanaged forage fish protection.

In addition, I move the Council provide the following guidance for the subcommittee:

4. Alternatives should include revising the list of management unit species, ecosystem component species, or both, and restricting the legal gears that can be used so that: (a) the potential for bycatch of unmanaged species is minimized; and (b) new targeting opportunities cannot be started until status determination criteria for the stock can be identified and the Council can fully consider and deliberate on the social, economic, and ecological costs and benefits of the new fishing activity like the Council does now for existing fisheries. As stated above, the CPS FMP would be the primary FMP for consideration; however, if another FMP would be a better fit, then the subcommittee should note that in its report to the Council.
5. To narrow the scope of the alternatives, the subcommittee should focus its efforts on the unmanaged forage fish species that are commercially harvested now in other areas of the world and on the gears and methods used now or that could be reasonably conceived to support significant commercial harvest in the future. In addition, the subcommittee need only discuss and advise the Council on the differences in workload and regulatory effect between the "in the fishery" and ecosystem component species designations generally (i.e., not species by species).
6. The subcommittee should have an initial conference call within the next month to review the Council action and decide next steps. This should be followed by a meeting in conjunction with the November 2012 Council meeting—a portion or all of the meeting should include a joint meeting with the CPSMT. Coordination should also occur with the Council's CPS and Ecosystem Advisory Subpanels to solicit their comments on the subcommittee's discussions and reports.
7. The subcommittee should prepare a draft list of alternatives and a timeline for regulatory action through one or more FMPs for the November 2012 meeting for advisory body review and the Council's consideration.

Ms. Culver spoke to her motion and commended the advisory body statements for a thorough and broad treatment of the issues. The only commonality was a dislike of Options 7 and 8. Her motion does not adhere to any particular option, but is built upon the comment of the EAS and the HC. She felt that the role forage fish play in the food web and in support of established fisheries warrants protection. Her objectives were to identify mechanisms for timely action on forage protection, to develop a process for considering new fisheries, and to allow the FEP to develop.

Mr. Wolford moved and Mr. Brizendine seconded to amend Motion 15 (Amendment 1) to include the following objective statement:

> "It is the Council's intent to recognize the importance of forage fish to the marine ecosystem off our coast, and to provide adequate protection for forage fish. We declare that our approach is to prohibit the development of new directed fisheries on forage species that are not currently managed by our Council, the States or the Endangered Species Act (ESA), until we have an adequate opportunity to assess the science relating to the fishery and any potential impacts to our existing fisheries and communities."

Mr. Wolford spoke to his motion saying that regardless of the pathway the Council chooses on this matter, it is important to recognize the importance of forage species and to make our intentions clear.

Ms. Culver spoke in agreement with the inclusion of an objective statement to communicate what the Council is trying to achieve. She had concern regarding the language that prohibits new fisheries because she felt that the EPDT and others should first get a chance to work out the details of the protective measures and she is unsure at this time that the best solution is to close the door completely when there are tools and mechanisms that perhaps limit only certain gear-types. She did not feel this is the time to get into those details, but rather allow some analysis and address the specifics at a later time, and the existing language appears to limit that process.

Mr. Wolford said he understands Ms. Culver's comments and stated that his intent was to shift the burden of proof so that a fishery is closed unless opened, rather than open unless closed. His intent was not to inhibit anything in the original motion. He also clarified that he was not trying to exclude other regulatory processes when mentioning the ESA, he was simply trying to qualify species that are currently unmanaged.

Mr. Roth would like to lend strong support for moving forward and thinks the motion with the proposed amendment does provides a pathway for the Council. From both the standpoint of the USFWS and the HC, there is support for solid action to protect forage at a time when there are many stressors, including climate change, global warming, and ocean acidification. Timely action to proactively protect forage is needed to protect the California Current ecosystem and to help ameliorate resource stressors.

Mr. Williams moved and Mr. Feldner seconded to amend the amendment (Amendment 1a) by changing the word in the second sentence from "approach" to "objective."

Mr. Williams feels that this language change will maintain the flexibility we discussed as we consider the specific protective mechanisms.

Amendment 1a passed unanimously.

Mr. Lockhart moved and Mr. Steve Williams seconded (Amendment 1b) to amend Amendment 1 (as amended) by striking "Endangered Species Act" and adding "or" before "the States" in the second sentence of the objective statement.

Amendment 1b carried unanimously. Amendment 1 to Motion 15 (as amended) carried unanimously.

Ms. Yaremko moved and Mr. Crabbe seconded a substitute motion (Motion 16) (which also incorporates the language just approved in Amendment 1 to Motion 15 in item "G" below):

1. Direct the EPDT to proceed with Option 2 as detailed in its report, and schedule a progress report on its work to update and revise the List of Fisheries, to be made to the Council at its November 2012 meeting
   A. Regarding the List of Fisheries, all Council advisory bodies shall be tasked with identifying fisheries and authorized gears for Federal fisheries operating in the U.S. EEZ off each state in the most specific and narrow terms possible, for incorporation into the updated List. This exercise shall be completed by the advisory bodies and provided to the EPDT in time for inclusion in the November progress report.
   B. For state-managed fisheries, the states shall be responsible, through their EPDT representatives, for preparing the list of state-managed fisheries which have a nexus with Federal waters, for inclusion in the updated List.
   C. The EPDT's progress report shall include any analysis on the possible effectiveness of the LOF application process in meeting the goal of preventing development of non-existent fisheries.
   D. The report shall also include, to the extent possible, any new information or analysis regarding the application of Section 600.747 of the Federal rules, including whether there is a possibility of amending these regulations for the West Coast such that additional requirements and specifications regarding the Council's review of applications could be formally incorporated into Federal regulations.
   E. Regarding the Council's standards which would be used in assessing whether a proposed new fishery could compromise conservation and management measures within the West Coast EEZ, the EPDT progress report shall provide full detail of the proposed standards and process, in order to make the procedural and content requirements clear and transparent to both applicants and the public, consistent with the recommendations outlined in Option 2 of the EPDT report.
   F. At its November 2012 meeting, upon receipt of the Progress Report, the Council shall review and provide guidance so that the content can be finalized for incorporation into the draft FEP, consistent with the FEP development schedule identified on Pg 2. of the draft FEP (Agenda Item H.1.a Attach 1, June 2012).
   G. It is the Council's intent to recognize the importance of forage fish to the marine ecosystem off our coast, and to provide adequate protection for forage fish. We declare that our objective is to prohibit the development of new directed fisheries on forage species that are not currently managed by our Council, or the States, until we have an adequate opportunity to assess the science relating to the fishery and any potential impacts to our existing fisheries and communities.

Ms. Yaremko spoke to her motion, noting that the list of fisheries options leave a lot to interpretation and are untested and she is not convinced that the Council has the tools that it needs to ensure adequate protection of forage. Now is not the time to get into the details of what FMP mechanisms should be used (i.e., management unit species or ecosystem component

species) particularly when NMFS has published an Advance Notice of Proposed Rulemaking (ANPR) on the topic. Considering the EPDT workload and the need to move forward, she proposed this step-wise approach.

Dr. Hanson stated concern for the part of the motion that, if taken literally, would put a topic on the November Council agenda prematurely given that the November Council agenda is up for review under Agenda Item G.7 later in the week. Ms. Yaremko stated, and the Council agreed, to omit the specific terms of the schedule.

Mr. Williams and Mr. Lockhart expressed frustration with having two very different motions on the floor. Mr. Williams stated that he understands the workload issues, but the uncertainties of the list of fisheries approach and the relatively comprehensive nature of the original motion are reasons he is unable to support the substitute motion.

Ms. Yaremko responded that the uncertainty in the list of fisheries led her to include items C and D in the substitute motion so that we can get a better understanding of that mechanism.

Ms. Culver responded that she shares Mr. William's concerns with the list of fisheries which led to her original motion and its inclusion of an FMP amendment mechanism without singling out a single FMP. Completing the FEP is a priority for her as well.

Ms. Yaremko is also concerned with the ability of the list of fisheries to provide long-term protection, but she still supports a step-wise approach that first looks at more timely existing mechanisms before deciding to amend an FMP.

Responding to Mr. Wolford's concerns about workload, Dr. McIsaac stated that he would prefer to let the ongoing discussion continue before taking a break to allow for some caucusing.

Mr. Pollard agreed that both motions move the issue forward and that the objective is appropriate. He felt that the substitute motion represents a first step and addresses advisory body and public input while not precluding a future FMP amendment or jeopardizing the existing FEP schedule. It is quick and efficient and is responsive to public input.

Mr. Lincoln characterized the list of fisheries as a reactive rather than proactive approach, and spoke in favor of the more definitive approach in the original motion.

Dr. McIsaac asked about item D in the substitute motion regarding amending the regulations under Section 600.747.

Mr. Lockhart reported that the regulations could be amended, but noted that this is a national regulation and it would require a great deal of coordination and negotiation. There are exemptions in the rule for Atlantic Ocean highly migratory species (HMS) because those fisheries are not Council-managed, but, in his opinion, a West Coast specific exemption or alternative would be unlikely.

[Council break from 10:25 until 10:57 a.m.]

Mr. Wolford moved and Mr. Pollard seconded to amend the substitute motion (Amendment 1 to Motion 16) to include the language: "After completion of the FEP, the EPDT shall proceed to incorporate any needed protections into our current suite of FMPs through an amendment process."

Mr. Wolford said his amendment was intended to clarify the Council's intent to address long-term forage protections through an FMP amendment while not jeopardizing the development of the FEP.

Mr. Wolford clarified for Ms. Culver that the intent of his motion would be to have the Council, rather than the EPDT, initiate the FMP process. He also concurred with Mr. Williams that this amendment begins to merge the two motions, but that the substitute motion allows greater flexibility in how and when the objectives are met.

Mr. Lockhart addressed Council questions about the FEP schedule by stating that the existing FEP schedule has March 2013 scheduled for final adoption which will involve a lot of work. He spoke favorably of addressing an FMP amendment after completion of the FEP.

Ms. Culver moved and Mr. Myer seconded to amend the amendment (Amendment 1a) by striking "EPDT" and replacing it with "Council" proceed to incorporate any needed protections.

Amendment 1a to Amendment 1 to Motion 16 carried unanimously. Amendment 1 to Motion 16 carried. Mr. Williams voted no.

Dr. McIsaac spoke to the matter of workload and noted that the two motions are not greatly different in terms of overall workload as amended. The motions do differ as to the timing and assignments. The original motion charges several advisory bodies with work that overlaps with FEP development and could postpone the FEP process. The substitute motion includes a great deal of work for the EPDT, but postpones some of the workload until after FEP completion. As Dr. Hanson noted, the Council will need to balance this work with other Council priorities under Agenda Item G.7.

Mr. Lockhart moved and Mr. Sones seconded an amendment (Amendment 2) to make the following edits to the motion by striking words in the substitute motion.

- In section 1 strike "at its November 2012 meeting" and replace with "as soon as possible after completion of the FEP;"
- in subpart A strike "in time for inclusion in the November progress report" and replace with "as soon as possible after the completion of the FEP;" and
- In subpart F strike "At its November 2012 meeting" and replace with "As soon as possible after completion of the FEP."

Mr. Lockhart spoke to his motion as a way of achieving the desired objectives under a more flexible schedule and appropriately makes FEP completion a primary goal before addressing

forage protections. Dr. McIsaac characterized the situation well, and it seems clear that we cannot take on more work immediately without incurring costs to other endeavors.

Mr. Burner noted that, from his perspective, the forage issue has already created some impediments to FEP development. Not to say that it was time and effort poorly spent, rather a matter of workload priority. He cautioned that the March 2013 date for FEP adoption is not a hard deadline, and that as the Council moves through Agenda Items H.1. and G.7 later in the week, priorities and timelines may need to be adjusted.

Amendment 2 to Substitute Motion 16 carried. Mr. Lincoln and Ms. Culver voted no.

Mr. Myer stated he did not support the substitute motion because it seems to ensure that the FEP will eventually need to be regulatory when he would prefer that it remain an advisory plan.

Substitute Motion 16 passed (8 yes, 5 no). Mr. Myer, Mr. Lincoln, Ms. Culver, Mr. Feldner, and Mr. Steve Williams voted no.

Following below is Substitute Motion 16 as amended and entered into the record (Agenda Item G.1.d, Supplemental REVISED Final Council Action):

It is the Council's intent to recognize the importance of forage fish to the marine ecosystem off our coast, and to provide adequate protection for forage fish. We declare that our objective is to prohibit the development of new directed fisheries on forage species that are not currently managed by our Council, or the States, until we have an adequate opportunity to assess the science relating to the fishery and any potential impacts to our existing fisheries and communities.

The Council directs the Ecosystem Plan Development Team (EPDT) to proceed with Option 2 as detailed in Agenda Item G.1.b, EPDT Report, and schedule a progress report on its work to update and revise the List of Fisheries (LOF), to be made to the Council as soon as possible after completion of the fishery ecosystem plan (FEP). The Council further directs that:

A. *Regarding the LOF, all Council advisory bodies shall be tasked with identifying fisheries and authorized gears for Federal fisheries operating in the U.S. Exclusive Economic Zone (EEZ) off each state in the most specific and narrow terms possible, for incorporation into the updated List. This exercise shall be completed by the advisory bodies and provided to the EPDT as soon as possible after completion of the FEP.*
B. *For state-managed fisheries, the states shall be responsible, through their EPDT representatives, for preparing the list of state-managed fisheries which have a nexus with Federal waters, for inclusion in the updated List.*
C. *The EPDT's progress report shall include any analysis on the possible effectiveness of the LOF application process in meeting the goal of preventing development of non-existent fisheries.*
D. *The report shall also include, to the extent possible, any new information or analysis regarding the application of Section 600.747 of the Federal rules, including whether there is a possibility of amending these regulations for the West Coast such that*

additional requirements and specifications regarding the Council's review of applications could be formally incorporated into Federal regulations.

E. Regarding the Council's standards which would be used in assessing whether a proposed new fishery could compromise conservation and management measures within the West Coast EEZ, the EPDT progress report shall provide full detail of the proposed standards and process, in order to make the procedural and content requirements clear and transparent to both applicants and the public, consistent with the recommendations outlined in Option 2 of the EPDT Report.

F. As soon as possible after completion of the FEP and upon receipt of the Progress Report, the Council shall review and provide guidance so that the standards (for assessing new fisheries) can be finalized for incorporation into the FEP.

After completion of the FEP, the Council will proceed to incorporate any needed protections into our current suite of FMPs through an amendment process.

[Council concluded this agenda item at 11:24 a.m.]

G.2 Legislative Matters (6/24/2012; 1:56 p.m.)

G.2.a Agenda Item Overview

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

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

Agenda Item G.2.a, Attachment 2: S. 2184 the Fisheries Investment and Regulatory Relief Act of 2012.

Agenda Item G.2.a, Attachment 3: April 13, 2012 Letter From North Pacific Council Executive Director Mr. Oliver to U.S. Senator Murkowski regarding S. 2184.

G.2.b Report of the Legislative Committee

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

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

Mr. Mike Burner presented Agenda Item G.2.c, Supplemental HMSAS Report.

G.2.d Public Comment

None.

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

Mr. Burner provided the recommendations of the Legislative Committee.

Ms. Lowman moved and Ms. Culver seconded (Motion 18) to adopt the recommendations in Agenda Item G.2.b, Supplemental LC Report and direct the Executive Director to convey comments if received, as appropriate.

Motion 18 carried unanimously.

[Council concluded this agenda item at 2:09 p.m. and reconsidered action for Agenda Item D.3]

G.3 Advance Notice of Proposed Rulemaking (ANPR) for National Standard 1 (NS1) Guidelines (6/26/2012; 8:04 a.m.)

G.3.a Agenda Item Overview

Dr. John Coon provided the Agenda Item Overview and referenced:

Agenda Item G.3.a, Attachment 1: Advance Notice of proposed rulemaking; request for comments; consideration of revision to National Standard 1 Guidelines (77 FR 26239, May 3, 2012).
Agenda Item G.3.a, Attachment 2: Sec.600.310 National Standard 1 – Optimum Yield.
Agenda Item G.3.a, Supplemental Attachment 3: Letter from Kitty Simonds, WPFMC regarding the comment closing date.
Agenda Item G.3.b, Supplemental NMFS Report: National Standard 1 Guidelines PowerPoint.

[to view all documents referenced in this agenda item see http://www.pcouncil.org/council-operations/briefing-books/june-2012-briefing-book/#administrativeJune2012].

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

Council staff read Agenda Item G.3.b, Supplemental SSC Report and Agenda Item G.3.b, Supplemental HMSMT Report into the record.
Mr. Tommy Ancona presented Agenda Item G.3.b, Supplemental GAP Report.
Mr. John DeVore summarized Agenda Item G.3.b, Supplemental GMT Report for the record.

G.3.c Public Comment

Mr. Rod Moore, West Coast Seafood Processors Association, Portland, Oregon.
Mr. Seth Atkinson, Natural Resources Defense Council, San Francisco, California.

G.3.d Council Action: Provide Comments on the ANPR for National Standard 1 Guidelines (6/26/2012; 8:51 a.m.)

Dr. Coon stated that this is an advance notice so there will be an additional opportunity for the Council to comment when the proposed rule is issued. While the current deadline is August 1, the CCC have requested an extension to September 15, which would come during the middle of the next Council meeting. Given Council approval, the staff could provide a letter before the next meeting by summarizing the current advisory body statements and/or attaching them if requested. The Council would need to highlight what they would like to see in the letter.

Ms. Culver moved and Mr. Lincoln seconded Motion 26 to instruct Council staff to prepare a letter to meet the August 1 deadline for the ANPR request for comments for revisions to NS 1 Guidelines (Agenda Item G.3.a, Attachment 1) which captures comments from the SSC regarding Issues 2, 3, and 7, include comments in the Supplemental GMT Report, and the GAP statement from page 2, under Issue 3, the paragraph that describes the rebuilding paradox.

Ms. Culver said she agreed with the comments of the SSC statement except for those under #5 and their conclusion at the end that it was premature to consider an objective evaluation of the changes. The GMT comments are well-thought out and should be considered, as well as the unique problem of the rebuilding paradox brought up by the GAP in which the constant catch scenarios result in more restrictions as the stock rebuilds. She was also appreciative of the comments from Mr. Atkinson concerning what we have done to address data-poor stocks, but not sure that would be helpful at this time and could be better considered for our comments to the proposed rule.

Mr. Williams asked if Ms. Culver did not intend to include any of the comments in GAP Statement #7 which captured some of the Council's earlier discussion on sablefish. Ms. Culver confirmed that was the case.

Mr. Williams moved and Mr. Crabbe seconded to amend the motion (Amendment 1) to include the discussion contained in the GAP report under #7 for reviewing the ABC control rules.

Mr. Williams said his motion was based on the discussion about sable fish in which we discussed where it was appropriate to use flexibility and buffers, and this needs to be evaluated with regard to the P* and other parameters.

Ms. Culver explained that the reason she did not include #7 is that the Council should evaluate the criteria for overfishing possibility as a matter of policy rather than under the NS1 Guidelines. She does not think the problem is a lack of criteria in the Federal guidelines.

Mr. Williams acknowledged the difficulty of putting the specifics of the advisory body statements into a motion when what he felt was important was to identify the concepts that needed review and potential revision.

Ms. Vojkovich was supportive of identifying our concerns and not the verbatim statements.

Amendment 1 to Motion 26 carried (8 yes, 4 no, 1 abstention; Mr. Lincoln, Mr. Myer, Mr. Ortmann, and Ms. Culver voted no; Mr. Lockhart abstained).

Ms. Lowman moved and Ms. Culver seconded substitute Motion 27 that the Council provide guidance to the staff to capture the issues in the supplemental GMT, GAP, and SSC reports, with the exception of the SSC discussion of item 5.

Ms. Lowman said this is an advance notice asking us to identify issues and concerns for NMFS consideration and I think we could trust our staff to provide them to NMFS and the CCC.

Mr. Williams said he supports the motion. He would definitely like to see that we include for emphasis the ACL multi-year approach in #2 and the concepts in #7.

Ms. Culver spoke in support of the substitute motion and explained that her earlier limiting of the statements was in response to forwarding only those items which had to do with the guidelines

and not the Council's policy on how they implemented them. She emphasized that the staff should focus on those substantive comments that deal with the guidelines.

Motion 27 carried (Mr. Lockhart abstained).

Dr. Coon said that based on the motion, the staff would draft a letter which captures the essence of the comments by the advisors and Council members, and also forward a copy to the CCC for their consideration.

Ms. Lowman asked if there was any mechanism to obtain comments from the advisors not present at this meeting. Dr. McIsaac stated staff would ask those advisory bodies to consider the issues and provide any comments they might have.

[Council concluded this agenda item at 9:17 a.m.]

G.4. Approval of Council Meeting Minutes (6/26/2012; 9:17 a.m.)

Agenda Item G.4.a, Attachment 1: Draft Minutes: 212th Session of the Pacific Fishery Management Council (March 2012).
Agenda Item G.4.a, Supplemental Attachment 2: Draft Minutes: 213th Session of the Pacific Fishery Management Council (April 2012).

G.4.a Council Member Review and Comments

Concerning the March 2012 minutes, Ms. Vojkovich noted the reference to the HMSAS report in Motion 2 on page 12 should be to the "HMSMT" report. Regarding the April 2012 minutes: (1) Mr. Roth noted in the second to last paragraph on page 9, the statement refers to the "Bureau of Reclamation," not to the "Corps;" and (2) Mr. Williams stated on page 10 and in the voting log, Ms. Kirchner and Ms. LaBorde both voted "yes" on Amendment 3 to Motion 2, not "no."

G.4.b. Council Action: Approve March and April 2012 Minutes

Mr. Ortmann moved and Mr. Pollard seconded Motion 28 to accept the minutes for the March 2012 (Agenda Item G.4.a, Attachment 1); and the April 2012 (Agenda Item G.4.a, Supplemental Attachment 2) meetings as corrected in the preceding discussion.

Motion 28 carried unanimously.

G.5 Fiscal Matters (6/26/2012; 9:35 a.m.)

G.5.a Agenda Item Overview

Dr. John Coon provided the Agenda Item Overview.

G.5.b Budget Committee Report

Mr. Dave Ortmann and Dr. Coon presented Agenda Item G.5.b, Supplemental Budget Committee Report.

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

None.

G.5.d Public Comment

None.

G.5.e Council Action: Consider Budget Committee Recommendations

Mr. Wolford expressed his concern about the uncertainty and likely downward trend for the 2013 funding.

Ms. Culver moved and Mr. Williams seconded Motion 29 that the Council adopt the Budget Committee Report and staff-proposed CY 2012 operating budget of $4,378,359.

Motion 29 carried unanimously.

Ms. Vojkovich, Mr. Ortmann, and Mr. Steve Williams commented on the fiscal uncertainty beyond 2012 and the need for establishing a coordinated approach in reviewing and prioritizing Council workload.

G.6 Membership Appointments and Council Operating Procedures (6/26/2012; 9:45 a.m.)

G.6.a Agenda Item Overview

Dr. Coon provided the Agenda Item Overview. He noted the need to elect a Council Chair and Vice Chair for the next one-year term, that Ms. Joanna Grebel has been appointed as the third Council Member designee for CDFG, and that RADM Taylor has appointed LCDR Brad Soule as the USCG third designee. He called attention to (1) a request from the CCC to have a Council member serve on the CCC subcommittee on Electronic monitoring; (2) a request for a Council representative to the West Coast Regional Planning Body (Agenda Item G.6.a, Supplemental Attachment 2); and (3) the list of Council members on the South of Humbug Policy Committee (Agenda Item G.6.a, Supplemental Attachment 1).

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

None.

G.6.c Public Comment

None.

G.6.d Council Action: Elect Council Chair and Vice Chair, Consider Changes to Council Operations and Procedures and Appointments to Advisory Bodies (6/26/2012; 9:54 a.m.)

Ms Vojkovich moved and Mr. Crabbe seconded Motion 30 that the Council reappoint Mr. Dan Wolford and Ms. Dorothy Lowman to Council Chair and Vice Chair, respectively, for the 2012-2013 term.

Motion 30 carried unanimously.

Mr. Lockhart moved and Mr. Pollard seconded Motion 31 that the Council appoint Mr. Michael Hendrick to the vacant NMFS SWR position on the Highly Migratory Species Management Team (HMSMT).

Motion 31 carried unanimously.

Mr. Lockhart moved and Mr. Pollard seconded Motion 32 that the Council appoint Dr. Correigh Greene to the NMFS Fisheries Science Center position on the Habitat Committee.

Motion 32 carried unanimously.

LCDR Chambers moved and Mr. Ortmann seconded Motion 33 that the Council appoint LCDR Brad Soule to the U.S. Coast Guard District 11 position on the Enforcement Consultants.

Motion 33 carried unanimously.

Ms. Vojkovich moved and Mr. Brizendine seconded Motion 34 that the Council adopt the charge and membership composition proposed for the ad hoc South of Humbug Pacific Halibut Policy Committee as provided in Agenda Item G.6.a, Supplemental Attachment 1.

Motion 34 carried unanimously.

Mr. Wolford asked Council members to recommend members to the South of Humbug Pacific Halibut Policy Committee. Based on those recommendations, the Chairman made the following appointments: Ms. Culver, Mr. Steve Williams, Ms. Marci Yaremko, Ms. Sarah Williams (later replaced with Mr. Kevin Duffy), and Mr. Gregg Williams (pending confirmation from the IPHC).

Mr. Myer moved and Mr. Ortmann seconded Motion 35 that the Council appoint Ms. Dorothy Lowman as the Pacific Council representative on the CCC Video and Electronic Monitoring Subcommittee, per the request in Agenda Item D.6.a, Supplemental Attachment 3.

Motion 35 carried unanimously.

Ms. Vojkovich moved and Mr. Crabbe seconded Motion 36 that the Council appoint Ms. Michele Culver as our representative on the Regional Planning Body for the West Coast Region and Ms. Gway Kirchner as her alternate, per the request in Agenda Item G.6.a, Supplemental Attachment 2.

Motion 36 carried unanimously.

Mr. Wolford confirmed the following officers chosen by the Council's advisory bodies for the current year: CPSAS: Mr. Mike Okoniewski (Chair) and Ms. Diane Pleschner-Steele (Vice-

Chair); for CPSMT: Dr. Robert Emmett (Chair) and Ms. Briana Brady (Vice Chair); and for the EPDT: Ms. Yvonne deReynier (Chair) and Dr. John Field (Vice-Chair).

[Council concluded this agenda item at 10:02 a.m. and were on break until 10:57 a.m.]

G.7 Future Council Meeting Agenda and Workload Planning (6/26/2012: 10:57 a.m.)

G.7.a Agenda Item Overview

Dr. McIsaac provided the Agenda Item Overview, including references to the following documents:

Agenda Item G.7.a, Attachment 1: Pacific Council Workload Planning: Preliminary Year-at-a-Glance Summary.
Agenda Item G.7.a, Attachment 2: Preliminary Proposed Council Meeting Agenda, September 13-18, 2012 in Boise, Idaho.
Agenda Item G.7.a, Attachment 3: Proposed Workshops and SSC Subcommittee Meetings for 2012.
Agenda Item G.7.a, Attachment 4: Pacific Council Workload Planning: Year-at-a-Glance Summary.
Agenda Item G.7.a, Attachment 5: Proposed Council Meeting Agenda, September 13-18, 2012 in Boise, Idaho.
Agenda Item G.7.a, Attachment 6: Possible Regulation Amendment Process for Consideration of Electronic Monitoring as a Replacement for the 100% Observer Coverage Requirements.

Dr. McIsaac noted that the Council staff would have a very busy spring next year with hosting both the CCC meeting and the national fishery conference in Washington, DC during early May. It will be necessary to keep the April and June Council agendas at a reasonable length. He noted the NWFSC has volunteered to provide some assistance for the groundfish EFH effort, and Dr. Michelle McClure spoke to providing some analysis and synthesis at the September meeting of the information in the Phase I Report to help guide priorities for determining EFH and the importance of various habitats.

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

Dr. John Coon summarized the following statements:

Agenda Item G.7.b, Supplemental CPSMT Report.
Agenda Item G.7.b, Supplemental CPSMT Report 2.
Agenda Item G.7.b, Supplemental CPSAS Report.

Dr. Kit Dahl summarized the following statements:

Agenda Item G.7.b, HMSMT Report.
Agenda Item G.7.b, Supplemental HMSMT Report 2.
Agenda Item G.7.b, Supplemental HMSAS Report.

Ms. Lynn Mattes presented:

Agenda Item G.7.b, Supplemental GMT Report.
Agenda Item G.7.b, Supplemental NMFS Report: Letter to State Directors from Bob Turner, Regarding Amendment to the Salmon Fishery Management Plan.

G.7.c Public Comment

Mr. Rod Moore, West Coast Seafood Processors Association, Portland, Oregon; regarding scheduling of the gear regulation meeting to a more convenient location.
Dr. Geoff Shester, Oceana, Agenda Item G.7.c, Supplemental Public Comment; commended Council on forage fish action though disappointed action was not initiated at this meeting; expected that the amendment would begin in June 2013; additional comments on EFH, sardine workshop, and problems with HMS drift gillnet fishery.
Mr. Steve Marx, Pew Charitable Trust, Portland, Oregon; supportive of Council action on forage fish to meet the proposed schedule.
Mr. Seth Atkinson, National Resource Defense Fund, San Francisco, California; noted that stock complexes need revising as well as comments on elasmobranchs and other groundfish and forage fish issues.

G.7.d Council Discussion and Guidance on Future Meeting Agenda and Workload Planning (6/26/2012; 12:14 p.m.)

Mr. Roth provided comments about the timeline for the FEP development and the unmanaged forage species topic. He suggested that an updated list of fisheries could be ready for the November meeting with adoption of the FEP in March and starting the forage fish action in June.

Mr. Lockhart expressed interest in getting started on the adaptive management program, but noted the November Council meeting is looking to be the fullest agenda in the Year-at-a-Glance.

Ms. Culver agreed that it makes sense to have the unmanaged forage species item appear in the June agenda as the initial meeting to begin the FMP amendment process. She agreed with the reduction of trawl trailing actions in September, though November looked daunting, and expressed some frustration over the length of time given to the trawl trailing actions, and hoped we could find another more efficient way of processing them. We should concentrate only on the priorities and not a whole laundry list from industry.

Mr. Steve Williams requested staff to hone down the meeting time for the GMT in September, asked that the Council consider a workshop on the gear switching issue, and noted he did not see the joint GMT/SSC workshop recommended for September.

Regarding trawl trailing actions, Ms. Vojkovich said it was time to just let the program play out rather than taking so much time to consider trailing actions. She agreed with Ms. Culver regarding a better way of planning workload rather than ad hoc at Council meetings.

Ms. Culver recommended that the GMT not produce a report for the reallocation of whiting and the seabird protection agenda item. For November, she recommended against a GMT report on the trawl trailing actions relative to the analysis or technical aspects. The GMT should be

preparing now for the 2015-2016 management cycle, and she supports the elasmobranch workshop in early 2013.

Mr. Wolford asked that, if possible, the barotrauma issue be on the November agenda.

Dr. McIsaac summarized the Council input, stating that the forage fish start in June made sense, that, where possible, he would move any November agenda items to September, and moving the gear workshop ahead of the September meeting to a Portland location made good sense.

[The Council concluded this agenda item on 6/26/2012 at 12:42 p.m.]

H. Ecosystem-Based Management

H.1 Council Fishery Ecosystem Plan (FEP) Development (6/24/2012; 11:25 a.m.)

H.1.a Agenda Item Overview

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

Agenda Item H.1.a, Attachment 1: Draft Pacific Coast Fishery Ecosystem Plan.
Agenda Item H.1.a, Attachment 2: Draft Outline for an Annual State-of-the-Ecosystem Report.

H.1.b Report of the Ecosystem Plan Development Team

Ms. Yvonne deReynier presented Agenda Item H.1.b, EPDT Report.

[Council recessed at 11:45 a.m. until 1:03 p.m.]

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

Mr. Mike Okoniewski presented Agenda Item H.1.c, Supplemental CPSAS Report.
Dr. Owen Hamel presented Agenda Item H.1.c, Supplemental SSC Report.
Mr. Don Maruska presented Agenda Item H.1.c, Supplemental EAS Report.
Mr. Tim Roth presented Agenda Item H.1.c, Supplemental HC Report.
Mr. Mike Burner read the following to the record, Agenda Item H.1.c, Supplemental GAP Report.

H.1.d Public Comment

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

H.1.e Council Action: Review and Approve Draft FEP for Public Review and Provide Guidance on Annual State-of-the-Ecosystem Reporting (6/24/2012; 1:28 p.m.)

Mr. Burner reviewed Council action for this item. He said that the EPDT would be interested in Council guidance on future work (particularly FEP Chapters 4 and 5), on the FEP objectives listed in Chapter 2, and on the contents and format of the annual state-of-the-ecosystem report.

Ms. Culver asked about the status of planned workshops regarding the IEA and the annual report. Mr. Burner stated that the SSC and the West Coast Science Centers have been

considering a fall workshop to discuss the annual report as well as ecosystem considerations in stock assessments, but no specific dates have been set.

Mr. Roth appreciated the public comments from Mr. Ken Hinman regarding the desire to develop some benchmarks for ecosystem indices to help the Council understand the implications of the information presented. The HC and SAS also recommended that as the document develops and new information comes forward, it will be important for NMFS and the EPDT to provide some interpretation and guidance on the application of the indices and trends.

Ms. Culver thanked the EPDT and the EAS for their work to date and for their willingness to address a seemingly heavy task between now and November. She felt that there has been considerable progress in the right direction resulting in an impressive working draft for this meeting. She was also appreciative of the EAS report and is supportive of their recommendations, with the exception of the third item under that last bullet regarding key vulnerabilities. She said the statement sounds good, but it lacks clarity on how such an analysis would be done.

Ms. Culver moved and Mr. Lincoln seconded (Motion 17) that the EDPT continue their work on the FEP document and provide an updated draft in November that considers the recommendations of the EAS, HC, and CPSAS; further, request that NMFS provide an update in November on plans for a workshop on ecosystem information and the annual report.

Ms. Culver spoke to her motion and reiterated that the EPDT is on the right track, but the schedule is ambitious and she challenged the EPDT to complete as much as can be done by November.

Mr. Williams also requested that the EPDT not lose sight of potentially releasing summary reports throughout the year with a focus on particular management decisions, and include some guidance and interpretation of the results.

Mr. Wolford noted that the situation summary mentions the document going out for public review, and asked for clarification on Council action in this regard. Ms. Culver clarified that her motion is not intended to support putting a draft out for public review at this time. Mr. Burner clarified that the schedule approved by the Council in November 2011 called for a public review draft to be adopted at this meeting; however, that schedule is flexible, and approving a more complete draft in November of 2012 makes sense and would still allow public review opportunity over the winter.

Ms. Culver clarified that her motion would adopt the changes to the objectives listed in the Supplemental EAS report.

Motion 17 carried unanimously.

Mr. Williams reiterated his request for updates or summary reports throughout the year, in addition to the annual report. Ms. DeReynier clarified that much of the ecosystem level information only comes out annually, so frequent updates may not be feasible.

The Council clarified for Ms. DeReynier that the request to NMFS regarding the proposed workshop was to have the workshop planned for by November, not completed by November.

Ms. Culver spoke in favor of the proposed outline for the annual report, and agreed with Mr. Williams that short updates throughout the year could be useful.

Mr. Williams spoke in favor of the proposed outline and is encouraged to see the emphasis on the human dimension of ecosystem-based management.

Ms DeReynier reported that the EPDT will strive to complete the requested tasks while allowing as much review time as feasible. She noted that it has been difficult to draft the documents and provide adequate focused review time for the other advisory bodies, and said that the EPDT would be open to Council suggestions on how to achieve both goals.

Ms. Lowman thanked the EPDT for their hard work on this big project and noted that the FEP will be adaptive in nature.

[Council concluded this agenda item at 1:50 p.m. and were on break until 1:55 p.m.]

Enforcement Issues

I.1 Annual NMFS Enforcement Report (6/25/2012; 1:17 p.m.)

I.1.a Agenda Item Overview

Mr. Jim Seger presented the Agenda Item Overview.

I.1.b NMFS Enforcement Report

ASAC Martina Sagapolu, DSAC Bill Giles, and Mr. Niel Moeller, Regional Enforcement Attorney, presented Agenda Item I.1.b, Supplemental NMFS OLE Report, Pacific Coast Enforcement Highlights for 2011.

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

None.

I.1.d Public Comment

None.

I.1.e Council Discussion and Guidance, as Needed

The Council expressed appreciation for the presentation and no guidance was needed.

[Council concluded this agenda item at 2:07 p.m.; then went on break until 2:17 p.m.]

ADJOURN

Dr. McIsaac acknowledged Dr. Coon's retirement and that this would be the last time he would be in the staff chair.

The Council adjourned June 26, 2012 at 12:45 p.m.

Dan Wolford
Council Chairman

Date

DRAFT VOTING LOG
Pacific Fishery Management Council
214th Meeting
June 2012

Motion 1: Approve the Agenda as shown in Agenda Item A.4.a, Proposed Council Meeting Agenda, June 2012.

Moved by: Dale Myer Seconded by: Rich Lincoln
Motion 1 carried unanimously.

Motion 2: That:
(1) The Council declare that Barotrauma associated with our hook-and-line catch and release recreational groundfish fishery is a priority consideration that needs to be accounted for in our catch forecasting and catch accounting models, and that such accounting should include the differential release mortality associated with depth of catch and depth of release.

a. That 2 or 3 of our most constraining species be addressed with the highest priority
b. That additional species be addressed as data, and Council and State workloads permit

(2) in recognition that several viable recompression devices are effective in releasing fish back at depth with low mortality, and that devices are currently in use in West Coast recreational fisheries to conserve various groundfish stocks, that the Council

a. assign the GMT to develop draft proposed estimates, or methodologies, for decompression release survival rates for appropriate groundfish species in West Coast recreational fisheries – specifically depth-based mortality tables, by the deadline of the September Council meeting advance Briefing Book;
b. assign the SSC to review the GMT depth based mortality tables with regard to best available science and suitability for use in active fishery management decision making, and produce a statement for consideration at the September Council meeting; and to identify additional research and data needs; and
c. that the Council consider the GMT proposal, the SSC review, and a GMT response to the SSC review at the September Council meeting, towards consideration for use as soon as practical.
    i. With an objective for 2013 on the 2 or 3 most constraining species
    ii. With a broader range of species in the 2015-16 SPEX cycle, as additional data becomes available.

Moved by: Dan Wolford Seconded by: Buzz Brizendine

Amndmnt 1: Change the September date in sections 2(a) and 2(b) of Motion 2 to November 2012, and change the September date in section 2(c) to March 2013.

Moved by: Marija Vojkovich Seconded by: David Crabbe
Amendment 1 carried unanimously.

Amndmnt 2 Make the following edits:

(1) Council declare that barotrauma associated with our hook and line catch and release recreational groundfish fishery is a priority consideration that needs to be accounted for in our catch forecasting and catch accounting models, and that such accounting should include the differential release mortality associated with depth of catch and depth of release.
   a. ~~That 2 or 3 of our most constraining species~~ Cowcod and yelloweye rockfish be addressed with the highest priority
   b. That additional species be addressed as data, and Council and State workloads permit

(2) In recognition that several viable recompression devices are effective in releasing fish back at depth with low mortality, and that devices are currently in use in West Coast recreational fisheries to conserve various groundfish stocks, that the Council
   a. assign the GMT to provide a progress report to the Council that may include ~~develop~~ draft proposed ~~estimates, or~~ methodologies, for decompression release survival rates for appropriate groundfish species in West Coast recreational fisheries – specifically depth based mortality tables, by the deadline of the November 2012 Council meeting advance Briefing Book;
   b. assign the SSC to review the GMT progress report which may include depth based mortality tables with regard to best available science and suitability for use in active fishery management decision making, and produce a statement for consideration at the November 2012 Council meeting; and to identify additional research and data needs; and
   c. that the Council consider the GMT ~~proposal~~ progress report, the SSC review, and a GMT response to the SSC review at the March 2013 Council meeting, towards consideration for use as soon as practical.
      i. With an objective for 2013 ~~on the 2 or 3 most constraining species~~ for cowcod and yelloweye rockfish
      ii. With a broader range of species should be analyzed in the 2015-2016 management specifications process, as additional data becomes available.

Moved by: Gway Kirchner Seconded by: Phil Anderson

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

Motion 3: Adopt for public review the list of stocks to be assessed in 2013 as shown in Agenda Item D.3.b, Supplemental GAP report (aurora rockfish, cowcod, darkblotched rockfish, longspine thornyhead, shortspine thornyhead, Pacific sanddabs, and petrale sole); recommend that yellowtail, rougheye, and sablefish

be listed as candidates for full assessment, depending on data availability. Bocaccio would be an update, and Pacific ocean perch would be a data report.

Moved by: Marija Vojkovich Seconded by: Buzz Brizendine
Motion 3 carried unanimously.

[Motion was reconsidered on Sunday, June 24, 2012 (Motion 19)]

Amndmnt 1: For the purpose of the public review prior to the final action in the September meeting, to remove sablefish from the list of candidates for full stock assessments and specify the stock as a candidate for an update assessment or to not do an assessment at all next year.

Moved by: David Crabbe Seconded by: Dorothy Lowman
Amendment 1 carried unanimously.
Main Motion, as amended, carried unanimously.

Motion 4: Adopt for public review the preliminary Terms of Reference for the Groundfish and Coastal Pelagic Species Stock Assessment and Review Process for 2013-2014 (Agenda Items D.3.a, Attachments 2 through 4); and adopt for public review the 2013 Groundfish Stock Assessment Review Panel Meeting Schedule (Agenda Item D.3.b, NMFS Report, Table 1 as updated in the NWFSC PowerPoint.

Moved by: Michele Culver Seconded by: Rich Lincoln
Motion 4 carried unanimously.

Motion 5: Recommend to NMFS, for the 2013-2014 cycle, approval of all three EFP Applications as shown in Agenda Items D.4.a, Attachment 1, D.4.a, Attachment 2 and D.4.a, Attachment 3 with the following changes:

- For the Fosmark EFP no more than a thousand hooks per set be used.
- The set-aside amounts for the San Francisco Community Fishing Association (SFCFA) and the Fosmark EFP's to be allowed are as listed in Agenda Item D.4.b, Supplemental GMT Report in Table 1 on pages 5 and 6 in the column labeled "EFP totals" with the changes listed below:
  a. The Fosmark set-aside for Canary is changed to 0.5 mt and for yelloweye 0.15 mt.
  b. The SFSCA set-aside for Canary is changed to 1.0 mt, for yelloweye 0.15 mt and black rockfish is removed.
- For the Central Coast Sustainable Groundfish Association (CCSGA) EFP, the changes are to adopt the recommendations of the GMT listed in Agenda Item D.4.b, Supplemental GMT Report.

Moved by: David Crabbe Seconded by: Dan Wolford

Amndmnt 1: Change the set-aside numbers under items "a" and "b" below for yellow eye on both EFP's to 0.01 mt:

a. The Fosmark set-aside for canary is changed to .5 mt and for yelloweye **.01 mt**.
b. The SFSCA set-aside for canary is changed to 1.0 mt, for yelloweye **.01 mt**, and black rockfish is removed.

Moved by: Michele Culver Seconded by: Rich Lincoln
Amendment 1 carried unanimously.
Motion 5 (as amended) carried (Michele Culver and Marija Vojkovich voted no, Frank Lockhart abstained).

Motion 6: In an effort to reduce the analytical workload, ensure that the 2013 regulations are implemented on January 1, 2013 and provide sufficient time for the Council and its advisory bodies to effectively consider major changes to the groundfish harvest specifications, rebuilding plans, stock complexes, and management process, the Council reiterates its intent to keep the harvest specifications and management measures for 2013 and 2014 as close to the 2012 harvest specifications and management measures (i.e., status quo) as much as possible with minimal exceptions.

1. Reaffirm its preliminary preferred alternative (PPA) for the ACLs for all groundfish stocks and stock complexes, for 2013 and 2014 in D.5.a, Attachment 2.
2. Reaffirm its PPA relative to allocations and harvest guidelines (specifically, these include the actions taken for widow rockfish, overfished species, black rockfish, blackgill rockfish, blue rockfish, cowcod rockfish, longnose skate, and spiny dogfish).
3. Reaffirm its PPA relative to season structures, RCA configurations, and recreational fisheries.

Moved by: Michele Culver Seconded by: Rich Lincoln

Amndmnt 1: **S**trike cowcod rockfish under item 2, "Cowcod Rockfish," and add the language "except cowcod rockfish," with the overfished species.

Moved by: Marija Vojkovich Seconded by: Buzz Brizendine
Amendment 1 carried unanimously.
Motion 6, as amended, carried unanimously.

Motion 7: Council to choose option 1 for the two-year cowcod allocations which are 34 percent trawl and 66 percent non-trawl, as found on page 28 on the DEIS in Appendix C.

Moved by: Marija Vojkovich Seconded by: Gway Kirchner
Motion 7 carried unanimously.

Motion 8: Adopt the set-asides and allocations for the 2013-2014 tribal fisheries reflected in Table 2-48 or 2-49 of the DEIS with the following changes: in April, the Makah Tribe updated the set-aside request for widow rockfish from 45 mt to 60 mt,

minor shelf rockfish from 9 mt to 30 mt, and shortspine thornyhead increased from 38 mt to 50 mt as well as the updated petrale set aside request at this meeting of 220 mt. Management measures to stay within these allocations and set-asides will be largely unchanged from 2012 unless inseason statistics indicate the need to be more restrictive to stay within an allocation or the treaty right to half the harvestable amount in tribal area.

Moved by: David Sones Seconded by: Herb Pollard
Motion 8 carried unanimously.

Motion 9: The Council

1. Reaffirm its preferred preliminary alternative as the No-Action Alternative with regards to sorting requirements for aurora, shortraker, rougheye, and blackgill rockfish.
2. Reaffirm its preliminary preferred alternative for the removal of the minimum size limit for lingcod in IFQ fisheries.
3. Reaffirm its preliminary preferred alternative as the No Action Alternative relative to modifications to the shorebased IFQ accumulation limits.
4. Reaffirm its preliminary preferred alternative for the at-sea whiting set-aside amounts as recommended by the GAP.

Moved by: Michele Culver Seconded by: Dale Myer

Amndmnt 1: Make the following edit behind blackgill rockfish to add "north of 40˚10′ latitude."

Moved by: Dale Myer Seconded by: Dorothy Lowman
Amendment 1 carried unanimously.

Amndmnt 2: Under part 2 delete "reaffirm its preliminary preferred alternative, for the removal of minimum size limit for lingcod in IFQ fisheries" and replace with "status quo size limit for lingcod in IFQ fisheries.

Moved by: Marija Vojkovich Seconded by: David Crabbe
Amendment 2 carried (Mr. Sones and Mr. Myer voted no).
Motion 9, as amended, carried unanimously.

Motion 10: Adopt GMT recommendations 4, 5, and 6 as displayed on page 1 of Agenda Item D.5.b, Supplemental GMT Report.

Moved by: Michele Culver Seconded by: Frank Lockhart
Motion 10 carried unanimously.

Motion 11: Adopt items 5a, 5j, 5l, and 5m as shown in Agenda Item D.5.a, Attachment 1, on page 2.

Moved by: Michele Culver Seconded by: Dale Myer

Motion 11 carried unanimously.

Motion 12: Adopt the process for the shorebased IFQ surplus carryover as shown in Agenda Item D.5.a, Attachment 3, page 41 and subsequent analysis in the DEIS (the only option shown).

Moved by: Michele Culver Seconded by: Rich Lincoln
Motion 12 carried unanimously.

Motion 13: Adopt the Preliminary Preferred Alternatives for options 5b, 5d, and 5i.

Moved by: Michele Culver Seconded by: Gway Kirchner
Motion 13 carried unanimously.

Motion 14: Adopt the recommendations included in the CPSAS supplemental report (Agenda Item F.2.b, Supplemental CPSAS Report) which carries over the management measures from the previous year. These include a P* choice of 0.45, resulting in an OFL of 44,336 mt, an ABC of 42,375 mt, an ACL/HG of 40,514 mt, an ACT of 30,386 mt, and an incidental set-aside of 10,128 mt. In the event the directed fishery closes, any remaining incidental catch may be used as follows:

- A 45 percent incidental catch is allowed when Pacific mackerel are landed with other coastal pelagic species; and
- Up to 1 mt of Pacific mackerel could be landed without landing any other CPS.

Moved by: Marci Yaremko Seconded by: David Crabbe

Amndmnt 1: Include the CPSAS recommendation for the inseason review of the mackerel fishery at the April 2013 Council Meeting as included on page two of Agenda Item F.2.b, CPSAS Supplemental Report.

Moved by: Michele Culver Seconded by: Rich Lincoln
Amendment 1 carried unanimously.
Motion 14, as amended, carried unanimously.

Motion 15: Council to:

1. Request that the National Marine Fisheries Service (NMFS) update the List of Fisheries (Section 305(a) of the Magnuson-Stevens Act) to accurately reflect the legal gears and species that can be harvested within the West Coast Exclusive Economic Zone now under the Council's Fishery Management Plans (FMPs) or state fisheries authorities. NMFS should work with the states with a goal of bringing the proposed changes to the List to the November 2012 meeting and having those changes deemed appropriate by the Council as early in 2013 as possible;
2. Reconfirm the Council's prior action to address unmanaged forage fish species through the Coastal Pelagic Species (CPS) FMP as its primary vehicle,

which would not preclude the Council from using other FMPs, as it deems appropriate; and

3. Establish a subcommittee of the Ecosystem Plan Development Team (EPDT) comprised of representatives from the NMFS Northwest and Southwest regions, and the states of California, Oregon, and Washington, and Council staff, as needed, to scope alternatives for unmanaged forage fish protection.

In addition, I move the Council provide the following guidance for the subcommittee:

4. Alternatives should include revising the list of management unit species, ecosystem component species, or both, and restricting the legal gears that can be used so that: (a) the potential for bycatch of unmanaged species is minimized; and (b) new targeting opportunities cannot be started until status determination criteria for the stock can be identified and the Council can fully consider and deliberate on the social, economic, and ecological costs and benefits of the new fishing activity like the Council does now for existing fisheries. As stated above, the CPS FMP would be the primary FMP for consideration; however, if another FMP would be a better fit, then the subcommittee should note that in its report to the Council.
5. To narrow the scope of the alternatives, the subcommittee should focus its efforts on the unmanaged forage fish species that are commercially harvested now in other areas of the world and on the gears and methods used now or that could be reasonably conceived to support significant commercial harvest in the future. In addition, the subcommittee need only discuss and advise the Council on the differences in workload and regulatory effect between the "in the fishery" and ecosystem component species designations generally (i.e., not species by species).
6. The subcommittee should have an initial conference call within the next month to review the Council action and decide next steps. This should be followed by a meeting in conjunction with the November 2012 Council meeting—a portion or all of the meeting should include a joint meeting with the CPSMT. Coordination should also occur with the Council's CPS and Ecosystem Advisory Subpanels to solicit their comments on the subcommittee's discussions and reports.
7. The subcommittee should prepare a draft list of alternatives and a timeline for regulatory action through one or more FMPs for the November 2012 meeting for advisory body review and the Council's consideration.

Moved by: Michele Culver Seconded by: Rich Lincoln

Amndmnt 1: Include the following objective statement: "It is the Council's intent to recognize the importance of forage fish to the marine ecosystem off our coast, and to provide adequate protection for forage fish. We declare that our approach is to prohibit the development of new directed fisheries on forage species that are not currently managed by our Council, the States or the Endangered Species Act (ESA), until we have an adequate opportunity to assess the science relating to the fishery and any potential impacts to our existing fisheries and communities."

Moved by: Dan Wolford Seconded by: Buzz Brizendine

Amndnt 1a: Make the following edit to change the word in the second sentence from "approach" to "objective."

Moved by: Steve Williams Seconded by: Jeff Feldner
Amendment 1a carried unanimously.

Amndnt 1b: Make the following edits to the objective statement by striking "Endangered Species Act" and adding "or" before "the States" in the second sentence.

Moved by: Frank Lockhart Seconded by: Steve Williams
Amendment 1b carried unanimously.
Amendment 1, as amended, carried unanimously.

Motion 15 was not voted on.

Motion 16: As a substitute motion for Motion 15:

1. Direct the EPDT to proceed with Option 2 as detailed in its report, and schedule a progress report on its work to update and revise the List of Fisheries, to be made to the Council at its November 2012 meeting
   A. Regarding the List of Fisheries, all Council advisory bodies shall be tasked with identifying fisheries and authorized gears for Federal fisheries operating in the U.S. EEZ off each state in the most specific and narrow terms possible, for incorporation into the updated List. This exercise shall be completed by the advisory bodies and provided to the EPDT in time for inclusion in the November progress report.
   B. For state-managed fisheries, the states shall be responsible, through their EPDT representatives, for preparing the list of state-managed fisheries which have a nexus with Federal waters, for inclusion in the updated List.
   C. The EPDT's progress report shall include any analysis on the possible effectiveness of the LOF application process in meeting the goal of preventing development of non-existent fisheries.
   D. The report shall also include, to the extent possible, any new information or analysis regarding the application of Section 600.747 of the Federal rules, including whether there is a possibility of amending these regulations for the West Coast such that additional requirements and specifications regarding the Council's review of applications could be formally incorporated into Federal regulations.
   E. Regarding the Council's standards which would be used in assessing whether a proposed new fishery could compromise conservation and management measures within the West Coast EEZ, the EPDT progress report shall provide full detail of the proposed standards and process, in order to make the procedural and content requirements clear and transparent to both applicants and the public, consistent with the recommendations outlined in Option 2 of the EPDT report.

F. At its November 2012 meeting, upon receipt of the Progress Report, the Council shall review and provide guidance so that the content can be finalized for incorporation into the draft FEP, consistent with the FEP development schedule identified on Pg 2 of the draft FEP (Agenda Item H.1.a Attach 1, June 2012).

G. It is the Council's intent to recognize the importance of forage fish to the marine ecosystem off our coast, and to provide adequate protection for forage fish. We declare that our objective is to prohibit the development of new directed fisheries on forage species that are not currently managed by our Council, or the States, until we have an adequate opportunity to assess the science relating to the fishery and any potential impacts to our existing fisheries and communities.

Moved by: Marci Yaremko Seconded by: David Crabbe

Amndmnt 1: Include the language: "After completion of the FEP, the EPDT shall proceed to incorporate any needed protections into our current suite of FMPs through an amendment process."

Moved by: Dan Wolford Seconded by: Herb Pollard

Amndnt 1a: Strike "EPDT" and replace it with "Council" proceed to incorporate any needed protections.

Moved by: Michele Culver Seconded by: Dale Myer
Amendment 1a carried unanimously.
Amendment 1 carried (Mr. Steve Williams voted no).

Amndmnt 2: Make the following edits to the motion by striking words in the substitute motion.

- In section 1, strike "at its November 2012 meeting" and replace with "as soon as possible after completion of the FEP";
- in subpart A, strike "in time for inclusion in the November progress report" and replace with "as soon as possible after the completion of the FEP" and
- In subpart F, strike "At its November 2012 meeting" and replace with "As soon as possible after completion of the FEP."

Moved by: Frank Lockhart Seconded by: David Sones
Amendment 2 carried (Ms. Culver and Mr. Lincoln voted no).

Motion 16 carried (8 yes, 5 no; Mr. Myer, Mr. Lincoln, Ms. Culver, Mr. Feldner, and Mr. Steve Williams voted no).

Motion 17: The EDPT to continue their work on the FEP document and provide an updated draft in November that considers the recommendations of the EAS, HC, and CPSAS; further, the Council requests that NMFS provide an update in November on plans for a workshop on ecosystem information and the annual report.

Moved by: Michele Culver Seconded by: Rich Lincoln
Motion 17 carried unanimously.

Motion 18: Adopt the recommendations in Agenda Item G.2.b, Supplemental LC Report and direct the Executive Director to convey comments if received, as appropriate.

Moved by: Dorothy Lowman Seconded by: Michele Culver
Motion 18 carried unanimously.

Motion 19: Council to reconsider Motion 3 under Agenda Item D.3.

Moved by: Marija Vojkovich Seconded by: Michele Culver
Motion 19 carried unanimously.

Motion 20: Suspend widow quota share trading until the Council deliberations are completed and NMFS has implemented any widow quota share reallocation or December 31, 2014, whichever is earlier.

Moved by: Gway Kirchner Seconded by: Jeff Feldner
Motion 20 carried unanimously.

Motion 21: Adopt the following:

a. **Relative to recent participation for processors**.
   i. Revise Alternative 3 to be 1998-2007.
b. **Qualifying period for MS/CV Endorsements**
   i. Same as qualifying period for shoreside harvesters.
c. **Buyback permit share determination**
   i. Under all of the alternatives maintain status quo, i.e., the quota pounds from the buyback permits are distributed proportionately among the current qualifying permits (94-03 base period).
d. **Entity qualifying for initial allocation** (Quota share account holders vs. permit holder).
   i. For all the alternatives, the quota share adjustments, if needed, would be to the Quota Share Account, not the permit holder.

Moved by: Phil Anderson Seconded by: Rich Lincoln

Amndmnt 1: Edit the motion in part "a" by striking "1998" and replacing with "2004."

Moved by: Dale Myer Seconded by: Rich Lincoln
Amendment 1 carried (Ms. Vojkovich voted no, Mr. Myer recused, and Mr. Sones abstained).

Amndmnt 2: Make the following edits to the motion: insert "for analysis in the DEA" after "adopt the following" in the first sentence of the motion.

Moved by: Dale Myer Seconded by: Rich Lincoln

Amendment 2 carried (Mr. Myer recused and Mr. Sones abstained).
Motion 21 carried (Mr. Myer recused and Mr. Sones abstained).

Motion 22: Council provides the following comments to NMFS regarding the Reconsideration of Allocation of Whiting (RAW) 1 and 2:

a. Trading moratorium
Confirm delay of transfer of QS and IBQ between QS accounts in the shorebased IFQ fishery for all species.

b. Divestiture period
Confirm delay of the requirement to divest excess QS amounts for the shorebased IFQ fishery (December 31, 2014) and the at-sea mothership fishery (December 31, 2012).

c. MS/CV Endorsement Severability
Confirm the delay of the ability to move MS/CV endorsement and catch history assignments from one limited entry trawl permit to another.

d. Start of Year QP Issuance
Confirm the need to modify the provisions for the start of the year issuance of QP on 2013 to accommodate possible reallocation of QS.

e. Catch Share Reallocation
No action needed, part of RAW 2, only needed to address the potential reallocation of whiting QS, bycatch species QS, and mothership sector endorsement and catch history reallocation.

Moved by: Phil Anderson Seconded by: Rich Lincoln
Motion 22 carried (Mr. Myer recused, Mr. Lockhart and Mr. Sones abstained).

Motion 23: Accept the recommendations detailed in Agenda Item G.8.b, Supplemental GMT Report, Page 14, as follows:

- Increase the limited entry shelf rockfish trip limit south of 34° 27' N. latitude from "3,000 lb./2 months" to "4,000 lb./2 months" as soon as possible, through the end of the year.
- Increase the limited entry fixed gear trip limits for bocaccio south of 34°27' N latitude from "300 lb./2 mo" to "500 lb./2 mo" as soon as possible, through the end of the year.
- Reduce trip limits in the LE sablefish DTL fishery, north of 36° N. latitude from 1,000 pounds per week, not to exceed 4,000 pounds per two months, to 800 pounds per week, not to exceed 1,600 pounds per two months, beginning September 1, 2012, according to Alternative 1, in Table 7, through the end of the year.

Moved by: Dale Myer Seconded by: Michele Culver
Motion 23 carried unanimously.

Motion 24: Confirm the adoption of groundfish harvest specifications and management measures in Agenda Item D.5, with the following modifications:

1. Adopt the current trawl RCA structure for 2013-14; and

2. Adopt the vessel accumulation limits for lingcod as shown in Agenda Item D.9.b, Supplemental GAP Report (5.3 percent north, 13.3 percent south).

Additionally, adopt the set-asides and sector-specific allocations as shown in Attachments 1 (4 tables) and 2 (3 tables) in Agenda Item D.9.b, Supplemental GMT Report. Also, analysis should be included in the Final Environmental Impact Statement to allow implementation of a lingcod minimum size limit of 18 inches for commercial and recreational fisheries through inseason action in 2013-2014.

Moved by: Gway Kirchner Seconded by: Michele Culver

Amndmnt 1: Make the following edits to the motion under # 2: "Adopt the vessel ~~accumulation~~ use limits for lingcod quota pounds" and retain the rest of the motion as specified.

Moved by: Michele Culver Seconded by: Marija Vojkovich
Amendment 1 carried unanimously.

Amndmnt 2: Have Council staff go through and align the table on the tribal set-asides to match the tribal request under D.5 and correct any information that is not accurate in the table.

Moved by: David Sones Seconded by: Herb Pollard

Amendment 2 carried unanimously.
Motion 24 as amended carried unanimously.

Motion 25: Reaffirm the tribal set-asides and allocations adopted under Agenda Item D.5 and also update the Federal regulations as follows:

- Add a sublimit of 800 pounds per trip for redstriped rockfish into the section dealing with "other rockfish."
- Remove the limit of 50,000 pounds per two months for petrale sole under "Flatfish and other fish" and replace with "For petrale sole the entire fleet will be managed not to exceed the 220 mt set-aside each year."

Moved by: David Sones Seconded by: Herb Pollard
Motion 25 carried unanimously.

Motion 26: Instruct Council staff to prepare a letter to meet the August 1 deadline for the ANPR request for comments for revisions to NS 1 Guidelines (Agenda Item G.3.a, Attachment 1) which captures comments from the SSC regarding Issues 2, 3, and 7, include comments in the Supplemental GMT Report, and the GAP statement from page 2, under Issue 3, the paragraph that describes the rebuilding paradox.

Moved by: Michele Culver Seconded by: Rich Lincoln

Amndmnt 1: Include the discussion contained in the GAP report under #7 for reviewing the acceptable biological catch control rules.

Moved by: Steve Williams Seconded by: David Crabbe
Amendment 1 carried (8 yes, 4 no, 1 abstention: Mr. Lincoln, Mr. Myer, Mr. Ortmann, Ms. Culver voted no, Mr. Lockhart abstained).
Motion 26 was not voted on.

Motion 27: [Substitute Motion] Provide guidance to staff to capture the issues in Supplemental GMT, GAP and SSC Reports, with the exception of the SSC discussion of item 5.

Moved by: Dorothy Lowman Seconded by: Michele Culver
Motion 27 carried (Mr. Lockhart abstained).

Motion 28: Accept the minutes for the March 2012 (Agenda Item G.4.a Attachment 1); and the April 2012 (Agenda Item G.4.a, Supplemental 2) as corrected in the preceding discussion. (Concerning the March 2012 minutes, Ms. Vojkovich noted the reference to the HMSAS report in Motion 2 on page 12 should be to the "HMSMT" report. Regarding the April 2012 minutes: (1) Mr. Roth noted in the second to last paragraph on page 9, the statement refers to the "Bureau of Reclamation," not to the "Corps;" and (2) Mr. Williams stated on page 10 and in the voting log, Ms. Kirchner and Ms. LaBorde both voted "yes" on Amendment 3 to Motion 2, not "no.")

Moved by: Dave Ortmann Seconded by: Herb Pollard
Motion 28 carried unanimously.

Motion 29: Adopt the Budget Committee Report and staff-proposed CY 2012 operating budget of $4,378,359.

Moved by: Michele Culver Seconded by: Steve Williams
Motion 29 carried unanimously.

Motion 30: Reappoint Mr. Dan Wolford and Ms. Dorothy Lowman to Council Chair and Vice Chair, respectively, for the 2012-2013 term.

Moved by: Marija Vojkovich Seconded by: David Crabbe
Motion 30 carried unanimously.

Motion 31: Appoint Mr. Michael Hendrick to the vacant NMFS SWR position on the Highly Migratory Species Management Team.

Moved by: Frank Lockhart Seconded by: Herb Pollard
Motion 31 carried unanimously.

Motion 32: Appoint Dr. Correigh Greene to the NMFS Fisheries Science Center position on the Habitat Committee.

Moved by: Frank Lockhart Seconded by: Herb Pollard
Motion 32 carried unanimously.

Motion 33: Appoint LCDR Brad Soule to the U.S. Coast Guard District 11 position on the Enforcement Consultants.

Moved by: Brian Chambers Seconded by: Dave Ortmann
Motion 33 carried unanimously.

Motion 34: Adopt the charge and membership composition proposed for the ad hoc South of Humbug Pacific Halibut Policy Committee as provided in Agenda Item G.6.a, Supplemental Attachment 1.

Moved by: Marija Vojkovich Seconded by: Buzz Brizendine
Motion 34 carried unanimously.

Motion 35: Appoint Ms. Dorothy Lowman as the Pacific Council representative on the Council Coordinating Committee Video and Electronic Monitoring Subcommittee, per the request in Agenda Item D.6.a, Supplemental Attachment 3.

Moved by: Dale Myer Seconded by: Dave Ortmann
Motion 35 carried unanimously.

Motion 36: Appoint Ms. Michele Culver as our representative on the Regional Planning Body for the West Coast Region and Ms. Gway Kirchner as her alternate, per the request in Agenda Item G.6.a, Supplemental Attachment 2.

Moved by: Marija Vojkovich Seconded by: David Crabbe
Motion 36 carried unanimously.

DRAFT MINUTES
215th Session of the
Pacific Fishery Management Council
September 14-18, 2012
The Riverside Hotel - Boise
2900 W. Chinden Blvd; Boise, ID 83714

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A. Call to Order

A.1 Opening Remarks (9/14/2012; 10:01 a.m.)

Mr. Dan Wolford, Chairman, called the 215th meeting of the Pacific Fishery Management Council (Council) to order at 10:01 a.m. on Friday, September 14, 2012. He reported that a closed session is scheduled to immediately follow the conclusion of regular business this afternoon to discuss litigation and personnel matters.

Dr. McIsaac introduced Mr. Jim Smith, U.S. Fish & Wildlife Service (USFWS), who is substituting for Mr. Tim Roth at this meeting.

A.2 Roll Call

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

Mr. William L. "Buzz" Brizendine (At-Large)
LCDR Brian Chambers (U.S. Coast Guard (USCG), non-voting, designee)
Mr. David Crabbe (California Obligatory)
Ms. Michele Culver (Washington State Official, designee)
Mr. Jeff Feldner (At-Large)
Mr. Cal Groen (Idaho State Official, designee)
Dr. Dave Hanson, Parliamentarian (Pacific States Marine Fisheries Commission, non-voting designee)
Mr. Rich Lincoln (Washington Obligatory)
Mr. Frank Lockhart (National Marine Fisheries Service (NMFS), Northwest Region, designee)
Ms. Dorothy Lowman, Vice Chair (Oregon Obligatory)
Mr. Dale Myer (At-Large)
Mr. Herb Pollard (Idaho Obligatory)
Mr. Jim Smith (USFWS, non-voting designee)
Mr. David Sones (Tribal Obligatory)
Ms. Marija Vojkovich (California State Official, designee)
Mr. Gordon Williams (Alaska State Official, non-voting designee)
Mr. Steve Williams (Oregon State Official, designee)
Mr. Dan Wolford, Chairman (At-Large)

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

Mr. Phil Anderson (Washington State Official); Mr. Brian Corrigan (USCG, non-voting designee); Ms. Joanna Grebel (California State Official, designee); Mr. Mark Helvey (NMFS, Southwest Region, designee); Mr. David Ortmann (Idaho State Official, designee); LCDR Brad Soule (USCG, non-voting designee); Mr. Bob Turner (NMFS, Northwest Region, designee); and Ms. Marci Yaremko (California State Official, designee).

During the week the following people were absent from the meeting:

Mr. Dave Hogan (U.S. State Department, non-voting) and Mr. Tim Roth (U.S. Fish and Wildlife Service, non-voting designee)

A.3 Executive Director's Report

Dr. Donald McIsaac expressed his thanks to the Council staff for preparation of the September Council Meeting, and informed the Council of the transitional changes resulting from the retirement of Dr. John Coon as of August 31, 2012, including information contained in a memorandum previously given to Council members.

Mr. Dan Wolford reported on a coastal marine spatial planning meeting he attended and noted that information regarding the meeting was detailed in the following attachments:
Agenda Item A.3, Supplemental WCGA Update.
Agenda Item A.3, Supplemental Attachment 1: Questions from the WCGA on Ocean Health to the NOC Relative to CMSP et al.
Agenda Item A.3, Supplemental Attachment 2: WCGA Grant Obligations.
Agenda Item A.3, Supplemental Attachment 3: NROC Relationship with the NE Regional Planning Body.
Agenda Item A.3, Supplemental Attachment 4: Addressing Capacity and Organization of WCGA Action Coordination Teams.

Dr. McIsaac introduced Council members to the following Informational Reports:
Informational Report 1: Final Memorandum of Understanding between NMFS and USFWS to Promote the Conservation of Migratory Bird Populations.
Informational Report 2: Call for Papers: Predator and Forage Fish Dynamics in Eastern Boundary, Especially the California Currents.
Informational Report 3: Albacore Landings by Canadian Vessels in U.S. West Coast Ports.
Informational Report 4: Status Report of the 2011 Ocean Salmon Fisheries off Washington, Oregon, and California.

Dr. McIsaac remarked on the Idaho Department of Fish & Game (IDFG) field trip on salmon research and restoration practices. Further information will be given during the week, and deep appreciation was expressed to the IDFG staff. Mr. Pollard presented information regarding the planned field trip to the conservation hatchery in Eagle on Monday evening for members who would like to attend.

Dr. McIsaac informed the Council that Dr. Paul Doremus, National Oceanic and Atmospheric Administration (NOAA) Deputy Assistant Administrator for Operations; will provide information regarding the funding of the Council in FY 2013 on Saturday morning. Dr. McIsaac provided information regarding the Managing Our Nation's Fisheries Conference 3 next May. He noted that additional information will be given in November with more detail. He also provided information regarding Mr. Will Stelle's visit to the Council this afternoon for Agenda Item H.7, Reconsideration of Initial Catch Share Allocations in the Mothership and Shoreside Pacific Whiting Fisheries. He proposed that when Mr. Stelle arrives this afternoon, the Council take a break and then move immediately into closed session. Lastly, regarding Agenda Item D.1,

Current Habitat Matters, there is a proposal from Monterey Bay National Marine Sanctuary for changing the sanctuary boundaries with a comment deadline prior to the next Council meeting. Since the Groundfish Advisory Subpanel (GAP) is not convening until after that agenda item, following the report of the Habitat Committee, the Council should suspend the remainder of the agenda item until Tuesday morning when they would consider advisory body comments and Council action.

A.4 Agenda

A.4.a Council Action: Approve Agenda

Mr. David Crabbe moved and Ms. Marija Vojkovich seconded Motion 1 to adopt the agenda as shown in Agenda Item A.4, Proposed Detailed Agenda (September 13-18, 2012) with the proposed changes given by Dr. McIsaac for: Agenda Item D.1, Habitat Issues; Closed Session; and the Saturday morning informational briefing by Dr. Paul Doremus.

B. Enforcement Issues

B.1 Current Enforcement Issues (9/14/2012; 10:28 a.m.)

B.1.a Agenda Item Overview

Mr. Jim Seger provided the Agenda Item Overview.

B.1.b Tri-State Enforcement Report

DC Mike Cenci, LT David Anderson and Capt. Bob Farrell provided the Tri-State Enforcement Report: Agenda Item B.1.b, Washington Enforcement Report, Joint Enforcement Agreement (JEA) 2012-2013 Final Report (PowerPoint).

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

None.

B.1.d Public Comment

None.

B.1.e Council Action: Discussion and Guidance, as Needed (9/14/2012; 11:36 a.m.)

Ms. Vojkovich said the presentation provides information that indicates we can't keep doing what we are doing without the JEA funding and Council member support for the JEA funding for the protection of the resource.

Ms. Lowman stated her appreciation for DC Cenci's and the EC's dedication to the Council process and regulations, and for their crucial role in the management of the fisheries.

Dr. McIsaac expressed his thoughts on the importance of the EC in the Council process and the need to diligently assist in the funding process for important law enforcement programs.

[Council break from 11:40 a.m. to 12:45 p.m.]

C. Highly Migratory Species Management

C.1 National Marine Fisheries Service Report (9/14/2012; 12:47 p.m.)

C.1.a Agenda Item Overview

Dr. Kit Dahl provided the Agenda Item Overview and introduced Agenda Item C.1.a, Attachment 1: Northern Committee of the Commission for the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean, Eighth Regular Session, Provisional Annotated Agenda.

C.1.b Regulatory Activities

Mr. Mark Helvey presented:
Agenda Item C.1.b, NMFS Report: NMFS HMS International and Regulatory Activities Report.
Agenda Item C.1.b, Supplemental NMFS Report 2: Report on the Results of 8th Regular Session of the Northern Committee (NC), September 3-6, 2012.

C.1.c Fisheries Science Center Activities

Mr. Cisco Werner presented:
Agenda Item C.1.c, Supplemental SWFSC PowerPoint.
Agenda Item C.1.c, Attachment 1: Report of the Twelfth Meeting of the International Scientific Committee (ISC) for Tuna and Tuna-like Species in the North Pacific Ocean Plenary Session.

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

None.

C.1.e Public Comment

Agenda Item C.1.e, Public Comment.
Agenda Item C.1.e, Supplemental Public Comment 2: Letters from American Albacore Fishing association regarding U.S. Canada Albacore Treaty.

There was no oral public comment.

C.1.f Council Discussion

Ms. Vojkovich recommended that the Highly Migratory Species Advisory Subpanel (HMSAS) and Highly Migratory Species Management Team (HMSMT) provide early input for developing Council positions on the international management of HMS, particularly in relation to the precautionary management framework for North Pacific albacore being developed by the Western and Central Pacific Fisheries Commission (WCPFC) Northern Committee. Early input to U.S. delegations to the WCPFC and Inter-American Tropical Tuna Commission (IATTC) will increase the success of Council recommendations being considered and incorporated into the positions put forward by U.S. delegations. She noted that for the WCPFC, the International

Fisheries Division within NMFS Pacific Island Regional Office plays a lead role, and the Council needs the means to have effective interaction with them including the review of positions put forward by other member countries. In conclusion, even though Regional Fishery Management Organization meetings are far removed from the Council forum, it is important for the Council to pay close attention to their activities.

Mr. Steve Williams expressed the hope that the U.S. is moving forward with negotiations with respect to the U.S.-Canada Albacore Treaty. He emphasized the need to begin negotiations sooner rather than later so that some agreement is reached before the 2013 fishing season. Mr. Helvey agreed with Mr. Williams' recommendation.

Echoing Ms. Vojkovich's comments, Mr. Helvey noted that albacore comprises the largest HMS fishery on the west coast. North Pacific albacore is a pan-Pacific stock, so both the WCPFC and IATTC play a role in management. While the WCPFC is ahead of the IATTC in terms of developing a precautionary management framework, it is likely the IATTC will engage in North Pacific albacore management. The Council needs to keep abreast of these developments and take an active role in developing recommendations.

[Council concluded this agenda item at 1:41 p.m. and commenced Closed Executive Session to discuss litigation and personnel matters.]

D. Habitat

D.1 Current Habitat Issues (9/14/2012; 4:04 p.m.)

D.1.a Agenda Item Overview

Ms. Jennifer Gilden provided the Agenda Item Overview and presented the following attachments pertaining to this agenda item:
Agenda Item D.1.a, Attachment 1: Council letter to the Secretary of the Interior.
Agenda Item D.1.a, Attachment 2: Reply from Donald Glaser, Bureau of Reclamation.

D.1.b Report of the Habitat Committee

Ms. Fran Recht presented Agenda Item D.1.b, Supplemental Habitat Committee Report.

[Council suspended this agenda item at 4:10 p.m. until Tuesday morning for further consideration by advisory bodies.]

D.1.c Reports and Comments of Advisory Bodies and Management Entities (9/18/2012; 8:11 a.m.)

Mr. Chuck Tracy read Agenda Item D.1.c, Supplemental SAS Report and summarized the Habitat Committee (HC) Report for the Council.

D.1.d Public Comments

None.

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

Ms. Lowman recommended Council staff forward the comments of the HC (Agenda Item D.1.b, Supplemental Habitat Committee Report) to the Gulf of Farallones National Marine Sanctuary regarding a boundary adjustment in the Monterey Bay National Marine Sanctuary. The Council concurred.

[Council concluded this agenda item at 8:13 a.m.]

E. Salmon Management

E.1 California Hatchery Review Report (9/14/2012; 4:11 p.m.)

E.1.a Agenda Item Overview

Dr. Donald McIsaac provided the Agenda Item Overview and introduced the following introductory attachments:
Agenda Item E.1.a, Attachment 1: News Release.
Agenda Item E.1.a, Attachment 2: California Hatchery Scientific Review Group (HSRG) Report Excerpt – Recommendations.

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

Mr. Jim Smith presented Agenda Item E.2.b, CHRSG Report: California Hatchery Review Report and Agenda Item E.2.b, Supplemental CHSRG PowerPoint.
Mr. Mike O'Farrell presented Agenda Item E.1.b, Supplemental STT Report.
Mr. Mike Orcutt presented Agenda Item E.1.b, Supplemental SAS Report.
Ms. Fran Recht presented Agenda Item E.1.b, Supplemental HC Report.

E.1.c Public Comment

Agenda Item E.1.c, Supplemental Public Comment.

No oral comment was provided.

E.1.d Council Discussion and Guidance (9/14/2012; 5:01 p.m.)

Mr. Ortmann asked what the next steps in the hatchery review process were. Mr. Smith replied that there were no implementation steps in the report; however, the policy committee recommendations in Appendix 7 included reconvening as necessary to oversee implementation by affected agencies, providing regular reviews, and issuing progress reports.

Mr. Steve Williams asked if there was any public comment opportunity during the hatchery review process. Mr. Smith replied no, that agencies were consulted, but the HSRG wanted to maintain their independence.

Mr. Lincoln asked what steps NMFS would take to implement the recommendations in the report. Mr. Turner replied that the next steps would likely be similar to those followed in the

Columbia Basin and Puget Sound, where hatchery genetic management plans followed using the hatchery review document as best available science, but not the only science.

Mr. Wolford asked if mitigation agreements were considered in the review, including downstream effects on remaining accessible habitat. Mr. Turner replied that developers needed to address both mitigation obligations and Endangered Species Act (ESA) consultation standards, which often require compromises.

Mr. Wolford noted that recommendations on trucking smolts was based strictly on biological criteria and asked why socio-economic criteria were not considered. Mr. Turner replied the HSRG acknowledged that socio-economic effects were not considered in the report, but were primarily concerned with reversing the adverse effects of hatchery fish on natural populations.

Mr. Wolford asked if one-on-one mating was intended to mimic natural spawning behavior. Mr. Smith replied, not strictly, it was intended to preserve genetic diversity and reduce the effects of past practices of five-on-five mating where one male typically dominated fertilization.

Mr. Wolford asked if the expense of implementing the report recommendations was considered. Mr. Anderson noted that in the Pacific Northwest the HSRG reports contained over 1,200 recommendations; the first 600 or so were relatively inexpensive, the next 600 were either too expensive, impractical, or co-managers could not reach consensus.

Mr. Pollard suggested the report recommendations should be prioritized to increase fishery stability by decreasing hatchery genetic homogenization.

Ms. Vojkovich noted that implementation teams were being assembled.

Dr. McIsaac stated that Council staff would forward the recommendations to implementation agencies for further consideration.

[Council concluded the day's business on 9/14/2012 at 5:36 p.m.]

[Council reconvened at 8:04 a.m. on 9/15/12 and proceeded with opening comments and an informational briefing by Dr. Paul Doremus; NOAA Fisheries Deputy Assistant Administrator for Operations.]

E.2 2012 Salmon Methodology Review (9/15/2012; 8:37 a.m.)

E.2.a Agenda Item Overview

Mr. Chuck Tracy provided the Agenda Item Overview and introduced Agenda Item E.2.a, Attachment 1: Email to the Agencies from Chuck Tracy dated June 19, 2012.

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

Mr. David Sones presented Agenda Item E.2.b, Supplemental NWIFC Report: Comparison of Two Methods for Estimating Coho Salmon Encounters and Release Mortalities in the Ocean Mark-Selective Fishery.
Mr. Steve Williams spoke to Agenda Item E.2.b, Supplemental ODFW Report: Request for SSC and STT Review of Proposed Changes to the A13/OCN Workgroup Coho Marine Survival Index.
Mr. Larrie Lavoy presented Agenda Item E.2.b, Supplemental MEW Report.
Dr. Robert Kope presented Agenda Item E.2.b, Supplemental STT Report.
Dr. Owen Hamel presented Agenda Item E.2.b, Supplemental SSC Report.
Mr. Butch Smith presented Agenda Item E.2.b, Supplemental SAS Report.
Mr. David Sones presented Agenda Item E.2.b, Supplemental Tribal Comments: Salmon Methodology Review.

E.2.c Public Comment

None.

E.2.d Council Action: Adopt Final Review Priorities (9/15/2012; 9:39 a.m.)

Mr. Steve Williams moved (Motion 2) to adopt the five review topics as found in Agenda Item E.2.b, Supplemental STT Report for the 2012 methodology review. Mr. Anderson seconded the motion.

Motion 2 carried unanimously.

Mr. Wolford recommended continued work on the Sacramento winter-run Chinook control rule topic.

Mr. Feldner recommended the NMFS Southwest Fisheries Science Center (SWFSC) and Southwest Region (SWR) continue work on the feasibility of an abundance-based management approach for California Coastal Chinook. Mr. Turner and Ms. Vojkovich replied that their respective agencies were cooperating toward that objective.

E.3 Salmon Fishery Management Plan (FMP) Amendment 17 – Annual Regulatory Cycle and Minor Updates (9/15/2012; 9:45 a.m.)

E.3.a Agenda Item Overview

Mr. Chuck Tracy provided the Agenda Item Overview.
Ms. Peggy Mundy presented Agenda Item E.3.a, Attachment 1: Pacific Coast Salmon Fishery Management Plan Amendment 17: Annual Regulatory Cycle and Minor Updates.

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

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

Mr. Wolford asked how the change in the regulatory cycle would affect early season fisheries. Dr. Kope replied that those fisheries would proceed under the previous year's regulations and be managed with inseason actions if new information suggested the need. Mr. Turner asked if the Canadian forecast information could be obtained earlier to meet some of the objectives of changing the regulatory cycle. Dr. Kope replied probably.

Mr. Butch Smith presented Agenda Item E.3.b, Supplemental SAS Report.
Ms. Marci Yaremko presented Agenda Item E.3.b, Supplemental CDFG Report: Proposed Modification to Ocean Salmon Regulatory Timeline.

Mr. Phil Anderson reported that the Washington Department of Fish and Wildlife (WDFW) cycle for establishing and publishing regulations would be difficult to revise, and noted Washington would not support Issue 13 at this time. He offered to work toward getting the Canadian forecast information sooner to facilitate the public hearings on ocean salmon alternatives and the North of Falcon negotiations. Mr. Steve Williams stated that the Oregon Department of Fish and Wildlife (ODFW) position was similar to the WDFW position. Mr. David Sones noted that the Canadians had been pressured since the 1980s with little success, and suggested approaching them through other channels such as the State Department.

Mr. Turner stated NMFS was willing to defer to the WDFW and ODFW positions on Issue 13, but noted that the regulatory cycle change would also benefit NMFS by providing more time to complete the process of filing the regulations prior to the start of the cycle.

E.3.c Public Comment

None.

E.3.d Council Action: Adopt Final Recommendations for Modifying the Annual Regulatory Cycle and Other Minor FMP Changes (9/15/2012; 10:20 a.m.)

Mr. Anderson moved (Motion 3) that the Council adopt the final recommendations for the Pacific Coast Salmon Amendment 17 as represented in Agenda Item E.3.a, Attachment 1, including the remarks and edits heard in deliberation, but excluding Issue 13. Ms. Yaremko seconded the motion.

Mr. Anderson said the changes in Amendment 17 will help align the Fishery Management Plan with current practices.

Motion 3 carried unanimously.

E.4 FMP Amendment 18 – Update of Essential Fish Habitat (EFH) for Salmon (9/15/2012; 10:26 a.m.)

E.4.a Agenda Item Overview

Mr. Kerry Griffin provided the Agenda Item Overview. He noted that the EFH Amendment was re-numbered as FMP Amendment 18.

E.4.b Summary of the Pacific Coast Salmon Scoping Document

Mr. Kerry Griffin and Dr. John Stadler presented Agenda Item E.4.a, Attachment 1: *Pacific Coast Salmon Plan Amendment 18 Draft Preliminary Alternative* and Agenda Item E.4.a, Supplemental Attachment 2: Table 1 Replacement.

Members of the Council asked several questions during the presentation, including questions about: the 17 hydrologic units that will no longer have Chinook EFH because Amendment 16 removed Mid-Columbia River fall Chinook from the FMP; the newly-merged hydrologic units in California; whether the Farrallon Islands contain freshwater EFH (they do not); HU 18060006 which is proposed for removal as EFH; salmon in the Upper Willamette system; the difference between ESA and EFH protections; Puget Sound pink salmon presence and distribution; whether thermal refugia can be mapped (yes, in some cases); and the potential adverse effects from fishing and non-fishing activities.

Ms. Vojkovich asked why Chinook salmon marine EFH only extends south to Point Conception. Mr. Griffin stated that although there is some presence of Chinook salmon in the marine waters south of Point Conception, Chinook presence is sparse and not persistent. In addition, it is not clear that those marine waters south of Point Conception meet the definition of EFH.

[Council break from 11:59 a.m. until 1:10 p.m.]

E.4.c Reports and Comments of Advisory Bodies and Management Entities (9/15/2012; 1:10 p.m.)

Mr. Bob Turner presented Agenda Item E.4.c, Supplemental NMFS Report.
Dr. Owen Hamel presented Agenda Item E.4.c, Supplemental SSC Report.
Mr. Butch Smith presented Agenda Item E.4.c, Supplemental SAS Report.
Mr. Kerry Griffin read Agenda Item E.4.c, Supplemental HC Report into the record.

E.4.d Public Comment

None.

E.4.e Council Action: Adopt Alternatives for Updating Salmon EFH for Public Review (9/15/2012; 1:31 p.m.)

Mr. Griffin suggested that the Table 1 replacement (Agenda Item E.4.a, Supplemental Attachment 2) containing the alternatives could be used as a template for Council action.

Mr. Turner moved and Mr. Lincoln seconded Motion 4 to adopt for further analysis all alternatives in Table 1 Replacement (Agenda Item E.4.a, Supplemental Attachment 2), including the no action alternative, but with the exclusion of 5C, and also include the language from Agenda Item E.4.c, Supplemental NMFS Report, which contains alternatives 12A & 12 B.

Mr. Anderson moved and Mr. Steve Williams seconded to amend (Amendment 1) the motion by modifying the main motion to be consistent with the Scientific and Statistical Committee (SSC) recommendations in Agenda Item E.4.c, Supplemental SSC Report, and consistent with the

revision recommended by the HC relative to the provision for pile driving in 10C1 (Agenda item E.4.c, Supplemental HC Report), and adding "coal export terminal activities" to Alternative 10C as an additional activity.

Mr. Anderson spoke to his amendment, stating that it would also eliminate from further analysis Alternatives 4D & 4E on Puget Sound pink salmon. He said that the data on presence of pink salmon in the Queets-Quinault and the Hoko-Crescent watersheds show only occasional presence. Mr. Sones stated that the tribes also supported removing 4D and 4E from further consideration, based on lack of evidence that there are any persistent populations of Puget Sound pink salmon. Mr. Anderson suggested that the term "salmon gear" could be described more accurately.

Mr. Anderson clarified that his motion was consistent with the SSC recommendations and does support removing alternative 10C10 from further consideration.

Mr. S. Williams moved and Mr. Feldner seconded a motion (Amendment 1a) to include the following language proposed in Agenda Item E.4.c, Supplemental HC Report, to replace "salmon fishing gear" with "fishing gear" (Alternative 9) in Section 8.

Mr. Williams said using a generic description for fishing gear would give clarity and consistency to the document.

Amendment 1a to Amendment 1 passed unanimously.

Dr. McIsaac asked whether the motion included consideration of the no action alternatives. Mr. Anderson clarified that he intended for the no action alternatives to be included for analysis.

Mr. Feldner asked for further development for the off channel refugia, though he could not think of language to add regarding off channel refugia and holding areas. He suggested for the record that he would like to see that covered under Information and Research Needs, and perhaps could be addressed in the future, utilizing a new process outlined in Alternative 12B.

Amendment 1, as amended, carried unanimously.

Mr. Wolford asked whether the freshwater in the Farallon Islands would be considered salmon EFH, because the map in the report shows it as being EFH. Mr. Griffin said that since there are no freshwater salmon-bearing streams, EFH would only apply to the marine and estuary habitat.

Motion 4, as amended, carried unanimously.

Mr. Lincoln suggested providing guidance regarding the exclusion of some of the mid-Columbia Chinook stocks, and that the lower portion of some of those watersheds may be EFH as temperature refuge areas that are documented. He suggested that in the analysis of the alternatives, the potential impacts of excluding those areas be fully analyzed and provided to the Council before a decision is made. (*Staff Officer's note: This issue is germane to the fact that*

although some watersheds that are tributaries of the Columbia have lost status as EFH, as salmon migrate up the mainstem Columbia, they may depend on the lower reaches of those watersheds as refugia. Therefore, the Council could benefit from a full analysis of the effects of including or not including those and off-channel habitats of the Mid-Columbia River as EFH.)

[Council concluded this agenda item at 2:04 p.m. on 9/15/2012]

E.5 Lower Columbia Endangered Species Act Salmon and Steelhead Recovery Plan (9/15/2012; 2:15 p.m.)

E.5.a Agenda Item Overview

Mr. Chuck Tracy provided the Agenda Item Overview and introduced the following attachments:
Agenda Item E.5.a, Attachment 1: Fact Sheet on Proposed Lower Columbia Recovery Plan.
Agenda Item E.5.a, Attachment 2: Executive Summary from Proposed Lower Columbia Recovery Plan.
Agenda Item E.5.a, Attachment 3: Proposed ESA Recovery Plan for Lower Columbia River Coho Salmon, Lower Columbia River Chinook Salmon, Columbia River Chum Salmon, and Lower Columbia River Steelhead.
Agenda Item E.5.a, Attachment 4: Letter from Will Stelle Regarding Extension of Public Comment Period on the Proposed ESA Recovery Plan for LCR Coho Salmon.

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

Ms. Patty Dornbusch presented Agenda Item E.5.b, Supplemental NMFS PowerPoint: Overview of Proposed ESA Recovery Plan.
Mr. Butch Smith and Ms. Irene Martin presented Agenda Item E.5.b, Supplemental SAS Report.
Mr. Chuck Tracy read Agenda Item E.5.b, Supplemental HC Report into the record.

E.5.c Public Comment

None.

E.5.d Council Action: Review and Provide Guidance (9/15/2012; 2:51 p.m.)

Mr. Anderson asked for a reaction to the Salmon Advisory Subpanel (SAS) statement. Ms. Dornbusch replied a proper response would require more thought, but that she recognized the need to clearly communicate the harvest-related message throughout the recovery plan; however, the recovery plan does commit to maintain harvest opportunities on hatchery fish during the recovery period, and supports eventual harvest on recovered natural populations. Recovery actions in other sectors such as habitat restoration had occurred, but understanding the timing of the effects of those actions may require additional life cycle modeling.

Mr. Anderson noted the need to ensure the recovery plan fairly represented the role of all sectors in the decline and recovery of the listed stocks, and to not implicate one sector over the others.

Mr. Wolford asked what measures in the recovery plan address ensuring mitigation debts are honored. Ms. Dornbusch replied the recovery plan does not address mitigation debt and noted that the plan is voluntary, not regulatory, but that it did establish benchmarks for each population as well as benchmarks for reducing threats from various sectors, including habitat loss that mitigation agreements were intended to address. Mr. Turner added that the Mitchell Act is not technically a mitigation agreement, and is subject to Congressional appropriations. Agreements with local utility districts in some Lower Columbia River tributaries represent a separate mitigation debt, but are not applicable to the Lower Columbia River. Therefore, there is no typical mitigation debt to be addressed in the Lower Columbia River.

Dr. McIsaac asked if the recovery plan included specific or general fishery targets. Ms. Dornbusch replied the analysis by Oregon and Washington did not have any specific fishery targets but did make some assumptions about harvest rates for long-term recovery modeling that were considered feasible and consistent with recovery.

Mr. Pollard asked if the recovery plan addressed avian predation in the estuary and had an objective to reduce it to levels at the time of listing. Ms. Dornbusch replied that avian and fish predation were considered as a single threat, but the plan did not identify a need to reduce avian predation to those levels in order to achieve recovery goals. However, extensive efforts were being taken to address avian predation. Mr. Pollard felt that predation was as important as harvest and habitat in terms of recovery.

Ms. Lowman asked if the consensus has been captured and could be forwarded to NMFS in a letter. The Council concurred.

F. Pacific Halibut Management

F.1 Pacific Halibut Management South of Humbug Mountain (9/15/2012; 3:22 p.m.)

F.1.a Agenda Item Overview

Mr. Chuck Tracy provided the Agenda Item Overview.

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

Mr. Chuck Tracy presented Agenda Item F.1.b, Supplemental SHPHW PowerPoint and Agenda Item F.1.b, Attachment 1: Ad Hoc South of Humbug Pacific Halibut Workgroup (SHPHW) Report on Biological, Monitoring, Assessment, and Apportionment Issues in Area 2A.

Ms. Yaremko asked what the rationale was for wanting to use only trawl gear from the observer data on halibut bycatch. Mr. Tracy replied that the combination of trawl and fixed gear would not provide consistent trends because the fisheries operated differently from year to year, such as allowing retention of halibut some years in the fixed gear fishery north of Pt. Chehalis and requiring discard in other years.

Ms. Yaremko asked if the SHPHW recognized the reduction in trawl effort off California in recent years. Mr. Tracy replied yes, that there are frequently issues with fishery-dependant data, and that is one reason for requesting the trawl survey data as well.

Ms. Culver recommended filtering the observer data both by gear and geographically so the fixed gear data could be used.

Mr. Wolford asked if the SHPHW considered landings data from earlier years. Mr. Tracy replied no, the recreational fishery data was suspect prior to 2004.

Ms. Yaremko presented Agenda Item F.1.b, CFGC Letter: California Fish and Game Commission Letter to IPHC, NMFS, and PFMC.

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

Dr. Bruce Leaman discussed Agenda Item F.1.b, IPHC Letter: International Pacific Halibut Commission (IPHC) Letter responding to CFGC Letter. He noted that expanding the International Pacific Halibut Commission (IPHC) survey into California waters may have unanticipated effects by reducing the average Area 2A halibut density, and thereby reducing the overall estimated abundance for Area 2A. The IPHC does not currently have resources to expand the survey, but it is important to incorporate an appropriate area in California into the coastwide assessment, primarily to estimate habitat availability.

Ms. Yaremko asked why the IPHC considered use of catch per unit of effort important for the assessment model now, but in the past had stopped its use. Dr. Leaman replied that in the 1980s the survey and the assessment model agreed, but when the growth rate changed, the survey was reinstituted to track recruitment by age.

Mr. Steve Williams asked if the IPHC was willing to allow the Council the flexibility to assess potential solutions to the harvest issues south of Humbug Mountain with the objective of making potential management changes in 2014. Dr. Leaman replied that the IPHC was willing to support the process the Council proposed.

F.1.c Public Comment

Mr. Tom Marking, Fisherman, McKinleyville, California.
Mr. Jim Martin presented Agenda Item F.1.c, Supplemental Public Comment: Letter from Northern California Chapter Recreational Fishing Alliance Chair Jim Martin.

F.1.d Council Action: Consider the South of Humbug Pacific Halibut Workgroup Report and Recommendations (9/15/2012; 4:28 p.m.)

Ms. Yaremko recommended requesting the NMFS trawl survey data. Based on the WCGOP information in California, it seemed likely that including the areas in California in the IPHC assessment would be appropriate, and the SHPHW should request the WCGOP data separately for all gear types. The SHPHW should also provide estimates of sport and commercial catch as far back as possible.

Ms. Culver asked if the purpose of looking at historical data was to establish a southern boundary for including California waters in the IPHC assessment or if there were other reasons. Ms. Yaremko replied it would provide valuable information for policy discussions, not necessarily tied to the assessment issue.

Ms. Culver was concerned with the reference to potential revision to the Area 2A halibut apportionment and was not prepared to support a South of Humbug Pacific Halibut Policy Committee (Policy Committee) objective to address overall reapportionment of 2A quota, but was willing to consider in the future a trigger that would allow additional allocation to the South of Humbug or another 2A subarea.

Mr. Steve Williams supported Ms. Culver's comments and recommended the Policy Committee begin work with a target implementation date of 2014 for potential management changes.

Mr. Feldner asked if the SHPHW conducted any hindcasting of the South of Humbug Mountain Subarea management based on a Puget Sound management model. Mr. Tracy replied no, and that CDFG and ODFW staff would have to determine the feasibility of such an analysis.

Ms. Yaremko stated California did not envision putting sideboards on the Policy Committee at this time. The California fishery was a resurgent fishery, not an emerging fishery, and additional consideration of the basis for the current South of Humbug Mountain Subarea allocation was warranted.

Ms. Culver moved (Motion 5) to establish the purpose of the South of Humbug Policy Committee based on Agenda Item F.1.a, Situation Summary, third paragraph, as follows: to use the SHPHW report to support development of policies and methods to account for Pacific halibut abundance and distribution in California waters, estimating and monitoring recreational Pacific halibut catch in California waters, and ensuring compliance with catch allocation south of Humbug Mountain, and to exclude the last clause relating to considering revision of the overall Area 2A apportionment. Mr. S. Williams seconded the motion.

Ms. Culver stated that the Policy Committee and SHPHW composition and focus were intended to narrowly address the catch of halibut in northern California. Consideration of allocation changes would necessitate broadening the composition of the Policy Committee and extending the timeline, given a target implementation of the 2014 fishing season.

Ms. Yaremko moved to amend Motion 5 (Amendment 1 to Motion 5) to include the final clause: "and possibly considering revision of the overall Area 2A apportionment". Mr. Brizendine seconded the motion.

Ms. Yaremko stated that prohibiting the Policy Committee from considering changes to the Catch Sharing Plan (CSP) would be too restrictive where small changes could provide good solutions to relevant issues.

Mr. Sones opposed the amendment and preferred that CSP changes be considered at the Council level rather than the Policy Committee level.

Mr. S. Williams opposed the amendment and stated that there was a difference between excluding allocation issues from the Policy Committee's charge and excluding consideration of any CSP changes.

Mr. Wolford supported the amendment and stated that the increasing trend in abundance to the South identified in the SHPHW report indicated that a static allocation may not be appropriate and that the Policy Committee should not be prohibited from considering allocation issues.

Mr. Pollard supported the amendment and stated that the history of the south of Humbug subarea allocation should be further investigated.

Amendment 1 to Motion 5 failed (Mr. Myer, Mr. Sones, Ms. Lowman, Mr. Lincoln, Ms. Culver, Mr. Feldner, Mr. S. Williams voted no; Mr. Lockhart abstained).

Motion 5 carried (Mr. Crabbe voted no).

[Council completed this agenda item at 5:07 p.m. and adjourned for the day]

F.2 2013 Pacific Halibut Regulations (9/16/2012; 8:02 a.m.)

F.2.a Agenda Item Overview

Mr. Chuck Tracy provided the Agenda Item Overview and presented Agenda Item F.2.a, Attachment 1: 2012 Pacific Halibut Catch Sharing Plan for Area 2A; and Agenda Item F.2.a, Supplemental Attachment 2: Report on the 2012 Pacific Halibut Fisheries in Area 2A (9/3/2012).

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

Mr. Phil Anderson presented Agenda Item F.2.b, WDFW Report: Washington Department of Fish and Wildlife Report on Proposed Changes to Catch Sharing Plan and 2013 Annual Regulations.

Mr. Anderson stated that WDFW was considering another proposal to allow retention of Pacific Halibut in the directed sablefish longline fishery north of Point Chehalis prior to the recent opening date of May 1, and requested confirmation that a CSP change would not be required. Mr. Tracy replied that was correct, that the opening date was not specified in the CSP, and the dates were normally set during the March and April Council meetings; the only issue would be providing public comment opportunity prior to final action before an April 1 start date.

Mr. Steve Williams presented Agenda Item F.2.b, ODFW Report: Oregon Department of Fish and Wildlife Report on Proposed Changes to the Pacific Halibut Catch Sharing Plan for the 2013 Fishery.

Mr. Williams stated that ODFW was also considering a proposal to allow retention of Pacific Halibut in the salmon troll fishery beginning April 1, and asked if that decision could follow the same process as bycatch retention in the directed sablefish longline fishery north of Point Chehalis. Mr. Anderson replied the CSP referred to retention in the troll fishery starting in the May/June fishery, which would require a change to accommodate the ODFW proposal.

Ms. Marci Yaremko presented Catch Estimates and Proposed Changes to the 2013 Pacific Halibut Catch Sharing Plan and Agenda Item F.2.b, CDFG Report: California Department of Fish and Game Report on Final Recreational.

Ms. Yaremko stated that California Department of Fish and Game (CDFG) was also considering a proposal for public review to remove from the Federal regulations the statement that the South of Humbug Mt. Subarea was managed on a season that was projected to catch 6,056 pounds. The poundage was derived from the CSP, was based on an allocation negotiated when California was not involved in the fishery, and may be addressed in the Policy Committee process with a target implementation date of 2014.

Mr. John Holloway presented Agenda Item F.2.b, Supplemental GAP Report.

F.2.c Public Comment

Agenda Item F.2.c, Public Comment.
Mr. Jim Martin, Northern California Chapter Recreational Fishing Alliance.
Mr. Tom Marking, Fisherman, McKinleyville, California.

F.2.d Council Action: Adopt for Public Review Proposed Changes for the 2013 Pacific Halibut Catch Sharing Plan and Annual Fishing Regulations. (9/16/2012; 8:47 a.m.)

Dr. McIsaac asked legal counsel and NMFS if the motion passed in April 2012 allowing management flexibility in 2013 with regard to meeting the South of Humbug Mt. Subarea allocation pending a policy process to resolve issues in time for the 2014 fishing season was applicable to the situation proposed by CDFG. Mr. Lockhart replied that as long as progress was being made to resolve the identified issues, the schedule proposed in April 2013 was not inappropriate.

Ms. Yaremko asked if the statement in the Federal regulations could be removed and remain in compliance with implementation of the CSP. Mr. Lockhart replied it would be difficult to remove that language without modifying the CSP.

Mr. Anderson was concerned about the CDFG proposal because it was inconsistent with the way the other subareas were managed under the CSP.

Mr. Anderson moved (Motion 6) to adopt for public review the changes to the halibut CSP shown in Agenda Item F.2.b, WDFW Report, for the Columbia River Subarea Recreational fishery to revise the early season structure to keep the early season open until 80 percent of the subarea allocation is reached, removing the provision that would close the early season on the

third Sunday in July; and revise the days of the week that the early season is open from Thursday through Sunday to Friday through Sunday. Mr. Lincoln seconded the motion.

Motion 6 carried unanimously.

Mr. Steve Williams moved (Motion 7) to adopt for public review the changes to the halibut CSP in the recommendations contained in Agenda Item F.2.b, ODFW Report, which, for the Oregon Central Coast Subarea Recreational Fishery, are to eliminate the summer all-depth fishery by transferring the entire quota to the spring all-depth and nearshore fisheries, and reduce the number of open days per week for the nearshore fishery from seven to three. Mr. Feldner seconded the motion.

Motion 7 carried unanimously.

Mr. Steve Williams moved (Motion 8) that, in recognition of the discussion with the April date and the reference of page 3 in the CSP plan, to adopt for public review an option to allow incidental harvest of halibut in the salmon troll fishery beginning April 1 of each year. Mr. Feldner second the motion.

Ms. Yaremko asked for the rational given for the CSP priority for the months of May and June. Mr. Williams replied that the incidental halibut catch is concentrated off the northern Washington Coast and the Oregon fishermen were interested in obtaining a larger share of the allocation.

Ms. Yaremko supported the motion, but noted that California troll fisheries do not start until May.

Motion 8 carried unanimously.

Ms. Yaremko moved and Mr. Brizendine seconded Motion 9 to adopt for public review the proposed changes to the halibut CSP as shown in Agenda Item F.2.b, CDFG Report, for the South of Humbug Mountain Subarea Recreational Fishery in California Waters Only with a change in the minimum size limit range as follows:

1. Shorten the May through October Season with a Summer Closure – Close fishing for Pacific halibut during some or all of July and/or August, creating a split season.
2. Re-instate a Minimum Size Limit – Prior to 2009, a 32-inch minimum size limit was in effect for the recreational fishery off CA, as well as OR and WA. Consider a minimum size limit from ~~32~~28 to 48 inches.
3. Limit Days of the Week Open to Fishing –
   a. *Option 3A:* Allow fishing only on Fridays and Saturdays during the open months from May through October.
   b. *Option 3B:* Allow fishing only on Thursdays, Fridays and Saturdays during the open months from May through October.

4. Relating to the *Federal Register*, Subsection F, –do not specify the projection of the catch to be 6,056 lbs. change it to say "May thru October."

Ms. Yaremko stated that CDFG is committed to the CSP allocation process and to complying with established limits; however, the Council does not have formal teams or advisory bodies for Pacific halibut, which puts California at a disadvantage.

Mr. Wolford asked if CDFG Proposal 4 applies to the Oregon portion of the South of Humbug Mt. Subarea. Ms. Yaremko replied yes.

Mr. Lockhart stated that as written, CDFG Proposal 4 would be difficult to support and implement in the Federal regulations.

Mr. Steve Williams stated that the Council has already adopted a process to address issues in the South of Humbug Mt. Subarea by 2014 and proposals for 2013 were not appropriate given the level of information and lack of policy discussions to date. Including Oregon waters would not be appropriate given the majority of the catch increase has occurred in California waters.

Mr. Anderson stated that the Secretary of Commerce directed that the domestic allocation of Pacific Halibut, which is managed under an international treaty, should not be determined by the IPHC, and NMFS and the Council were directed to develop an allocation plan. The CSP was developed through the Council process, and a Council Halibut Advisory Group was convened subsequent to the adoption of the CSP, which provided opportunity for all coastal states to participate. It appears the CDFG motion proposed an all or nothing solution, with Proposals 1-3 intended to address the compliance issue while Proposal 4 intended to ignore it.

Mr. Sones supported Mr. S. William's and Mr. Anderson's comments regarding CDFG Proposal 4. Sending out a proposal that appears to ignore compliance with the CSP is not appropriate given the way the Council has managed Pacific halibut in the past.

[Council break 9:30 a.m. to 9:44 a.m.]

Motion 9 motion failed (Mr. S. Williams, Mr. Lincoln, Mr. Feldner, Mr. Ortmann, Ms. Lowman, Mr. Sones, Mr. Anderson, Mr. Myer and Mr. Lockhart voted no).

F.3 Pacific Halibut Bycatch Estimate for Use in the 2013 Groundfish Fisheries (9/16/2012; 9:48 a.m.)

F.3.a Agenda Item Overview

Mr. Chuck Tracy provided the Agenda Item Overview and introduced Agenda Item F.3.a, Attachment 1: Letter from NMFS NWFSC to Dan Wolford.

F.3.b National Marine Fisheries Service Recommendation

Ms. Janell Majewski presented Agenda Item F.3.b, Supplemental NMFS PowerPoint; Agenda Item F.3.b, NMFS Report 1; and Agenda Item F.3.b, Supplemental NFMS Report 2.

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

Dr. Owen Hamel presented Agenda Item F.3.c, Supplemental SSC Report.
Mr. John Holloway presented Agenda Item F.3.c, Supplemental GAP Report.

F.3.d Public Comment

None.

F.3.e Council Action: Review and Provide Guidance on the Pacific Halibut Bycatch Estimate for use by the International Pacific Halibut Commission (IPHC) in 2013 Fisheries (9/16/2012; 10:12 a.m.)

Mr. Anderson asked if the Council approved the Bycatch Report, would the IPHC use the actual bycatch estimate in the report or the bycatch cap under the trawl catch share program to manage 2013 fisheries. Dr. Leaman replied the IPHC would use the estimate of actual bycatch in the report.

Mr. Anderson moved (Motion 10) the Council approve the bycatch assessment provided by NMFS and transmit it to the IPHC for use in the 2013 fishery. Mr. Lincoln seconded the motion.

Motion 10 carried unanimously.

G. Administrative Matters

G.1 Legislative Matters (9/16/2012 10:20 a.m.)

G.1.a Agenda Item Overview

Mr. Mike Burner provided the Agenda Item Overview and oriented the Council members to the following documents:
Agenda Item G.1.a, Attachment 1: September 2012 Staff Summary of Federal Legislation.
Agenda Item G.1.a, Attachment 2: August 23, 2012 Letter from Congressman Thompson and Congresswoman Herrera-Buetler.
Agenda Item G.1.a, Supplemental Attachment 3: Legislation regarding the Pacific Coast Groundfish Fishery Capacity Reduction Program.

G.1.b Report of the Legislative Committee

Mr. Mike Burner provided Agenda Item G.1.b, Supplemental Legislative Committee Report.

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

None.

G.1.d Public Comment

None.

G.1.e Council Action: Consider Legislative Committee Recommendations (9/16/2012; 10:26 a.m.)

Ms. Lowman said that she believes there are many stakeholders, including fisherman and processors, who support H.R. 6362.

Mr. Myer moved and Mr. Anderson seconded Motion 11 that directs the Council Executive Director to send a letter to Congressman Thompson and Congresswoman Herrera-Buetler expressing Council support for, and comments on, H.R. 6362, the Revitalizing the Economy of Fisheries (REFI) of 2012 Act as recommended in Agenda Item G.1.b, Supplemental Legislative Committee Report.

Mr. Myer spoke to his motion, stating that fisherman could use some economic relief. The buyback program amounts to a five percent cost to fisherman, and when you include the cost recovery and observer expenses of the rationalization program, costs rise to roughly ten percent.

Mr. Crabbe expressed support for the bill and complimented the industry representatives who undertook a substantial amount of work and travel to Washington, D.C. to get this legislation in place.

Motion 11 carried (Mr. Lockhart abstained).

G.2 Research Planning (9/16/2012; 10:30 a.m.)

G.2.a Agenda Item Overview

Mr. Mike Burner provided the Agenda Item Overview and referenced Agenda Item G.2.a, Attachment 1: Initial Draft, Research and Data Needs, 2013.

G.2.b Fisheries Science Centers' Strategic Research Plan

Dr. John Stein and Dr. Cisco Werner provided the Fisheries Science Centers' Strategic Research Plan in Agenda Item G.2.b, NMFS FSC Report and Agenda Item G.2.b, Supplemental FSC PowerPoint.

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

Dr. Owen Hamel presented Agenda Item G.2.c, Supplemental SSC Report.

Dr. Hamel agreed with Ms. Grebel that the research recommendations regarding salmon EFH under Agenda Item E.4.b, Supplemental SSC Report should be included in the public review draft of the research and data needs document.

Mr. Mike Burner read the following documents into the record:
Agenda Item G.2.c, Supplemental STT Report.
Agenda Item G.2.c, Supplemental GMT Report.

Mr. John Holloway presented Agenda Item G.2.c, Supplemental GAP Report.

Ms. Kelly Ames provided information regarding the Groundfish Management Team (GMT) Report and clarified for Mr. Crabbe that the GMT comments relative to Pacific halibut were aimed at developing a formula for estimating discard mortality that would avoid the needed handling of a viability assessment by an observer.

G.2.d Public Comment

None.

G.2.e Council Action: Consider the Fisheries Science Centers' Strategic Research Plan and Approve the Council's Five-Year Research Plan for Public Review. (9/16/2012; 11:15 a.m.)

Mr. Wolford spoke to the Salmon Technical Team (STT) report and requested that the proposed work on model development include an assessment of data needs to move to a 12-month fishery impact estimate to avoid the current accounting dilemma for fall salmon fisheries. He stated that such a modeling change would have substantial benefits for Council salmon management and should be of highest priority. Secondly, he noted the GMT addressed barotrauma research and the need to expand research to more species, particularly overfished species. Lastly, in socio-economic sections, there seems to be a disparity between the data and information for commercial versus recreational impacts and he noted that socio-economic data is critical to Council decision-making and recommended increased work on recreational fisheries.

Mr. Feldner disagreed that the data collection in support of model development should replace genetic stock identification (GSI) work as the highest priority. He felt that GSI work is one of the more promising tools in salmon management. He suggested that GSI remain a high priority research item and that data collection in support of model development be listed as a high priority data need.

Mr. Steve Williams moved and Mr. Feldner seconded Motion 12 that the Council adopt the 5-year research plan as shown in Agenda Item G.2.a, Attachment 1 for public review, incorporating the changes recommended by the SSC and taking into consideration the comments of the GMT, GAP and STT.

Mr. Steve Williams spoke to his distinct treatment of the advisory body statements in the motion. He stated that it is a challenge to identify the broad research needs of fishery management. He separated out the SSC statement because it included more specific recommendations on the document that could be incorporated easily. He appreciated the good comments of the other groups, but felt they were more general and thus appropriate for consideration in the next revision of the document.

Mr. Burner clarified that if the motion passes, then the SSC comments would be included in the document. Mr. Steve Williams clarified that in considering the reports of the GMT, GAP, and STT, Council staff should also consider Council comments. Mr. Burner stated that Council staff would revise the documents accordingly and post it to the Council web page for public review in advance of final adoption which is scheduled for March 2013.

Ms. Grebel asked if the motion included the EFH addition to the document per the discussion with Dr. Hamel.

Mr. Williams concurred that it would be appropriate.

Motion 12 carried unanimously.

[Council concluded this agenda item at 11:28 a.m.]

G.3 Approval of Council Meeting Minutes (9/18/2012; 4:04 p.m.)

G.3.a Council Member Review and Comments

Chairman Wolford called the Council's attention to Agenda Item G.3.a, Attachment 1: Draft Minutes: 206th Session of the Pacific Fishery Management Council (November 2010).

G.3.b Council Action: Approve Previous Council Meeting Minutes

Mr. Ortmann moved Motion 24 to approve the minutes of the June 2012 Council meeting. Mr. Pollard seconded the motion.

Mr. Myer offered a substitute motion (Motion 25) to approve the November 2010 Council meeting minutes as written in Agenda Item G.3.a, Attachment 1: Draft Minutes: 206th Session of the Pacific Fishery Management Council. Mr. Lincoln seconded the substitute motion.

Motion 25 carried (Mr. Feldner abstained).

G.4 Fiscal Matters (9/18/2012; 4:08 p.m.)

G.4.a Agenda Item Overview

Mr. Chuck Tracy provided the Agenda Item Overview.

G.4.b Budget Committee Report

Mr. Chuck Tracy presented Agenda item G.4.b, Supplemental Budget Committee Report.

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

None.

G.4.d Public Comment

None.

G.4.e Council Action: Consider Budget Committee Recommendations

The Council took no action, but offered appreciation to the staff for the good audit report.

G.5 Membership Appointments and Council Operating Procedures (9/18/2012; 4:13 p.m.)

G.5.a Agenda Item Overview

Mr. Chuck Tracy provided the Agenda Item Overview and introduced the following attachments:
Agenda Item G.5.a, Attachment 1: Draft COP Protocol for Consideration of Exempted Fishing Permits for Coastal Pelagic Species Fisheries.
Agenda Item G.5.a, Attachment 2: Federal Register Notice regarding Proposed Rule for Confidentiality Regulations.
Agenda Item G.5.a, Attachment 3: Agenda Item B.1, Supplemental Open Comment 3, June 2012 (Confidentiality comments by the GMT).
Agenda Item G.5.a, Attachment 4: Advisory Body Composition.

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

Mr. Chuck Tracy read Agenda Item G.5.b, Supplemental SSC Report.

G.5.c Public Comment

Mr. David Jincks, Midwater Trawlers Cooperative presented Agenda item G.5.c, Public Comment: Letter from Midwater Trawlers Cooperative.
Mr. Mike Storey, FV Pegasus, Warrenton, OR.

G.5.d Council Action: Consider Changes to Council Operating Procedures and Appointments to Advisory Bodies Including Changes for the 2013-2015 Term

Ms. Vojkovich asked if the state trawler positions on the GAP precluded appointment of a whiting fishery representative (as requested in the comments by Mr. Jincks). Dr. McIsaac replied no, only that the seat represent the specified community.

Mr. S. Williams noted the Oregon trawl GAP position has traditionally been a non-whiting bottom trawl fisherman.

Ms. Vojkovich moved Motion 26 to appoint Ms. Chelsea Protasio to the CDFG position on the CPSMT. Mr. Crabbe seconded the motion. Motion 26 carried unanimously.

Ms. Vojkovich moved Motion 27 to appoint Mr. Robert Leos to a CDFG position on the GMT. Mr. Brizendine seconded the motion. Motion 27 carried unanimously.

Mr. Lockhart moved Motion 28 to appoint Mr. Colby Brady to the NMFS NW Region position on GMT. Ms. Vojkovich seconded the motion. Motion 28 carried unanimously.

Mr. Sones reported the tribes will consult on tribal positions for the Habitat Committee and advisory subpanels, but were not prepared to propose a motion.

Ms. Vojkovich moved Motion 29 to adopt for public review the draft EFP for Council Operating Procedure 23. Mr. Crabbe seconded the motion. Motion 29 carried unanimously.

Mr. Tracy stated that the proposed rule governing confidentiality of information was an opportunity for advisory bodies that did not meet at the June Council meeting to provide comments; however, no other comments were received.

Mr. Wolford recommended the Council comments from June 2012 be submitted to NMFS. The Council concurred.

Mr. S. Williams asked staff what the approximate cost of an Advisory Body member was per year. Dr. McIsaac replied the annual cost ranged from about $2,000 per year for the CPSAS, to $4,500 for the SAS, to about $8,000 for the GAP.

Mr. Williams preferred trying to find someone who could represent both mid-water and bottom trawl interests, because of budget concerns. Ms. Lowman replied that a potential widow rockfish allocation in the future would make it more difficult to find someone to represent both mid-water and bottom trawl interests.

Ms. Vojkovich noted that managing groups of more than 14 people becomes very difficult, and adding another seat to the 20 currently on the GAP may make matters worse. Another configuration for the GAP that was gear-specific rather than State-specific may be worth considering.

Mr. Myer suggested considering revising the GAP trawl positions to specify one for bottom trawl and one for mid-water trawl.

Dr. McIsaac stated the Council should include any potential changes in composition at this meeting so the public and potential nominees would know what their options were on the advisory body seats they would be applying for.

Mr. Steve Williams moved (Motion 30) to add a mid-water trawl whiting position to the GAP. Ms. Lowman seconded the motion.

Mr. Crabbe asked where the expense for an additional GAP position would come from. Dr. McIsaac replied there was no specific line in the budget that would be affected, but the Budget Committee was contemplating a reduced budget scenario beginning in 2013.

Mr. Lincoln reported that Washington would consider appointing a mid-water representative to the Washington trawl seat on the GAP.

Mr. Steve Williams clarified that the motion was only for adding the mid-water trawl position that would be tentative until the Council made a final decision at the November Council meeting.

Ms. Vojkovich offered a substitute motion (Motion 31) to change the composition of the GAP to include three trawl positions, one at-large trawl, one bottom trawl, and one mid-water trawl,

which would replace the current Washington, Oregon and California trawl positions. Mr. Myer seconded the motion.

Ms. Vojkovich indicated the motion would provide the most flexibility without increasing the size of the GAP.

Motion 31 passed unanimously.

No discussion was given regarding the SAS composition.

Mr. Tracy recommended discussing appointment of tribal seats as either active fishermen or tribal agency positions. Dr. McIsaac recommended soliciting for the tribal GAP seat as either tribal agency or fisherman, and having the Council decide in November. Mr. Sones concurred.

The Council was in consensus to move forward with solicitation of the nominations to the advisory bodies.

G.6 Future Council Meeting Agenda and Workload Planning (9/18/2012; 5:09 p.m.)

G.6.a Agenda Item Overview

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

Agenda Item G.6.a, Attachment 1: Pacific Council Workload Planning: Preliminary Year-at-a-Glance Summary.

Agenda Item G.6.a, Attachment 2: Preliminary Proposed Council Meeting Agenda, November 1-7, 2012 in Costa Mesa, CA.

Agenda Item G.6.a, Supplemental Attachment 3: Pacific Council Workload Planning: Preliminary Year-at-a-Glance Summary.

Agenda Item G.6a, Attachment 4: Proposed Council Meeting Agenda, November 2-7, 2012 in Costa Mesa.

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

Mr. Chuck Tracy read Agenda Item G.6.b, Supplemental GMT Report into the record.

G.6.c Public Comment

Agenda Item G.6.c, Supplemental Public Comment.
Mr. Steve Marx, Pew Environmental Group, Portland, OR.
Mr. John Holloway, Recreational Fishing Alliance, OR.

Mr. Lockhart asked if the recreational mid-water groundfish fishery could be introduced in June 2013 rather than November 2012. Mr. Holloway replied he could live with that.

G.6.d Council Discussion and Guidance on Future Meeting Agenda and Workload Planning (9/18/2012; 5:47 p.m.)

Mr. Lockhart reported the Northwest Fisheries Science Center (NWFSC) requested the GMT begin work on the stock complex issue so as to meet a June 2013 Council agenda schedule; the NWFSC is prepared to present an update on the data moderate issue at the November Council meeting; and the NWFSC requested a discussion of the economic data collection at the November or March meeting. The Northwest Region (NWR) would like to provide a pre-scoping informational report on groundfish adaptive management at the November Council meeting, with a follow-up for the March Council meeting. Finally, the NWR intends to have discussions about the cost recovery process with industry prior to deeming the regulations and requests Council guidance on timing.

Mr. Wolford asked if the October 2012 GMT meeting would need to be extended to include the stock complex issue. Mr. Lockhart replied the NWR feels it is important for the GMT to weigh in on stock complexes at the November meeting.

Mr. S. Williams asked if the cost recovery deeming issue could potentially delay implementation of the program. Mr. Lockhart replied yes; one solution would be to allow the Council to deem regulations already adopted by the Council and have any industry input come at the proposed rule stage.

Dr. McIsaac stated the Council could only deem cost recovery regulations adopted by the Council, and if subsequent discussions with industry resulted in something different, the Council could not proceed with deeming without further consideration, presumably at the November Council meeting.

Mr. Lockhart asked if the Council was concerned with not having the comment period on cost recovery overlap a Council meeting. Ms. Vojkovich replied her perception of industry concerns was that the issues were minor, and she was not concerned with the comment period.

Mr. S. Williams asked if NMFS was comfortable with initiating the recreational mid-water fishery issue in June 2013. Mr. Lockhart replied yes, depending on how the issue integrates with the biennial groundfish regulation specification process.

Mr. S. Williams asked if it was possible to address the recreational mid-water fishery issue outside the specification process. Mr. Lockhart replied yes.

Mr. Williams recommended putting the recreational mid-water fishery issue on the June 2013 agenda.

Ms. Vojkovich recommended prioritizing GMT issues for the November meeting as follows: Barotrauma workshop (high), Amendment 24 (high), ecosystem plan (low), electronic monitoring (low), whiting season dates (low), and widow rockfish reallocation (low).

Ms. Lowman recommended not delaying widow rockfish reallocation and gear improvements issues.

[Council concluded with this agenda item at 6:10 p.m.]

H. Groundfish Management

H.1 National Marine Fisheries Report (9/16/2012; 11:29 a.m.)

H.1.a Agenda Item Overview

Ms. Kelly Ames provided the Agenda Item Overview.

H.1.b Regulatory Activities

Mr. Frank Lockhart presented Agenda Item H.1.b, Attachment 1: *Federal Register* Notices Published Since the Last Council Meeting; and also reminded the Council that starting October 1, the NMFS Public Notices will be electronic only.

Mr. Lockhart noted that the annual renewal process has begun and applications for limited entry permits, quota share accounts, and vessel accounts have been mailed. Renewals must be completed by November 30.

Relative to the rationalized trawl fishery, Mr. Lockhart reminded the Council that, per the regulations, starting September 1, quota pounds in quota share accounts can no longer be transferred to vessel accounts. In 2012 there were several quota share account holders who decided not to transfer quota pounds to the vessel accounts, even after they were notified. Generally, all high value species were transferred to the vessel accounts. Those pounds, therefore, cannot be used in 2012. Also, per the regulations, quota pound transfers between vessel accounts must occur by December 15.

Mr. Lockhart also noted that the 2012 at-sea whiting fishery reports are available on the NWR's website (http://tinyurl.com/9hlko82).

H.1.c Fisheries Science Center Activities

Mr. John Stein and Dr. Michelle McClure presented the Fisheries Science Center Activity Report in Agenda Item H.1.c, Supplemental NWFSC PowerPoint.

Ms. Vojkovich asked Dr. McClure to clarify the Center for Independent Experts (CIE) comments regarding the review of the California Bight Hook and Line Survey. Dr. McClure said data from that survey has been used in several stock assessments. The CIE reviewers made recommendations on how to make those data more useful for future stock assessments, which require additional analyses. The CIE reviewers also recommended analysis to determine whether the survey is random with respect to habitat.

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

None.

H.1.e Public Comment

None.

H.1.f Council Discussion

None.

[Council concluded this agenda item at 11:57 a.m. and broke for lunch.]

H.2 Trawl Rationalization Trailing Actions for Cost Recovery and Process Issues (9/16/2012; 1:04 p.m.)

H.2.a Agenda Item Overview

Mr. Jim Seger and Mr. Kerry Griffin presented the Agenda Item Overview and introduced:
Agenda Item H.2.a, Attachment 1: Final Council Cost Recovery Program Recommendations (September 2011).
Agenda Item H.2.a, Attachment 2: Status of Trailing Actions and Calendar.

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

Mr. Frank Lockhart presented Agenda Item H.2.b, Supplemental NMFS Report 3: Letter from Frank Lockhart regarding Modifications to Chafing Gear.
Ms. Ariel Jacobs presented Agenda Item H.2.b, Supplemental NMFS Report, Cost Recovery: Process Issues Needing Clarification from the Council.
Ms. Jamie Goen presented Agenda Item H.2.b, Supplemental NMFS Report 2: Future Carryover Options.
Capt Bob Farrell presented Agenda Item H.2.b, Supplemental EC Report.
Mr. Corey Niles presented Agenda Item H.2.b, Supplemental GMT Report.
Mr. Tommy Ancona presented Agenda Item H.2.b, Supplemental GAP Report.

H.2.c Public Comment

Agenda Item H.2.c, Public Comment.
Mr. Bill James, Salem, Oregon.
Mr. Rod Moore, West Coast Seafood Processors Association, Portland, Oregon.
Mr. David Jincks, Mid-water Trawlers and Bob Dooley, United Catcher Boats; Newport, Oregon.
Mr. Mike Storey, F/V Pegasus, Warrenton, Oregon.

[Council break from 2:36 p.m. to 2:49 p.m.]

H.2.d Council Action: Provide Guidance for Cost Recovery and Necessary Process Issues (9/16/2012; 2:49 p.m.)

Ms. Vojkovich observed that NMFS could make some internal changes such that it might be possible to have the buyback and cost recovery fee programs use the same fee system, thereby generating efficiency and alleviating administrative burden for both industry and NMFS. She

asked if bringing the two systems together was a huge process or just a matter of including it in a Federal rule that brings the programs together and streamlines them.

Mr. Lockhart responded that the buyback program is a headquarters program while cost recovery is regional and there is a concern about timely completion of the required Paperwork Reduction Act process, which can be lengthy. They are willing to explore approaches to get to a single form and a common form of payment, and want to make the program as simple and cost-effective as possible. A key part is the audit trail of funds being deposited into the proper subaccounts and the accompanying data need. He understood the concerns, but stated, given time constraints, that he did not know how to solve it right now.

Ms. Vojkovich commented that we should be trying to make cost recovery efficient with the least burden on everyone.

Mr. Myer said the at-sea fleet was wondering whether to include only whiting in the value determination (as in the Council's final preferred alternative), or to also include non-whiting species. The industry would like to sit down with NMFS to discuss these issues.

There was a discussion of whether or not the total amount collected from the at-sea sector would vary depending on whether calculations were based on species other than whiting and how that might affect the amounts paid by individual firms.

Mr. Lockhart agreed to a discussion with industry, but noted that this still leaves the need for the Council to make its intent known with respect to a recommendation on inclusion of groundfish.

Mr. Anderson referenced the GAP recommendation and wondered why it would be done different ways in different sectors. Given that the differences are likely to be very small, he recommended that they assess fees for all groundfish species and the industry questions be worked out with NMFS before November. If through the deeming process the Executive Director becomes aware that the issue had not been worked out, it can be brought back to the Council in November.

Ms. Vojkovich agreed and noted it would make using a single form for buyback and cost recovery easier.

Mr. Myer concurred.

Mr. Griffin stated that we have clarity on the ex-vessel value, but we still have information to clarify on the non-compliance issue.

With respect to permit consequences for failure to pay the fee, Mr. Lockhart noted that the issue applied only to the catcher-processor/mothership sector for those limited circumstances that occur when the owner of the vessel is different than the owner of the permit.

Ms. Vojkovich noted that industry had not commented on this issue and, therefore, it seems NFMS' recommendation is good. Other Council members concurred.

The Council then discussed the process issues of whether it would take up reconsideration of chafing gear recommendations and how it might proceed on carry-over.

With respect to the chafing gear issue, Mr. Lockhart asked for Council guidance to allow some additional analysis to be placed in the Environmental Assessment (EA).

Mr. Steve Williams said we were close to an agreement between industry and regulators, if that additional analysis would take in the recommendations for coming together, he would support moving forward with that. The confusing part is that we have a number of different recommendations that include additional analysis.

Mr. Myer concurred and expressed concern that bringing the issue back for additional Council action in November might prevent the issue from being completed before the 2013 season.

Mr. Lockhart noted that a decision on changing the action could not be made now. However, it would be okay to recommend adding to the analysis. In response to Mr. Wolford, Mr. Lockhart stated that adding this in would not affect the schedule for doing the analysis.

Mr. Anderson stated his understanding that the Council would not change its preferred alternative, but analysis of the additional option in the GAP report would be added, along with the definition of the codend, and the Enforcement Consultants (EC) clarification about the three-inch mesh. This would ensure that all of the issues associated with chafing gear were properly analyzed and we would make the final decision in November.

Mr. Lockhart concurred.

Dr. McIsaac characterized the decision as one to reconsider in November, at which time the previous final preferred alternative could be selected again.

Mr. Seger noted that the Council needed to make process decisions on carryover for whiting in the medium and long term and for nonwhiting for the long term.

Mr. Anderson noted that the problem was still one that is difficult to comprehend, but that because of the linkage to the U.S.-Canada Whiting Treaty, care is needed when the issue is discussed.

Mr. Lockhart stated that the issue is complicated on both sides and suggested that Council and NFMS staff work to develop a range of recommendations for Council consideration.

Ms. Vojkovich noted the need for clarity in terminology and expressed agreement with the GMT report that some options are not about carryover, but about holding back. The problem may need more definition and how to approach solving it, if there is a problem.

Ms. Lowman concurred and suggested that Council staff and NMFS work together to develop a discussion paper.

Mr. Seger stated that it does involve more than the trawl sector and that was why the GMT report talked about a National Standard 1 Guideline discussion as a place where this issue might come back. He noted the importance of making sure that people beyond the trawl industry are looking at this issue. Mr. Seger received confirmation that within the scope of the NMFS and Council staff doing work on carryover, there might be discussions with industry regarding carryover and the whiting treaty process.

[Council concluded this agenda item at 3:40 p.m.]

H.3 Stock Assessment Planning (9/16/2012; 3:52 p.m.)

H.3.a Agenda Item Overview

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

Agenda Item H.3.a, Attachment 1: Assessment Methods for Data-Moderate Stocks – Report of the Methodology Review Panel Meeting.

Agenda Item H.3.a, Attachment 2: Collaborative Optical-Acoustic Survey Technique (COAST) – Report of the Methodology Review Panel Meeting.

Agenda Item H.3.a, Attachment 3: Draft Terms of Reference for the Groundfish and Coastal Pelagic Species Stock Assessment and Review Process for 2013-2014.

Agenda Item H.3.a, Attachment 4: Draft Terms of Reference for the Groundfish Rebuilding Analysis for 2013-2014.

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

Agenda Item H.3.a, Supplemental Attachment 6: Report on the Meeting of the SSC Groundfish and Economic Subcommittees and Groundfish Management Team.

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

Dr. Jim Hastie and Dr. Michelle McClure presented:

Agenda Item H.3.b, Supplemental NMFS PowerPoint.

Agenda Item H.3.b, NMFS Report: NMFS Report on Groundfish Stock Assessments Planning for 2013.

In response to questions, Dr. Hastie stated the Council was scheduled to consider a report of the data-moderate review by the SSC Groundfish Subcommittee next June; that yellowtail has not been close to the ACL or OY in the last decade; and that the Oregon substock of kelp greenling may be a candidate for a data-moderate assessment.

Mr. Wolford asked how reviewers would know if a data-moderate assessment would work. Dr. Hastie said that comparisons of full and data-moderate assessments at the review panel showed

that those that didn't work (e.g., sablefish and spiny dogfish) did not fit the primary indices of abundance well.

Mr. Wolford asked about a process for discriminating the precision of a data-moderate assessment and using that information for determining stock status. Dr. Hastie said that the data-moderate methods review panel found close correlation in estimated stock status for many stocks with full and data-moderate assessments.

Ms. Joanna Grebel asked how a data-moderate assessment for vermilion rockfish would work given that a previous full assessment was not adopted, partially due to suspicions that there might be two vermilion stocks. Dr. Hastie said that any vermilion assessment might consider this split a stock complex and there is no information suggesting that these two substocks have different productivities.

Mr. Myer asked about the limitations regarding age samples for rougheye rockfish. Dr. Hastie said there have been otoliths collected from past trawl surveys and there could be a reasonable amount of age samples available for a full assessment. There is at least a decade of age samples available.

Dr. McIsaac asked about the west coast distribution of rougheye and yellowtail. Dr. Hastie said both stocks are distributed more on the north coast and are distributed well north of the U.S.-Canada border. Yellowtail is a more prominent component of fishery catches than rougheye.

Dr. McIsaac asked what it takes to get a positive Fish Stock Sustainability Index (FSSI) score from doing an assessment. Dr. Hastie said the FSSI was created at least a decade ago. Generally, species considered more important to fisheries are included in the FSSI, which is a Dow Jones-like index of important stocks. NMFS assigns point values for assessing FSSI stocks and developing sustainable management performance (i.e., staying within specified harvest limits) of FSSI stocks.

Dr. McIsaac asked about status determination using data-moderate assessment methods and being viewed as adequate under NMFS's Stock Assessment Improvement Plan (SAIP). He asked which regions around the country use such assessments for determining stock status. Dr. Hastie said other regions, particularly the Southeast Region, use such assessments for determining status. However, in those cases there were no other data available for assessing these stocks. This Council is creating a unique situation where some data are explicitly being excluded to allow expeditious preparation and review of assessments.

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

Ms. Grebel asked about new data or methods that might inform a full cowcod assessment. Dr. Hamel said the current assessment only includes the Conception area and the new assessment will analyze data in the Monterey area as well. There is also an indication that the Conception and Monterey cowcod may be separate stocks or substocks, so this may be two separate assessments.

Mr. Corey Niles presented:

Agenda Item H.3.b, GMT Report: Comments from Members of the Groundfish Management Team to the Scientific and Statistical Committee Regarding the Stock Assessment and Rebuilding Analysis Terms of Reference Documents and Continuing Issues with the Evaluation of Rebuilding Plans.

Agenda Item H.3.b, Supplemental GMT Report 2: Report on Stock Assessment Planning.

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

In response to a question, Mr. Ancona replied that the GAP did not discuss dropping a full assessment for cowcod, but did discuss rougheye and yellowtail. Of those two stocks, the GAP recommends doing a full assessment for yellowtail.

H.3.c Public Comment

Ralph Brown, Commercial fisherman, Brookings, Oregon.
Seth Atkinson, NRDC, San Francisco, California.

[The Council adjourned for the evening at 5:29 p.m.]

H.3.d Council Action: Final Adoption of (1) a List of Stock Assessments (Full, Updates, Data Moderate and Data Reports), (2) Three Terms of Reference (Including One for Coastal Pelagic Species), and (3) the STAR Panel Schedule (9/17/2012; 8:07 a.m.)

Mr. Troy Buell asked for clarification on how to determine stock status from data-moderate assessments. Dr. Hastie answered that they were recommending a process be developed in the coming months on how to determine status from data-moderate assessments. A realistic schedule would be to have the Council consider a process next March.

Mr. Wolford asked about the extent of the range of darkblotched rockfish and the proportion of the stock residing in Council waters. Dr. Hastie said he did not know, but he did look at yellowtail and rougheye rockfish distributions. Yellowtail landings have averaged 5,000-6,000 tons in Canada and is higher than in the U.S. Rougheye landings have been higher than that in Canada. While he didn't look at darkblotched, there is a significant distribution north of the U.S.-Canada border.

Dr. McIsaac asked if the rougheye stock assessment would be for the entire coast and Dr. Hastie replied it would just be for the portion of the stock residing in the U.S. west coast Exclusive Economic Zone (EEZ) where there is available data.

Mr. Pollard moved and Mr. Groen seconded Motion 13 that the Council adopt the list of stocks to be assessed in 2013 as presented by Dr. Hastie in Agenda Item H.3.b, Supplemental NMFS PowerPoint, with yellowtail rockfish slated for full assessment.

Mr. Pollard stated that the NMFS Science Centers have provided us with the list of data-moderate stocks, but the increased harvest of yellowtail has persuaded him to add that stock assessment as a full.

Mr. Anderson moved and Mr. Lincoln seconded to amend the main motion (Amendment 1 to Motion 13) to include yellowtail as a data-moderate assessment and include rougheye as a full assessment.

Mr. Anderson explained there is less of a conservation concern for yellowtail given the last decade of Rockfish Conservation Area (RCA) protections. He believes a data-moderate assessment will be sufficient for this cycle. Rougheye, however, is a longer-lived species and is more vulnerable to overfishing and is, therefore, more of a conservation concern and a higher priority for a full assessment this cycle.

Mr. Myer said he is concerned with doing a data-moderate assessment of yellowtail and Mr. Anderson said a data-moderate assessment is appropriate for yellowtail since the SSC recommended rougheye or yellowtail for a data-moderate assessment. He was more confident in the data-moderate assessment for yellowtail than for rougheye.

After some discussion on the main motion and the effect of the amendment on the main motion if passed, it was agreed that the amendment would only remove yellowtail from the full assessment list and add rougheye since the main motion only concerned full assessments.

Mr. Wolford moved and Ms. Grebel seconded a motion to amend the amendment (Amendment 1a) to remove yellowtail as a data-moderate assessment from Mr. Anderson's amendment.

Mr. Wolford said he would like to have the data-moderate discussion later and the intent is simply to add rougheye as a full assessment.

Amendment 1a carried unanimously.

Mr. Buell moved and Ms. Grebel seconded to amend the amendment (Amendment 1b) to designate rougheye as a full assessment and remove yellowtail as a full assessment in the amendment.

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

Dr. McIsaac asked for clarity on the original motion as amended. Mr. DeVore listed the eight stocks selected for full assessments as shown on the proposed 2013 schedule (Agenda Item H.3.b, Supplemental NMFS PowerPoint, slide 11).

Motion 13, as amended, carried unanimously.

Mr. Wolford explained we need to develop a process for deciding status from a data-moderate assessment before deciding a list of stocks for such an assessment. Dr. McIsaac said the Council

could assign Council staff and interested parties the task of providing alternatives for a process for determining stock status from data-moderate assessments.

Mr. DeVore explained that the list of data-moderate assessments needs to be decided today if there is an expectation to conduct and review these assessments in 2013. The assessment scientists need to work up the data and do the requisite analyses; a chore that cannot be done after March when a process for status determination is decided. Mr. Wolford said he understands the timing to move forward with these assessments. He would like to know what we are going to do about status determination in advance of seeing assessment results. Mr. DeVore agreed and said the proposal is to convene a review panel in late April with Council consideration of adopting the assessment for management use in June. He suggested the process for determining status should be developed prior to the assessment review in late April.

Ms. Lowman said she heard an assignment to staff to come up with a plan for using data-moderate assessment results for status determination. She asked if we need a motion for that or give the assignment as guidance if there is consensus. It was decided a motion was not needed and the Council gave consensus.

Mr. Lockhart asked how many stocks should be selected for data-moderate assessments and Dr. Hastie said the SSC recommended a limit of ten. Dr. Hastie recommended a list of the top priority stocks should be selected and a limit of how many stocks should be so assessed.

Mr. Wolford asked if we could do one more full assessment in lieu of ten or so data-moderate assessments and Dr. Hastie said that could probably be the case. However, the data-moderate methods and review process were developed to gain understanding of stock status and sustainable harvest levels for more stocks. We are limited in our capacity to do more full assessments, so this process was developed to mitigate this problem.

Ms. Grebel supports Mr. Anderson's concerns with not having a process for determining stock status from data-moderate assessments before selecting a list of candidate stocks for data-moderate assessment. She would prefer a shorter list of data-moderate assessments to work out the kinks in using these new methods.

Mr. Lockhart said these methods fill an important gap in understanding stock status, and he agrees that a few representative species from different taxa are the top priority. He believes the GAP list is reasonable as a starting point, except replace rougheye with yellowtail. He also agrees that we need to develop a process for determining stock status in advance of reviewing data-moderate assessment results.

Mr. Lincoln supports the intent to expand the Council's capacity to understand more about stocks that are not currently assessed or have outdated assessments. He agrees we need to develop a process for determining stock status in advance of seeing results, but he is confident that can be done while still pursuing data-moderate stock assessments in 2013. He does believe we would otherwise miss an important opportunity.

Mr. Lockhart suggested that the November NMFS report could provide more information on a possible process for interpreting data-moderate assessment results. He asked if deciding a list of priority stocks for data-moderate assessment in November would work and Dr. McIsaac said it would be ideal to decide the list now. He said the Council can decide a process for interpreting results next March or April.

Mr. Lockhart moved and Mr. Pollard seconded Motion 14 to prepare data-moderate assessments for the stocks listed in Agenda Item H.3.b, Supplemental GAP Report with the exception of doing a data-moderate assessment of yellowtail rather than rougheye. If not all these stocks can be assessed, then allow the science centers to prioritize from this list.

Mr. Lockhart agreed there was discomfort in selecting this list, but we cannot afford to wait to prepare these assessments.

Mr. Wolford said he is comfortable with this motion with the provision that the Council decide a process for interpreting results prior to seeing results from data-moderate assessments.

Mr. Anderson said he supports the motion and would appreciate an update on the list of candidate stocks in November.

Ms. Grebel wondered if a full yellowtail assessment could be reviewed at the same Stock Assessment Review (STAR) panel as the data-moderate assessments. Dr. Hastie said that the potential complication is the different terms of reference for full and data-moderate assessments. Also, reviewers are selected based on their expertise with the assessment methods, which are different for these two classes of assessment.

Motion 14 carried unanimously.

Mr. DeVore updated the Council on the remaining issues in this agenda item for Council consideration.

Mr. Buell moved and Mr. Feldner seconded Motion 15 for the Council to adopt bocaccio as an update assessment and canary, Pacific ocean perch, and yelloweye as data reports.

Mr. Buell explained the rationale for this action was adequately expressed at the June Council meeting.

Motion 15 carried unanimously.

Ms. Grebel moved and Mr. Brizendine seconded Motion 16 that the Council adopt the final Terms of Reference for the Groundfish and Coastal Pelagic Species Stock Assessment and Review Process for 2013-2014 as provided in Agenda Item H.3.a, Attachment 3: Draft Terms of Reference for the Groundfish and Coastal Pelagic Species Stock Assessment and Review Process for 2013-2014; adopt the Terms of Reference contained in Agenda Item H.3.a, Attachment 4: Draft Terms of Reference for the Groundfish Rebuilding Analysis for 2013-2014); and adopt the

Terms of Reference for the Methodology Review Process for Groundfish and Coastal Pelagic Species as provided in Agenda Item H.3.a, Attachment 5; and include the SSC and GMT recommendations for these terms of reference.

Ms. Grebel stated that the SSC and GMT had a good discussion regarding improvements to rebuilding analyses and their recommendations are sensible.

Motion 16 carried unanimously.

Mr. DeVore recommended tasking Council staff and the science centers to add terms in the stock assessment Terms of Reference for conducting and reviewing data-moderate assessments as described in the proposed stock assessment plan. These Terms of Reference can be reviewed in November. The Council agreed with that guidance.

Mr. Anderson moved and Mr. Lincoln seconded Motion 17 to adopt the NMFS Science Centers' recommendations for the stock assessment review schedule as shown in Agenda Item H.3.b, Supplemental NMFS PowerPoint, with the clarification that panel one will review the new darkblotched assessment and panel two will review the new rougheye assessment.

Motion 17 carried unanimously.

[Council completed this agenda item at 9:24 a.m.]

H.4. Update on Biological Opinion for the Groundfish Fishery, Including Consideration of Seabird Protection Regulations (9/17/2012; 9:38 a.m.)

H.4.a Agenda Item Overview

Ms. Kelly Ames provided the Agenda Item Overview.

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

Mr. Frank Lockhart presented:
Agenda Item H.4.b, NMFS Draft Biological Opinion: Draft Reasonable and Prudent Measures, Terms and Conditions, and Conservation Recommendations.
Agenda Item H.4.b, USFWS Draft Biological Opinion: Draft Reasonable and Prudent Measures, Terms and Conditions, and Conservation Recommendations.
Agenda Item H.4.b, NMFS Report: Excerpt of the Alaska Streamer Line Regulations.

Mr. Colby Brady presented Agenda Item H.4.b, Supplemental GMT Report.
Mr. John Holloway presented Agenda Item H.4.b, Supplemental GAP Report.

H.4.c Public Comment

None.

H.4.d Council Action: Consider Issues in the Biological Opinion Including Implementation of Seabird Protection Regulation (9/17/2012; 10:06 a.m.)

Ms. Marija Vojkovich noted that the Alaska streamer line regulations provided in the NMFS Report may not work for the west coast fishing operations. Mr. Lockhart said the agency included the regulations in the briefing book as a starting point for the discussion. NMFS intends to work through the Council process within the timeline provided by USFWS and hopes to resolve any operational and enforcement issues.

Ms. Vojkovich noted the draft opinions did not propose the number of seats and composition for the proposed Pacific Coast Groundfish and Endangered Species Workgroup, yet did discuss the timing and agendas for the meetings. Mr. Lockhart said the agencies are open to input from the Council regarding the composition and size of the workgroup. The timing of meetings is limited by the ability to get new information. He hoped that the size of the workgroup would be efficient and manageable. Mr. Lockhart referenced recommendations to add non-federal employees to the workgroup. He acknowledged the Federal Advisory Committee Act (FACA) restrictions, which limit the participation of non-federal employees on the workgroup. However, the agencies are committed to working through the Council process to solicit feedback on proposed changes. The overarching goal of the advisory body recommendations, he said, is to ensure Council participation. Mr. Lockhart believes there are sufficient opportunities to do this.

Ms. Vojkovich asked about the funding for the new data collection requirements listed in the biological opinion. Mr. Lockhart said that for the most part the data collection systems are in place, the requirements largely pertain to the analysis and reporting requirements. Ms. Allison Agness, from NMFS Protected Resources Division, noted that the biological opinions include minimum data standards. In some cases, for example the rationalized fishery, current observation levels exceed the minimum requirements. However, for some fisheries, in order to meet the goal of providing fleetwide take estimates, coverage would need to be increased. Ms. Agness said there is flexibility for implementing those measures over time. Mr. Lockhart said as those issues arise, the agency would evaluate funding.

Mr. Troy Buell acknowledged the FACA concerns. He encouraged the working group and agencies to work with the states regarding available data. For example, he noted the required Oregon fixed gear logbooks, which contain information on lost fixed gear.

Dr. McIsaac referenced the GMT recommendation that the workgroup be a Council Advisory Committee. He said that recommendation cannot be accomplished within the current budget constraints; however, Mr. Lockhart indicated there were available avenues for participation. Dr. McIsaac asked Mr. Lockhart to elaborate on the Council's participation in this workgroup. Mr. Lockhart said representatives from the workgroup could come to the Council meeting and solicit feedback. Additionally, workgroup meetings could be open to the public and Council representatives could attend as members of the public and participate with input.

Ms. Vojkovich asked Mr. Lockhart about the GMT recommendation to align the streamer line regulations with the next biennial management cycle. Mr. Lockhart generally agrees with the

GMT recommendation. The workgroup and consulting biologists would like to be engaged and coordinate with the management process.

Ms. Vojkovich asked about take of endangered species during agency-sponsored research, for example the catch of eulachon in the Fishery Science Center hake and sardine surveys. Mr. Lockhart said the agency consults with itself with regard to research impacts, including mitigation and preparation of incidental task statements.

Mr. Buell referenced the characterization of non-groundfish fishery impacts included in the groundfish biological opinion. He believes it is important to characterize the non-fishing impacts to the endangered species, for example climate change. Mr. Lockhart said those impacts are acknowledged and characterized.

Ms. Lowman recommended forwarding the comments of the GMT and GAP to the agencies and workgroup.

Mr. Lockhart said he would like to come back to the Council with a range of options that would allow for Council input to the workgroup while operating within the FACA requirements.

Ms. Ames requested that the final versions of the biological opinions be forwarded to the Council upon completion. Mr. Lockhart anticipates the final versions will be available by the end of the year.

Ms. Lowman said part of the Council action is to discuss timelines for implementing the conditions presented in the biological opinions. She said the Council mentioned aligning implementation with the biennial management process and asked if there were other timing recommendations. Mr. Lockhart noted that the USFWS draft biological opinion recommends the seabird avoidance measures be completed as soon as possible, but no later than two years from the publication of the final opinion. He recommends bringing forward a range of alternatives for streamer lines in the spring of 2013. He will recommend a more specific timeline – March or April - under Agenda Item G.6, Future Council Meeting Agenda and Workload Planning. He does not believe this measure needs to be aligned with the biennial management cycle since it is a relatively modest change for vessels; most vessels are deploying the streamer lines on a voluntary basis. He believes regulations could be in place by 2014.

H.5 Consideration of Inseason Adjustments (9/17/2012; 10:25 a.m.)

H.5.a Agenda Item Overview

Ms. Kelly Ames provided the Agenda Item Overview.

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

Mr. Frank Lockhart presented Agenda Item H.5.b, NMFS Report: West Coast Groundfish IFQ Fishery Catch Summary: Mid-year Report, 2012.

Mr. Lockhart also reviewed the history of the agency's decisions on issuing 2011 surplus carryover into the 2012 shorebased individual fishing quota (IFQ) fishery. Carryover was issued for all species, except Pacific whiting and sablefish (both north and south of 36° N. latitude). Mr. Lockhart also wanted to clarify that the agency is considering reapportionment of tribal Pacific whiting into the non-treaty fisheries. The agency is not, however, considering issuance of surplus carryover in the IFQ fishery because of the implications related to the Pacific whiting treaty which cannot be resolved by the end of the year. Mr. Lockhart said that the agency is unaware of any information that would compel issuing surplus carryover for sablefish north of 36° N. latitude. However, if projections for sablefish south of 36° N. latitude continue to show low risk for exceeding the annual catch limit (ACL), then NMFS could consider issuing surplus carryover in the south. Mr. Lockhart said the agency is interested in working with the Council on long-term solutions to the surplus carryover issues.

Mr. Myer asked about the timeline for the treaty reapportionment decision, noting that a reapportionment in December is not ideal. Mr. Lockhart said the regulations state that on September 15 the agency must evaluate the data and, as soon as possible thereafter, make a decision on reapportionment. The agency has initiated discussions with the tribes and hopes to make a decision as soon as possible; a decision is likely by the end of the month.

Dr. McIsaac noted that the GMT and GAP reports contain information regarding surplus carryover. He asked Mr. Lockhart about the timing for the agency's decision on whether to issue surplus carryover. Mr. Lockhart said there are efficiencies to making the reapportionment and surplus carryover decisions on the same timeline.

Ms. Lowman encouraged Mr. Lockhart to consider the information which will be presented by the GMT and GAP regarding sablefish north projections as it relates to the issuance of surplus carryover. Mr. Lockhart agreed.

Mr. Phil Anderson presented Agenda Item H.5.b, WDFW Report: WDFW Report on Inseason Adjustments.

Mr. Troy Buell presented Agenda Item H.5.b, Supplemental ODFW Report: ODFW report on the Individual Fishing Quota (IFQ) Program off Oregon.

Ms. Joanna Grebel spoke to the California Department of Fish and Game inseason request to move the recreational rockfish conservation area (RCA) in the Southern Management Area (south of 34°27' N. latitude) from 60 fm to 50 fm. In June, there were lengthy discussions about the RCA configuration in this area for the 2013-2014 cycle. The Council adopted the 50 fm structure to reduce cowcod interactions. In the upcoming GMT report, you will note that the scorecard has been updated to reflect the 2011 year-end estimates, which were 0.83 mt (compared to a projection of 0.2 mt). Ms. Grebel notes that the fishery interactions are monitored on a weekly basis, which provides in essence an early warning system before the final estimates are generated. The agency is working with the Pacific States Marine Fisheries Commission to update the Recreational Information Estimates for California; at this time there are no estimates. The number of cowcod interactions in 2012 is the same as those in 2011; therefore, if fishery conditions are the same as in 2011, a reasonable estimate would be 0.8 mt.

However, given the uncertainty in the final estimates, the agency is recommending that the RCA be moved to 50 fm.

Mr. Dan Erickson and Ms. Rosemary Kosaka presented Agenda Item H.5.b, Supplemental GMT Report.
Mr. Tommy Ancona presented Agenda Item H.5.b, Supplemental GAP Report.

H.5.c Public Comment

Mr. Mark Cooper, Trawl Fisherman, Toledo, Oregon.
Mr. Andrew Bornstein, Bornstein Seafood, Astoria, Oregon.

H.5.d Council Action: Adopt Final Recommendations for Adjustments to 2012 Groundfish Fisheries (9/17/2012; 11:17 a.m.)

Ms. Grebel moved and Mr. Brizendine seconded Motion 18 to adopt the GMT recommendations in Agenda Item H.5.b, Supplemental GMT Report, which are:

- Increase the trip limits in the open access fixed gear sablefish daily trip limit fishery south of 36° N. latitude from "300 pounds per day, or one landing per week of up to 1,350 pounds, not to exceed 2,700 pounds per two months" to "350 pounds per day, or one landing per week of up to 1,750 pounds, not to exceed 3,500 pounds per two months" starting November 1 through the end of the year and
- Modify the California recreational rockfish conservation area in the Southern Management Area (south of 34°27′ N. latitude) from 60 fathoms to 50 fathoms as soon as possible to the end of the year.

Ms. Grebel said the risk of increased effort in the open access fishery as a result of the period 6 trip limits is expected to be minimal since markets have been difficult to secure and the proposed trip limits for 2013 are lower than the limits in her motion. She also noted that the language in her motion for the California recreational fisheries is slightly different than the wording in the GMT report, which is necessary for the state to take concurrent action.

Mr. Dan Wolford requested clarification regarding the state-managed fishing opportunities that would be impacted by the RCA adjustment. Ms. Grebel said ocean whitefish and California sheephead targeting opportunities would be prohibited in the closed area.

Mr. Wolford asked if groundfish targeting would be prohibited. Ms. Grebel said the same prohibitions would apply; the only change is the depth restriction to which it applies (50 fm, instead of 60 fm).

Ms. Ames noted that the current Federal regulations prohibit fishing for all federally-managed species seaward of the 60 fm line, except for California scorpionfish and other flatfish, as stated in the GMT report. She asked Ms. Grebel to confirm whether those exceptions would apply under the 50 fm boundary. Ms. Grebel said yes.

Motion 18 carried unanimously.

Mr. Dale Myer thanked the GMT for the projected impacts analysis for sablefish relative to surplus carryover for the IFQ fisheries. He hopes this information will be useful to NMFS and provide security for issuing the shorebased carryover, particularly in the north. Mr. Meyer thanked the GAP for the information on the tribal reapportionment issues and recommends the guidance is forwarded to NMFS.

Ms. Lowman agreed with Mr. Meyer's comments and encouraged NMFS to consider the information brought forward for issuing surplus carryover both in the north and south. She said that Mr. Bornstein spoke to the incentives under public comment, which further supports the decision to issue surplus carryover.

Mr. Lockhart also thanked the advisory bodies for the analysis and discussion. He said that in June the agency committed to review the information later in the year as the fishery progressed. The agency will examine the information, review the Council discussion, and reexamine their conclusions with regard to issuing surplus carryover for sablefish.

[Council concluded this agenda item at 11:25 a.m.]

H.6 Phase 1 Report for Essential Fish Habitat Review (9/17/2012; 11:34 a.m.)

H.6.a Agenda Item Overview

Mr. Kerry Griffin provided the Agenda Item Overview and introduced the following attachments:
Agenda Item H.6.a, Attachment 1: Draft Request for Proposals (RFP) to Modify Essential Fish Habitat for Pacific Coast Groundfish.
Agenda Item H.6.a, Attachment 2: Public Comments on the Draft RFP.

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

Dr. Waldo Wakefield, Mr. Brad Pettinger and Mr. Chris Romsos presented:
Agenda Item H.6.b, EFHRC Report 1: Pacific Coast Groundfish 5-Year Review of Essential Fish Habitat Report to the Pacific Fishery Management Council Phase 1: New Information.
Agenda Item H.6.a, Supplemental EFHRC PowerPoint.

[Council break from 12:01 p.m. to 1:08 p.m.]

Dr. Michelle McClure presented Agenda Item H.6.b, NMFS Report: NMFS Science Center Synthesis Outline: NMFS Science Center Analysis of the Council's EFHRC Groundfish EFH Phase 1 Report.
Dr. Owen Hamel presented Agenda Item H.6.b, Supplemental SSC Report.
Mr. Rob Jones presented Agenda Item H.6.b, Supplemental GMT Report.
Mr. John Holloway presented Agenda Item H.6.b, Supplemental GAP Report.
Mr. Kerry Griffin read Agenda Item H.6.b, Supplemental HC Report.
Mr. Brad Pettinger presented Agenda Item H.6.b, Supplemental EFHRC Report 2.

H.6.c Public Comment

Agenda Item H.6.c, Public Comment.
Mr. Geoff Shester, Oceana, San Francisco, California.
Mr. Seth Atkinson, NRDC, San Francisco, California.

H.6.d Council Action: Approve the Phase I Report, Request for Proposals, and the EFH Elements for Analysis by the NWFSC (9/17/2012; 2:05 p.m.)

Dr. McIsaac asked, with regard to prey species, what is included in the Phase 1 Report. Mr. Griffin identified where the prey species section is located within the Phase 1 report. He said that the seminal source on prey items came from the Dufault et al NOAA technical memorandum. He noted that the Essential Fish Habitat (EFH) regulatory guidance calls for identifying "major prey items" for each EFH species, something that the Essential Fish Habitat Review Committee (EFHRC) struggled with, because there is no guidance on how to determine what constitutes a "major" prey species. He also stated that we have a lot more information on prey items now than was presented in Amendment 19.

Mr. Griffin reviewed the task for Council consideration and the main recommendations of the EFHRC.

Ms. Vojkovich commented on the fact that the amount of information we have available now is light years ahead of what we had the last time around, and that we have enough information in the report to make the decisions necessary. Mr. Wolford concurred, and voiced support for considering that Phase 1 of the review is complete.

Mr. Crabbe asked about new information that may come to light, after completion of the Phase 1 Report. Mr. Griffin said that there was a lot of discussion within the EFHRC and the committee was conscious of the "left field" proposal. That is why the RFP includes those caveats, such that the bar would be set very high in order for new information to be considered. In other words, the RFP leaves the door open, but it is a high bar.

Dr. McIsaac said that with regard to the final (Phase 1) report, there is assumed to be an advanced degree of finality. If much new information were to be added thereafter, it could make the rest of the process unstable. Mr. Crabbe concurred, and says in order to conclude Phase 1, we have to draw a line.

Mr. Lockhart asked if the prey table would still be open to fill in the table, and asked Ms McClure whether that could be something done as part of the NMFS synthesis. Ms. McClure stated that getting prey species information is a challenge, but it could be explored.

Mr. Anderson moved and Ms. Lowman seconded Motion 19 that the Council adopt the Phase 1 Report and consider that Phase 1 of the EFH process is complete.

Mr. Crabbe asked for clarification from the potential filling in of information and if that was intended to be in this report. Mr. Lockhart clarified that he thought any new information on prey

species (post Phase 1 Report) would not be part of Phase 1, but would rather be part of the synthesis report.

Ms. Lowman clarified that when she seconded the motion, she assumed the addendum was included in the motion. Mr. Anderson said no, because he had some concerns about the addendum. He said that a description of Indian treaty fishery rights needs to be reviewed legally because he didn't think it is correct as currently included in the Phase 1 Report.

Mr. Wolford clarified that the motion does not include the information in EFHRC Report 2 (addendum), and Mr. Anderson concurred.

Motion 19 carried unanimously.

Council members discussed the issue of new information and the RFP. Ms. Vojkovich suggested that the RFP should be released only after completion of the NMFS synthesis document. Mr. Anderson concurred and opined that the EFHRC Report had a number of useful recommendations.

Mr. Anderson moved and Ms. Vojkovich seconded Motion 20 that the Council accept the report from the EFHRC (Agenda Item H.6.b, Supplemental EFHRC Report 2), and the recommendations contained within that report except:

- Under #5 "Information and Research Needs" the time frames under short term, medium term, and long term will be deleted;
- In the language on page 5 under "Request for Proposals" the indented paragraph would include the entire second paragraph and only the first sentence of the first paragraph; and
- With the caveat that the affected parties in U.S. v. Washington conduct the appropriate legal review and reach a consensus on the language that is included in that report.

Mr. Griffin noted that the EFHRC Supplemental Report 2 (the addendum) potentially contradicts the language in the motion regarding additional information coming to light after adoption of the Phase 1 Report. The motion was completed and then seconded by Ms. Vojkovich.

[Council break from 2:35 p.m. to 2:42 p.m.]

Mr. Anderson spoke to his motion, saying that the committee did an excellent job, but that some of the tasks and timeline on pages 2-3 were not realistic, that there was a lack of clarity about when the phases began and concluded; and that the proposed language change on page 5 in the motion would eliminate the potential conflict regarding Phase 1 conclusion. Mr. Anderson clarified that the deletion would only be in the first paragraph and not the second paragraph.

Motion 20 carried unanimously.

The Council confirmed that while there were suggested changes to the RFP, the Council does not have to approve or issue the RFP at this point, recognizing that the RFP should not be issued until after the NMFS synthesis report is completed.

Ms. Vojkovich moved and Mr. Anderson seconded Motion 21 that the Council approve the NMFS Science Centers Synthesis Outline.

Motion 21 carried unanimously.

[Council concluded this agenda item at 2:54 p.m.]

H.7 Reconsideration of Initial Catch Share Allocations in the Mothership and Shoreside Pacific Whiting Fisheries (9/17/2012; 3:04 p.m.)

H.7.a Agenda Item Overview

Mr. Jim Seger presented the Agenda Item Overview with the following attachments:
Agenda Item H.7.a, Supplemental Agenda Item Overview (PowerPoint).
Agenda Item H.7.a, Attachment 1: Reconsideration of Initial Catch Share Allocations in the Mothership and Shoreside Pacific Whiting Fisheries, Draft Environmental Assessment.
Agenda Item H.7.a, Attachment 2: Guidance for Making Allocation Decisions.
Agenda Item H.7.a, Supplemental Attachment 3: Supplemental Analysis/Errata.

Mr. Myer will recuse himself from voting on this agenda item due to a conflict of interest created by the fact that he is employed by a company involved in Pacific whiting harvest with a quota allocation.

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

Mr. Frank Lockhart presented:
Agenda Item H.7.b, NMFS Report: Draft Rulemaking Schedule for the Reconsideration of Allocation of Whiting for the shoreside and Mothership Sectors of Trawl Rationalization Program.
Agenda Item H.7.b, Supplemental NMFS Report 2: Reconsideration of Initial Catch Share Allocation in the Mothership and Shoreside Pacific Whiting Fisheries, NMFS Recommendations for related Provisions in RAW 2.

Ms. Mariam McCall provided some oral guidance for Council consideration.
Dr. Owen Hamel presented Agenda Item H.7.b, Supplemental SSC Report.
Mr. Tommy Ancona presented Agenda Item H.7.b, Supplemental GAP Report.

H.7.c Public Comment (9/17/2012; 3:53 p.m.)

Agenda Item H.7.c, Public Comment.
Agenda Item H.7.c, Supplemental Public Comments 2-14.
Mr. Mike Hyde, American Seafoods, Seattle Washington.
Mr. Tim Hobbs, Attorney for Midwater Trawlers Cooperative and Environmental Defense Fund, Seattle, Washington.

Mr. Todd Whaly, F/V Miss Sarah, Brookings, Oregon; presented Agenda Item H.7.c, Supplemental Public Comment 9.
Mr. James "Bud" Walsh, Davis, Wright & Tremayne, LLP, San Francisco, California; referenced letter in Agenda Item H.7.c, Public Comment.

[Council adjourned for the evening at 4:53 p.m.; reconvened on 9/18/2012 at 8:08 a.m.; and continued with agenda item D.1 prior to continuing with H.7.c, Public Comment at 8:14 a.m.]

Mr. Pierre Marchand, Jessie's Ilwaco Fish Company, Ilwaco, Washington.
Mr. Marion Larkin, fisherman, Mt. Vernon, Washington.
Mr. Brad Pettinger, permit holder, Brookings, Oregon.
Mr. Jim Seavers, trawler, Newport, Oregon; presented Agenda Item H.7.c, Supplemental Public Comment 10.
Mr. Mike Stone, F/V Arctic Fury, Seattle, Washington.
Mr. David Jincks, Midwater Trawlers Cooperative, Newport, Oregon; presented:
Agenda Item H.7.c, Supplemental Public Comment 6 (Mr. David Jincks, Midwater Trawlers Cooperative, Newport, Oregon).
Agenda Item H.7.c, Supplemental Public Comment Midwater Trawlers Cooperative (PowerPoint).

[Council break from 9:39 a.m. to 9:55 a.m.]

Ms. Donna Parker, Arctic Storm, Seattle, Washington.
Mr. Chris Kayser, Mr. Richard Carroll, and Mr. Dennis Rydan, Ocean Gold Seafood; presented Agenda Item H.7.c, Supplemental Public Comment 4 (Mr. Christopher Kayser, Larkins Vacura LLP, Portland, Oregon) and Agenda Item H.7.d, Supplemental Public Comment PowerPoint (Ocean Gold).
Mr. Steve Hughes, Attorney for Plaintiff Catcher Vessel, Natural Resources Consultants, Inc, Seattle, Washington; presented Agenda Item H.7.c, Supplemental Public Comment 6.
Mr. Mike Storey, F/V Pegasus, Warrenton, Oregon; presented Agenda Item H.7.c, Supplemental Public Comment 12 (Letter).

[Council break from 11:05 a.m. to 11:18 a.m.]

Mr. Robert Smith, F/V Raven, Newport, Oregon; presented Agenda Item H.7.c, Supplemental Public Comment 8.
Mr. Mark Cooper, Toledo, Oregon; referred to Agenda Item H.7.c, Public Comment in regard to F/V Pacific Challenger.
Mr. Shems Jud, Environmental Defense Fund, West Linn, Oregon.
Mr. Tom Libby, Point Adams Packing Company, Astoria, Oregon.
Mr. Craig Urness and Mr. Mike Okoniewski, Pacific Seafood Group, Woodland, Washington.

[Council break from 12:01 p.m. to 1:05 p.m.]

Mr. Joe Plesha, Trident Seafoods, Seattle, Washington.

Mr. Brent Paine, United Catcher Boats, Seattle, Washington.
Mr. Craig Cross, Aleutian Spray Fisheries, Seattle, Washington.
Mr. Jeff Lackey, F/V Seeker Inc, Newport, Oregon.
Ms. Heather Mann, Siletz, Oregon; read letter from Mr. Mike Retherford, Agenda Item H.7.c, Supplemental Public Comment 11.

[Council break from 1:48 p.m. to 2:11 p.m.]

[NOTE: The Council reconvened at this point and addressed staff with several questions, followed by final Council action. The remaining minutes under this agenda item summarize those questions and responses, and the Council's final action. A complete transcript of this portion of the Council meeting through final action is contained in Chapter 10, Appendix to the Reconsideration of Initial Catch Share Allocations in the Mothership and Shoreside Pacific Whiting Fisheries, Preliminary Draft Environmental Assessment and Magnuson-Stevens Act Analysis, October 2012.]

Dr. Hanson asked Mr. Seger to clarify the history regarding the 2003 and 2004 dates and why they are different.

Mr. Seger replied that the Council took action November 6, 2003 to adopt the control dates for processors and for harvesters. However, in the January 2004 *Federal Register* notice that announced those control dates for the general public, it mentioned only harvesters and did not mention processors receiving an allocation. Subsequent to that, just after the start of the 2004 whiting season, the clarification was issued indicating that the Council was also considering an individual processing quota (IPQ) program, as well as IFQs, and the control date would apply to that IPQ program and to processors. Then in May of 2005, just before the 2005 shoreside season started, yet another clarification was issued to indicate that the 2003 control date would apply to processors with respect to the harvester shares.

Mr. Crabbe asked Mr. Seger if he could comment on why the process took so long from the control date implementation to the final decision in 2008.

Mr. Seger replied that the program is a very complex one. We started out looking at individual processing quota as well as harvesting quota. That in itself required some additional effort and work. We're looking at a program that covers over 80 species; at alternatives that were not only for individual fishing quotas but for permit stacking; at trying to figure out how many trawl sectors we were going to have; at how this interacted with other parts of the commercial fishery; and at whether this should be extended to other parts of the commercial fishery. So, there were a lot of basic broad-level policy questions to deal with right from the start in addition to the need to develop the details of the program. This took quite a bit of time and a lot of meetings. The environmental impact statement contains a list of meetings which makes it clear that there were continuous working group meetings. There were groups on enforcement, independent review, data, and so forth. The effort was not only about designing the program, but about getting it to mesh with the data system and changing the data system, for example, the modifications of the observer program. On top of all this was the Trawl Individual Quota Committee (TIQC) that did

most of the heavy lifting designing the program. He concluded by indicating that there was much more involved than indicated in this brief rendition.

Mr. Crabbe wondered if there was ever a period of time where the program stopped and if you thought it might not happen, or was it a steady process?

Mr. Seger responded that there was never a time when staff work stopped or Council intent indicated a halt to the program.

Mr. Crabbe asked if the control date ever came up again considering how long the program was taking to develop.

Mr. Seger responded that he could not specifically remember, but noted that the Council had received testimony that somebody had listened to all of the tapes from the November 2008 meeting to see if any members of the public expressed concern about it. The conclusion of the review was that nobody expressed concern.

Mr. Anderson recalled that in 1987 a control date was set for the limited entry program for the groundfish fishery, there was a discrepancy with the filing of the date which resulted in it being filed as a 1988 date, and the limited entry program did not go into effect until 1994.

Mr. Seger confirmed that Mr. Anderson's information was correct.

Ms. Lowman asked if there were any challenges to that program due to the length of time between the control and implementation dates.

Mr. Seger responded that a lawsuit was brought by some factory trawlers who came down from the north and entered into the fishery after 1988, but before the implementation date, contending that they needed to be taken into account as participants in the fishery. The factory trawlers did not prevail.

Dr. McIsaac asked Mr. Seger for further information concerning public comment that referenced other control dates for the Pacific Council on individual quota matters (1991 and 1999), and some other councils' control dates that were changed with regard to being stale or out of date.

To the best of his knowledge, Mr. Seger reviewed the changes for the other regional councils, which, unlike our IFQ program, generally involved some hiatus in the work to implement the programs.
Regarding the Pacific Council sablefish IFQ date of 1991, the Council immediately began work and proceeded through 1995 when they ran into the moratorium and work stopped. Later we moved to the tier system. He referenced other information on control dates, available in the current EA on page 155, which were adopted with respect to the American Fisheries Act. In that case, there was a hiatus and change in the work and a new control date was later established.

Chairman Wolford opened the floor to statements by Council members concerning the public comments.

Mr. Lockhart noted that NFMS has not made a decision on the control date issue, and will not, until reviewing all of the documentation and the record developed here.

Mr. Myer commented on the talk and debate about whether the fishery was overcapitalized. He believes the whiting fishery has been overcapitalized since at least 2000 or earlier. The Groundfish Strategic Plan, written in 2000, stated that the whiting industry was in imminent overcapitalization. Amendment 15 and Amendment 20 were also about overcapitalization. When we started Amendment 20 there were committees made up of all stakeholders and many of the plaintiffs participated in the meetings and there were a lot of goals and objectives; there wasn't going to be any big winners or losers and this is what we came up with when we determined our current status quo. I believe that it would be unfair and inequitable to deviate from status quo and we should defend that.

Mr. Anderson reflected that this is in many ways a sad day when thinking about what all the industry has been through since 1987, his first year on the Council. A meeting held in 1996 was devoted to fixing the groundfish fishery, including overcapitalization. There also was the buyback program and now the IQ program. He was especially proud of the work industry did in November 2008 to come up with the approach a majority could support, which has now been almost maligned as a political compromise that shouldn't be used. The approach was formed by a diverse group with a plan that they developed. He said he isn't sure of any other process that could be determined as fair and equitable as this. His concern is to make sure that we maintain the integrity of the program and it accomplishes its goals and objectives and survives the scrutiny NFMS applies, recognizing it is consistent with MSA guidelines and we can have a record that demonstrates how this program complies with MSA and applicable laws.

Mr. Steve Williams observed it is obvious that a lot of effort and work has gone into developing the information for us to use to make our decisions and it will be part of a record that the judge can see and recognize its value. He thanked those who provided the information.

Mr. Groen observed that the process has been very open and transparent, and secondly, industry has worked together really well and consensus was reached and supported this decision. We dealt with a very complex issue with a very cooperative effort. He believes going past the 2008 control date would be very arbitrary. The date needs to be taken very seriously. If we lose the trust in that, a lot of critical management issues will arise.

Ms. Vojkovich was impressed with the amount and detail that was contained in the public testimony. She also noticed that there wasn't one individual who said they wanted to return to the open access fishery. To a person, they said that the program was working and that everyone has already seen benefits to a program that has only been in place for a little over a year and a half. It was very important to get verification that the basis of how we are approaching this program and the goals and objectives are solid.

Dr. Hanson said he has been involved in a number of rationalization programs and knew we were in for a long and rocky ride to get this program in place. He believes it is the most complex program developed under the Magnuson Act in the United States. With the number of species, the number of overfished species, the diversity in the fleet, he wasn't surprised that it took as long as it did. In fact, if you will recall, NMFS had to call in a number of staff from other regions and headquarters to help with this effort because we didn't have the level of staffing needed to do that plus our other tasks. In fact, some other tasks slipped to keep this project in place. He has never seen the level of support from industry in the other programs that he has been involved in that he has seen here.

Ms. Lowman agreed with the points made by Dr. Hanson. While the difference between any of the alternatives have very little difference in net benefits for the nation, if we had not had a clear commitment to this control date, we would have lost net benefits to the program in the intervening years while putting it together. We had a lot of testimony about how behavior would have been considerably different. We would have had some conservation problems with running over some very sensitive bycatch levels. It's an important consideration for future programs in terms of net benefits for the nation and having some sense that you aren't going to create a situation where people are racing for history. She was impressed with the fact that, in general, even though we created something which had no big winners and losers, moving some of the allocations one way or the other would make some different losers and winners; and yet a majority of people have stayed strongly in support of status quo. Finally, she noted the complexity of what NMFS had to do to get this program reviewed, approved, and in place. She noted the imposition of a new National Standard that required us to do ACLs and a whole new and different way of doing business on top of our usual biennial specifications process. She reflected back on how hard inseason management used to be, as opposed to these short times we have now. The Council took the effort to try to make a substantial difference to the fishery and got all these other things done.

Mr. Wolford observed that we need to address the pros and cons of the issue, but no particular outcome is mandated. That allows us to deal with the merits of what's on the table before us today, based on our legal mandate through the Magnuson Act. The program has to have value to the nation and must be fair and equitable, and Mr. Walsh raised the issue of dependency. Other compelling factors were to stop the race for fish that was contributing to excessive bycatch and shutting down the fishery early, and to reduce the capacity of the fleet. Those are issues that we addressed in our program objectives as we put it together and the use of a control date was critical to achieving those objectives. Many of the people testified today that a business decision that actually runs counter to the objectives of the program should not be rewarded, and he certainly believes that's true.

He looked at the alternatives to see if any of them really maximize the utility to the nation, and how do you measure that--dollars to the fleets or to the communities? Are there differences in the resource conservation issues and the potential disruption among the current fleet? Does one of the alternatives allow for more fishing opportunities in and among some of the sectors than others? The EA does a really good job of exploring all of that and laying it all out. And yet, none of the options jump out to me as standing out. The primary difference is who gets what in

the allocation. Taken as a whole, the differences are small. There's really no difference or clear winner in maximizing the benefits to the nation.

Fair and equitable in the National Standards does not mean that everybody must win. It recognizes that there will be winners and losers in this arena, but that no one should be significantly favored or disfavored without some credible rationale; and it recognizes that this is a judgment call. The control rules specified a set of dates under which allocation would take place, and that activity outside of those dates may not be considered. It doesn't mandate that they can't be considered. It is simply an alert that they are at risk if they make business decisions contrary to the specifics of the rule. That's a two-edged sword. It says that there are known risks if you operate outside the criteria and that there is an expectation that if you stay within the criteria there will be rewards. Those two factors ought to influence people's business decisions one way or the other. They are free to make their business choices, whether through gaming the system or to just pursue a lucrative business opportunity, the motive isn't the issue here. The issue is that a rule is in place and that there were potential risks if it was not followed, and those risks were known and they needed to be factored into the business decisions.

Bud Walsh spoke to the issue of dependency, but I can't figure out dependency from the data that we've got here. There was a lot of testimony today about what constitutes dependency and it was more than just recent participation as evidenced by landings. Dependency is a complex issue and it was not just a simple look at the table and here's your dependency. So, I keep coming back to the control rule, the fact that it was in place, that there would be rewards for staying within it and you would not be rewarded for going outside it. To change the control rule after the fact, not during the discussions, but after the fact, strikes me as patently unfair.

[Council break from 2:54 p.m. to 3:00 p.m.]

H.7.d Council Action: Adopt a Final Preferred Catch Share Allocation (9/18/2012; 3:00 p.m.)

Chairman Wolford noted that we have two business elements that we need to take care of. One is to address the preferred alternative of the allocation time periods, and then we need to worry about the divestiture issues.

Mr. Williams moved and Mr. Feldner seconded Motion 22 that the *Council adopt as its final preferred alternatives for the time periods used for initial whiting catch share allocation the following:*
Years used for history based allocation for whiting trips:

a. Catcher Vessel permits – shoreside history: No Action Alternative (1994-2003)
b. Whiting processors – shoreside history: No Action Alternative (1994-2004)
c. Catcher Vessel Permits – mothership history: No Action Alternative (1994-2003).

Mr. Williams stated the Magnuson-Stevens Act provides a number of guidance points for us. In particular, Section 303A(c)(5) says that in developing a limited access program (LAP) we're to establish procedures to ensure fair and equitable initial allocations, including consideration of four elements. Consider means to take into account and weigh carefully the pros and cons of an

issue before making a decision. He firmly believes that's what we're doing here today and did in 2008 when we made our final decision. The Council has been provided with information that is appropriate and complete with regard to our ability to make decisions and weigh information carefully. One of the key elements of a LAP program is a control date. The establishment of a control date in 2003 for harvesters and 2004 for processors provided a clear message that we're taking action to control overcapitalization in the fishery and that individuals should not increase their participation with the expectation they would be rewarded. Failure to set a control date would have encouraged the race to fish for catch history and we heard people today testify to the fact that some would have made that choice, some did. When we made the decision for our control dates, we considered multiple years of fishing history. We looked at all of that and in the end, the Council did not arbitrarily exclude any years. The Council looked at all that information and chose to come up with the control dates that we had.

Mr. Williams continued by stating another piece of the consideration was regarding staleness of the control date. Mr. Seger's review of some delays that resulted in staleness indicated they had some kind of a stop or a break in activity, especially if the break was very long. We didn't have that in our development of this program, it was continuous. One more reason for the value of the control date is in regards to someone taking the opportunity to increase their effort. That opportunity is likely there because some people made choices not to participate more when they could have. Disruption is another important point. We spent a lot of time trying to create as little disruption as possible in the distribution of the fishery. After the two years of implementation we have here, the disruption that would be caused now could be quite severe. We could again see movement of jobs within and between the states and this would be a major issue for a number of communities up and down our coast as well as harvesters. The GAP statement said that upending the plan would create significant instability and jeopardize the benefits already occurring in the fishery. They went even further to raise the issue about harmful impacts to other fisheries across the country. My bottom line on all of this is that by making a decision other than maintaining the status quo, we would be rewarding individuals that increased participation when it was actively discouraged by the Council, and punishing those that followed our guidance.

Mr. Anderson asked Mr. Williams if the motion is meant to reflect the status quo or no action alternative.

Mr. Williams replied yes.

Mr. Anderson said that the history of the shoreside processors, as listed, is incorrect for the no action status quo and should be 1998 to 2004.

Mr. Anderson moved and Ms. Lowman seconded (Amendment 1) to amend the motion for whiting processors to be a shoreside history base qualifying period of 1998 to 2004.

Mr. Anderson stated the amendment retains the intent to have a no action alternative.

Amendment 1 carried. (Mr. Myer recused, Mr. Lockhart abstained).

Mr. Anderson stated his support for the motion. He believes that after reviewing all the material and analysis, particularly concerning the fairness and equity of the allocation of the initial quota shares, as it relates to recent participation and dependence on the fishery, that the integrity of this policy process calls for the Council's original decision to be re-explained to the court. He was concerned about the uncertainty surrounding our policy authority on this matter and the potential risk that additional litigation poses to the IFQ and mothership co-op programs.

Mr. Anderson said he thinks the status quo alternative is the most fair and equitable given the unique set of circumstances surrounding the developmental steps of this program and the clear and consistent communications from this Council to the industry that would be affected. The policy process embodied in the Magnuson-Stevens Conservation and Management Act entrusted Regional Councils to make conservation and management decisions for the nation's fisheries. In this policy process, it is the Council's purview to determine what is best, as long as it is done consistently with the Magnuson-Stevens Act and the NOAA guidance on LAP programs and other applicable law. From the Council, the burden shifts to the NMFS consistency review of Council recommendations. In conducting such reviews, NMFS should not seek to substitute the Council's view of what is best with the agency's view of what might be better policy. Instead, the consistency review should be a more narrowly-focused determination of whether the Council's recommendation was permissible or not. That is to say, whether the recommendation was consistent with the Magnuson-Stevens Act and other applicable law. In reviewing the court's written rationale for ordering this reconsideration, the judge reached its conclusion based on an incomplete understanding of the Council's policy reasoning. The court has asked questions in the summary judgment order that I think can be answered, justified, and defended.

While Mr. Anderson believes the rationale was there at the time the decision was made in 2008, the Council's administrative record may have left a lot to be gleaned from reading between the lines. Those few sentences in the court documents may have been all that could be gleaned from the administrative record. But now, we've had an opportunity to review, not only the information that we had at the time we made the decision in November of 2008, but additional information as well. He believes that we have a solid foundation for this decision.

Mr. Anderson spoke to the specific questions raised by the court. His understanding is that this reconsideration was ordered for two primary reasons. First, the Council used two different end dates in the allocation formulas for harvesters and processors. The Court did not understand why. Second, the court questioned the age of the control date itself. The question is how those end dates could be six or seven years earlier than the start of the IFQ and co-op programs in 2011 and still have been consistent with the Magnuson-Stevens Act instruction to consider current harvest and the fair and equitable allocation of limited access harvesting privileges. The issues of different end dates for harvesters and processors was the one the Court pointed to in ordering this reconsideration. The Court said that "most problematic" in the view of the Court was the Council's "explanation of why the qualifying period for processors was extended to 2004." The explanation given to the Court was that "the extension to 2004 was made to benefit a single processor." The Court responded to this by saying that the explanation "begged the question of why the particular processor should benefit not withstanding an earlier control date when others should not." The Court also observed that the allocation period for the processors was chosen as

"a result of a compromise arrived at during industry negotiations." This, the Court stated, undermined any arguments that the defendant's decision-making was free from a political compromise. At the same time, the Court approved the Council's reasoning for the years 2003 through 2006 in the allocation formula for bycatch stocks to the non-whiting permits. Even though those dates also went beyond the control date, the Court understood the reason for doing so was the implementation of the rockfish conservation areas and the desire to have the allocation reasonably reflect recent fishing patterns for the bycatch species. At the same time, the Court found it "questionable" that the Council had that objective of reflecting recent patterns in the fishery but then "did not appear to have undertaken the same analysis for Pacific whiting." The Court was skeptical that the whiting allocation formulas reasonably reflected recent patterns in the fishery, given the shift in landings toward Washington after 2003.

Mr. Anderson continued that the Court also noted five new whiting buyers had entered the fishery after 2004 with the government making "no argument as to why it was rational for them to exclude those new entrants." The Court also observed that there did "not appear to be any evidence, for example, that these new entrants engaged in speculation when they entered the market after the announced control date." The main purpose, from my perspective, of the allocation to processors was not to reflect recent fishing patterns. Instead, the Council's allocation for processors was chosen based on the significant investments that have been made in reliance upon the pre-Amendment 20 management system. Looking to the possible disruption that would result from the major transition to the new regulatory system, the Council intended the allocation of harvesting quota to processors as a means of giving some consideration and a measure of stability to those processing businesses that had built themselves up and invested under the old system. This is why the window period differed from the harvester window period, not just in its end date, but in its start date as well. There were concerns at the time that the new system would lower the value of investments and place businesses at risk by changing the timing of the fishery and the balance of bargaining power between harvesters and processors. The period 1998 through 2004 was chosen as an equitable reflection of the investment that has been made. I think the testimony today substantiated this decision and the reasons behind the difference in the control date and the qualifying period for processors.

Given the control date established by the Council for processors, Mr. Anderson stated that businesses that entered the processing sector or made investments after 2004 did so with a degree of risk. Expectations about the fishery had changed after 2004. Investments could no longer be made under the expectation that the management system would remain constant. The processing business that was the primary beneficiary of extending the date to 2004 argued in June of 2012 that years beyond 2007 had to be considered because, by not doing so, it would fail to recognize the "most significant investments" made in the fishery. That may be so, and we agree with their position that the investments the company has made over the last decade and the marketing initiatives they have accomplished have contributed to the value of the fishery. Their business initiative has benefited Westport and the state. After 2004, processing businesses knew that the derby style fishery was likely to end. Landings might be spread out longer over the year and that the fleet could consolidate. We do not expect businesses to stop investing or attempting to earn profits. Yet those investments are made based on their best business judgment and about the future, including risks.

The Council did not have to offset the potential loss in value and provide some degree of stability to established processing businesses with Amendment 20, but chose to do so as a matter of policy. By contrast, the Council decided the existing non-whiting processing businesses would not need program protection to have a stable business environment. Both choices are fair and equitable. The Council had very good reasons for rationalizing the fisheries, yet recognized that changes would impact existing business. There is a consideration of fairness underlying the policy. It was reasonable for that policy to favor investments that were made in the derby style fishery before the control date signaled the possible change in the regulatory system.

To the Court's observation that there was no evidence that the entrants engaged in speculation, I would reply that control dates are preemptive tools meant to signal that speculation will not be rewarded. It is the prospect of speculation that creates the concern. Whether speculation would have been worse had no control date been issued is a question we cannot answer except based on the theory that the incentive was there. The more salient point to me is not whether these businesses speculated or not, it is the fact that they entered the fishery in a time where it was known that the regulatory scheme was changing. As the 2011 experience showed through the testimony we heard, the processing business does not need quota to be successful in this fishery.

Amendment 20 was deliberated for years based on thousands of pages of analysis, meetings, recommendations of the Groundfish Allocation Committee, the TIQC, the GAP, the SSC, and so on. By November of 2008, every issue had been thought through in detail and we have had an opportunity to review that again, including information and data that's come since then. We were satisfied that the processor and harvester allocations were fair and equitable then, and I'm satisfied that the provisions of the program continue to be fair and equitable today. It did not treat the post-2003 or 2004 entrants the same, yet as I explained there were good reasons for that.

It is important to note the Court upheld the procedural validity of the Council's control date, finding that the plaintiff's challenge had "no merit." The Court's discussion of this issue showed good understanding of basic policy reasons for employing and maintaining control dates.

Now, regarding the reasonableness of the control date, the best the Council can do is to fully articulate an interpretation of the policy discretion afforded to us by Congress and, as part of that, fully explain how it was reasonable under the circumstances to exclude years beyond 2003 for harvesters and 2004 for shore-side processors in the allocation formulas for whiting.

There are two major factors for addressing the matter. The first would be the one mentioned by the Court that is "factual complexity" of the program and its design, review, and implementation. The complexity goes well beyond writing regulations. It involves allocation of the target species, which we hadn't even done at the time that we set the control dates, and sorting through possible alternatives through the implementation of enforcement and monitoring programs to give effect to the final regulations and accomplish our conservation objectives. I also think the high degree of controversy surrounding the development of this program is another complexity and why it took longer than other programs that perhaps the Court was made aware of. More controversial programs tend to take more time to develop because of the need to analyze and

consider information and weigh and address the various concerns. Likewise, I would place the significance of the proposed change and the severity and uncertainty of the potential consequences in the complexity category as well. The more substantial the change and the more severe and uncertain the consequences for the fishery participants and fishing communities, the more time and information decision-makers will want, to ensure their decision is sound and made in awareness of the likely consequences.

Finally, an additional concern has to do with the conservation concerns and the connection to the control date. The concern is that speculative fishing behavior can have adverse impacts on conservation and management objectives. Speculation creates more participation and can worsen the biological and social economic problems created by overcapacity. This factor connects the fair and equitable standards to the broader conservation and management context. That connection is required by the Magnuson-Stevens Act under National Standard 4 and the guidelines that NMFS issued interpreting that standard. National Standard 4 requires allocations to be "reasonably calculated to promote conservation." The National Standard 4 guidelines then advised that "an allocation of fishing privileges should be rationally connected to the achievement of the optimum yield or with the furtherance of legitimate fishery management plan objectives." This standard and guidance are focused on the long-term conservation and management objectives, whereas the effects of speculation last only until the allocation is finalized. Nonetheless, it should be recognized that speculation incentive created by proposed allocations can be severe enough to place real pressures on conservation and management objectives during the development and implementation of the limited entry program. He cited an enforcement action on July 17, 2007 that illustrated the point that even with the control date, the temptation is there to speculate and try to build catch history and disregard conservation.

In sum, the reasonableness of a particular control date is based on an examination of how consideration of the current participation weighs against the characteristics of the program design and implementation issues. The broader conservation and management context is in the fairness to those that obeyed the control date - inevitably the decision is one that leaves much judgment about what is most fair and equitable. Mr. Anderson submitted that the motion that's on the floor is the most fair and equitable, and particularly in consideration of the testimony we heard yesterday and again today about the repercussions of changing the qualifying periods for any of these sectors.

Mr. Sones stated he would abstain from the vote. He did support the 2008 decision and control dates, and felt, at the time, that this was a very critical part of the LAP program, to control participation and the race to fish after that date. The Tribes felt that this was an important conservation act that the Council had taken and he is pleased to see that it has been implemented. However, he sees this decision today as more about allocation issues and less an issue of conservation, although he believes if we don't respect control dates it will have impacts on where things go in the future. So, for those reasons, he is abstaining from the vote.

Ms. Lowman expressed agreement with the statements of Mr. Williams and Mr. Anderson. She added that part of her decision was her conclusions about why there were a number of permits that seemed to not be used at all after 2003. The supplemental analysis in Attachment 3 provided

the rationale. They weren't being used, but they were part of an investment package by fisherman who wanted to use those permits to increase their amount of harvest if their history was not sufficient. The other thing that factored into her fair and equitable decision was the fact that while this is all about whiting, our program has a sector that is both whiting and non-whiting. To have different dates for one part of the same sector than the other part doesn't seem fair.

Mr. Crabbe wanted to add that he was compelled by the number of fisherman who would have been winners under either Options 3 or 4 and they did not come out in support of those options. Some of them even spoke in favor of status quo. He indicated his support for the motion.

Mr. Feldner also expressed support for the motion. He believes the eyes of the nation are on us here and the way we deal with this is going to affect future limited entry programs. He also expressed his appreciation for the way the Council and industry worked together on this and other endeavors and the need for control dates and preventing a race for fish and increased bycatch.

Mr. Lincoln commented that he will be supporting the motion based on his agreement with much of the previous Council member testimony. He noted that it appeared that more people would be negatively impacted than would benefit from moving the control dates.

Ms. Vojkovich expressed her perspective as a lifelong public servant in allocating public resources. It has always been very important to look at what the greatest good is. The Council decision needs to be based on how it affects the industry as a whole, our fishing communities up and down the coast, our fishing businesses and communities in the nation. She agreed with all of the other good comments by fellow Council members and supports this motion as the right decision.

Mr. Wolford expressed his support of the motion and stated that his previous statements were applied to this motion.

Mr. Pollard noted the excellent testimony already provided in support of the motion and can't imagine that a reasonable and prudent person with this weight of information would make a decision other than to support the motion.

Mr. Groen likewise noted his support for the motion based on his previous comments.

Motion 22, as amended, carried (Mr. Lockhart and Mr. Sones abstained, Mr. Myer recused).

Mr. Anderson stated that there are two more items for the Council to consider: the quota share transfer and divestiture periods; and the mothership catcher vessel severability. He moved and Mr. Lincoln seconded Motion 23 *to be consistent with the recommendations made in Agenda Item H.7.b, Supplemental NMFS Report 2, I move that we reinstate:*

1. *The quota share (QS) transfer and divestiture periods for the shoreside IFQ sector – to begin on January 1, 2014, with the deadline to divest extended to December 31, 2015.*

2. *Mothership/catcher vessel (MS/CV) severability – to begin on September 1, 2014, with a delay of the deadline to divest extended to August 31, 2016.*

Mr. Anderson stated the intent of the motion is to allow NMFS adequate time to implement the necessary quota share transfer rules and regulations, as well as the programming necessary to allow online transfers of quota share. Intent is also to allow NMFS adequate time to implement regulations that coincide with the annual permit renewal process.

Motion 23 carried (Mr. Myer recused).

[Council concluded this agenda item at 3:55 p.m. and broke until 4:03 p.m.]

I. Open Comment Period (9/18/2012; 4:13 p.m.)

I.1 Comments on Non-Agenda Items

Agenda Item I.1, Open Comment 1: Fixed Gear Needs a Bigger Share.
Agenda Item I.1, Open Comment 2: Safety Concerns Relating to the Observer Program for Nearshore Fixed Gear Vessels.
Agenda Item I.1, Open Comment 3: Letters of Support of Forage Fish Conservation.
Agenda Item I.1, Supplemental Open Comment 4: Additional Letters of Support of Forage Fish Conservation (Web Only).

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

None.

I.1.b Public Comment

None.

I.1.c Council Discussion of Comments as Appropriate

None.

ADJOURN

The Council adjourned September 18, 2012 at 6:10 p.m.

Dan Wolford
Council Chairman

Date

DRAFT VOTING LOG
Pacific Fishery Management Council
215th Meeting
September 2012

Motion 1: Adopt the Meeting Agenda as shown in Agenda Item A.4, Proposed Detailed Agenda (September 13-18, 2012) with the changes for D.1, Closed Session, and Saturday morning informational briefing by Paul Doremus.

Moved by: David Crabbe Seconded by: Marija Vojkovich
Motion 1 carried unanimously.

Motion 2: Adopt the five review topics as found in Agenda Item E.2.b, Supplemental STT Report for the 2012 Methodology review.

Moved by: Steve Williams Seconded by: Phil Anderson
Motion 2 carried unanimously.

Motion 3: Adopt the final recommendations for the Pacific Coast Salmon Amendment 17 as represented in Agenda Item E.3.a, Attachment 1, including the remarks and edits heard in deliberation, but excluding Issue 13.

Moved by: Phil Anderson Seconded by: Marci Yaremko
Motion 3 carried unanimously.

Motion 4: Adopt for further analysis all alternatives in Table 1 Replacement (Agenda Item E.4.a, Supplemental Attachment 2), including the no action alternative, but with the exclusion of 5C, and also include the language from Agenda Item E.4.c, Supplemental NMFS Report, which contains alternatives 12A & 12 B.

Moved by: Bob Turner Seconded by: Rich Lincoln

Amndmnt 1: Modify the main motion to be consistent with the SSC recommendations in Agenda Item E.4.c, Supplemental SSC Report, and consistent with the revision recommended by the HC relative to the provision for pile driving in 10C1 (Agenda item E.4.c, Supplemental HC Report); and adding "coal export terminal activities" to Alternative 10C as an additional activity.

Moved by: Phil Anderson Seconded by: Steve Williams

Amdmnt 1a: Include the following language proposed in Agenda Item E.4.c, Supplemental HC Report, to replace "salmon fishing gear" with "fishing gear" (Alternative 9) in Section 8.

Moved by: Steve Williams Seconded by: Jeff Feldner
Amendment 1a carried unanimously.

Amendment 1, as amended, carried unanimously.
Motion 4, as amended, carried unanimously.

Motion 5: Establish the purpose of the South of Humbug Policy Committee based on Agenda Item F.1.a, Situation Summary, third paragraph, as follows: to use the SHPHW report to support development of policies and methods to account for Pacific Halibut abundance and distribution in California waters, estimating and monitoring recreational Pacific Halibut catch in California waters, and ensuring compliance with catch allocation south of Humbug Mt., and to exclude the last clause relating to considering revision of the overall Area 2A apportionment.

Moved by: Michele Culver Seconded by: Steve Williams

Amndmnt 1: Include the final clause: "and possibly considering revision of the overall Area 2A apportionment" in the paragraph of Motion 5.

Moved by: Marci Yaremko Seconded by: Buzz Brizendine
Amendment 1 failed (Mr. Myer, Mr. Sones, Ms. Lowman, Mr. Lincoln, Ms. Culver, Mr. Feldner, Mr. S. Williams voted no; Mr. Lockhart abstained).
Motion 5 carried (Mr. Crabbe voted no).

Motion 6: Adopt for public review the changes to the halibut CSP shown in Agenda Item F.2.b, WDFW Report, for the Columbia River Subarea Recreational fishery to revise the early season structure to keep the early season open until 80 percent of the subarea allocation is reached, removing the provision that would close the early season on the third Sunday in July; and revise the days of the week that the early season is open from Thursday through Sunday to Friday through Sunday.

Moved by: Phil Anderson Seconded by: Rich Lincoln
Motion 6 carried unanimously.

Motion 7: Adopt for public review the changes to the halibut CSP in the recommendations contained in F.2.b, ODFW Report: for the Oregon Central Coast Subarea Recreational Fishery to eliminate the summer all-depth fishery by transferring the entire quota to the spring all-depth and nearshore fisheries, and reduce the number of open days per week for the nearshore fishery from seven to three.

Moved by: Steve Williams Seconded by: Jeff Feldner
Motion 7 carried unanimously.

Motion 8: Adopt for public review an option to allow incidental harvest of halibut in the salmon troll fishery beginning April 1 of each year.

Moved by: Steve Williams Seconded by: Jeff Feldner
Motion 8 carried unanimously.

Motion 9: Adopt for public review the proposed changes to the halibut CSP as shown in Agenda Item F.2.b, CDFG Report, for the South of Humbug Mountain Subarea Recreational Fishery in California Waters Only with a change in the minimum size limit range:

1. Shorten the May through October Season with a Summer Closure – Close fishing for Pacific halibut during some or all of July and/or August, creating a split season.
2. Re-instate a Minimum Size Limit – Prior to 2009, a 32-inch minimum size limit was in effect for the recreational fishery off CA, as well as OR and WA. Consider a minimum size limit from ~~32~~28 to 48 inches.
3. Limit Days of the Week Open to Fishing –
   a. *Option 3A:* Allow fishing only on Fridays and Saturdays during the open months from May through October.
   b. *Option 3B:* Allow fishing only on Thursdays, Fridays and Saturdays during the open months from May through October.
4. Relating to the *Federal Register*, subsection F, –do not specify the projection of the catch to be 6,056 lbs. change it to say "May thru October."

Moved by: Marci Yaremko Seconded by: Buzz Brizendine
Motion 9 motion failed (Mr. S. Williams, Mr. Lincoln, Mr. Feldner, Mr. Ortmann, Ms. Lowman, Mr. Sones, Mr. Anderson, Mr. Myer and Mr. Lockhart voted no).

Motion 10: Approve the Bycatch assessment provided by NMFS and transmit it to the IPHC for use in the 2013 fishery.

Moved by: Phil Anderson Seconded by: Rich Lincoln
Motion 10 carried unanimously.

Motion 11: Direct the Council Executive Director to send a letter to Congressman Thompson and Congresswoman Herrera-Buetler expressing Council support for and comments on H.R. 6362, the Revitalizing the Economy of Fisheries (REFI) of 2012 Act as recommended in Agenda Item G.1.b, Supplemental Legislative Committee Report.

Moved by: Dale Myer Seconded by: Phil Anderson
Motion 11 carried (Mr. Lockhart abstained).

Motion 12: Adopt the 5-year research plan as shown in Agenda Item G.2.a, Attachment 1 for public review, incorporating the changes recommended by the SSC and taking into consideration the comments of the GMT, GAP, and STT.

Moved by: Steve Williams Seconded by: Jeff Feldner
Motion 12 carried unanimously.

Motion 13: Adopt the list of stocks to be assessed in 2013 as presented by Dr. Hastie in Agenda Item H.3.b, Supplemental NMFS PowerPoint, with yellowtail rockfish slated for full assessment.

Moved by: Herb Pollard Seconded by: Cal Groen

Amndmnt 1: Include yellowtail as a data-moderate assessment and include rougheye as a full assessment. [Motion speaks only to changes in full assessments]

Moved by: Phil Anderson Seconded by: Rich Lincoln

Amdmnt 1a: Remove yellowtail as a data-moderate assessment.
Moved by: Dan Wolford Seconded by: Joanna Grebel
Amendment 1a carried unanimously.

Amdmnt 1b: Designate rougheye be a full assessment and remove yellowtail as a full assessment in the amendment.
Moved by: Troy Buell Seconded by: Joanna Grebel
Amendment 1b carried unanimously.
Amendment 1, as amended, carried unanimously.
Motion 13, as amended, carried unanimously.

Motion 14: Prepare data-moderate assessments for the stocks listed in Agenda Item H.3.b, Supplemental GAP Report with the exception of doing a data-moderate assessment of yellowtail rather than rougheye. If not all these stocks can be assessed, then allow the science centers to prioritize from this list.

Moved by: Frank Lockhart Seconded by: Herb Pollard
Motion 14 carried unanimously.

Motion 15: Adopt bocaccio as an update assessment and canary, POP, and yelloweye as data reports.

Moved by: Troy Buell Seconded by: Jeff Feldner
Motion 15 carried unanimously.

Motion 16: Adopt the final Terms of Reference for the Groundfish and Coastal Pelagic Species Stock Assessment and Review Process for 2013-2014 as provided in Agenda Item H.3.a, Attachment 3: Draft Terms of Reference for the Groundfish and Coastal Pelagic Species Stock Assessment and Review Process for 2013-2014; adopt the Terms of Reference contained in Agenda Item H.3.a, Attachment 4: Draft Terms of Reference for the Groundfish Rebuilding Analysis for 2013-2014); and adopt the Terms of Reference for the Methodology Review Process for Groundfish and Coastal Pelagic Species as provided in Agenda Item H.3.a, Attachment 5; and include the SSC and GMT recommendations for these terms of reference.

Moved by: Joanna Grebel Seconded by: Buzz Brizendine
Motion 16 carried unanimously.

Motion 17: Adopt the science centers' recommendations for the stock assessment review schedule as shown in Agenda Item H.3.b, Supplemental NMFS PowerPoint, with the clarification that panel one will review the new darkblotched assessment and panel two will review the new rougheye assessment.

Moved by: Phil Anderson Seconded by: Rich Lincoln
Motion 17 carried unanimously.

Motion 18: Adopt the GMT recommendations in Agenda Item H.5.b, Supplemental GMT Report, which are:

- Increase the trip limits in the open access fixed gear sablefish daily trip limit fishery south of 36° N. latitude from "300 pounds per day, or one landing per week of up to 1,350 pounds, not to exceed 2,700 pounds per two months" to "350 pounds per day, or one landing per week of up to 1,750 pounds, not to exceed 3,500 pounds per two months" starting November 1 through the end of the year and
- Modify the California recreational rockfish conservation area in the Southern Management Area (south of 34°27′ N. latitude) from 60 fathoms to 50 fathoms as soon as possible to the end of the year.

Moved by: Joanna Grebel Seconded by: Buzz Brizendine
Motion 18 carried unanimously.

Motion 19: Adopt the Phase 1 Report and conclude Phase 1 of the EFH process is complete.

Moved by: Phil Anderson Seconded by: Dorothy Lowman
Motion 19 carried unanimously.

Motion 20: Accept the report from the EFHRC (Agenda Item H.6.b, Supplemental EFHRC Report 2), and the recommendations contained within that report except:

- Under #5 "Information and Research Needs" the time frames under short term, medium term, and long term will be deleted;
- In the language on page 5 under "Request for Proposals" the indented paragraph would include the entire second paragraph and only the first sentence of the first paragraph; and
- With the caveat that the affected parties in U.S. v. Washington conduct the appropriate legal review and reach a consensus on the language in that report.

Moved by: Phil Anderson Seconded by: Marija Vojkovich
Motion 20 carried unanimously.

Motion 21: Approve the NMFS Science Centers Synthesis Outline.

Moved by: Marija Vojkovich Seconded by: Phil Anderson
Motion 21 carried unanimously.

Motion 22: Adopt as its final preferred alternatives for the time periods used for initial whiting catch share allocation the following:
Years used for history based allocation for whiting trips:

a. Catcher Vessel permits – shoreside history: No Action Alternative (1994-2003)
b. Whiting processors – shoreside history: No Action Alternative (1994-2004)
c. Catcher Vessel Permits – mothership history: No Action Alternative (1994-2003).

Moved by: Steve Williams Seconded by: Jeff Feldner

Amndmnt 1: Correct item b to read "Whiting processors – shoreside history: No Action Alternative (1998 to 2004)."

Moved by: Phil Anderson Seconded by: Dorothy Lowman
Amendment 1 carried (Mr. Myer recused, Mr. Lockhart abstained).
Motion 22, as amended, carried (Mr. Myer recused, Mr. Sones and Mr. Lockhart abstained).

Motion 23: Reinstate (to be consistent with the recommendations made in Agenda Item H.7.b, Supplemental NMFS Report 2):

1. The quota share (QS) transfer and divestiture periods for the shoreside IFQ sector – to begin on January 1, 2014, with the deadline to divest extended to December 31, 2015.
2. Mothership/catcher vessel (MS/CV) severability – to begin on September 1, 2014, with a delay of the deadline to divest extended to August 31, 2016.

Moved by: Phil Anderson Seconded by: Rich Lincoln
Motion 23 carried (Mr. Myer recused).

Motion 24: Approve the minutes of the June 2012 Council meeting.

Moved by: Dave Ortmann Seconded by: Herb Pollard
Motion 24 was not voted on.

Motion 25: Substitute for Motion 24: Approve the November 2010 minutes as written in Agenda item G.3.a, Attachment 1: Draft Minutes 206th Session of the Pacific Fishery Management Council.

Moved by: Dale Myer Seconded by: Rich Lincoln
Motion 25 carried (Mr. Feldner abstained).

Motion 26: Appoint Ms. Chelsea Protasio to the CDFG position on the CPSMT.

Moved by: Marija Vojkovich Seconded by: David Crabbe
Motion 26 carried unanimously.

Motion 27: Appoint Mr. Robert Leos to a CDFG position on the GMT.

Moved by: Marija Vojkovich Seconded by: Buzz Brizendine
Motion 27 carried unanimously.

Motion 28: Appoint Mr. Colby Brady to the NMFS NW Region position on GMT.

Moved by: Frank Lockhart Seconded by: Marija Vojkovich
Motion 28 carried unanimously.

Motion 29: Adopt for public review the draft EFP for Council Operating Procedure 23.

Moved by: Marija Vojkovich Seconded by: David Crabbe
Motion 29 carried unanimously.

Motion 30: Add a mid-water trawl whiting position to the GAP.

Moved by: Steve Williams Seconded by: Dorothy Lowman
Motion 30 was not voted on.

Motion 31: Substitute for Motion 30: change the composition of the GAP to include three trawl positions, one at-large trawl, one bottom trawl, and one mid-water trawl, which would replace the current Washington, Oregon and California trawl positions.

Moved by: Marija Vojkovich Seconded by: Dale Myer
Motion 31 carried unanimously.

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 new resignations, nominations, or other changes were identified by the Briefing Book deadline.

Standing Council Member Committee Appointments

No new resignations, nominations, or other changes were identified by the Briefing Book deadline.

Council Advisory Body Appointments

Advisory Subpanels

Ecosystem Advisory Subpanel (EAS)

At the November Council meeting, there were only two appointments made to the California Seats on the Ecosystem Advisory Subpanel; and the Council did not reissue a solicitation for nominations for the remaining position. Subsequently, at least two individuals have expressed interest in filling the seat. Because there has been no further solicitation for candidates since the September 2012, the Council may wish to formally solicit candidates for a decision at the April Council meeting.

Salmon Advisory Subpanel (SAS)

The Washington Coast Tribal seat remains vacant.

Habitat Committee (HC)

Mr. Virgil Moore, IDFG, has nominated Mr. Scott Grunder to replace Mr. Eric Leitzinger on the HC (Closed Session A.1.a, Attachment 3).

The Northwest/Columbia River Tribal seat remains vacant.

Highly Migratory Species Management Team (HMSMT)

Mr. Rod McInnis, NMFS SWR, has notified the Council that Mr. Mike Hendrick should be removed from the HMSMT NMFS SWR seat due to transfer, and that a replacement will be nominated when his now vacant position is filled (Closed Session A.1.a, Attachment 1).

Enforcement Consultants (EC)

Mr. Phil Anderson, WDFW, has nominated Sgt. Dan Chadwick to replace Deputy Chief Mike Cenci on the EC (Closed Session A.1.a, Attachment 2).

Groundfish Essential Fish Habitat Review Committee (EFHRC)

The NMFS has requested Mr. Steve Copps, NMFS NWR, be appointed to the EFHRC.

Appointments to Other Forums

The International Pacific Halibut Commission (IPHC) is soliciting nominations for members of a Management Strategy Advisory Body (MSAB), including 2-3 fisheries managers to assist in defining the overall fisheries objectives, as well as providing input on designing candidate management procedures and ensuring that the performance measures encompass fisheries legislation in respective countries (Agenda Item F.3.a, Attachment 1). The IPHC would like to fill the positions by the end of March, 2014. The Council should consider forwarding a nominee to the IPHC for one of the fishery manager positions.

Changes to Council Operations and Procedures

No changes were identified by the Briefing Book deadline; however, the changes associated with advisory body membership and Protocol for CPS Exempted Fishing Permits adopted during the September and November 2012 Council meetings have been incorporated into the COPs (http://www.pcouncil.org/council-operations/operating-procedures/).

Council Action:

Consider the following appointment and membership issues:

1. **The nomination of Sgt. Dan Chadwick to the WDFW position on the EC.**
2. **The nomination of Mr. Scott Grunder to the IDFG position on the HC, replacing Mr. Eric Leitzinger.**
3. **Appointment of Mr. Steve Copps to the EFHRC.**
4. **Solicitation for candidates for the vacant California seat on the EAS.**
5. **The Washington Coast tribal fisher vacancy on the SAS.**
6. **The Northwest/Columbia River tribal vacancy on the Habitat Committee.**
7. **Nomination for the IPHC MSAB Fishery Manager positions.**

Reference Materials:

1. Closed Session A.1.a, Attachment 1: Notification of HMSMT resignation.
2. Closed Session A.1.a, Attachment 2: Nomination of Sgt. Dan Chadwick to the WDFW position on the EC.

3. Closed Session A.1.a, Attachment 3: Nomination of to the IDFG position on the HC.
4. Agenda Item F.3.a, Attachment 1: IPHC Management Strategy Evaluation Framework.

Agenda Order:

a. Agenda Item Overview Chuck Tracy
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

PFMC
02/13/13

IPHC MANAGEMENT STRATEGY EVALUATION FRAMEWORK

Overarching objective

To develop a formal process in which to evaluate the performance of alternative management procedures for the Pacific halibut stock against a range of scenarios that encompass observation and process uncertainty in stock assessments, alternative hypotheses about stock dynamics and structural assumptions. This process is commonly referred to as Management Strategy Evaluation (MSE) in fisheries science.

Management Strategy Advisory Body

The MSE process will be overseen by an Management Strategy Advisory Body (MSAB) that is comprised of harvesters (commercial, sport, and subsistence), fisheries managers (DFO and NMFS), processors, IPHC staff, commissioners and academia. The advisory body will be broadly based, both geographically and by harvesting sector. The advisory body will be nominated from existing Commission advisory bodies, nominations from partner agencies, and direct application from the public. The MSAB will consist of approximately 15-20 individuals contemplated by the Commission and a key consideration for members is that they be available to participate in the process from initial development of fisheries objectives, defining performance measures and iteratively refining management procedures. Continuity on the MSAB is key to the success of this process.

Role of the MSAB

The MSAB will work interactively with analysts on the Commission staff and Research Advisory Board to initially define clear measurable objectives for this fishery, define candidate management procedures (MP) for testing within the MSE framework, and define the performance measures to evaluate alternative MPs. A management procedure constitutes the entire decision making process starting with what data to be used in stock assessment, a stock assessment method to interpret the data, a harvest control rule in which to compute yield options and a projection model in which evaluate impacts of alternative yield options on the stock. A series of quantitative measures must be defined in which to evaluate how well each MP performs relative to perfect information. The central role of the MSAB is to: define fishery objectives, articulate management procedures, and define performance measures in which to evaluate MPs.

MSAB Membership

The following table identifies the broad membership of the MSAB by group. The science advisors group would provide input on the technical aspects of developing the operating model(s) to be used in the MSE framework. The processors group would provide inputs on fisheries objectives and the development of performance measures for evaluating candidate management procedures. The harvesters group would also provide inputs on fisheries objectives, the development of management procedures and performance measures. Fisheries managers are key for defining the overall fisheries objectives, as well as, providing input on designing candidate management procedures and ensuring that the performance measures encompass fisheries legislation in respective countries. Membership should also include at least one Commissioner from each of the respective member countries to ensure the objectives and performance measures encompass commercial, sport and aboriginal sectors. The IPHC staff will work in collaboration with all members of the MSAB and implement the technical details of the

MSE framework. Specifically develop and modify existing software for testing alternative MPs in the MSE framework.

Group	Number	Potential Candidates
Science Advisors	2-4	
Processors	2+	
Harvesters	5	
Managers	2-3	
Commissioners	2	
IPHC Staff	4+	Martell, Stewart, Webster, Leaman, ...

Members of the MSAB should be able to make a long-term commitment in order to ensure that their respective ideas are fully vetted in the MSE process. Other criteria that the Commission will take into consideration in selecting advisors is the breadth of experience in the halibut fishery, experience and expertise in the appropriate group, and the ability to provide objective input into the process and disseminate information. It is also important to ensure a balanced geographic representation from each of the Regulatory Areas.

Timeline and Project Milestones

The MSE framework was introduced at the Commission's interim meeting in November 2012, and the process of forming the MSAB will be initiated at the Annual meeting in January 2013. For the initial formation of the MSAB, the IPHC would like to solicit nominations from existing Commission advisory bodies (RAB, CB, PAG) and direct application from the public. Following, the list of nominations will be categorized (processors, harvesters, managers, etc.) and ranked by the IPHC staff, and then submitted for final selection by the IPHC Commissioners.

A preliminary meeting for the MSAB will be held at the earliest possible date after the formation of the MSAB. The purpose of the preliminary meeting is to give members of the MSAB a broad overview of the objectives of MSE. We also hope to include presentations from one or more MSE-based projects that have had practical application (e.g., the Canadian Sablefish Association) with MSE as a general introduction. This initial meeting will also serve the purpose of defining objectives for the halibut fishery, scoping out performance measures in which to compare alternative harvest policies, and flush out key operating model components that will be required to address alternative MPs.

Supplemental follow-up meetings via teleconference or webinar will be conducted as required to present preliminary results and reiterate ideas on appropriate performance metrics and fisheries objectives.

The development of an operating model is currently underway by IPHC staff, and this work will evolve continuously with the development and revisions of the MSE framework. Input from the MSAB, as well as the available historical data, will help shape the structure of the reference and observation models to be used in the MSE efforts. In addition to the current coast-wide assessment model, alternative assessment models will also undergo simulation testing using the MSE framework. The reference and observation model platforms provide "known" state variables in which to evaluate alternative assessment models, or changes to the current assessment model. Prior to the second MSAB meeting, it is anticipated that the "alpha" version of the MSE software will have the capability of exploring alternative estimators (or structural assumptions), alternative harvest control rules, and establish base-line metrics based on "perfect information" over a range of alternative hypotheses about stock structure.

The second annual meeting of the MSAB will receive presentations on progress of the development of the MSE software and some preliminary results with respect to initial ideas from the first annual MSAB meeting (and interim meetings if necessary). This will be the first real opportunity for the MSAB to provide feedback on the MSE software and help refine and devise alternative management procedures for testing in the next iteration.

We anticipate that many of the issues surrounding the assessment, monitoring and management of the halibut resource will be of significant interest to members of the Research Advisory Board (RAB) the Conference Board (CB) and the Processors Advisory Group (PAG). Given the overlap of interests, annual meetings are likely to immediately follow the annual RAB meeting, just prior to the interim meeting. Additional presentations will also be given at the Interim Meeting, the Annual Meeting in January each year, and summarized in the Report of Annual Research Activities each year.

The following bullet points identifies the major milestones and summaries the work to be performed in more-or-less chronological order.

- Assemble MSAB
  - Send out a call for nominations for the MSAB (Public, RAB, CB and PAG)
  - Commissioners approve choices for the MSAB
- MSAB (i) preliminary meeting
  - overview of project & presentation from MSE experts (Cox/Kronlund/A'Mar)
  - define tasks for MSAB
  - develop fisheries objectives
  - initial scoping of performance measures
  - operating model skeleton
- Interim MSAB (webinar)
  - revise performance metrics and fisheries objectives
- Develop MSE software (alpha version)
  - Operating model:
    - reference model (true state of nature)
    - observation models (simulating data programs)
  - estimator(s) (stock assessment models)
  - harvest control rules

    - projection scenarios (alternative hypotheses).
    - establish metrics and a status quo management procedure
- MSAB (II)
    - presentation of alpha model & preliminary results
    - refine, add, drop additional MP and performance metrics
    - feedback from MSAB, re-iterate and revise as necessary
- MSE presentation at annual RARA (2014-2016)
    - outreach
    - continue to work with MSAB to refine and test current and alternative MP.

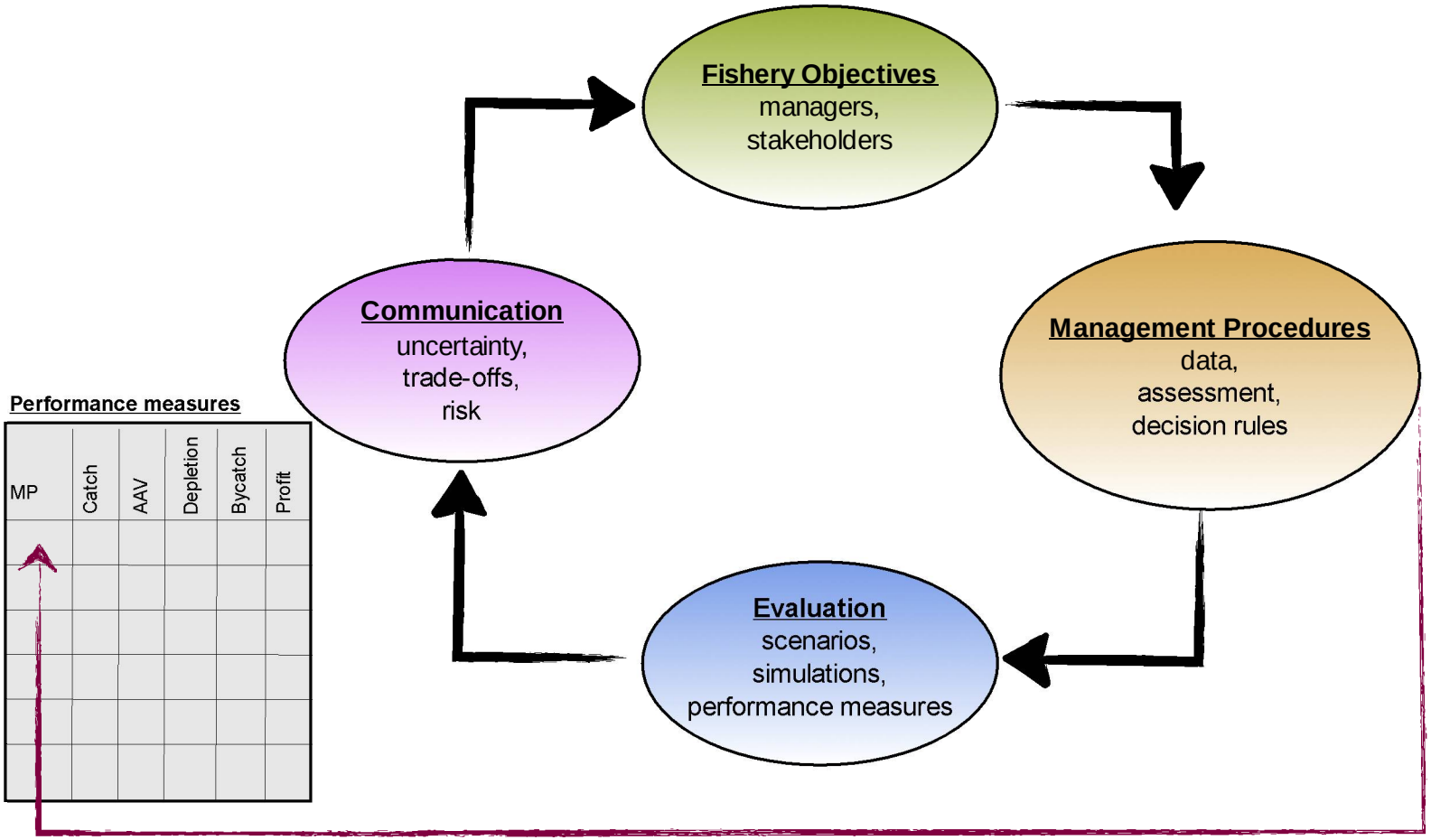

Figure 1. An illustration of the four major component processes used in Management Strategy Evaluation. First, fisheries objectives must be defined that ultimately define performance measures. A suite of alternative management procedures are developed and used to fill each row of the performance measures table. The evaluation of each management procedure is done over a range of scenarios that span the range of uncertainty in our current understanding of halibut dynamics. Lastly, communication with stakeholders is a key step in refining fisheries objectives and designing new management procedures that are robust to uncertainty.

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FUTURE COUNCIL MEETING AGENDA AND WORKLOAD PLANNING

This agenda item is intended to refine general planning for future Council meetings, especially in regard to finalizing the proposed agenda for the April 2013 Council Meeting. The following primary 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 proposed April 2013 Council meeting Agenda (Attachment 2).

Because of the short time between the March and April Council meetings, any changes to the proposed April agenda should be very limited and should not significantly change the timing of key agenda items and advisory body meetings.

The Executive Director will assist the Council in reviewing the proposed agenda materials 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, a final proposed April Council meeting agenda, and workload priorities for Council staff and advisory bodies.

Council Action:

1. **Review pertinent information and provide guidance on potential agenda topics for future Council meetings.**
2. **Provide final guidance on a proposed agenda for the April Council meeting.**
3. **Identify priorities for advisory body considerations at the next Council meeting.**

Reference Materials:

1. Agenda Item F.4.a, Attachment 1: Pacific Council Workload Planning: Preliminary Year-at-a-Glance Summary.
2. Agenda Item F.4.a, Attachment 2: Preliminary Proposed Council Meeting Agenda, April 5-11, 2013 in Portland, Oregon.

Agenda Order:

a. Agenda Item Overview — Don McIsaac
b. Reports and Comments of Advisory Bodies and Management Entities
c. Public Comment
d. **Council Action:** Discussion and Guidance on Future Meeting Agenda and Workload Planning

PFMC
02/13/13

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; underline=new)

	April 6-11, 2013 (Portland)	★★	**June 20-25, 2013** (Garden Grove)	**September 11-17, 2013** (Boise)	**November 1-6, 2013** (Costa Mesa)	**March 8-13, 2014** (Sacramento)
CPS	Sardine Harvest Paramters Workshop Rpt		NMFS Rpt		NMFS Rpt	
			Final Action on Sardine Hrvst Parameter Changes		EFP Notice of Intent for 2014 Sardine Asmnt & Mgmt Meas.	EFPs: Final Recommendations
	Inseason Rev of Mackerel Fishery if Needed		Mackerel HG & Mgmt Meas.			
	Evaluation of Shifting Sardine Fishery Start Date					
Groundfish	NMFS Report		NMFS Report	NMFS Report	NMFS Report	NMFS Report
	Inseason Mgmt		Inseason Mgmt	Inseason Mgmt	Inseason Mgmt	Inseason Mgmt
	Pacific Whiting Update		Approve Stock Assessments	Approve Stock Assessments 2	Stock Assessment Clean-up &	
	Seabird Protection Regs		**Adopt A-24 FPA**	Plan Science Improvements	Rebuilding Analyses	
			Adopt Final Spx & Mgmt Meas Process for Fisheries in 2015 & Beyond	Initial Actions for Setting Fisheries in 2015 & Beyond	Further Actions for Setting 2015-2016 Fisheries & Beyond	Pac Whiting Spx & Meas.
	Status of Rationized Fisheries				Preliminary EFP Approval	Status of Rationalized Fishery
	Stock Complex Restructuring		Finalize Stock Complex Issues			
	Consider Barotrauma Mort Rate		Midwater Sport Fishery			
	Trawl Trailing Actions: Elec Mon		Trawl Trailing Actions:	Trawl Trailing Actions: Scope		Trawl Trailing Actions:
	EFH Synthesis Rpt & RFP Rel.			PIE 3; Gear Wrkshp Rpt	EFH Phase 2: Accept Proposals	Initiate EFH Amendment
	VMS Declaration Reg. ROA		VMS Declaration Reg FPA		for Further Consideration	As Necessary
HMS			NMFS Report	NMFS Report	NMFS Report	NMFS Report
			EFH Review - Initiate Process			US-Canada Albacore Update
			Preliminary EFP Approval	Final EFP Approval		Internat'l RFMO Matters
					Input to International RFMO	Including Northern Committee
						Albacore Decision Rules & IATTC
Salmon				NMFS Report	NMFS Rpt	NMFS Rpt
	2013 Method Rev.--Identify Topics			Method Rev: Adopt Priorities	2013 Method Rev.--Final	Approve Review, Forecasts, SDC, and ACLs
	2013 Season Setting (3)					Approve Rebuilding Plans (if necessary)
	Adopt FPA for EFH (A-18)				2014 Preseason Mgmt Schd	2014 Season Setting (4)
Other	Routine Admin (9)		Routine Admin (11)	Routine Admin (11)	Routine Admin (11)	Routine Admin (9)
	Habitat Issues		Habitat Issues	Habitat Issues	Habitat Issues	Habitat Issues
				Tri-State Enforcement Rpt	Federal Enforcement Priorities	
	P. Halibut: Final Incidental Regs			P. Halibut: CSP Change Alts	P. Halibut: Final CSP Changes	P. Halibut: Prelim Incidntl Regs
			MONF 3 Report	P. Halibut Bycatch Estimate		P. Halibut: IPHC MTG
	~~CMSP Update~~		CMSP Update		Ocean Obs Initiative Prog Rpt	
	Expansion of CB/GF NMS		~~IEA Wkshp Rpt~~	IEA Wkshp Rpt	CA Current Ecosystem Rpt	
	Ocean Observation Initiative Rpt				Int Ecosystem Assessment Rpt	
	Final Ecosystem Plan Adoption inc. info briefing		Unmanaged Forage Fish Protection			
Apx. Floor Time	**5.5 days**	★★	**4 days**	**4 days**	**4.5 days**	**4.5 days**

May 5-11: Hosting Annual CCC Meeting and Managing Our Nations Fisheries 3 National Conference, Washington, DC

PRELIMINARY PROPOSED PACIFIC COUNCIL MEETING AGENDA, APRIL 5-11, 2013 IN PORTLAND, OREGON

(SHADED ITEMS ARE TENTATIVE)

	Sat, Apr 6	Sun, Apr 7	Mon, Apr 8	Tue, Apr 9	Wed, Apr 10	Thu, Apr 11
	A. CALL TO ORDER 8 AM **1-4.** Opening Remarks, Roll Call, ED Report, Approve Agenda (30 min) **B. OPEN COMMENT** **1.** Comments on Non-Agenda Items (30 min) **COUNCIL INFO SESSION** Fishery Ecosystem Plan (1 hr) **C. ADMINISTRATIVE** ~~**1.** Coastal Marine Spatial Planning Update (1 hr)~~ **2.** Expansion of CB/GF NMS (1 hr) **3.** Ocean Observation Initiative Report (1 hr) **D. GROUNDFISH** **1.** Status of Rationalized Fishery (1 hr 30 min) **E. SALMON** **1.** Tentative Adoption of 2013 Management Measures for Analysis (2 hr 30 min)	**D. GROUNDFISH** **2.** NMFS Report (1 hr) **3.** Stock Complex Briefing (2 hr) **4.** Implementation of 2013 Pacific Whiting Fishery under U.S.-Canada Pacific Whiting Agreement (1 hr) **5.** VMS Declaration Regulations (1 hr) **6.** Seabird Protection Regulations (1 hr) **E. SALMON** **2.** Clarify Council Direction on 2013 Management Measures (1 hr) **CLOSED EXECUTIVE SESSION** Discuss Litigation & Personnel Matters (1 hr)	**D. GROUNDFISH** **7.** Consider Barotrauma Device Mortality Rates (2 hr) **8.** Groundfish EFH Synthesis Report and RFP (2 hr) **E. SALMON** **3.** A-18 - Revise EFH FPA (4 hr)	**F. ECOSYSTEM BASED MANAGEMENT** **1.** Fishery Ecosystem Plan: Adopt Final (3 hr) **D. GROUNDFISH** **9.** Trawl Rationalization Trailing Actions: Electronic Monitoring Regulatory Process (4 hr) **10.** Consideration of Inseason Adjustments (1 hr)	**C. ADMINISTRATIVE** **4.** Legislative Matters (30 min) **G. COASTAL PELAGIC SPECIES** **1.** Sardine Harvest Parameters Workshop Report (4 hr) **H. PACIFIC HALIBUT** **1.** Final Incidental Catch for 2013 Salmon Troll Fishery (30 min) **E. SALMON** **4.** Methodology Review Process & Preliminary Topic Selection for 2013 (1 hr) **5.** Final Action on 2013 Management Measures (2 hr)	**I. HABITAT** **1.** Current Habitat Issues (45 min) **G. COASTAL PELAGIC SPECIES** **2.** Inseason Action for Mackerel Fishery (if necessary; 1 hr) **3.** Shifting Sardine Fishery Start Date (2 hr) **C. ADMINISTRATIVE** **5.** Approve Council Minutes (15 min) **6.** Membership Appointments & COPs (15 min) **7.** Future Council Meeting Agenda & Workload Planning (45 min)
Fri, Apr 5	8 hr	8 hr	8 hr	8 hr	8 hr	5 hr
8 am MEW 8 am SAS & STT 8 am GAP & GMT 8 am SSC 8 am TPG 8 am HC 2 pm LC 4 pm Chair's Briefing	7 am State Delegations 8 am SAS & STT 8 am GAP & GMT 8 am SSC 8 am TPG & TWTG 8 am—EC 6 pm Chair's Reception	7 am State Delegations 8 am SAS & STT 8 am GAP & GMT 8 am EAS 8 am TPG & TWTG As Necessary EC 8 am EFHRC 8:30 am SSC Econ Subcom	7 am State Delegations 8 am SAS & STT 8 am GAP & GMT 8 am EAS 8 am TPG & TWTG As Necessary EC	7 am State Delegations 8 am SAS & STT 8 am CPSAS &CPSMT 8 am TPG & TWTG As Necessary EC	7 am State Delegations 8 am SAS & STT 8 am CPSAS &CPSMT 8 am TPG & TWTG As Necessary EC	7 am State Delegations 8 am TPG & TWTG

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; underline=new)

	April 6-11, 2013 (Portland)	★★	June 20-25, 2013 (Garden Grove)	September 11-17, 2013 (Boise)	November 1-6, 2013 (Costa Mesa)	March 8-13, 2014 (Sacramento)
CPS	Sardine Harvest Paramters Workshop Rpt ~~Inseason Rev of Mackerel Fishery if Needed~~ Evaluation of Shifting Sardine Fishery Start Date	May 5-11: Hosting Annual CCC Meeting and Managing Our Nations Fisheries 3 National Conference, Washington, DC	NMFS Rpt Final Action on Sardine Hrvst Parameter Changes ~~Mackerel HG & Mgmt Meas.~~ Report and Action on Monitored/Managed Stocks Esp. Mackerel		NMFS Rpt Sardine Asmnt & Mgmt Meas. EFP Notice of Intent for 2014	Sardine Methodology Review EFPs: Final Recommendations
Groundfish	NMFS Report Inseason Mgmt Pacific Whiting Update ~~Seabird Protection Regs Prelim~~ Status of Rationized Fisheries Stock Cmplx Restructuring ROA Consider Barotrauma Mort Rate Trawl Trailing Actions: E-Monitr EFH Synthesis Rpt & RFP Rel.		NMFS Report Inseason Mgmt Approve Stock Assessments ~~Adopt A-24 FPA~~ Consider Spx,Mgmt Measures & NEPA Process in 15-16 & Beyond Status of Rationized Fisheries Stock Cmplx PPA Midwater Sport Fishery Trawl Trailing Actions: Guidance on Reg. Dvlpmnt Seabird Protect Regs Prelim	NMFS Report Inseason Mgmt Approve Stock Assessments Plan Science Improvements Initial Actions for Setting Fisheries in 2015 & Beyond Stock Cmplx FPA Seabird Protection Regs Final Trawl Trailing Actions: Scope PIE 3; Gear Wrkshp Rpt Economic Data Rpt	NMFS Report Inseason Mgmt Stock Assessment Clean-up & Rebuilding Analyses Further Actions for Setting Fisheries in 2015 & Beyond Preliminary EFP Approval EFH Phase 2: Accept Proposals for Further Consideration	NMFS Report Inseason Mgmt Pac Whiting Spx & Meas. Status of Rationalized Fishery Trawl Trailing Actions: Initiate EFH Amendment As Necessary
HMS			NMFS Report ~~EFH Review - Initiate Process~~ Preliminary EFP Approval US-Canada Albacore Update Bluefin Precautionary Regs Percautionary Albacore Framework	NMFS Report Final EFP Approval	NMFS Report Input to International RFMO	NMFS Report US-Canada Albacore Update Internat'l RFMO Matters Including Northern Committee Albacore Decision Rules & IATTC Rpt on Turtle Cons Area & Caps
Salmon	2013 Method Rev.--Identify Topics 2013 Season Setting (3) Guidance on Columbia Basin Situation Assessment Adopt Alts for EFH (A-18)			NMFS Report Method Rev: Adopt Priorities	NMFS Rpt 2013 Method Rev.--Final 2014 Preseason Mgmt Schd	NMFS Rpt Approve Review, Forecasts, SDC, and ACLs Approve Rebuilding Plans (if necessary) 2014 Season Setting (4)
Other	Routine Admin (10) Finalize March Decisions Habitat Issues P. Halibut: Final Incidental Regs Expansion of CB/GF NMS Ocean Observation Initiative Rp Final Ecosystem Plan Adoption inc. info briefing VMS Declaration Reg. ROA		Routine Admin (11) Habitat Issues MONF 3 Report CMSP Update ~~IEA Wkshp Rpt~~ Unmanaged Forage Fish Protection VMS Declaration Reg FPA	Routine Admin (11) Habitat Issues Tri-State Enforcement Rpt P. Halibut: CSP Change Alts P. Halibut Bycatch Estimate ~~IEA Wkshp Rpt~~	Routine Admin (11) Habitat Issues Federal Enforcement Priorities P. Halibut: Final CSP Changes Ocean Obs Initiative Prog Rpt CA Current Ecosystem Rpt Int Ecosystem Assessment Rpt	Routine Admin (9) Habitat Issues P. Halibut: Prelim Incidntl Regs P. Halibut: IPHC MTG
Apx. Floor Time	**5.75 days**	★★	**5.25 days**	**4.5 days**	**4.75 days**	**5.25 days**

PRELIMINARY PROPOSED PACIFIC COUNCIL MEETING AGENDA, APRIL 5-11, 2013 IN PORTLAND, OREGON

(SHADED ITEMS ARE TENTATIVE)

	Sat, Apr 6	Sun, Apr 7	Mon, Apr 8	Tue, Apr 9	Wed, Apr 10	Thu, Apr 11
	A. CALL TO ORDER 8 AM **1-4.** Opening Remarks, Roll Call, ED Report, Approve Agenda (30 min) **B. ADMINISTRATIVE** **1.** Formalize March Decisions (30 min) **C. OPEN COMMENT** **1.** Comments on Non-Agenda Items (30 min) **COUNCIL INFO SESSION** Fishery Ecosystem Plan (1 hr) **B. ADMINISTRATIVE** **2.** Expansion of CB/GF NMS (1 hr) **3.** Ocean Observation Initiative Report (1 hr) **D. GROUNDFISH** **1.** NMFS Report (1 hr) **E. SALMON** **1.** Tentative Adoption of 2013 Management Measures for Analysis (2 hr 30 min)	**D. GROUNDFISH** **2.** Status of Rationalized Fishery (45 min) **3.** Stock Complex ~~Briefing~~ Adopt ROA (3 hr 30 min) **4.** Implementation of 2013 Pacific Whiting Fishery under U.S.-Canada Pacific Whiting Agreement (1 hr) ~~**5.** Prelim Seabird Protection Regulations (1 hr)~~ **E. SALMON** **2.** Clarify Council Direction on 2013 Management Measures (1 hr) **F. HABITAT** **1.** Current Habitat Issues (45 min) **CLOSED EXECUTIVE SESSION** Discuss Litigation & Personnel Matters (1 hr)	**D. GROUNDFISH** **5.** Consider Barotrauma Device Mortality Rates (3 hr) **6.** Groundfish EFH Synthesis Report and RFP (2 hr 30 min) **E. SALMON** **3.** A-18 – Alts to ~~FPA~~ Revise EFH (2 hr) **G. PACIFIC HALIBUT** **1.** Final Incidental Catch for 2013 Salmon Troll Fishery (30 min)	**H. ECOSYSTEM BASED MANAGEMENT** **1.** Fishery Ecosystem Plan: Adopt Final (3 hr) **D. GROUNDFISH** **7.** Trawl Rationalization Trailing Actions: Electronic Monitoring Regulatory Process (4 hr) **8.** Consideration of Inseason Adjustments (1 hr)	**I. COASTAL PELAGIC SPECIES** **1.** Sardine Harvest Parameters Workshop Report (4 hr) **E. SALMON** **4.** Final Action on 2013 Management Measures (2 hr) **5.** Methodology Review Process & Preliminary Topic Selection for 2013 (1 hr) **6.** Council Guidance on Columbia Basin Situation Assessment (1 hr)	**B. ADMINISTRATIVE** **4.** Legislative Matters (1 hr) **J. ENFORCEMENT** **1.** VMS Declaration Regulations Process and ROA (1 hr) **I. COASTAL PELAGIC SPECIES** ~~**2.** Inseason Action for Mackerel Fishery (1 hr)~~ **2.** Shifting Sardine Fishery Start Date (2 hr) **B. ADMINISTRATIVE** **5.** Approve Council Minutes (15 min) **6.** Membership Appointments & COPs (15 min) **7.** Future Council Meeting Agenda & Workload Planning (45 min)
Fri, Apr 5	8 hr	8 hr	8 hr	8 hr	8 hr	5.25 hr
8 am MEW 8 am SAS & STT 8 am GAP & GMT 8 am SSC 8 am TPG 8 am HC 2 pm LC 4 pm Chair's Briefing	7 am State Delegations 8 am SAS & STT 8 am GAP & GMT 8 am SSC 8 am TPG & TWTG 8 am—EC 6 pm Chair's Reception	7 am State Delegations 8 am SAS & STT 8 am GAP & GMT 8 am EAS 8 am TPG & TWTG As Necessary EC 8 am EFHRC 8:30 am SSC Econ Subcom	7 am State Delegations 8 am SAS & STT (inc CC Ch workshop) 8 am GAP & GMT 8 am EAS 8 am TPG & TWTG As Necessary EC	7 am State Delegations 8 am SAS & STT 8 am CPSAS &CPSMT 8 am TPG & TWTG As Necessary EC	7 am State Delegations 8 am SAS & STT 8 am CPSAS &CPSMT 8 am TPG & TWTG As Necessary EC	7 am State Delega 8 am TPG & TWTG

GROUNDFISH ADVISORY SUBPANEL REPORT ON FUTURE COUNCIL MEETING AGENDA AND WORKLOAD PLANNING

The Groundfish Advisory Subpanel (GAP) reviewed future workload planning issues and has two comments.

1 On several occasions, most recently in November 2012, the Groundfish Advisory Subpanel (GAP) has supported a request from participants in the limited entry fixed gear sablefish tier limit fishery to amend regulations regarding ownership and control restrictions. Specifically, participants in this fishery are recommending these restrictions be similar to the trawl ownership and control limitations.

   It was the GAP's understanding in November that the Council and NMFS would be able to consider this request in workload planning after completion of the 2013-14 groundfish specifications process. The GAP understands that this regulatory amendment will require a two meeting process for the Council and subsequent rulemaking by NMFS. The GAP requests consideration of this regulatory amendment in the 2013 Council process.

2 The GAP also requests an updated report from the Northwest Fisheries Science Center on how the halibut individual bycatch quota (IBQ) amounts are assigned to individual vessels, how bycatch mortality is determined for individual trips and for Area 2A annually and how halibut bycatch has changed since the implementation of the IBQ component of the trawl individual quota (TIQ) program.

PFMC
03/09/13

Agenda Item F.4.b
Supplemental GMT Report
March 2013

GROUNDFISH MANAGEMENT TEAM REPORT ON THE FUTURE COUNCIL MEETING AGENDA AND WORKLOAD PLANNING

The Groundfish Management Team (GMT) reviewed Agenda Item F.4.a. Attachment 1, Preliminary Year-at-a-Glance Summary and Agenda Item F.4.a. Attachment 2, Preliminary Proposed Council Meeting Agenda, April 5-11, 2013 in Portland, Oregon, and offers the following regarding upcoming Council meetings and anticipated workload for GMT members for Council consideration.

The table below summarizes various work tasks GMT members are involved with for the remainder of 2013. These tasks are related to discussions and preparation of materials required by Council initiatives: Amendment 24, biennial harvest specifications, routine inseason items, trawl trailing actions, etc. Individual GMT members' efforts are spread out across the various tasks so that not all of the GMT is working on each one, although there is overlap for some GMT members. We request specific guidance if the Council has different expectations. Per usual, Council staff requests the flexibility to adjust GMT priorities and schedules if new issues develop.

In addition to the year-at-a-glance items (Table 1), the GMT would also like some guidance on prioritization for agenda items at the April Council meeting. There are currently 10 groundfish agenda items, as well as several other agenda items, that the GMT may be following. Detailed discussions and statements from the GMT on each agenda item are not feasible. Table 2 has the GMT's attempt at some prioritization. The GMT requests specific guidance if the Council has different expectations than what is shown. As above, we request that Council staff has the flexibility to adjust GMT priorities and schedules if new issues develop.

Council staff will present a briefing on revised stock complexes at the April meeting, where the Council is scheduled to adopt a preliminary range of alternatives. Final action on revised stock complexes is scheduled for the June meeting. The GMT has been working with Council staff on this issue and feels that significant progress has been made, but given the complexity of this issue, thinks that it might be more reasonable for the Council to consider taking final action in September. Delaying final action until September will allow for additional refinement of stock complex alternatives after getting input from the Council, advisory bodies, and the public, without conflicting with the harvest specification and management measure process for 2015-2016.

Table 1. Potential GMT work items for the remainder of 2013. (Shaded cells represent when the GMT anticipates working on the items.)

GMT Work Items for 2013	April	May	June	July	Aug	Sep	Oct	Nov	Dec
Pacific Whiting Update									

Seabird Protection Regulations									
Status of Rationalized Fisheries									
Stock Complex Restructuring									
Consideration of Barotrauma Mortality Rates									
Trawl Trailing Actions									
EFH Synthesis Report-Proposals									
Halibut Issues									
Stock Assessments & Rebuilding Analysis									
Adopt A-24 FPA									
SPEX and Management Measures for Fisheries in 2015 and Beyond									
Midwater sport fishery									
Preliminary EFPs									

Table 2 . April 2013 Agenda Items that the GMT may be tracking.

Groundfish Agenda Items	Council Floor	GMT Statement?	GMT Priority [a]
1. Status of Rationalized Fishery	Sat	No [b]	
2. NMFS Report	Sun	Maybe	
3. Stock Complex Briefing	Sun	Yes	*
4. Implementation of 2013 Pacific Whiting Fishery	Sun	Maybe	
5. VMS Declaration Regulations	Sun	Maybe	
6. Seabird Protection Regulations	Sun	Likely	*
7. Consider Barotrauma Device Mortality Rates	Mon	Likely	*

8. Groundfish EFH Synthesis Report and RFP	Mon	Likely	*
9. Trawl Rationalization Trailing Actions: Electronic Monitoring Regulatory Process	Tues	Likely	*
10. Consideration of Inseason Adjustments	Tues	Yes	*
Non-Groundfish Agenda Items			
Fishery Ecosystem Plan: Adopt Final	Tues	Maybe	
Final Incidental Halibut Catch for 2013 Salmon Troll Fishery	Wed	No	
Future Council Meeting Agenda & Workload Planning	Thu	Maybe	
Total Potential Statements by the GMT		**11**	

[a] The Council has final say in priority of agenda items, this is what the GMT thinks are the higher priority agenda items, provided to help inform the Council decision.

[b] While the GMT does not anticipate a statement at the April Council meeting, one or more members of the GMT will be heavily engaged in preparing this prior to the meeting.

Agenda Item F.4.b
Supplemental SSC Report
March 2013

Scientific And statistical committee report on
Future Council Meeting Agenda and Workload Planning

The Scientific and Statistical Committee (SSC) Economics Subcommittee is in the process of reviewing various datasets and models that are and/or could be used to analyze the socioeconomic effects of management alternatives on fisheries. These include the mandatory Economic Data Collection for catch share participants, projection models used by the Groundfish Management Team, and models used to estimate economic impacts on local economies and net economic benefits to fishery participants. The purpose of these reviews is to improve the economic analysis of fishery alternatives associated with the specifications process and other regulatory actions, and also provide input into the indicators being developed to monitor socioeconomic outcomes of the catch shares program. The SSC will review the Subcommittee reports at the June meeting. The SSC recommends that the results of those reviews be included in the materials that the Council considers in its discussion of the final 2015-16 specification schedule and process in June.

The methodologies for conducting the aerial survey and acoustic trawl survey for Pacific sardine have been reviewed separately, with issues still left unresolved. The SSC recommends that a formal review of the two surveys be conducted in fall of 2013 or winter of 2014, combined, if possible, at a single meeting, with a focus on how the two surveys might best be used in the sardine stock assessment.

PFMC
03/08/13

Agenda Item F.4.b.
Supplemental STT Report
March 2013

SALMON TECHNICAL TEAM REPORT ON Future Council Meeting Agenda and Workload Planning

The Salmon Technical Team (STT) discussed the scheduling of a workshop to review available data and feasibility of alternative abundance-based consultation standards for Sacramento River Winter Chinook and California Coastal Chinook at the April 2013 Council meeting in Portland. After reviewing the tentative April schedule (Agenda Item F.4.a, Attachment 2), the STT recommends that the workshop be held on the morning of Monday, April 8.

PFMC
03/11/13

Ownership and control options for the sablefish tiered program

1. Keep the 3 permit limitation per entity
   Keep the limitation of 3 permits per vessel
   Drop the cross ownership and control by vessel ownership

   Sub option: limit the number of vessels you can show ownership with, when participating in the tired program regardless of percent owned to three vessels

2. Count the ownership and control as a percentage of ownership in the permit, such that total ownership in one permit by ne entity would count for 100 percent and first and second generation owners would be limited to 300 percent. (The intent being to limit total ownership to three permits which is status quo.)

   Keep the limitation of permits that can be fished per vessel to 3 permits

   Sub option, limit ownership in vessels when participating in the sablefish tired program regardless of ownership percentage to three vessels

   Note the current use of the language "individually and collectively" for ownership with a permit or vessel would not be changed