

## REPORTS ON MANAGING OUR NATION'S FISHERIES 3 CONFERENCE AND THE COUNCIL COORDINATION COMMITTEE MEETING

The Pacific Fishery Management Council (Council) hosted both the Managing Our Nation's Fishery 3 (MONF3) conference and the Council Coordination Committee (CCC) in Washington D.C. in May, 2013. The MONF3 meeting was held May 7-9 and the CCC meeting was held May 6 and 9-10. The Council's news release provides a brief summary of the MONF3 conference (Agenda Item C.1.a, Attachment 1). Hosting both of the meetings in a sequential manner allowed the CCC meeting to address the issues considered and resulting from the MONF3 conference and was also more efficient from a travel and hotel contract perspective. The meeting was held in Washington D.C. to facilitate targeting legislative staff that would likely be involved with potential reauthorization of the Magnuson-Stevens Act (MSA), a primary sub-theme of the conference.

The purpose of the MONF3 conference was to elevate the discussion of sustainability of U.S. marine fishery management toward improving contemporary practices. The conference examined three theme areas, each with focused session on policy, science, and process issues, as follows:

1. Improving Fishery Management Essentials
  - a. Annual Catch Limit (ACL) Science and Implementation Issues, including Managing Data-Limited Stocks
  - b. Rebuilding Program Requirements and Timelines
  - c. International Fisheries Management: Leveling the Playing Field
2. Advancing Ecosystem-based Decision-making
  - a. Assessing Ecosystem Effects and Adapting to Climate Change
  - b. Forage Species Management
  - c. Integrating Habitat Considerations
3. Providing for Fishing Community Stability
  - a. Recreational and Subsistence Fishery Connections
  - b. Integrating Community Protection, Jobs Emphasis, and Seafood Quality Assurance
  - c. Assessment of Social and Economic Tradeoffs

A detailed conference agenda is included as Attachment 2, and all materials from the conference are available at: <http://www.cvent.com/events/managing-our-nation-s-fisheries-3/custom-17-94ddf325198f4501996ccc62aa396aa2.aspx>. The 128 findings that emerged from MONF3 national conference (Attachment 3) regarding advancing sustainable fishery management practices may be considered for changes to current policy or regulatory approaches developed at Regional Fishery Management Councils (RFMC) or implemented by the National Marine Fisheries Service (NMFS), or legislative changes via reauthorization of the MSA, as appropriate. Formal proceedings for the conference are being drafted and should be available by late summer.

The CCC consists of the chairs, vice chairs, and executive directors of each of the eight Regional Councils, and is authorized under the MSA in order to discuss issues of relevance to all Councils,

including issues related to the implementation of the MSA. As the CCC met the afternoon of the morning the 128 findings were presented, they deferred substantial discussion of conference findings until later this year, to provide time for staff categorization and initial analysis. This also provides time for individual Councils to consider the findings in a less immediate atmosphere, for possible input to the CCC in a special webinar meeting expected to be scheduled in late summer, 2013. The Council's Legislative Committee is scheduled to consider the legislative implications of the MONF3 conference and provide a report under agenda item C.3; advisory body reports, public testimony and Council discussion of detailed MSA reauthorization matters should primarily occur under than agenda item.

The CCC discussed a number of issues in addition to the findings of the MONF3 conference, as detailed in the CCC Decision Summary Document (Agenda Item C.1.a, Attachment 4). The agenda and briefing materials for the CCC meeting are available electronically at: <http://www.pcouncil.org/council-operations/council-meetings/ccc-may-2013/>

### **Council Action:**

- 1. Discuss MONF3 findings and provide guidance on further consideration of findings.**
- 2. Provide guidance on further consideration of matters from the annual CCC meeting, beyond those associated with the MONF3 conference.**

### **Reference Materials:**

1. Agenda Item C.1.a, Attachment 1: MONF3 Press Release.
2. Agenda Item C.1.a, Attachment 2: Detailed Agenda from the Managing Our Nation's Fisheries 3 Conference.
3. Agenda Item C.1.a, Attachment 3: Summary of Findings from the Managing Our Nation's Fisheries 3 Conference.
4. Agenda Item C.1.a, Attachment 4: Draft Decision Summary Document, 2013 Annual Council Coordination Committee Meeting, May 6, 9-10, 2013, Washington, District of Columbia.

### **Agenda Order:**

- a. Agenda Item Overview
  - b. Reports and Comments of Advisory Bodies and Management Entities
  - c. Public Comment
  - d. **Council Action:** Provide Guidance on Issues Associated with Outcomes of the Conference and Meeting
- Chuck Tracy

PFMC  
05/30/13



## Press Release

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[www.managingfisheries.org](http://www.managingfisheries.org) #MONF

### Successful Managing Our Nation's Fisheries Conference Brings Together Diverse Voices

Washington, D.C., May 9, 2013 — The Managing Our Nation's Fisheries 3 conference wrapped up today on a successful note, with conference participants developing 128 recommendations for improving fishery sustainability. The draft recommendations are online at <http://tinyurl.com/cgugoeif> and will be further elaborated in the conference proceedings.

The conference was coordinated by the eight Regional Fishery Management Councils and NOAA Fisheries, and was sponsored by both fishing industry and environmental groups. The conference aimed to identify both legislative and non-legislative measures to advance fishery sustainability in light of the coming reauthorization of the Magnuson-Stevens Fisheries Conservation and Management Act, which governs Federal fishery management in the United States. Most participants seemed to agree that the Magnuson-Stevens Act has been successful in managing U.S. fisheries, and that large-scale revisions would not be needed. For example, under the Act, 32 fish stocks that were previously labeled “overfished” have been rebuilt. However, there was also agreement that some changes are needed to keep the Act relevant, flexible, and responsive.

“These recommendations will be considered carefully as we move forward with Magnuson-Stevens Act reauthorization,” said Dave Whaley, Legislative staff for the House Natural Resources Subcommittee. “We do need to act carefully; we do not want to solve problems in one area of the country while creating new problems in other areas.”

The conference, held at the Mayflower Renaissance Hotel in Washington, D.C., began on May 6 with keynotes by Rep. Doc Hastings (R-WA); NOAA Assistant Administrator Eric Schwaab; chef, author and television host Barton Seaver; and *Deadliest Catch* skipper Keith Colburn. The conference continued May 8 and 9 with sessions on improving fishery management essentials, advancing ecosystem-based decision making, and providing for fishing community stability. Senator Mark Begich (D-AK) addressed the conference attendees on May 8. More than 600 people attended the conference.

The conference was marked by collaboration, with attendees from Federal, state, and tribal agencies; commercial, recreational, and subsistence fisheries; environmental organizations; fishing community representatives; and the interested public.

During the conference, speakers and panelists interacted with audience participants to develop “findings” to further fishery sustainability. One hundred and twenty-eight findings covering nine focus topics were presented on the last day of the conference. Some of the themes that emerged included the need for better communication and collaboration among groups involved in fisheries; the need for flexibility in regulations, in part to allow managers to react to change more quickly; the

need for more and better science, including collaborative research involving fishermen and scientists; and stronger measures to ensure more responsible international fishery management. Other themes included the need to consider ecosystem management, the need for stronger tools to address habitat impacts, the challenges of adapting to climate change, and the benefits of a federal sustainable seafood label.

The conference findings are posted online at <http://tinyurl.com/cgugoef>. For more information on the conference, including position papers, please see <http://www.managingfisheries.org>.

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**Managing Our Nation's Fisheries 3**  
***Advancing Sustainability***  
**May 7-9, 2013**

**Detailed Agenda**

TUESDAY, MAY 7		
TIME	EVENT	ROOM
7 AM	Continental Breakfast	East-State Room
9 AM	Registration Opens Opening Remarks: Dr. Donald McIsaac  Featured Speakers: Mr. Eric Schwaab, Obama Administration Rep. Doc Hastings, Chairman, House Natural Resources Committee	Ballroom Foyer Grand Ballroom
10 AM	Break	East-State Room
10:15 AM	Special Perspectives on Sustainability <ul style="list-style-type: none"><li>• Barton Seaver, Chef and Host of <i>"In Search of Food"</i></li><li>• Keith Colburn, Skipper of the F/V Wizard on the <i>Deadliest Catch</i></li></ul> Regional Fishery Management Council Perspectives	Grand Ballroom
Noon	Box Lunch & Poster Review Session	East-State Room
1 PM	<b>CONCURRENT SESSIONS</b>  <b>SESSION 1: IMPROVING FISHERY MANAGEMENT ESSENTIALS</b> <b>Topic 1:</b> Annual Catch Limit Science and Implementation Issues, Including Managing "Data-Limited" Stocks  <b>SESSION 2: ADVANCING ECOSYSTEM-BASED DECISION MAKING</b> <b>Topic 1:</b> Assessing Ecosystem Effects and Integrating to Climate Change  <b>SESSION 3: PROVIDING FOR FISHING COMMUNITY STABILITY</b> <b>Topic 1:</b> Recreational and Subsistence Fishery Connections	Colonial Room  Promenade Room  Chinese Room
2:45 PM	Break	East-State Room
3:15 PM	<b>CONCURRENT SESSIONS</b> Resume session topics after the break	Chinese, Colonial, Promenade Rooms
5 PM	Adjourn Concurrent Sessions	
5:30 PM	Poster Review Session and Environmental Defense Fund Reception	East-State Room

WEDNESDAY, MAY 8		
TIME	EVENT	ROOM
7 AM	Continental Breakfast and Poster Viewing	East-State Room
8 AM	<b>CONCURRENT SESSIONS</b>	
	<b>SESSION 1:</b> IMPROVING FISHERY MANAGEMENT ESSENTIALS <b>Topic 2:</b> Rebuilding Program Requirements and Timelines	Chinese Room
	<b>SESSION 2:</b> ADVANCING ECOSYSTEM-BASED DECISION MAKING <b>Topic 2:</b> Forage Fish Management	Promenade Room
	<b>SESSION 3:</b> PROVIDING FOR FISHING COMMUNITY STABILITY <b>Topic 2:</b> Integrating Community Protection, Jobs Emphasis, and Domestic Seafood Quality Assurance	Colonial Room
9:45 AM	Break	East-State Room
10:15 AM	<b>CONCURRENT SESSIONS</b> Resume session topics after the break	Chinese, Colonial, Promenade
Noon	Lunch break	
1 PM	<b>CONCURRENT SESSIONS</b>	
	<b>SESSION 1:</b> IMPROVING FISHERY MANAGEMENT ESSENTIALS <b>Topic 3:</b> International Fisheries Management: Leveling the Playing Field	Chinese Room
	<b>SESSION 2:</b> ADVANCING ECOSYSTEM-BASED DECISION MAKING <b>Topic 3:</b> Integrating Habitat Considerations: Opportunities and Impediments	Promenade Room
	<b>SESSION 3:</b> PROVIDING FOR FISHING COMMUNITY STABILITY <b>Topic 3:</b> Assessment and Integration of Social and Economic Tradeoffs	Colonial Room
2:45 PM	Break	East-State Room
3:15 PM	<b>CONCURRENT SESSIONS</b> Resume session topics after the break	Chinese, Colonial, Promenade
5 PM	Adjourn Concurrent Sessions	
6 PM	Banquet Senator Mark Begich, Featured Speaker	Grand Ballroom

THURSDAY, MAY 9		
TIME	EVENT	ROOM
7 AM	Continental Breakfast	East-State Room
8 AM	Plenary Session: Report on Results of the Concurrent Sessions from May 7 and 8	Grand Ballroom
9:45 AM	Break	East-State Room
10:15 AM	Plenary Session: Reactions Panel Statements	Grand Ballroom
11:45	Closing Remarks: Dr. Donald McIsaac	Grand Ballroom
Noon	Conference Adjourned	

## Session 1

Improving Fishery  
Management  
Essentials

## Topic 1

ACL Science and  
Implementation  
Issues, Including  
Managing Data-  
Limited Stocks

# Speakers

Agenda Item C.1.a  
Attachment 3  
June 2013

- **Richard Methot**, NMFS
- **Bill Kelly**, Florida Keys Commercial Fishermen's Association
- **Dick Brame**, Coastal Conservation Association

# Panelists

- Matt Tinning
- Ed Richardson
- Gway Kirchner
- Michael Sissenwine

# Findings (Session 1, Topic 1)

Revise National Standard 1 guidelines to:

1. Consider multi-year minimum stock size thresholds and Annual Catch Limit (ACL) framework
  - Phase in ACL changes
  - Constrain large inter-annual changes in ACLs
  - Do not base overfished determination on single year estimate

# Findings (Session 1, Topic 1)

2. Allow and provide guidance for using the mixed stock exemption
3. Use management strategy evaluation to evaluate the performance of harvest control rules
4. Provide better guidance on setting ACLs for transboundary stocks where no international treaty exists and only US removals are known

# Findings (Session 1, Topic 1)

## Different tools and strategies for managing recreational fisheries

5. Eliminate hard quotas managed in-season for recreational stocks. Adjust pre-season input controls (e.g., bag limits, seasons) to stay within ACL (based on numbers of fish, not poundage)
6. Manage with long-term mortality rates for more stability (e.g. eliminate wide fluctuations in catch limits)

# Findings (Session 1, Topic 1)

## Assessments and Data-Poor Stocks

7. Prioritize assessment of target stocks over non-target stocks
8. Set minimum data quality standards for stock assessment\*
9. Do not require ACLs for data-poor stocks\*
10. Improve data-poor assessment methods
11. Consider default buffer (e.g., 75% maximum fishing mortality threshold)
12. More than one indicator species in a complex leads to better estimate of stock status



## Session 1

Improving Fishery  
Management  
Essentials

## Topic 2

Rebuilding Program  
Requirements and  
Timelines

# Speakers

- **André Punt**, University of Washington
- **Jackie Odell**, Northeast Seafood Coalition
- **Chris Dorsett**, Ocean Conservancy

# Panelists

- Gordon Kruse
- Brad Gentner
- Rod Moore
- Greg DiDomenico

# Findings (Session 1, Topic 2)

Modify MSA to address the following:

1. Revise rebuilding time requirements\*
  - Always set  $T_{MAX}$  equal to  $T_{MIN}$  plus one mean generation
  - Set exploitation rates less than  $F_{MSY}$  and rebuilding will occur naturally over time
2. Refine and include the mixed stock exception in MSA; harvest of one species at its optimal level may result in overfishing another stock, only if strict criteria are met\*

# Findings (Session 1, Topic 2)

Modify MSA to address the following:

3. Stocks later determined to have never been overfished should no longer be subject to rebuilding requirements
4. Replace the term “overfished” with “depleted” (status may not be due to excessive fishing)\*

# Findings (Session 1, Topic 2)

Modify MSA to provide flexibility

5. Establish a standardized process for reviewing rebuilding progress
  - Maintain an existing rebuilding plan when minor changes occur in estimated  $T_{\text{TARGET}}$
6. Address social and economic issues (e.g., “possible” to “practicable”)\*

# Findings (Session 1, Topic 2)

Modify MSA to provide flexibility

7. Extend annual species exemption to short-lived species
8. Allow a transboundary exemption when a significant proportion of the stock is outside U.S. jurisdiction

# Findings (Session 1, Topic 2)

## Additional Findings

9. Increase the frequency and quality of stock assessments and rebuilding analyses and incorporate ecosystem dynamics; recognize limitations of science
10. Don't chase noise: Assessments and projections will always be uncertain; develop smoothing strategies to provide stability

# Findings (Session 1, Topic 2)

## Additional Findings

11. Utilize management strategy evaluation tools to evaluate stock rebuilding approaches
12. Develop harvest control rules that incorporate rebuilding provisions; early investments increase the probability of success



## Session 1

Improving Fishery  
Management  
Essentials

## Topic 3

International  
Fisheries  
Management:  
Leveling the  
Playing Field

## Speakers

- **Elizabeth McLanahan**, NOAA
- **Sean Martin**, Hawaii Longline Association
- **Bill Fox**, World Wildlife Fund

## Panelists

- Eugenio Pineiro-Soler
- John Connelly
- Joe Plesha
- Manny Duenas



# Findings (Session 1, Topic 3)

## International Cooperation and Assistance:

1. Help developing countries build fishery management and enforcement capacity
2. Support immediate adoption of appropriate target and limit reference points by RFMOs
3. E-NGOs should continue to leverage compliance with RFMO conservation measures (e.g. through supply chains)

# Findings (Session 1, Topic 3)

## Combating IUU Fishing:

4. Increase support for at-sea and in port monitoring and enforcement
5. Broaden trade sanctions domestically and within RFMOs to address non-compliance
6. Implement stricter imported seafood labeling requirements in the US market
7. Ratify Port State Measures Agreement
8. Amend MSA to change “vessels” to “vessel” in the IUU certification section

# Findings (Session 1, Topic 3)

## Promote US Competitiveness Internationally:

9. Promote measures to reduce overcapacity:
  - Fishery rationalization (e.g., catch shares)
  - Restrict national subsidies for fuel and vessel construction
  - Limit vessel numbers by RFMO member states

# Findings (Session 1, Topic 3)

## Promote US Competitiveness Internationally:

10. Consider a national sustainable seafood certification program\*
11. RFMOs should consider transfer effects when developing conservation and management measures
12. RFMOs should adopt measures that reward compliance (e.g. quota allocations)

# Findings (Session 1, Topic 3)

## Communication and Stakeholder Engagement:

13. Improve communication among US delegations across tuna RFMOs (e.g. WCPFC, IATTC, ICCAT)
14. Maximize participation of fishermen and other stakeholders in US RFMO delegations

# Session 2

## Advancing Ecosystem-Based Decision Making

# Findings (Session 2)

1. Evaluate ecosystem productivity change
2. Evaluate effectiveness and utility of closed/fixed areas
3. Engage across disciplines and increase coordination between NMFS, Councils, Science Centers, stakeholders, other governmental agencies
4. Increase reliance on industry while shifting councils' role in evaluating effectiveness



# Findings (Session 2)

5. Consider broad range of ecosystem services
6. Build capacity throughout the fishery management system to use new tools to advance ecosystem-based decision-making
7. Establish ecosystem SSC at the council level.
8. Invest in ecosystem-based management (i.e., advancing scientific models, training staff) and identify and remove impediments to the transition from single species to ecosystem based management



## Session 2

Advancing  
Ecosystem-Based  
Decision Making

### Topic 1

Assessing  
Ecosystem Effects  
and Integrating  
Climate Change

## Speakers

- **Phil Levin**, NMFS Northwest Fisheries Science Center
- **Malin Pinsky**, Princeton University
- **Cora Campbell**, Alaska Department of Fish and Game

## Panelists

- Jason Link
- John Annala
- Brad Warren

# Findings (Session 2, Topic 1)

1. Address the root causes of climate change as MSA is a limited tool and addresses mainly symptoms
2. Increase coordination between and across jurisdictions to address changing species distribution and ecosystem change (regional councils, states, and international)

# Findings (Session 2, Topic 1)

## Precautionary and adaptive management

3. Flexibility to respond to spatial, allocative and distributional effects of climate change
4. Address rebuilding requirements when environmental conditions may be a predominate factor in a stock's decline
5. Assess barriers to adaptation (fishing communities and fish stocks)
6. Utilize a precautionary approach for developing/emerging fisheries

# Findings (Session 2, Topic 1)

## Precautionary and adaptive management

7. Recognize and manage in response to ecosystem productivity change
8. Develop a comprehensive national plan and tools which facilitate development of regional management strategies
9. Incorporate environmental trigger mechanism to initiate management action/measure
10. Evaluate effectiveness and utility of closed/fixed areas

# Findings (Session 2, Topic 1)

11. Modify reference points as climate changes (precautionary vs. recalibrating MSY)
12. ESA: Base listings on actual trends rather than projected trends of climate change
13. Assess the efficacy of the National Ocean Policy as a vehicle to address climate change

# Findings (Session 2, Topic 1)

## Integrated Ecosystem Assessments (IEAs)

14. Integrate IEAs and all component models into management process
15. Derive less data and resource intensive tools for use in management process

# Findings (Session 2, Topic 1)

16. Develop ecosystem models, tools and assessments at a regional level that:

- Synthesize existing data from non-fishing sources and incorporate socio-economic as well as ecosystem parameters
- Respond to changing parameters
- Predict future ecosystem states
- Provide short- and long-term guidance
- Account for cumulative impacts of climate change



# Findings (Session 2, Topic 1)

17. Develop decision support tools that allow councils to develop responses to a wide range of uncertainty (such as MSE)

## Session 2

Advancing  
Ecosystem-Based  
Decision Making

## Topic 2

Forage Fish  
Management

## Speakers

- **Peter Baker**, Pew Environmental Group
- **Ronald Lukens**, Omega Protein Corporation
- **Isaac Kaplan**, NMFS Northwest Fisheries Science Center

## Panelists

- David Crabbe
- Mary Beth Tooley
- Geoff Shester
- Julie Morris
- Dick Brame

# Findings (Session 2, Topic 2)

1. No changes to MSA are necessary to sustainably manage forage fish
2. Establish a new national standard to ensure adequate forage base
3. Require explicit consideration of the impact of forage fish to the ecosystem and fishing communities to inform OY and ACL decisions
4. Prohibit new forage fisheries until scientific and management evaluation are conducted
5. Define forage at the regional council level

# Findings (Session 2, Topic 2)

6. Use threshold harvest control rules to adopt ecologically-based reference points
7. Implement real time data collection to inform adaptive management
8. Require scientists to provide managers with an index of key forage species abundance
9. Establish an ecosystem SSC at the council level
10. Invest in ecosystem-based fisheries management

# Findings (Session 2, Topic 2)

## Best Practices

11. Improve inter-jurisdictional collaboration and coordination on forage fish management.
12. Use meta-analysis/global studies and rules of thumb as a starting point in discussions for forage fish management or as a guide in data poor situations

# Findings (Session 2, Topic 2)

## Best Practices

13. Advance tools and develop methodologies to:

- evaluate tradeoffs between uses of forage
- account for the needs of predators when doing stock assessments and ACLs;
- estimate the varying and complex economic value of forage fish;
- measure localized depletion; and
- evaluate effects of climate change on forage

## Session 2

Advancing  
Ecosystem-Based  
Decision Making

## Topic 3

Integrating Habitat  
Considerations:  
Opportunities and  
Impediments

# Speakers

- **Frederick “Buck” Sutter**, NMFS
- **Rip Cunningham**, New England Fishery Management Council
- **John Boreman**, North Carolina State University

# Panelists

- Tony Chatwin
- Greg Stunz
- Fran Recht
- Merrick Burden



# Findings (Session 2, Topic 3)

1. Consider a national standard for habitat: “Minimize adverse impacts on essential fish habitat to the extent practicable”
2. Build partnerships to achieve landscape and ecosystem level habitat improvements
3. Improve understanding of relationships between habitat and productivity to support identification and evaluation of tradeoffs

# Findings (Session 2, Topic 3)

4. Resolve status of artificial substrates with regard to EFH designation
5. Establish a timeline for improving the scientific basis for designation of EFH for key species and habitats
6. Maintain and strengthen the EFH designation process by developing objectives and metrics for successful habitat protection
7. Define “essential” habitat more broadly

# Findings (Session 2, Topic 3)

8. Shift interpretation of EFH from single-species to multispecies and ecosystem focus
9. Set measurable conservation objectives and utilize a “common currency” to evaluate adverse and cumulative impacts
10. Identify priority habitats that benefit fisheries, focus habitat research
11. Provide guidance on “minimize to the extent practicable adverse impacts...caused by fishing” and consider relationship to OY

# Findings (Session 2, Topic 3)

12. Strengthen EFH consultation process and ensure compliance with and effectiveness of existing laws and recommendations
13. Develop a long-term, standardized process for monitoring and evaluating habitat to establish a baseline, assess long term impacts, and support rapid response to non-fishing habitat impacts
14. Provide tools other than spatial closures for addressing adverse impacts from fishing

## Session 3

Providing for  
Fishing  
Community  
Stability

### Topic 1

Recreational and  
Subsistence Fishery  
Connections

## Speakers

- **Ken Franke**, Sportfishing Association of California
- **Manny Duenas**, Guam Fishermen's Cooperative Association
- **Mike Nussman**, American Sportfishing Association

## Panelists

- Steve Joner
- Andy Mezirow
- T.J. Tate
- Craig Severance

# Findings (Session 3, Topic 1)

1. Idea to be replicated/expanded: Scientists can learn much more from fishing community via greater use of cooperative research. This promotes buy-in, empowers fishermen, and can be more cost-effective
2. Fishermen want to be involved with data analysis as well – provides legitimacy to the process and helps build trust



# Findings (Session 3, Topic 1)

3. Councils and NMFS need new creative communication strategies & investments to reach, engage, and support underrepresented fishermen's participation in process
4. Goals specific to each sector and stakeholder group need identification, early in the process, to customize development of a suite of fishery management strategies



# Findings (Session 3, Topic 1)

5. Allocations are not 'permanent' - need to be more proactive in routine review and modification as needed. Decisions should be left to the regions, and creative solutions may result from constructive dialog between sectors
6. Recreational and subsistence considerations need higher priority in fishery management policy choices, AND in other policy arenas that affect fisheries (e.g., alt. energy)

# Findings (Session 3, Topic 1)

7. Define subsistence fishing in the MSA, and expand recognition of tribes and indigenous people engaged in subsistence fishing
8. Qualitative information vs. quantitative – need more thought/guidance on how to utilize both in fishery management decisions
9. Need better data - Target ledger-type submissions and other data collections as condition of access/use of a public trust resource

## Session 3

Providing for  
Fishing  
Community  
Stability

## Topic 2

Integrating  
Community  
Protection, Jobs  
Emphasis, and  
Domestic Seafood  
Quality Assurance

## Speakers

- **Robin Alden**, Penobscot East Resource Center
- **Larry Band**, Fisheries Finance Consultant
- **Roger Bing**, Darden Restaurants

## Panelists

- Sebastian Belle
- Ray Riutta
- Michael Conathan
- Patricia Clay

# Findings (Session 3, Topic 2)

1. Create, modify and promote financial tools and training to support small and community-based borrowers (e.g., NOAA Fisheries Finance Program, CA Fisheries Fund)
2. Resolve institutional impediments to fisheries commerce (e.g., Establish central registry to facilitate lending; Improve aquaculture permitting process)

# Findings (Session 3, Topic 2)

3. Link ecosystem-based management scales to fisheries management and governance (e.g. Revise National Standard 3 (Management Unit))
4. Link fishery participation to stewardship obligation
5. Need policy statement on devolving governance

# Findings (Session 3, Topic 2)

6. Preserving the past is not always the best path forward
7. Diversify Council management actions to accommodate differences between small & large-scale operators (e.g., mobility of fleet, business models, supply needs)
8. Anchor quota in communities (Utilize ecosystem-based management, Community Fishing Associations)



# Findings (Session 3, Topic 2)

9. Devolve more responsibilities and accountability to communities and industry, engage in science via cooperative research
10. Elevate and promote best practices; become a learning organization (e.g. State examples, Fisheries Improvement Projects, National Fish & Wildlife Foundation funded projects)
11. Modify Council process to improve participation of small-scale and community sectors



# Findings (Session 3, Topic 2)

12. Cooperative research results needs to be more fully incorporated into management
13. Recognize certification of U.S. fisheries that meet the 10 MSA national standards
14. Need end-end streamlined regulatory process for aquaculture
15. Wild harvest and aquaculture, more similar than different, both needed to meet supply needs, attain economic objectives

## Session 3

Providing for  
Fishing Community  
Stability

## Topic 3

Assessment and  
Integration of  
Social and  
Economic  
Tradeoffs

## Speakers

- **Richard Robins**, Mid-Atlantic Fishery Management Council
- **Marty Smith**, Duke University
- **Jim Martin**, Berkley Conservation Institute

## Panelists

- Shirley Marquardt
- Doug Lipton
- Rick Algert
- Columbus Brown

# Findings (Session 3, Topic 3)

1. MSA needs to incentivize response to challenges, population growth, climate change, globalization, and budget cuts
2. MSA needs to complement other ocean users and relevant statutes that affect fisheries management, such as ESA, Clean Water Act
3. Give full consideration to impacts from other uses/users for marine resources (non–fisheries)

# Findings (Session 3, Topic 3)

4. MSA should explicitly promote use of adaptive management approaches, particularly for data-poor species where the precautionary approach limits information on stock performance under higher catch rates
5. Need to define, ID sideboards & metrics of elements of OY; redefine OY/MSY relationship to no longer be one-direction, and social, economic and non-economic values could allow OY to be above MSY

# Findings (Session 3, Topic 3)

6. Expand socioeconomic analysis requirements to include economic value and non-market value quantification
7. Trade-off analysis requires giving higher priority than other disciplines for acquiring additional capacity in social scientists including anthropologists, sociologists, and economists at Councils, regional offices and/or externally

# Findings (Session 3, Topic 3)

8. Facilitate cooperation and partnerships with states, local governments, and other agencies
9. Improve engagement with competing sectors in scoping process
10. Develop mitigation plans to reduce impacts on communities due to management actions
11. Reform MSA confidentiality provisions, access to data from public trust resource users while protecting sensitive information



# Findings (Session 3, Topic 3)

**Allocations** (one of four grand challenges besides ACLs for assemblages, recreational mgt tools, & Habitat reform)

12. MSA mandate for Councils to consider review of recreational and commercial allocations every {x} years after scoping allocations based on a set of objective guidelines
13. NOAA standardized methods on how to review allocations
14. Improve NOAA support for allocation reviews (contracted analysts/economists)



**DRAFT Decisions Summary Document**  
2013 Annual Council Coordination Committee Meeting  
May 6, 9-10, 2013  
Washington, District of Columbia

Decision summary statements listed below for this Council Coordination Committee (CCC) meeting are listed under the agenda topic title as listed in the final agenda, shown at: [http://www.pcouncil.org/wp-content/uploads/A3\\_CCC\\_AGENDA\\_May2013CCC\\_BB.pdf](http://www.pcouncil.org/wp-content/uploads/A3_CCC_AGENDA_May2013CCC_BB.pdf)

**D. CCC Meeting Protocols**

The CCC adopted modified [terms of reference](#) incorporating recommendations from the National Marine Fisheries Service (NMFS) regarding closed session language, a new statement regarding the functional relationship between the CCC and the individual Councils regarding recommendations to NMFS, and other minor revisions.

**E. Budget Issues**

The CCC received an update on 2013 funding and 2014 budget issues from NMFS, including a possible spending plan for FY 2013 containing an approximate 10 percent reduction compared with FY 2012 funding and slight increase from FY 2012 in the President's proposed budget for FY 2014. However, a formal spending plan has not been released for Congressional consideration and the CCC reached no decisions in reaction to the information presented.

**F. Consideration of Managing Our Nations Fisheries 3 (MONF 3) Conference Results**

The CCC discussed potential processes for moving ahead with the 128 conference [findings](#), noting that the findings could not be categorized as consensus, majority, or minority findings. The CCC tasked the Pacific Council staff with assigning the findings into categories of (1) changes of a statutory nature, particularly associated with reauthorization of the Magnuson-Stevens Act (MSA), (2) changes of a regulatory nature, including (a) revision of National Standard Guidelines and (b) revisions to other regulations, and (3) changes that require a policy change without regulatory or statutory changes. The CCC established a CCC MSA Subcommittee, comprised of one representative to be designated from each Council, to develop recommendations on MONF3 findings for consideration by the full CCC, with an expectation that this consideration occur in late summer 2013 via special webinar CCC meeting. Regional Councils will make an effort to provide additional input to the CCC MSA Subcommittee as allowed by their schedules and the progress of the legislative process.

**G. ESA Transparency**

The CCC discussed and provided input on the Marine Fisheries Advisory Committee Endangered Species Act Working Group (Workgroup) Report options, which were designed to increase confidence in the science and process used for Section 7 consultations under the Endangered Species Act on Magnuson-Stevens Act fishery management actions. The CCC

recommended the Workgroup continue developing and refining the options for the final report, which is scheduled for October 2013, for CCC discussion at the 2014 interim meeting.

#### **H. Electronic Monitoring**

Terms of reference for the CCC's Electronic Monitoring Workgroup were adopted ([Agenda Item H, Supplemental Attachment 3](#)), noting that Councils not represented on the workgroup can be added to the workgroup by notifying Kitty Simonds. The group will be convened by Kitty Simonds to meet over the summer, provide NMFS with comment on NMFS' Policy on Electronic Technologies and Fishery-Dependent Data Collection, and provide input on any scientific and technical guidance being developed by NMFS. The Workgroup may also provide comment on the national EM workshop being developed by Lowman and Associates, as well as other items covered in the Workgroup's terms of reference. It was agreed that the work group comments could go forward without returning to the CCC for endorsement.

#### **I. Allocation Review Process**

The CCC accepted the NMFS offers to (1) compile a listing of existing allocation decisions, including dates for those decisions so as to provide an indication fresh or stale status, and (2) provide recommendations from the Office of Science and Technology on specifications of a possible National SSC task to identify performance standards for possible allocation review processes and analysis of proposed allocation revisions; these work products are expected to be completed in time for consideration at the 2014 CCC interim meeting. The CCC would also consider ideas related to reallocation processes that were developed as findings during the MONF3 conference, and Council-specific proposals to move forward with an allocation review process. An update of progress on these matters is expected at the proposed CCC interim webinar meeting in late summer 2013.

#### **J. Office of the Inspector General Report (OIGR) Action Plan**

After hearing the OIGR subcommittee report on the NOAA [action plan](#) in response to the OIG phase 1 [Report on Magnuson-Stevens Act \(MSA\) Rulemaking](#), the CCC divided the OIGR Subcommittee into two separate subcommittees: one with a membership of primarily of RFMC members yet to be named, focusing on OIGR recommendations 1-3 dealing with financial disclosures; and a second with a membership primarily of Executive Directors yet to be named, focusing on OIGR recommendations 3-6 dealing with operational guidelines, regional operating agreements, and records handling. Each subcommittee was directed to work with NMFS in developing timelines and work products, particularly for matters currently scheduled in the NOAA action plan for completion before February 1, 2014. If possible, the late-summer CCC webinar interim meeting will consider any urgent recommendations.

#### **K. New NEPA Process**

The CCC reviewed the draft revised NEPA Policy Directive that is a result of discussions between the CCC NEPA consultation subcommittee (the Executive Directors of the North Pacific, South Atlantic, and Mid-Atlantic Councils) and NMFS (see Agenda Item K, [Supplemental Attachment 5](#)). The CCC approved the proposed edits with one minor change.<sup>1</sup> The draft revised NEPA Policy Directive will be subject to review by NOAA Headquarters

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<sup>1</sup> In the first sentence under section II, Applicability, strike "In compliance with MSA section 304(i),".

before final approval and promulgation. If additional changes are mandated by Headquarters review, NMFS will consult with the CCC NEPA consultation subcommittee before issuing a revised Policy Directive. In approving the changes, the CCC made clear that they do not believe the Policy Directive fully addresses the requirements in MSA section 304(i).

**L. Next Meetings**

The CCC tasked the Pacific Council with convening a special interim CCC meeting via webinar for the primary purpose of dealing with MONF3 findings, expected in late summer but to be timed to coincide with expectations of the House MSA legislation drafting, if possible. The CCC also set the 2014 annual CCC meeting to be during the week of May 12, 2014 in Virginia Beach, Virginia. No date or venue was selected for the 2014 interim CCC meeting typically held in January or February of each year.

## APPROVAL OF COUNCIL MEETING MINUTES

The draft March 2013 Council meeting minutes are provided for Council review and approval in Attachment 1.

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](mailto: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 March 2013 Council meeting minutes.**

**Reference Materials:**

1. Agenda Item C.2.a, Attachment 1: Draft Minutes: 217<sup>th</sup> Session of the Pacific Fishery Management Council (March 2013).

**Agenda Order:**

- a. Council Member Review and Comments
- b. **Council Action:** Approve Previous Council Meeting Minutes

Dan Wolford

PFMC  
05/29/13

**DRAFT MINUTES**  
**217th Session of the**  
**Pacific Fishery Management Council**  
**March 7-11, 2013**  
Hotel Murano  
1320 Broadway Plaza; Tacoma, WA 98402

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## **A. Call to Order**

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

Mr. Dan Wolford, Chairman, called the 217<sup>th</sup> meeting of the Pacific Fishery Management Council (Council) to order at 8:07 a.m. on Thursday, March 7, 2013. There will be a closed session held after the regular business concludes Saturday afternoon to discuss litigation and personnel matters.

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

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

Mr. Phil Anderson (Washington State Official);  
Mr. William L. “Buzz” Brizendine (At-Large)  
Mr. Brian Corrigan (U.S. Coast Guard (USCG), non-voting designee)  
Mr. David Crabbe (California Obligatory)  
Mr. Kevin Duffy (National Marine Fisheries Service (NMFS), Northwest Region, designee)  
Mr. Jeff Feldner (At-Large)  
Dr. Dave Hanson, Parliamentarian (Pacific States Marine Fisheries Commission, non-voting designee)  
Ms. Gway Kirchner (Oregon State Official, designee)  
Mr. Rich Lincoln (Washington Obligatory)  
Ms. Dorothy Lowman, Vice Chair (Oregon Obligatory)  
Mr. Dale Myer (At-Large)  
Mr. David Ortmann (Idaho State Official, designee)  
Mr. Herb Pollard (Idaho Obligatory)  
Mr. Tim Roth (U.S. Fish and Wildlife Service (USFWS), non-voting designee)  
Mr. David Sones (Tribal Obligatory)  
Mr. Gordon Williams (Alaska State Official, non-voting designee)  
Mr. Dan Wolford, Chairman (At-Large)  
Ms. Marci Yaremko (California State Official, designee).

During the week the following people were present in their designated seats for portions of the meeting: LCDR Brian Chambers (USCG, non-voting designee); Ms. Michele Culver (Washington State Official, designee); Dr. Peter Dygert (NMFS, Northwest Region, designee); Ms. Joanna Grebel (California State Official, designee); Mr. Mark Helvey (NMFS, Southwest Region, designee); Mr. Dave Hogan (U.S. State Department, non-voting); Mr. Frank Lockhart (NMFS), Northwest Region, designee); LCDR Brad Soule (USCG, non-voting designee); RADM Keith Taylor (USCG, non-voting); Mr. Bob Turner (NMFS, Northwest Region, designee); and Mr. Steve Williams (Oregon State Official, designee).

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

Dr. Donald McIsaac stated he would present information on three items to the Council: a brief summary of some issues covered at the Council Coordination Committee Meeting in February;

the Council staff retreat in January relative to suggested Council meeting improvements developed at the retreat; and planning to deal with the late timing of the *Federal Register* (FR) notice for this meeting.

Referring to Agenda Item A.3, Supplemental Attachment 1: February 2013 Council Coordination Committee Agenda, Dr. McIsaac summarized information about expectations for the FY 2013 NMFS budget and long-term financial outlook for the Regional Councils. He reported that the expectation is for about a five percent reduction from 2012 in Council funding. This level of reduction has already been anticipated in the Council's provisional budget approved last November. He also noted that NMFS introduced a new formalized National Environmental Policy Act (NEPA) procedure that is being reviewed by the councils and will be discussed further in May. He referenced an interim report of the Inspector General's recent review which identified some administrative issues the Regional Councils and NMFS will have to respond to. He also noted final planning for the Managing Our Nation's Fisheries (MONF) 3 Conference that our Council is facilitating. Regarding proposed Council meeting improvements develop at the Council staff retreat, he stated that those would be provided at the June meeting.

Dr. McIsaac noted that the FR notice for the March 2013 meeting was filed late due to an inadvertent omission. To address this problem, based on guidance from General Counsel, all Council action at the March 2013 meeting will need to be finalized at the April 2013 Council meeting, except for Agenda Items C.6 and C.7, which were noticed earlier in a separate FR notice associated with finalizing Amendment 17 to the Salmon Fishery Management Plan.

Dr. McIsaac introduced the Supplemental Informational Report: California Fish and Game Commission Notice of Findings – White Shark.

#### **A.4 Agenda**

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

Ms. Lowman moved and Ms. Kirchner seconded Motion 1 to adopt the proposed agenda as the working agenda (Agenda Item A.4: March 2013 Council Meeting Agenda) for this meeting, with the proviso that all decisions made at this meeting, with the exception of C.6, Adoption of 2013 Management Alternatives for Public Review and C.7, Salmon Hearings Officers, be considered "Preliminary Selections" to be formalized under a specific agenda item at the April 2013 Council Meeting.

Ms. Lowman stated that this is consistent with the advice from legal counsel, and the Council can conduct the business at this meeting in the normal manner.

In response to a question about inseason actions for groundfish, Mr. Kevin Duffy stated that any action at this meeting would have to be confirmed at the April meeting, and the earliest an action could be implemented would be about April 20.

Motion 1 carried unanimously.

### **Council Informational Session (3/7/2013; 8:29 a.m.)**

This informal working session consisted of a staff briefing to help with understanding various issues and objectives in developing a new management process for groundfish fisheries in Amendment 24. Dr. Kit Dahl presented the Overview and Informational Briefing.

### **B. Open Comments (3/7/2013; 9:55 a.m.)**

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

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

None.

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

Mr. Bob Alverson, Mr. Ben Clampitt, Mr. Kevin Sathor, and Mr. Paul Clampitt, Fishing Vessel Owners Association, Seattle, Washington.

Mr. Bill James, PSLCFA, Salem, Oregon.

Mr. Jeff Lackey, F/V Miss Sue, Newport, Oregon; presented Agenda Item B.1.b, Supplemental Open Public Comment: Letter from Jeff Lackey.

Ms. Heather Mann, Midwater Trawlers Cooperative, Newport, Oregon; presented Agenda Item B1.b, Supplemental Open Public Comment 2: Letter from Midwater Trawlers Cooperative.

Mr. Ralph Brown, FMA, Brookings, Oregon.

Mr. Steve Bodnar, Coos Bay Trawlers, Coos Bay, Oregon.

##### **B.1.c Council Discussion and Comments as appropriate**

Council members commented on the need to change the regulations to separate the boat ownership requirement from the control of sablefish tiered permits. It was confirmed that this is likely a two Council meeting process and it will be considered in the workload agenda item at the end of the meeting.

Responding to the issue of opening rockfish conservation areas (RCAs), Council members noted that there needed to be an initial consideration of what that might mean and to consider partial openings as well as a complete removal of the RCAs. It was also noted that the Council may be considering a request for some very minor RCA changes under the inseason management agenda item on Saturday.

In questions about the problems and costs incurred by the industry and NMFS as a result of the delays in considering and implementing trawl individual quota (IQ) trailing actions, the cost of observers and delays in implementing electronic monitoring, as well as an example of time and fuel spent due to the current declaration process, were identified.



## **C. Salmon Management**

### **C.1 Review of 2012 Fisheries and Summary of 2013 Stock Abundance Forecasts (3/7/2013; 11:02 a.m.)**

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

Mr. Mike Burner presented the Agenda Item Overview and introduced Agenda Item C.1.a, Attachment 1: Excerpts from Chapter 3 of the Pacific Coast Salmon Fishery Management Plan Updated through Amendment 17.

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

Dr. Robert Kope presented a summary of the *Review of 2012 Ocean Salmon Fisheries*, and *Preseason Report 1: Stock Abundance Analysis and Environmental Assessment Part 1 for 2013 Ocean Salmon Fishery Regulations*.

Regarding the 2012 fisheries, Dr. Kope focused primarily on escapements and conservation objectives. He noted that all Chinook stocks met their conservation objectives, and the Sacramento fall Chinook stock is now rebuilt. No Chinook stocks are in an overfished condition. For coho stocks, the impact on Oregon coastal natural (OCN) coho exceeded the exploitation rate goal by about three percent. However, that was primarily due to impacts of the inside fisheries. No coho stocks were subject to overfishing.

Regarding stock projections for 2013, Dr. Kope noted that Chinook forecasts are generally similar to or somewhat down from 2012. The constraint on fisheries due to Sacramento winter Chinook will be more critical this year than in 2012. For coho, the Oregon production index (OPI) is up from last year by about 100,000 as a result of an increase in hatchery coho and a decrease in OCN coho. Washington coastal and Puget Sound stocks are similar to the previous year. No stocks are approaching an overfished condition.

Mr. Bob Conrad presented Agenda Item C.1.b, Supplemental SSC Report.

#### **C.1.c Public Comment**

None.

#### **C.1.d Council Action: Review and Discuss Relevant Fishery Information and Act on Relevant Status Determinations, 2013 Abundance Forecasts, and Annual Catch Limits as Necessary (11:50 a.m.)**

Mr. Turner confirmed that Sacramento River fall Chinook are now considered rebuilt and no further action is required of the Council at this time.

Mr. Anderson moved and Mr. Steve Williams seconded Motion 2 that the Council adopt the 2013 stock abundance forecasts, acceptable biological catches (ABCs), and annual catch limits (ACLs) as shown in Supplemental Preseason Report 1, February 2013; with the addition that Grays Harbor wild Chinook be listed at a value of 20,636 and Grays Harbor hatchery Chinook be listed at 3,632.

Mr. Anderson noted that the motion is based on the Salmon Technical Team (STT) and Scientific and Statistical Committee (SSC) reports, and that these values represent the best scientific information for managing the 2013 salmon fisheries.

Motion 2 carried unanimously.

## **C.2 Identification of Management Objectives and Preliminary Definition of 2013 Salmon Management Alternatives (3/7/2013; 1:04 p.m.)**

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

Mr. Mike Burner presented the Agenda Item Overview. The following attachments are in reference to this agenda item:

- Agenda Item C.2.a, Attachment 1: Guidance for Alternative Development and Assessment.
- Agenda Item C.2.a, Attachment 2: Emergency Changes to the Salmon FMP.
- Agenda Item C.2.a, Attachment 3: FR 97-22094: Policy Guidelines for the Use of Emergency Rules.
- Agenda Item C.2.c, Supplemental SAS Report: Proposed Initial Salmon Management Alternatives for 2013 Non-Indian Ocean Fisheries.

### **C.2.b Report of the Pacific Salmon Commission**

Mr. Gordy Williams reported on the 2012-13 Pacific Salmon Commission (PSC) Meetings. He also noted that while it could not be accommodated this year, the PSC is aware of the Council's desire to receive PSC input earlier in the preseason process to make for more efficient development of management alternatives and final regulations.

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

Mr. Peter Dygert presented Agenda Item C.2.c, Supplemental NMFS Report.

Mr. Steve Williams and Mr. Anderson provided some updated information on the Columbia River Fisheries Management and Reform Plan (Plan) which is not yet in place. An injunction is currently staying any action by Oregon. Washington is moving forward, but a lawsuit seeking an injunction has recently been filed as well. The Plan would do several things, primarily directing more emphasis on recreational fishing over commercial fishing in the Columbia River to take place between 2013 and 2017. It is not likely to cause any significant changes in the allocation of outside and inside fisheries.

Mr. Anderson presented Agenda Item C.2.c, Supplemental WDFW/Tribal Recommendations.

Mr. Bruce Jim, Mr. Wilbur Slockish, Mr. Herb Jackson, and Mr. Chris Williams represented Columbia River Treaty Tribes and presented their proposed options for public review.

Mr. David Sones presented Agenda Item C.2.c, Supplemental Coastal Tribal Recommendations.

Mr. Butch Smith introduced Agenda Item C.2.c, Supplemental SAS Report: SAS Proposed Initial Salmon Management Alternatives for 2013 Non-Indian Ocean Fisheries. Mr. Jim Olson, Mr. Aaron Newman and Mr. Paul Heikkila presented the commercial fisheries alternatives; Mr. Steve Watrous, Mr. Mike Sorenson, and Mr. Marc Gorelnik presented the recreational fisheries alternatives.

#### **C.2.d Public Comment**

Mr. Joel Kawahara, Salmon Troller/Coastal Trollers Association, Quilcene, Washington. Read a letter from the Coastal Trollers Association concerning the 2013 commercial options north of Cape Falcon.

#### **C.2.e Council Action: Adopt Council Recommendations for Initial Alternatives for Salmon Technical Team Collation and Description (3:54 p.m.)**

Mr. Anderson said he was not going to propose any changes to the Salmon Advisory Subpanel (SAS) report at this time and as far as he was concerned they are ready for STT collation. When the modeling results for these options come back, he will likely propose an alternative without an early mark-selective Chinook fishery. He was quite confident that Alternative I is likely out-of-bounds due to the need to stay within the 41 percent rate for lower river fish, and we will need to make adjustments.

Mr. Williams agreed with Mr. Anderson for the fisheries north of Cape Falcon. For the Oregon fisheries south of Cape Falcon and for the Klamath Management Zone (KMZ), he noted that, as Mr. Heikkila mentioned in the presentation, there would need to be some work on the language for the “vessel landing week” on page 7 under C.1. With those adjustments and corrections made during the presentations, he believed the alternatives were ready for collation.

Mr. Sones noted that the coastal tribal alternatives, as presented, were ready for collation without change.

Referring to the recreational alternatives on page 15 of the SAS report, Ms. Yaremko proposed the alternatives be modified as follows for collation by the STT.

- Alternative I, Point Arena to Pigeon Point—April 6 through May 30, 7 days per week, 24 inch size limit; June 1 through July 31, 5 days per week, closed Monday and Tuesday, 24 inch size limit; August 1 through November 10, 7 days per week, 24 inch size limit.
- Alternative I, Pigeon Point to the U.S./Mexico Border—April 6 through May 30, 7 days per week, 24 inch size limit; June 1 through July 31, 5 days per week, closed Monday & Tuesday, 24 inch size limit; August 1 through October 6, open 7 days per week, 24 inch size limit.
- Alternative II, Pigeon Point to U.S./Mexico Border—April 6 through April 30, 24 inch size limit; May 1 through July 31, 26 inch size limit; August 1 through October 6, 20 inch size limit.
- Alternative III, Pigeon Point to U.S./Mexico Border—Chinook minimum size limit of 24 inches through July 31, 20 inches thereafter.

Dr. Kope reported that the STT had the information they needed to begin the collation. He noted that there could be an issue regarding the short open periods. This works under the quota management north of Cape Falcon, but has not been projected successfully with the model for time-and-area management without quotas to control the total harvest. In the past, the Klamath Ocean Harvest Model (KOHM) has consistently underestimated impacts in this situation, and he thought Council policy was to avoid this problem.

Dr. McIsaac indicated staff could look at the history for the policy and report back.

### **C.3 National Marine Fisheries Service Report (3/8/2013; 3:10 p.m.)**

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

Mr. Chuck Tracy presented the Agenda Item Overview.

#### **C.3.b Regulatory Activities**

Mr. Bob Turner presented:

- Agenda Item C.3.b, Attachment 1: December 11, 2012 letter from NMFS Regional Administrator Barry Thom regarding long-term salmon and steelhead recovery in the Columbia Basin.
- Agenda Item C.3.b, Attachment 2: February 5, 2013 letter from NMFS Regional Administrator William W. Stelle, Jr., to Council Chair Dan Wolford approving Amendment 17 to the Pacific Coast Salmon Fishery Management Plan.
- Agenda Item C.3.b, Supplemental Attachment 3: California Coastal Chinook Salmon: Status, Data, and Feasibility of Alternative Fishery Management Strategies.
- Agenda Item C.3.b, Supplemental Attachment 4: Letter to Mr. Dan Wolford regarding the Sacramento River fall Chinook Salmon.

#### **C.3.c Fisheries Science Center Activities**

Mr. Pete Lawson presented Agenda Item C.3.c, Supplemental NWFSC PowerPoint (Lawson).

Mr. Kurt Fresh presented Agenda Item C.3.c, Supplemental NFWFSC PowerPoint 2 (Fresh).

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

Ms. Irene Martin presented Agenda Item C.3.d, Supplemental SAS Report.

Mr. Joel Kawahara presented Agenda Item C.3.c, Supplemental HC Report.

#### **C.3.e Public Comment**

None.

#### **C.3.f Council Discussion**

Mr. Steve Williams said he would like to have the briefing at the April Council Meeting by Mr. Barry Thom on the Columbia Basin Assessment that Mr. Turner offered in his report.

Mr. Wolford, referring to the report by Dr. Kurt Fresh, noted that he would like to see more information on and development of forecasting for multiple years.

Mr. Gordon Williams commented on the need to carefully assess the development and use of other marking technologies as we consider further use of coded-wire tags and the implications that may have for future monitoring programs.

Dr. McIsaac agreed with the benefit of having a report on the Columbia Basin Assessment in April, and will include it in the consideration of agenda topics at the end of this meeting.

#### **C.4 Identification of Management Objectives and Preliminary Definition of 2013 Salmon Management Alternatives (3/8/2013; 4:29 p.m.)**

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

Mr. Mike Burner presented the Agenda Item Overview.

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

Dr. Robert Kope presented Agenda Item C.4.b, Supplemental STT Report: Collation of Preliminary Salmon Management Alternatives for 2013 Ocean Fisheries. Among other items, he again cautioned the Council about the estimation problems with the short openings off California and the estimation capabilities of the KOHM.

##### **C.4.c Public Comment**

None.

##### **C.4.d Council Direction to Salmon Technical Team and Salmon Advisory Subpanel on Alternative Development and Analysis (3/8/2013; 5:06 p.m.)**

The following discussion references proposed changes to Agenda Item C.4.b, Supplemental STT Report.

Mr. Anderson, referencing page 21, noted that Alternative I for Columbia lower river tules was over the maximum exploitation rate. However, he is not recommending any change, since this is based on last year's abundance estimates and will change when the PSC updates those numbers.

Mr. Anderson was concerned about coho impacts as displayed on page 22. To address potentially high impacts on the interior Frasier/Thompson coho and Lower Columbia River natural (LCN) coho, he recommended reducing the total allowable nontreaty catch (TAC) in Alternative I to 95,000 coho. The other change concerns page 17 under the definitions. He proposed the following language change:

##### **C.3 Gear Definitions:**

a. Recreational fishing gear defined: ~~Angling tackle consisting of a line with no more than one artificial lure and /or natural bait attached.~~ Off Oregon and Washington, angling tackle consisting of a single line that ~~the line~~ must be attached to a rod and reel held by hand or closely attended; the rod and reel must be held by hand while playing a hooked fish. . . .

Mr. Steve Williams proposed minor modifications to fisheries on page 3 (Cape Falcon to Humbug Mt.) and page 4 (Humbug Mt. to Oregon border) which were subsequently reflected in Agenda Item C.5.b, Supplemental STT Report. On page 7, he recommended a change in the language under C.1 so that it reads as follows:

Compliance with minimum size or other special restrictions: All salmon on board a vessel must meet the minimum size, landing/possession limit, or other special requirements for the area being fished and the area in which they are landed if the area is open or has been closed less than 96 hours for that species of salmon. Salmon may be landed in an area that has been closed for a species of salmon for more than 96 hours only.

Mr. Williams asked staff to provide appropriate language for the incidental halibut season to reflect those date changes for 2014 and the language to reference the application deadline as discussed under Agenda Item G.3.

Ms. Yaremko recommended changes on page 5 concerning quota numbers to match those in the Oregon zone of the KMZ and other changes as subsequently reflected in Agenda Item C.5.b, Supplemental STT Report.

Mr. Turner advised the Council that discussions were ongoing on some language to allow impact-neutral transfers of unused quota in the treaty troll fishery (as has been done for the non-treaty fishery), and that option may appear by the end of the week.

## **C.5 Further Council Direction for 2013 Management Alternatives (3/9/2013; 1:04 p.m.)**

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

Mr. Mike Burner presented the Agenda Item Overview.

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

Dr. Robert Kope presented Agenda Item C.5.b, Supplemental STT Report (March 9, 2013) and noted the changes from the previous report (Agenda Item C.4). He noted a correction on page 5 for the area Humbug Mt. to Oregon/California border—the September dates should be changed in Alternative III to September 16 through 30.

### **C.5.c Public Comment**

None.

### **C.5.d Council Guidance and Direction**

As subsequently reflected in Agenda Item C.6.b, Supplemental STT Report, Mr. Anderson made various adjustments in the proposed management measures concerning North of Cape Falcon fisheries.

Mr. Sones stated that there were no changes from the tribes at this time and he believed things would be worked out in the North of Falcon process.

Mr. Steve Williams did not offer any changes and supported the changes made by Mr. Anderson for their shared areas.

Ms. Yaremko made several changes for California fisheries which were subsequently reflected in Agenda Item C.6.b, Supplemental STT Report.

## **C.6 Adoption of 2013 Management Alternatives for Public Review (3/11/2013; 4:19 p.m.)**

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

Mr. Mike Burner presented the Agenda Item Overview.

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

Dr. Robert Kope presented Agenda item C.6.b, Supplemental STT Report: Analysis of Preliminary Salmon Management Alternatives for the 2013 Ocean Fisheries.

### **C.6.c Public Comment**

Mr. Paul Heikkila, Coquille, Oregon.

Mr. Dave Bitts, McKinleyville, California.

### **C.6.d Council Action: Adopt Management Alternatives for Public Review**

Referencing Agenda Item C.6.b, Supplemental Tribal Report, Mr. David Sones moved and Mr. Lincoln seconded Motion 22 to adopt for the 2013 Treaty Ocean Troll Salmon Season, three alternatives for public review as they are presented in Table 3 of Agenda Item C.6.b, Supplemental STT Report, on pages 19-20:

Option I	quota levels of 55,000 Chinook, and 50,000 coho
Option II	quota levels of 47,500 Chinook, and 47,500 coho
Option III	quota levels of 40,000 Chinook, and 40,000 coho

The salmon season will consist of a May/June Chinook directed fishery and a July/August/September all-species fishery. The Chinook harvest will be split between the two periods with the following sub-quotes:

**Option I:** 33,000; **Option II:** 23,750; **Option III:** 20,000 for the May/June Chinook directed fishery and the remainder Chinook in each alternative for the July/August/September all species fishery.

The Treaty troll tribes are talking among themselves to possibly include a rollover opportunity of any remaining Chinook from the May-June to be transferred to the July-September time period on a fishery impact equivalent basis.

I would also like to state for the record, that the tribes and state are just beginning the North of Falcon planning process in which we will evaluate the total impacts of all proposed fisheries on Puget Sound and Columbia River stocks.

Motion 22 carried unanimously.



Mr. Anderson moved and Mr. Lincoln seconded Motion 23 that the Council adopt for public review the alternatives for non-Indian commercial and recreational fisheries north of Cape Falcon as presented in Agenda Item C.6.b, Supplemental STT Report (March 11, 2013) with one change: in Alternative I, the overall non-Indian TAC for coho would be 90,000 marked coho with a healed adipose fin clip.

Mr. Anderson stated that the reduction in the coho quota was in recognition of the need to reduce LCN coho impacts (slightly over 12 percent) until additional actions were worked out through the North of Falcon Process. He asked if Mr. Turner wanted to address the need for amending the language under C.5 on page 18.

Mr. Turner reported that they encountered significant problems in 2012 in the inseason conversion of a nonretention of unmarked coho to the retention of marked coho in north of Falcon fisheries at a time when the reported encounter rate was much different than modeled in the preseason Fishery Regulation Assessment Model. The action was taken, but was controversial. He would like to propose language that can be reviewed and adopted that will clarify any similar action that may need to be taken in 2013.

Mr. Turner moved and Mr. Anderson seconded Amendment 1 to Motion 23 to modify part “d” under C.5 on page 18 as follows:

C.5. Inseason Management:

...

- d. Fishery managers may consider inseason action ~~permitting the retention of unmarked coho~~ modifying regulations restricting retention of unmarked coho. To ensure that preseason projected impacts of the fishery are not exceeded, any inseason action shall consider, if significant, the difference between observed and preseason forecasted mark rates. Such a consideration may also include a change in bag limit of two salmon, no more than one of which may be a coho. ~~If retention of unmarked coho is permitted by inseason action, the allowable coho quota will be adjusted to ensure preseason projected impacts on all stocks is not exceeded.~~

Mr. Turner said the purpose of this amendment is to get public and agency reaction and input to this change to ensure that we understand the potential impacts of these types of inseason changes and ensure they are handled appropriately.

Mr. S. Williams agreed with the importance of ensuring that our guidance on inseason changes modifying retention of marked and unmarked fish do not have unintended consequences.

Mr. Burner asked if it would apply to all alternatives.

Mr. Turner recommended it appear in just one alternative to encourage discussion. He asked General Counsel if this would give us the ability to modify it further in April.

Ms. Lynch responded that the Council has the flexibility to modify it if it is within the general scope and context of the management alternatives.

Amendment 1 carried unanimously. Motion 23, as amended, carried unanimously.

Mr. Williams moved and Mr. Feldner seconded Motion 24 as follows:

Adopt for public review the alternatives for non-Indian commercial and recreational fisheries between Cape Falcon and the Oregon/California border presented in Agenda Item C.6.b, Supplemental STT Report (March 11, 2013), with two exceptions: 1) on page 13 under Alternative I, Cape Falcon to Humbug Mt – change the non-mark-selective coho fishery quota to 16,000 and 2) request the STT model an inseason rollover of 12,000 coho from the July mark-selective recreational fishery into the September non-mark-selective fishery in Alternative I on a LCN coho impact neutral basis.

Mr. Williams stated that his reduction to 16,000 coho is designed to address the LCN impact issues. The purpose of modeling the impact-neutral inseason rollover is to determine the results on OCN coho and also to see what flexibility it provides to address potential inseason actions in August.

Motion 24 carried unanimously.

Ms. Yaremko moved and Mr. Crabbe seconded Motion 25 to adopt for public review the alternatives for non-Indian commercial and recreational fisheries south of the Oregon/California border as presented in Agenda Item C.6.b, Supplemental STT Report (March 11, 2013), with the following changes:

- Fort Bragg Area Commercial (Page 5)
  - Alternative I - modify July to read “July 10-31.”
    - § Add a 2014 commercial season for April 16-30, for all salmon except coho with a 27 inch minimum Chinook size limit; same gear restrictions as in 2013. All fish caught in the area must be landed in the area.
  - Alt II:
    - § Modify June to read “June 1-8 and June 23-30.”
    - § Add a 2014 commercial season for April 16-30, for all salmon except coho with a 27 inch minimum Chinook size limit; same gear restrictions as in 2013. All fish caught in the area must be landed in the area.
  - Alt III:
    - § Modify June to read “June 1-5, 14-18, 24-30. Amend July to read “July 6-31. Add a 2014 commercial season for April 16-30, for all salmon except coho with a 27 inch minimum Chinook size limit; same gear restrictions as in 2013. All fish caught in the area must be landed in the area.
- San Francisco Area Commercial (Page 6)
  - Alt I: Change dates in July to “July 10-31.”
  - Alt II: Change June to “June 1-8 and 23-30.”
  - Alt III: Change June to “June 1-5, 14-18, 24-30.” Change July to “July 6-31.”

- Monterey South Area Commercial—reflect same dates as now described in San Francisco Area for each Alternative.
- Pt. Arena to Pigeon Pt (San Francisco Area) Recreational (Page 15).
  - Alt I: April 6-November 10—change to read “open 5 days per week, Wed-Sun June 1-July 9.”
- Monterey Area Recreational (Page 15)
  - Alt I: Amend to read “April 6-October 6; open 5 days per week Wednesday through Sunday June 1-July 9.”
  - Alt II: Amend to read 7 days per week all salmon . . . “thru May 31; 26 inch total length limit July 1-31; 20 inches thereafter.”

Ms. Yaremko stated her changes are a slight shaping and shaving of times and days to accomplish conservation objectives for both Klamath fall Chinook and Sacramento winter run salmon. The changes for the recreational fishery increased the closed days from 9 to 12, and for the commercial fishery, one additional closed day in the Fort Bragg area and a day in each of the other two areas.

Mr. Crabbe moved and Mr. Brizendine seconded Amendment 1 to Motion 25 to change Recreational Alternative II in the Monterey Area to read “June 1 through July 31” (for the 26 inch total length limit).

Amendment 1 carried unanimously. Motion 25, as amended, carried unanimously.

## **C.7 Salmon Hearings Officers (3/11/2013; 5:17 p.m.)**

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

Mr. Mike Burner presented the Agenda Item Overview and Introduced Agenda Item C.7.a, Attachment 1: Schedule of Salmon Fishery Management Alternative Hearings.

### **C.7.b Appoint Hearings Officers**

The Council appointed the following personnel to attend the salmon management measure hearings:

- Westport: Hearings Officer - Mr. Rich Lincoln; STT Member - Mr. Doug Milward; NMFS representative - Mr. Bob Turner; Council staff - Mr. Chuck Tracy.
- Coos Bay: Hearings Officer - Mr. Jeff Feldner; STT member - Mr. Craig Foster; NMFS Representative - Ms. Peggy Mundy; Council staff - Mr. Mike Burner.
- Eureka: Hearings Officer - Mr. David Crabbe; STT member - Ms. Melodie Palmer-Zwahlen; NMFS Representative - Ms. Heidi Taylor; Council staff - Mr. Mike Burner.

LCDR Brian Chambers said he would provide the staff with information regarding the Coast Guard personnel at the hearings.

[Council concluded this agenda item on 3/11/2013; 5:21 p.m.]

## **D. Coastal Pelagic Species Management**

### **D.1 Exempted Fishing Permits (EFP) for 2013 (3/8/2013; 8:06 a.m.)**

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

Mr. Kerry Griffin presented the Agenda Item Overview and introduced the following attachments for this agenda item:

- Agenda Item D.1.a, Attachment 1: Notice of Intent to Conduct EFP Activities.
- Agenda Item D.1.a, Attachment 2: West Coast Aerial Sardine Survey 2012 Application for Exempted Fishing Permit.
- Agenda Item D.1.a, Attachment 3: Addendum to West Coast Aerial Sardine Survey 2012 Application for Exempted Fishing Permit.
- Agenda Item D.1.a, Supplemental Attachment 4: Additional Tables for the Northwest Aerial Sardine Survey.

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

Mr. Bob Conrad presented Agenda Item D.1.b, Supplemental SSC Report.

Ms. Lorna Wargo presented Agenda Item D.1.b, Supplemental CPSMT Report.

Mr. Mike Okoniewski presented Agenda Item D.1.b, Supplemental CPSAS Report.

#### **D.1.c Public Comment**

Mr. Jerry Thon and Mr. Mike Okoniewski, Northwest Sardine Survey, Astoria, Oregon.

Mr. Ryan Kapp, Bellingham, Washington.

#### **D.1.d Council Action: Adopt Final EFP Recommendations for 2013**

Regarding a question about changing the sardine fishery start date, Mr. Griffin responded that this is tentatively on the April Agenda and the Coastal Pelagic Species Management Team (CPSMT) is writing a white paper to describe the process.

Ms. Culver asked about the feasibility of a Star Panel review prior to November and for consideration of an EFP application for next year.

Dr. McIsaac responded that it involved several entities and would depend on balancing the workload planning and assessing the collection of talents and the costs associated with that. It can be considered under agenda planning at the end of the meeting.

Mr. Steve Williams moved and Ms. Culver seconded Motion 3 to forward approval of the Northwest Sardine Survey 2013 application (Agenda Item D.1.a, Attachment 2: West Coast Aerial Sardine Survey 2012 Application for Exempted Fishing Permit).

Mr. Williams said he believes that with the improvements and process discussed here, the use of this tool greatly benefits the fishery and our management well into the future. He was concerned that while we have the right to make improvements, we need to recognize that the industry funds the research.

Ms. Yaremko agreed with Mr. Williams and was also appreciative of the comments regarding the possibility of reducing the point sets and the set-aside, which could help reduce future costs. She acknowledged the industry for providing the set-asides that fund and are critical to the research. She hoped that the methodology review could be more broadly focused and consider the use of the aerial survey on a larger scale for the sardine assessment.

Ms. Culver stated that, as a point of clarification, the motion referenced Attachment 2, and there is also an Attachment 3 which is an addendum to the application. She moved (seconded by Mr. Myer) to amend the motion (Amendment 1) to include Attachment 3 in the motion.

Amendment 1 passed unanimously. Motion 3, as amended, passed unanimously.

In summary, Mr. Griffin stated that the Council will develop a transmittal letter for the EFP and discussion on the review workshop can continue under Agenda Item F.4.

## **E. Habitat**

### **E.1 Current Habitat Issues (3/8/2013; 9:31 a.m.)**

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

Ms. Jennifer Gilden presented the Agenda Item Overview.

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

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

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

Mr. Mike Orcutt, reporting for tribal entities, included information on the flows that occurred in the Klamath River Basin last fall to protect what was expected to be a record run of fall Chinook. The Bureau of Reclamation (BOR) made a commitment to release up to 92,000 acre-ft of water to protect the fish by maintaining a certain flow during the return period. In mid-August, BOR began releasing a block of 48,000 acre-ft. Based on the monitoring program in place, that was apparently sufficient to prevent any mortalities, and no more additional releases were made.

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

None.

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

Ms. Lowman stated that the Habitat Committee (HC) report appeared to be primarily informational. The HC did indicate they would provide a draft letter for Council consideration at the April Council meeting concerning flows in the Klamath River. She asked for any Council discussion or guidance for the HC.

Several Council members encouraged the HC to follow through in a timely manner with the proposed letter on Klamath flows, especially in regard to retaining the monitoring infrastructure that appeared to work successfully in 2012. Ms. Yaremko suggested the draft be circulated as much prior to the meeting as possible to expedite approval on the Council floor.

Ms. Culver noted the HC has been tracking the potential offshore energy development activities for the three coastal states. In the appendix which begins on page 2 of the HC report, there is reference to development off Washington being prevented by the Olympic Coast National Marine Sanctuary. However, development in the sanctuary could occur under the sanctuary's permit process. She also noted that just south of Grays Harbor there is a transmission line that has spurred interest in developing offshore energy in that area.

## **F. Administrative Matters**

### **F.1 Research Planning (3/8/2013; 10:00 a.m.)**

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

Mr. Mike Burner presented the Agenda Item overview and introduced the Agenda Item F.1.a, Attachment 1: Research and Data Needs, Public Review Draft, 2013.

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

Mr. Pete Lawson presented Agenda Item F.1.b, Supplemental SSC Report.

Mr. Colby Brady presented agenda Item F.1.b, Supplemental GMT Report.

Mr. Tommy Ancona presented Agenda Item F.1.b, Supplemental GAP Report.

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

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

Mr. Ken Hinman, National Coalition for Marine Conservation's Wild Oceans, Leesburg, Virginia.

#### **F.1.d Council Action: Approve Final Five-Year Research Plan**

Council members questioned NMFS regarding the timing and use of the Council research needs document in the National Oceanic and Atmospheric Association (NOAA) national research planning effort.

Dr. John Stein indicated that the five-year research plan for NOAA is undergoing internal review right now and suggested the Council might want to forward its key research recommendations immediately and then follow up with the final document. He noted that each region develops a five-year plan which is reviewed for guidance on a yearly basis and that they can include input from the Council in that planning. With regard to allocating research ship time, Dr. Stein reported that it is allocated through a body called the Fleet Council (which includes entities across NOAA). The Fleet Council outlines the available days at sea and the allocation to different projects.

Ms. Culver moved and Mr. Lincoln seconded Motion 4 for the Council to adopt, as the final five-year research and data needs plan, Agenda Item F.1.a, Attachment 1, with changes as indicated in Agenda Item F.1.b, Supplemental SSC Report, categorizing the ecosystem-based fisheries section as “based on potential benefits”; Agenda Item F.1.b, Supplemental GMT Report, to include the additional research and data needs identified on the bottom of page 1 and continuing on page 2; the changes in F.1.b, Supplemental GAP Report relative to the priorities listed on the bottom of page 1 (the 2 bullets on the bottom of page 1 prioritizing the reading of otoliths and an annual hake acoustic survey), including a request that the Northwest Fisheries Science Center (NWFSC) explore the use of hook-and-line-surveys in untrawlable areas.

Ms. Culver said she believed her motion was in line with the specific changes recommended by the advisory bodies that were consistent with previous discussion and public testimony, and that could be incorporated in the final document in fairly short order. She did not disregard comments such as those by the HC, but did not include those changes because they would take a considerable amount of time to complete. She did not want to task staff with having to prioritize all of the items from the ecosystem plan. Following the consideration of this motion, she asked that the Council consider the future research review and prioritization process.

Ms. Yaremko noted that there is a third bullet in the GAP report recommending a hook-and-line survey in the Cowcod Conservation Area (CCA). Was it Ms. Culver’s intent to exclude the third bullet?

Ms. Culver responded that she had excluded the recommendation referencing the CCA as written in the GAP statement, but broadened the recommendation with her request for the NWFSC to explore hook-and-line surveys in untrawlable areas. She felt that there needed to be more information on the need for surveying untrawlable areas before it was made a priority for the CCA.

In response to a question by Mr. Feldner, Ms. Culver clarified her intent in including recommendations from both the GMT and GAP reports was for the sake of adding the issues and not intended to set any priority. Mr. Ancona also clarified that the items in the GAP report were not prioritized. In response to a question from Ms. Yaremko, Mr. Ancona also clarified that the GAP discussion of hook-and-line surveys in untrawlable areas included the entire west coast, but that a survey within the CCA was a priority.

Ms. Yaremko moved and Mr. Brizendine seconded to amend Motion 4 (Amendment 1) by striking the reference to the first two bullets in the GAP Report and replacing it with a reference to the three bullets of the GAP Report on pages 1-2.

Ms. Culver noted that the third bullet references the need for hook-and-line surveys in both the CCA and untrawlable areas in general. Her focus, with regard to the term “untrawlable,” was on highly rocky areas where a trawl is unusable rather than where regulations prohibit trawl use such as the CCA. Her concern with specifying the CCA was over the need to reserve a set-aside off the top for the research which would reduce the available harvest and access to other species. She wasn’t sure that was the priority of California or the Council for the use of cowcod.

In response, Ms. Yaremko referred to the remarks from Mr. Ancona and stated that the CCA is a vast area of multiple habitats and depths accounting for a large swath of southern California fishing area. Hook-and-line surveys there could provide lots of information and we have a process in setting our research set-aside to evaluate the projected impacts to the overfished species, including cowcod. NMFS would evaluate the impacts before the survey is conducted. She defers to the recommendations of the GAP, which state it is priority research.

Mr. Wolford noted that with the use of barotrauma mitigation techniques, the impacts should be quite low.

Ms. Kirchner thought that the GAP statement seemed to recommend exploring the conduct of surveys in the CCA and to prioritize surveys in untrawlable areas. She wondered if Ms. Yaremko was intending that surveys in the CCA be a priority.

Ms. Yaremko responded that the GAP discussed the CCA as a priority and she defers to them as to how they decided to draft the bullet. However, she thought Mr. Ancona stated that the CCA initiated the discussion and the intent was not to exclude the evaluation of other areas.

Amendment 1 passed unanimously.

Mr. Duffy asked for clarification regarding the GAP recommendation for the use of hook-and-line surveys. He presumed that was not meant to preclude the opportunities they have to use other surveying methods such as automated underwater vehicles.

Ms. Culver responded in the affirmative.

Motion 4, as amended, passed unanimously.

Speaking to the process for this agenda item, Ms. Culver would like to have the advisory bodies prioritize the research and data needs in future reviews. The approach this time seemed inconsistent with some advisors providing some priorities and others not. If a complete prioritization is too difficult, then at least prioritizing the top five items for each fishery would be valuable.

Mr. Burner replied that it might be helpful to review and add some clarity to COP 12 that sets this process before the next research review. As it works now, the SSC generally takes the lead at prioritizing the needs in each chapter before it is sent out to the other advisory bodies. However, each chapter is a little different, as well as the advisory body approach to their specific issues.



## **F.2 Approval of Council Meeting Minutes (3/11/2013; 3:00 p.m.)**

### **F.2.a Council Action: Approve Previous Council Meeting Minutes**

Mr. Ortmann moved and Mr. Pollard seconded Motion 15 that the Council approve the final minutes as provided in Agenda Item F.2.a, Attachment 1: Draft Minutes: 214<sup>th</sup> Session of the Pacific Fishery Management Council (June 2012); and Agenda Item F.2.a, Attachment 2: Draft Minutes: 215<sup>th</sup> Session of the Pacific Fishery Management Council (September 2012).

Motion 15 carried unanimously.

## **F.3 Membership Appointments and Council Operating Procedures (3/11/2013; 3:02 p.m.)**

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

Mr. Chuck Tracy presented the Agenda Item Overview and introduced Agenda Item F.3.a, Attachment 1: IPHC Management Strategy Evaluation Framework.

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

None.

### **F.3.c Public Comment**

None.

### **F.3.d Council Action: Consider Changes to Council Operating Procedures and Appointments to Advisory Bodies**

Mr. Anderson moved and Mr. Myer seconded Motion 16 to appoint Sergeant Dan Chadwick to the Washington Department of Fish and Wildlife seat on the Enforcement Consultants.

Motion 16 carried unanimously.

Mr. Ortmann moved and Mr. Pollard seconded Motion 17 appoint Mr. Scott Grunder to the Idaho Department of Fish and Game seat on the Habitat Committee.

Motion 17 carried unanimously.

Mr. Sones moved and Mr. Pollard seconded Motion 18 to appoint Mr. Calvin Frank to the Washington Coast Tribal Fisher seat on the SAS.

Motion 18 carried unanimously.

Mr. Lockhart moved and Ms. Kirchner seconded Motion 19 to appoint Mr. Steve Copps to a new NWR seat on the EFHRC Committee.

Motion 19 carried unanimously.

Ms. Yaremko moved and Mr. Brizendine seconded Motion 20 for the Council to solicit nominations for the vacant California seat on the Ecosystem Advisory Subpanel, to be filled at the June 2013 Council meeting.

Motion 20 carried unanimously.

Ms. Kirchner moved and Mr. Feldner seconded Motion 21 that the Council nominate Ms. Michele Culver to the International Pacific Halibut Commission (IPHC) Management Strategy Advisory Board Fishery Manager Position.

Motion 21 carried unanimously.

In response to a request earlier in the meeting regarding workload and financial efficiency for Amendment 24, Dr. McIsaac reviewed information on the formation and original purpose of the Amendment 24 Workgroup as established in a motion in March 2012. The Workgroup was tasked with developing a range of groundfish management alternatives for Council decisions at the November 2012 meeting—which it did. He explained that the current Amendment 24 process would rely primarily on the Council staff with help from the Northwest Region (NWR) staff, Groundfish Management Team (GMT), and others, including help on the ecosystem aspects from the science centers. Along the way, the Council staff will be bringing forth concepts and proposals that could go not only to the Workgroup, but to the Council and advisory bodies as well. In that regard, he thought it would not be necessary to plan for convening a Workgroup meeting nor appoint any new members at this time.

Ms. Kirchner said the goal for using the Workgroup was to assist the staff in considering the issues that would come up over the next 10 years that we haven't had to consider before, like ecosystem analysis, and to help focus the products that would be brought to the Council and advisory bodies for review. She appreciated that Dr. McIsaac was keeping people in the wings to be available when needed.

[Prior to adjournment, the Council Chair confirmed the following advisory body officer appointments:

Groundfish Management Team – Mr. Daniel Erickson Chair and Ms. Heather Reed Vice Chair.  
Groundfish Advisory Subpanel – Mr. Tommy Ancona Chair and Mr. John Holloway Vice Chair.]

#### **F.4 Future Council Meeting Agenda and Workload Planning (3/11/2013; 3:19 p.m.)**

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

Dr. McIsaac presented the Agenda Item Overview and referenced the following attachments, including noting any changes from the previous documents:

- Agenda Item F.4.a, Supplemental Attachment 3: Pacific Council Workload Planning: Preliminary Year-at-a-Glance Summary.

- Agenda Item F.4.a, Supplemental Attachment 4: Preliminary Proposed Council Meeting Agenda, April 5-11, 2013 in Portland, Oregon.

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

Mr. Chuck Tracy read Agenda Item F.4.b, Supplemental SSC Report into the record.

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

Ms. Kelly Ames read Agenda Item F.4.b, Supplemental GMT Report into the record.

Ms. Susan Chambers presented Agenda Item F.4.b, Supplemental GAP Report.

#### **F.4.c Public Comment**

Mr. Bob Alverson, Fishing Vessel Owners Association, Bothell, Washington; submitted Agenda Item F.4.c, Supplemental Public Comment (Alverson); asking to include the ownership and control rule in the agenda planner.

#### **F.4.d Council Discussion and Guidance on Future Meeting Agenda and Workload Planning**

Dr. McIsaac began his discussion with the April Council meeting, since the FR notice will need to be submitted later today. He identified changes from the previous draft agenda.

Ms. Yaremko, referencing the discussion on stock complexes, recommended we change that agenda item in April (adoption of a range of alternatives) to leave open the possibility of taking final action in June.

Dr. McIsaac asked for Council recommendations concerning the year-at-a-glance planner.

Mr. Anderson requested information from NMFS on the workload implications of responding to Mr. Alverson's request for action on the sablefish permit and vessel ownership issue. After some discussion, it appeared that some work has already begun on this issue and the workload might not be too large. It would take work on an analysis by either Council or NWR staff, and a two-meeting process. Mr. Anderson suggested the Council look at a two-meeting process for a final decision in November 2013, with regulations in place by 2015. Mr. Lockhart thought if the regulations were fairly straightforward that it might be in place by 2014. Mr. Anderson proposed it be put on the June and September Agendas, with the understanding that final action might have to be delayed.

Ms. Kirchner expressed her opinion that there was a lot of work ahead on the stock complexes and with the specification work going on at the same time, she felt it was not wise to expect to shorten the timeline and do final action in June. After further discussion, the Council agreed that the option for final action in June should be available. However, since it could take until September, a placeholder for final action should be kept there as well. Legal advice indicated that it was not required to adopt a preliminary preferred alternative prior to final action.

Mr. Lockhart requested a possible agenda item for the Adaptive Management Program in September, as it expires at the end of 2014.

Mr. Lincoln noted that, based on the GMT report, their suggested priorities looked realistic. Mr. Myer thought there was not much to cover for the Pacific whiting fishery and Mr. Steve Williams suggested that the Fishery Ecosystem Plan was a higher priority than the groundfish essential fish habitat synthesis report.

[Council concluded this agenda item on 3/11/2013; 4:19 p.m.]

## **G. Pacific Halibut Management**

### **G.1 Report on the International Pacific Halibut Commission Meeting (3/8/2013; 11:12 a.m.)**

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

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

- Agenda Item G.1.a, Attachment 1: IPHC News Release.
- Agenda Item G.1.a, Attachment 2: 2013 Area 2A Pacific Halibut Allocations.

#### **G.1.b Meeting Summary**

Ms. Gway Kirchner presented Agenda Item G.1.b, IPHC Meeting Summary: Report on the 2013 International Pacific Halibut Commission Annual Meeting.

Mr. Bruce Leaman, Mr. Gregg Williams, and Mr. Claude Dykstra from the IPHC presented Agenda Item G.1.c, Supplemental IPHC PowerPoint.

#### **G.1.c Reports and Comments of Advisory Bodies and Management Entities (3/8/2013; 1:04 p.m.)**

None.

#### **G.1.d Public Comments**

None.

#### **G.1.e Council Discussion**

Ms. Marci Yaremko acknowledged the efforts of the IPHC with regard to the extension of the setline survey into northern California, and she looks forward to the results. The California Department of Fish and Wildlife will coordinate with the IPHC regarding permits.

### **G.2 Pacific Halibut Management South of Humbug Mountain**

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

Ms. Kelly Ames presented the Agenda Item Overview and introduced Agenda Item G.2.a, Attachment 1: Summary of the South of Humbug Pacific Halibut Policy Committee Meeting.

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

None.

## **G.2.c Public Comments**

Mr. Tom Marking, McKinleyville, California.

Mr. Mark Cedergreen, Westport Charterboat Association, Westport, Washington and Mr. Bob Alverson, Fishing Vessel Owner's Association, Seattle, Washington.

Mr. Jim Yarnall, Humboldt Area Saltwater Anglers; Eureka, California.

## **G.2.d Council Action: Provide Direction on Selecting Management Changes to Implement in the 2014 Recreational Fishery South of Humbug Mountain**

Ms. Michele Culver noted that the first paragraph in the situation summary references adjustments to the 2A Catch Sharing Plan (CSP) allocations. Further, the third paragraph states that the Policy Committee was charged with addressing allocation issues. Ms. Culver said that at the September 2012 Council meeting, her motion, which passed, explicitly said that CSP allocations were not to be discussed by the Policy Committee and by the Council as part of these South of Humbug discussions. If the Council were to consider changes to the CPS allocations, then it would be done under a separate agenda item and involve discussions with all fishery sectors. She requested clarification on the terminology used in the situation summary.

Ms. Ames clarified that the situation summary refers to the allocation between southern Oregon and California within the existing CSP allocation for the area South of Humbug Mountain.

Ms. Marci Yaremko said that California Fish and Wildlife Commissioners are very interested in this issue and were disappointed they could not participate in the December 2012 Policy Committee meeting in Portland, Oregon. The Commission is interested in providing an allocation for our area that is equitable, scientifically based, and a result of a deliberative process. She did not feel that the meeting location provided for sufficient participation for California stakeholders. She noted that Mr. Jim Yarnall and Mr. Tim Klassen were the only two members of the public that participated, and they traveled from Eureka. Ms. Yaremko requests the May 2013 meeting, proposed in the Policy Committee report, be held in Sacramento, California. She believes the proposed location would provide for greater participation by California Commissioners, representatives, and stakeholders.

Ms. Yaremko said she supported the range of management measures, for analysis, presented in the Policy Committee Report on page 2. She also supported the recommendation that the Workgroup bring forward any additional measures to reduce Pacific halibut catch. She has some measures to add to the list, once it is time for Council action.

Mr. Steve Williams appreciated the opportunity to discuss this issue at the Policy Committee meeting and again today. The historical catch data indicates there is a need to implement measures to stay within the South of Humbug allocation as well as the Area 2A total allowable catch. Mr. Williams appreciated the input from the public who attended the Policy Committee meeting. He believes more work needs to be done to understand how the proposed measures

will reduce catch and relate to the broader goals of halibut management. He was also surprised by the allocation references in the situation summary and agreed with the points raised by Ms. Culver. He appreciates the clarification on the issue. Mr. Williams supports the range of management measures for analysis in the Policy Committee Report as the starting point and also has a couple of new management measures to add to the list.

Mr. Williams moved and Mr. Jeff Feldner seconded Motion 5 to task the South of Humbug Mountain Workgroup with analyzing the impacts of moving the central Oregon subarea boundary down to the Oregon/California border.

Mr. Williams said the intent of the motion is to eliminate the southern Oregon component of the South of Humbug area and make it part of the central Oregon subarea (i.e., subsume it). The area would then be managed as one unit. Mr. Williams said this motion is in addition to the management measures recommended for analysis in the Policy Committee Report on page 2.

Mr. Williams said the motion is not necessarily the final recommended approach. We have to recognize that Oregon and California have substantial differences in terms of management and data gathering which have caused some issues. Subsuming the southern Oregon component of the South of Humbug area into the central Oregon subarea, given the traditional catch in this area, could probably occur without too much impact. He would like the Workgroup to analyze this further and see if there are any unintended consequences.

Ms. Yaremko supports analyzing the measure described in the motion. There may be benefits that have yet to be evaluated by staff in terms of management consequences. She said it might be easier for the state of Oregon to manage catch in Oregon, especially given the different tools and sampling designs available.

Mr. Dan Wolford noted that the motion implies there would be a California halibut area south of the Oregon/California border.

Mr. Williams confirmed Mr. Wolford's interpretation of the motion. He agreed with Ms. Yaremko's comments and noted that there are large differences between Oregon and California with regard to inseason management. In Oregon, there is flexibility to address issues as they arise; however, California does not have that ability. He said this can be a problem when Oregon and California are responsible for managing an area together.

Ms. Culver moved and Ms. Yaremko seconded to amend the motion (Amendment 1) to add the four bulleted recommendations of the South of Humbug Policy Committee (Agenda Item G.2.a, Attachment 1: Summary of the South of Humbug Pacific Halibut Policy Committee Meeting) on page 2.

Ms. Yaremko noted that the first bullet says "Prohibiting targeting of Pacific halibut on salmon and groundfish trips." She clarified that the intent is to examine mixed trips given the composition of the landed catch. She thought the outcome of the analysis might lead to "prohibiting possession of halibut" on salmon and groundfish trips.

Dr. Dave Hanson moved and Ms. Culver seconded a motion to amend the amendment (Amendment 1a) to change the wording in the first bullet from “targeting” to “retention.”

Amendment 1a passed unanimously. Amendment 1, as amended, passed unanimously.

Ms. Culver asked if the expectation is for the Workgroup to analyze the four management measures contained in bullets for the two areas – i.e., the status quo South of Humbug Mountain area (includes southern Oregon and California) and the second option provided by Mr. Williams in the main motion, which would have the Oregon portion of the South of Humbug area subsumed into the central Oregon subarea and then a California-only area.

Mr. Williams said yes. He also supports providing the Workgroup with the flexibility to address other solutions, if necessary.

Ms. Yaremko said the Policy Committee also supported exploration of time-based periods.

Ms. Culver agreed with both Mr. Williams and Ms. Yaremko regarding the Workgroup flexibility. She reiterated that the Workgroup should analyze the impacts by using two data sets: one with southern Oregon and California together and another with just California.

Mr. Wolford confirmed Ms. Culver’s interpretation. He also noted that the current motion contains a prohibition for halibut retention on both salmon and groundfish trips. He noted that public comment indicated a desire to restrict retention on salmon trips only. He asked if that option was precluded given the wording of the motion.

Dr. Hanson said the Council provided the Workgroup flexibility to explore additional solutions, so he believed the option of prohibiting retention of halibut on salmon-only trips was available for analysis.

Ms. Yaremko moved and Mr. David Crabbe seconded to amend Motion 5 (Amendment 2) to add an additional measure for analysis which would be to open May-June, close July-August, and then open again from September-October. Further, the Workgroup should evaluate and, if possible, quantify the catch savings resulting from new marine protected areas (MPAs) off the north coast of California that were effective in 2012.

Ms. Yaremko said these measures were discussed at the Policy Committee meeting, but it was an oversight that the measures were not included in the report. The July/August time period is the peak season and she would like to evaluate the impacts of closing during this time. The second request is in response to the implementation of the north coast MPAs, which, according to constituents, may have closed prime fishing grounds. To the extent the data are sufficient to quantify the savings, she is interested to see the results of the analysis.

Mr. Williams asked whether the expansion of the IPHC survey into northern California would inform the proposed MPA analysis.

Ms. Yaremko said no, the IPHC survey will be conducted outside the MPAs. She is requesting the Workgroup explore past recreational data from this area to inform the impact analysis.

Ms. Culver asked for further clarification on the MPA closures. It sounds like these MPAs were not in place in 2010 and 2011, but were implemented and would have been in place during the halibut fishery in 2012.

Ms. Yaremko said yes, she believes the MPAs were implemented in November 2012, after the halibut season closed.

Dr. Hanson asked whether the Amendment 2, to analyze opening during May/June, closing July/August, and then opening again from September/October, was to be done for the status quo South of Humbug area (Oregon and California) and the new area configuration described in Mr. William's motion (Oregon subarea and then a California-only area).

Dr. McIsaac said this is an amendment to the main motion. So if the amendment passes, it would be included in the main motion.

Mr. Wolford agreed with Dr. McIsaac and asked for the analysis to cover both areas.

Mr. Williams also agreed and expects the season date analysis to cover the proposal in southern Oregon as well; however, the MPA analysis would apply only to California. He said there is no reason not to analyze the season dates for both areas.

Amendment 2 passed unanimously.

Ms. Yaremko wanted to clarify that these alternatives are for analysis and possible use in 2014. There was a discussion at the Policy Committee meeting about the number that applies south of Humbug. She will continue to review the history as she believes the 0.62 percent provided to this area does not reflect an allocation but instead an expectation of catch. She will continue to pursue examination of that issue in light of the bigger discussion, and hopes that there is additional information to inform the stock distribution throughout the west coast.

Motion 5, as amended, passed unanimously.

Mr. Wolford noted the offer from California to host the upcoming Policy Committee meeting in Sacramento.

Ms. Ames said a Workgroup meeting will also be scheduled to discuss Council action at this meeting and determine the type of analysis required. It is anticipated that the meeting will be held via webinar.



### **G.3 Incidental Catch Recommendations for the Salmon Troll and Fixed Gear Sablefish Fisheries (3/8/2013; 2:05 p.m.)**

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

Ms. Kelly Ames presented the Agenda Item Overview and introduced Agenda Item G.3.a, Attachment 1: Summary of Pacific Halibut Incidental Catch Management.

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

Ms. Ames presented an overview of Agenda Item G.3.b, NMFS Report: National Marine Fisheries Report on Changes to Incidental Halibut Retention in the Salmon Troll and Sablefish Primary Fisheries.

Mr. Phil Anderson presented information from Agenda Item G.3.b, WDFW Report: Washington Department of Fish and Wildlife Report on Incidental Catch Recommendations for the Fixed Gear Sablefish Fisheries.

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

Mr. Paul Heikkila and Mr. Jim Olson presented Agenda Item G.3.b, Supplemental SAS Report.

#### **G.3.c Public Comments**

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

#### **G.3.d Council Action: Adopt Public Options for 2013 and April 2014**

Ms. Marci Yaremko asked for clarification regarding the timeliness of data processing and tracking relative to the salmon troll allocation overage that occurred in 2012 (Agenda Item G.3.a, Attachment 1, March 2013).

Mr. Anderson said he is unaware of the specifics, however, he understands that the Washington and Oregon fish tickets were submitted to NMFS in a timely manner. Apparently there was a power outage at NMFS that created a backlog of fish tickets, which resulted in the overage.

Ms. Sarah Williams confirmed Mr. Anderson's statement regarding the events. She said it was a confluence of unfortunate events. The power outage occurred on the Friday before the 4<sup>th</sup> of July weekend, which resulted in a delay getting the fishery closed.

Mr. Anderson asked whether the Council could make a recommendation to reduce the halibut landing limits in March 2014, in the event the halibut TAC is lower. Ms. Ames said yes.

Mr. Williams moved and Mr. Anderson seconded Motion 6 to adopt the range of landing restrictions in the salmon troll fishery as shown in Agenda Item G.3.b, Supplemental SAS Report for public review.

Mr. Williams said, for clarification, the motion includes the reference in the SAS report regarding the 2014 regulations, which may be modified through inseason action.

Mr. Anderson said he appreciated the GAP's rationale for their range of options. Specifically, that no options were included which were more liberal than in 2012, given the overage. He noted that when asked, the GAP indicated they were unaware of the high likelihood for a smaller Chinook quota in 2013. This is one of the reasons that Mr. Anderson supports the options in the SAS report. Mr. Anderson asked General Counsel if, under final action in April, the Council will have the ability to mix and match within the range of options adopted now.

Ms. Shelia Lynch responded yes.

Ms. Yaremko moved and Mr. David Crabbe seconded to amend Motion 6 (Amendment 1) by adding Option 4:

Beginning May 1, 2013, license holders may land no more than one Pacific halibut per each ten Chinook, except one Pacific halibut may be landed without meeting the ratio requirement, and no more than 5 halibut landed per trip.

Ms. Yaremko stressed this fishery is intended as an incidental fishery to the salmon troll fishery and proposed changes include moving up the opening date to April, lengthening the time for harvest. She reviewed the history in the KMZ and noted that California has a halibut resource, but the California salmon troll fishery has been precluded from participating in this incidental fishery. She would like to see an option that includes a higher ratio requirement and a lower trip limit, to allow for a longer season. This allocation is not provided for any one state. She said the KMZ generally does not open until September; however, the incidental fishery is generally closed before that time. In most years, the number of days where the KMZ was open and retention was allowed is zero. Therefore, there hasn't been an opportunity for California to take advantage of this sector allocation. Also, she said, her motion recognizes the overage in 2012 and the delay in inseason action, which resulted in an overage of nearly 5,000 pounds. If those 5,000 pounds were caught in roughly a week, that seems like a pretty high catch rate. Ms. Yaremko said having a higher ratio requirement might slow catch down so we can track more effectively. There is an interest that all sectors in Area 2A stick to their allocation.

Mr. Anderson appreciated Ms. Yaremko's comments. He said the Council debated the incidental nature of this allocation previously and came to the conclusion that we needed to structure the retention limits in such a manner that provides the opportunity to attain the allocation provided to the salmon troll sector in the CSP. There were also discussions about setting the landing limits in a manner that would spread the harvest over a longer period of time. Mr. Anderson said the current CSP calls for a focus of this bycatch to occur in the April to June timeframe. In Mr. Anderson's view, if we are dealing with catch restrictions that run the risk of ending prior to June, then we would be doing something inconsistent with the current CSP. When we add the additional month of April, we will need to consider the impacts when we select the landing limits. Mr. Anderson believes the proposed Amendment is too restrictive and goes beyond what is needed. He said this is confirmed by reviewing the historical allocations, landing limits, and resulting catch back to 1995 (Attachment 1). This table demonstrates, even with the addition of April, the Amendment goes beyond the intent of the CSP.

Mr. Williams referenced Attachment 1 and noted that historically there were some very similar ratios as what is contained in the main motion. Mr. Williams said that in the early days the allocation was not attained. He said Oregon has expressed some concern regarding moving away from the incidental nature of the fishery. He is not opposed to spreading out the opportunity; however, he agrees with Mr. Anderson that the amendment goes too far and runs the risk of not being able to attain the allocation provided in the CSP. Mr. Williams reviewed the range provided by the SAS and he believes the season will be spread out, given the range.

Mr. Crabbe was confused about the purpose of the allocation. He said the term incidental doesn't reflect a need to be harvested; it's more of an allowance that only occurs for a portion of the fishery. He would like more clarification on the term incidental.

Mr. Dale Myer said he was also initially hung up on the word incidental until he read the CSP. The CSP defines an allocation to the salmon troll fishery and we should provide the opportunity to harvest that allocation.

Mr. Anderson said this is a fair debate for Council consideration; however, if we are going to change our approach in an attempt to spread the fishery out over a longer period of time, we need to do so by changing the CSP. The current CSP, which was approved by the Council, spells out the purpose and priority for retention during a certain time of year for this fishery. Mr. Anderson said if the Council wants to change those provisions, we should do so upfront in the design of the CSP and not by manipulating the ratios and limits.

Amendment 1 failed (Ms. Yaremko, Mr. Crabbe, Mr. Brizendine, and Mr. Pollard voted in favor).

Motion 6 passed unanimously.

Mr. Anderson moved and Mr. Steve Williams seconded Motion 7 that the Council adopt for public review the range of landing restrictions for halibut caught incidentally in the primary sablefish fishery north of Point Chehalis for 2013 and 2014, as represented in Agenda Item G.3.b, Supplemental GAP Report.

Mr. Anderson spoke to his motion, noting the catch history displayed in Attachment 1. He said, given the halibut allocation of 21,410 pounds, the range of alternatives in the GAP report will provide the Council sufficient latitude to select an option that will provide a high degree of certainty the sector will be able to catch their allocation but stay within the quota.

Motion 7 passed unanimously.

Mr. Anderson moved and Mr. Steve Williams seconded Motion 8 to adopt for public review season dates for the incidental halibut harvest in the commercial sablefish fishery north of Point Chehalis, Washington for 2014 and beyond of April 1 through October 31 and a second option of status quo, which is May 1 through October 31.

Mr. Anderson said his motion will provide the opportunity for further public comment relative to adding the month of April. The motion also allows us to assess the potential impacts associated with the range of limits adopted in the previous motion, given the added month.

Motion 8 passed unanimously.

Ms. Ames asked, relative to Council action number #4, if the Council was comfortable with the various changes recommended under the NMFS Report to accommodate the earlier start date for April 1.

Mr. Anderson said he understands there are a few ways to modify the incidental landing limits for the start of the year. He prefers the option where the Council, at the March meeting, reviews the current halibut TAC and subsequent allocations, and then makes adjustments to the landing limits, if necessary. Mr. Anderson supports a process where the Council is directly involved in establishing the limits instead of a process that delegates that responsibility to managers.

Mr. Williams agrees with Mr. Anderson's approach. Mr. Williams asked if his motion, which included the SAS recommendation to adopt the 2013 limits in 2014, unless modified by inseason action, complicates the approach favored by Mr. Anderson.

Ms. Ames said given that the previous motion was to adopt options for review, she does not believe there is a conflict. In April, the Council is scheduled to adopt the final limits and can specify the preferred approach at that time.

## **H. Groundfish Management**

### **H.1 National Marine Fisheries Service Report (3/9/2013; 8:10 AM)**

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

Ms. Kelly Ames presented 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.
- Agenda Item H.1.b, Supplemental Attachment 2: *Federal Register*/Vol. 78, No. 43/Tuesday, March 5, 2013/Proposed Rules.

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

Dr. John Stein, Dr. Allan Hicks, and Dr. Jon McVeigh presented Agenda Item H.1.c, Supplemental NMFS Science Center PowerPoint.

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

None.

### **H.1.e Public Comment**

Ms. Heather Mann, Oregon Trawl Commission & Midwater Trawlers Cooperative, Newport, Oregon.

Mr. Ralph Brown, Fisherman's Marketing Association, Brookings, Oregon.

### **H.1.f Council Discussion**

Mr. Lockhart, addressing the public testimony, said the last time retroactive fees were discussed by the Council was quite a while ago. At that time, the schedule indicated the rule would be in place right now or a month or two later. Under those circumstances, there was potential for the fees to be retroactive. However, he did not anticipate the fee will be retroactive at this time; the proposed rule indicates it will not be retroactive, and he believes the Council has already indicated that they do not wish the fees to be retroactive.

Ms. Gway Kirchner asked Mr. Lockhart to detail the process for issuing additional Pacific halibut individual bycatch quota pounds to the shorebased individual fishing quota program.

Mr. Lockhart said a calculation is done based on the final rule that implements the Pacific halibut TAC. The final rule has not yet been published, but once it is, the quota will be issued to the accounts based on their individual percentage. The NWR coordinates with the Science Center staff responsible for the necessary programming.

Ms. Kirchner said that earlier in the year the agency issued additional Pacific whiting quota pounds, based on concerns from the fleet, since the start of the year allocation was too low. Is that process a possibility for Pacific halibut?

Mr. Lockhart said the agency will explore that possibility, given the existing workload. The agency does not want to cause any undue hardship to the fleet.

Ms. Culver asked about the basis for the initial allocation of Pacific halibut at the start of the year.

Mr. Lockhart said the agency uses the lower end of the TAC range from the analysis.

Mr. Dale Myer stated that the cost recovery rule is coming out much later than anticipated. After listening to the public testimony, he understands the burden that would occur if the fees are retroactive. He said there could be large problems for both the harvester as well as the processors, who are responsible for collecting the fees, if they are retroactive.

Ms. Culver asked about the status of the final rule for data confidentiality standards under the Magnuson-Stevens Act.

Mr. Lockhart stated the final rule is in process, but he does not know when it will be published. He will update the Council at a subsequent meeting.

Ms. Culver said that at the state level they are using the proposed rule as guidance. Recently, the state approved a policy for data that would be exempt under state rule or Magnuson-Stevens Act (MSA). She said the west coast states typically get the same requests for Federal data, for example logbook data. The states, along with the Pacific Fishery Information Network, coordinate on the ability for such data to be released and the acceptable format. She said NMFS should also be involved, particularly with regard to the MSA and the proposed rule.

Mr. Lockhart agreed.

Ms. Lowman noted that Mr. Lockhart referenced the agency priorities earlier and that those measures that resulted in agency efficiencies were prioritized. She wants to emphasize that MSA requires cost recovery; however, in order for the fees to be paid by industry, they must have a successful program. Ms. Lowman said we need to prioritize the trailing actions that will also provide greater access to target species, and thus, income. The agency, through cost recovery, would then benefit.

## **H.2 Status Determination Criteria for Data-Moderate Stocks (3/9/2013; 9:32 a.m.)**

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

Mr. John DeVore provided the agenda item overview and briefly summarized the data-moderate status determination workgroup recommendations contained in Agenda Item H.2.a, Attachment 1: Draft Summary Minutes of the Data-Moderate Status Determination Webinar. He also clarified that there is a two-stage review process for these assessments. If an assessment is not endorsed by the Stock Assessment Review (STAR) Panel followed by the SSC, the status cannot be determined and it is not judged to be adequate for management decision-making.

Ms. Culver noted there was quite a bit of discussion during the data-moderate assessment webinar regarding policy consistency; however, there appears to be a disconnect in the recommendations captured in Figure 1 of Attachment 1 on whether the status is used depending on whether the stock is healthy, in the precautionary zone, or overfished. Further, is the process of data evaluation going to be robust enough to decide whether the data informing a data-moderate assessment is adequate for determining status? Mr. DeVore explained the webinar participants are recommending the status be used regardless of estimated status. Only in the case where a stock is presumably overfished yet there is adequate compositional data to do a full assessment, is the group recommending deferring a status determination until the full assessment is conducted in the next cycle. The reason for this recommendation is because there is a NMFS policy that once a stock is managed under a rebuilding plan, the rebuilding plan cannot be abandoned until the biomass target is achieved. The webinar participants also discussed the assessment standards used nationally to determine stock status as captured in the NMFS Stock Assessment Improvement Plan. Assessments that use catch statistics combined with at least one informative index of abundance meets the minimum standard for determining status and the proposed data-moderate assessments meet that standard. There are concerns regarding the quality of data informing these assessments, and the SSC took the first step at this meeting by reviewing the methods used to construct proposed indices of abundance. The SSC report under

this agenda item provides their recommendations. Further data evaluation will occur at the data-moderate STAR panel and the subsequent SSC review of these assessments in June.

Ms. Kirchner asked NOAA General Counsel if the process recommended in Figure 1 of Attachment 1 is consistent with NMFS policies and legal standards and Ms. McCall deferred the answer to Dr. Jim Hastie's presentation under the NMFS report.

Ms. Grebel asked about similar assessments used in other regions and the quality of data informing those assessments. Mr. DeVore explained there have been about 30-40 assessments done in other regions used to determine statuses that are similar in nature to the data-moderate assessments. He deferred to Dr. Hastie regarding details, such as the quality of data informing those assessments.

Dr. McIsaac asked about the NMFS policy that rebuilding must continue until the rebuilding target is achieved. Using widow rockfish as an example, the stock was declared overfished and a rebuilding plan was developed and implemented. However, a subsequent assessment indicated the stock was never overfished, yet the rebuilding plan was maintained until the stock was rebuilt. He asked whether this is a written NMFS policy, a Council policy, codified in the FMP, codified in the MSA, or in Federal regulations. Mr. DeVore explained this is an unwritten NMFS policy and is not in the National Standard 1 guidelines. He deferred to NOAA General Counsel on whether this policy is codified anywhere. Ms. McCall said it was also her understanding that this is an unwritten NMFS policy. Mr. Lockhart confirmed that the policy is to maintain the rebuilding plan until the target is achieved, regardless of subsequent science indicating the stock was never overfished. This is to prevent a whipsaw effect where a series of assessments varies between a stock being above and below the minimum stock size threshold (MSST). Also, the policy infers one needs to err on the side of conservation.

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

Dr. Jim Hastie provided Agenda Item H.2.b, Supplemental NWFSC PowerPoint.

Ms. Grebel asked if a rebuilding analysis can be prepared using results of a data-moderate assessment. Dr. Hastie replied there are two modeling platforms recommended for data-moderate assessments. The Ex-SS platform can be used to prepare a rebuilding analysis. Results from the alternative platform (Ex-DBSRA) can be modified to be used in the rebuilding program to prepare a rebuilding analysis. Ms. Grebel asked when those details would be decided and Dr. Hastie said those discussions would occur with the SSC Groundfish Subcommittee at the June meeting.

Ms. Culver asked NOAA General Counsel if the two alternative processes proposed by Dr. Hastie would require an additional step to codify policy (e.g., an FMP amendment) to be implemented. Ms. McCall said further investigation is necessary to decide if an FMP amendment would be needed to codify this policy. Her thought was that an FMP amendment would be beneficial to codify such a process or policy for determining status.

Ms. Lowman asked when the Council might consider the possibility of an out-of-cycle assessment under the NMFS Alternative 1 process and Dr. Hastie thought that decision could be made in June. This would depend on the SSC making an initial determination of the adequacy of available compositional data to do a full assessment in June. NMFS could also advise the SSC in June whether there was difficulty in ageing structures or evaluating available data.

Ms. Lowman asked if the addition of two out-of-cycle full assessments in the process could be accommodated. Dr. Hastie said it would be a challenge, but is possible to do over the winter. NMFS would commit the necessary resources to do this if needed. Ms. Lowman asked what tasks would be compromised if out-of-cycle assessments were conducted. Dr. Hastie said the plan was to further evaluate methods and data that would reduce uncertainty of data-moderate assessments.

Ms. Lowman asked about the additional workload associated with doing the specifications analyses necessary to do the alternative NMFS processes for doing a full assessment. Dr. Hastie said that would entail additional work, and NMFS Alternative 2 would likely be the less intensive work process.

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

Mr. Lockhart asked if there were any circumstances where the diagnostic tools that would be used in the STAR Panel to evaluate assessment performance could be used to gauge the uncertainty of a stock status estimate and allow folks to make an early determination that a full assessment will not reduce that uncertainty. Dr. Hamel said, in most cases where a data-moderate assessment is approved, the status estimate may be refined but will not likely change significantly. However, there will be exceptions to that.

Ms. Lowman asked if the SSC discussed the NMFS Alternative 2 process and Dr. Hamel said no.

In response to questions from Ms. Culver, Dr. Hamel replied that data-moderate assessments are an improvement over the data-poor methods used to inform an overfishing limit (OFL). Clearly, a full assessment is always preferred to determine status, but there are inadequate resources to do this for all stocks where a full assessment can be conducted. This tradeoff led to the recommendation to use data-moderate assessments to re-assess English sole and yellowtail rockfish, both of which had past-full assessments that are now outdated.

Ms. Culver asked if there is some tolerance around our reference points (e.g.,  $B_{MSY}$  and  $MSST$ ) to trigger additional review. Dr. Hamel answered that there is less concern when a data-moderate assessment result indicates a stock is healthy and above target biomass than when a stock is below target biomass, regardless of whether the result indicates the stock is overfished or in the precautionary zone.

Mr. Lincoln asked whether the SSC has any reservations about the ability to adequately diagnose the reliability of a data-moderate assessment. Dr. Hamel said there will be cases where an



assessment appears to be reliable yet is really not. However, in general, the SSC has confidence the diagnostic tools developed will be able to screen unreliable assessments.

Mr. Rob Jones and Dr. Jason Cope presented Agenda Item H.2.b, Supplemental GMT Report.

Ms. Grebel asked about the GMT recommendation to take the full two years allowed in statutes to develop a rebuilding plan and asked for clarification on which NMFS Alternative process is recommended. Mr. Jones said that this recommendation is consistent with the NMFS Alternative 2.

Ms. Grebel asked about the additional workload burden there would be with an out-of-cycle assessment and Mr. Jones said this is a concern and explained the disruption that a similar assessment done out of cycle (i.e., 2006 yelloweye) created.

Mr. Tommy Ancona presented Agenda Item H.2.b, Supplemental GAP Report. He noted the industry is concerned with the potential disruption of fisheries using a more uncertain data-moderate assessment without a more thorough evaluation of stock status.

#### **H.2.c Public Comment (3/9/2013; 1:28 p.m.)**

Mr. Ralph Brown, Brookings, Oregon.

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

Mr. Bill James, Salem, Oregon.

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

#### **H.2.d Council Action: Approve Status Determination Criteria for Data-Moderate Stocks**

Mr. Lockhart said the core of NMFS concerns is that a data-moderate assessment result needs to be used consistently regardless of stock status. Some interesting ideas have been discussed and the comments and the ideas presented are worthy of exploration.

Ms. Grebel asked for an explanation of the process for evaluating competing models at the STAR panel with the goal of determining a base case model for decision-making. Mr. DeVore said the Terms of Reference (ToR) requires the determination of a preferred base case model. The ToR mandates the SSC determine an OFL using the best available science but does not mandate how this be done. There have been cases where the SSC recommended two competing models as equally plausible and integrating the results of both models to determine harvest specifications and stock status.

Ms. Culver asked for the best way to codify a process for determining status of data-moderate assessments and whether this requires an FMP amendment or a change to Council Operating Procedure (COP) 9. She thinks this action could be folded into Amendment 24, if needed. She also wants consideration for a prescribed timeline for doing follow-up assessments, either full or updates, and an explanation of how to codify this. Ms. McCall responded that it depended on the details of the recommended process and how the issues raised by Dr. Hastie and the public are addressed. She noted that the Council cannot take action at this meeting. Ms. Culver stated her

goal is to get as much done today as possible and not revisit this action in April. We have three alternatives in front of us and the alternative provided in Attachment 1 can be done without an FMP amendment. We need to determine if a process is codified in COP 9. The other alternatives presented by Dr. Hastie require considerations for scheduling subsequent assessments and may require an FMP amendment. She believes the SSC and GMT recommendations are valid and, if we need to do a plan amendment, we could fold it into Amendment 24. One thing missing from this document, based on the discussion, is prescribed timing for data-moderate updates. The process for determining what we do after the SSC assesses the feasibility to conduct a full assessment needs to be independent of the stock status result of a data-moderate assessment.

Ms. Grebel asked about the implications of cancelling data-moderate assessments. Mr. Lockhart said it is not impossible but needs to be fully considered. Scheduling a data-moderate assessment review for later in the year creates some problems. Dr. McIsaac said it is true that it is not impossible but there are problems trying to delay the process until later in this cycle. It would be more orderly to delay data-moderate assessments until the next assessment cycle if there is good rationale.

Ms. Grebel agreed with the utility of a data-moderate approach, but she was concerned with the larger implications and policy issues that need resolution before a Council process is implemented. She would rather start from square one and delay this until the next cycle. The science centers can explore/evaluate the data informing an assessment for these species before proceeding with the data-moderate assessment process. This delay has nothing to do with perceived status – she is concerned with both false positives and false negatives.

Ms. Kirchner said we were thinking of a better way to inform stock assessment priorities last year. Figure 1 in Attachment 1 does just this. It prioritizes stock assessments and the quality of information used to inform status. This is not ignoring the estimated status; the recommendation is to evaluate stock status as soon as possible. Maybe this data-moderate tool should not be considered an assessment, but a tool to better explore stock status.

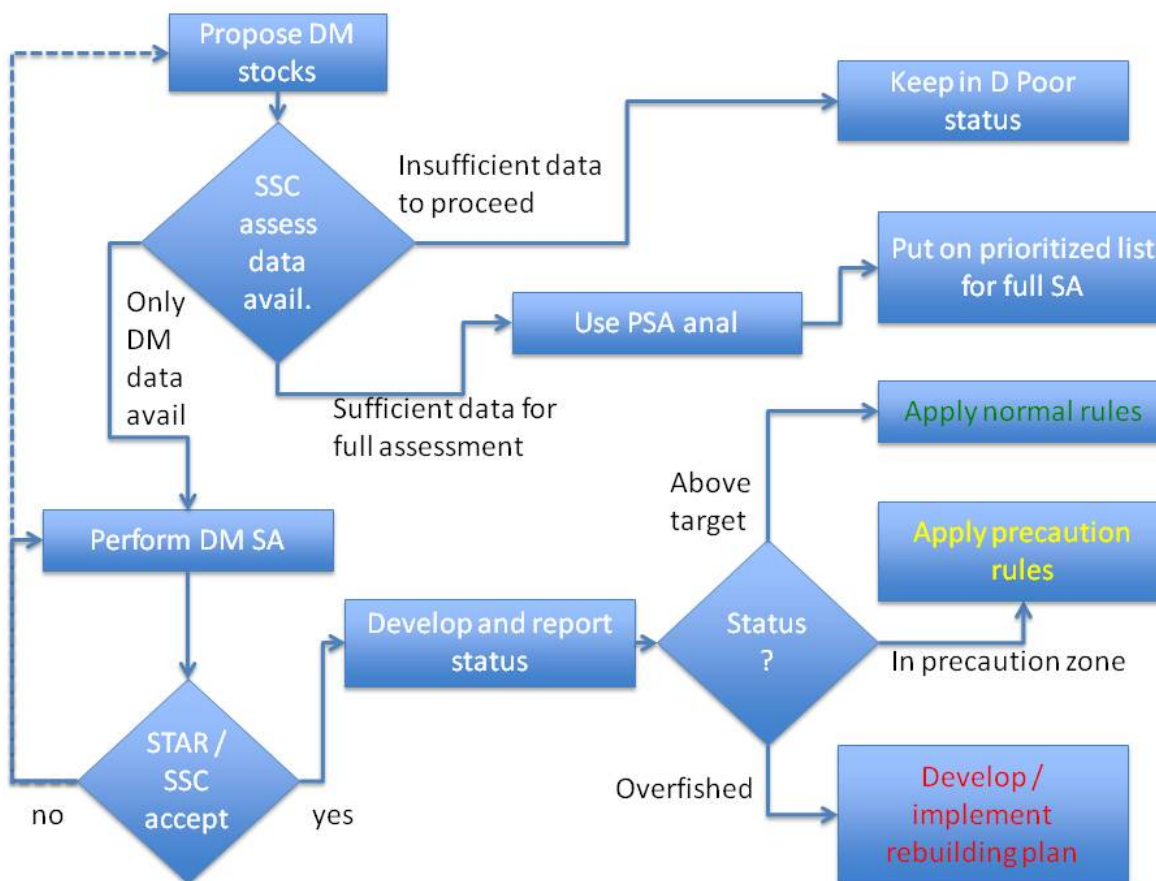
Mr. Wolford referred to Figure 1 in Attachment 1 and said there should be no illusion of impropriety in the process. In every case, there is an SSC data evaluation step to determine whether a full assessment can be done. He offered an alternative process where the data evaluation step is done when deciding stock assessment priorities, and an assessment plan is developed accordingly (**Figure 1**).

Mr. Lockhart asked what the applied precaution rules for a data-moderate stock mean. Mr. Wolford explained this is an application of the appropriate 40-10 or 25-5 rule.

Mr. Crabbe asked if the implication of this proposed process is that the data evaluation occurs first and Mr. Wolford said yes.

Ms. Culver asked Mr. DeVore for the rationale for documenting the composition data after the data-moderate assessment review, rather than in advance when the assessment plan was first

considered. Mr. DeVore explained that the compositional data availability was not thoroughly explored in advance because the rules for a data-moderate assessment do not allow incorporation of these data. Regardless, we knew last year that some of the stocks proposed for a data-moderate assessment had adequate compositional data (e.g., English sole and yellowtail rockfish), but were still proposed for a data-moderate assessment since the old assessments were out of date.



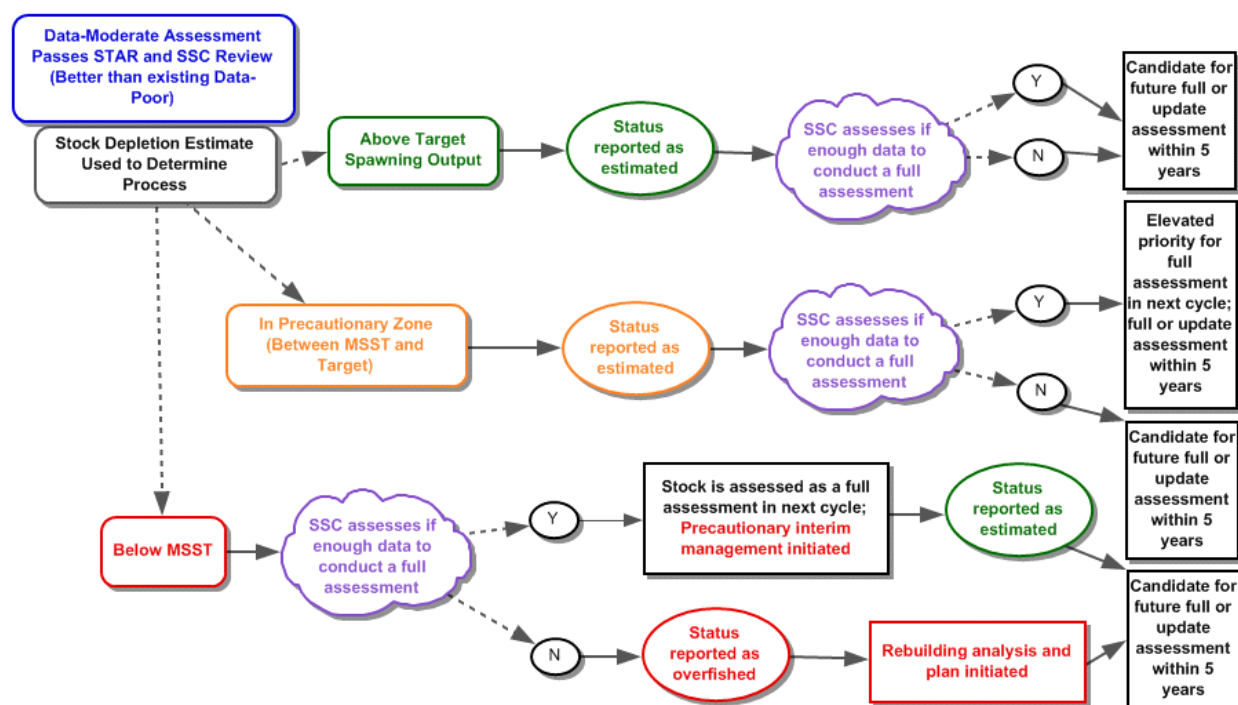
**Figure 1. Alternative process for determining status of data-moderate stocks offered by Chairman Dan Wolford at the March 2013 Pacific Fishery Management Council meeting.**

Ms. Culver asked why it is recommended to evaluate the availability of compositional data for healthy stocks as indicated in Figure 1 of Attachment 1. Mr. DeVore explained this evaluation does inform the process of establishing stock assessment priorities for subsequent cycles. It was thought it would be more efficient to do a systematic evaluation of data availability for all data-moderate stocks.

Mr. Lockhart added that one of the reasons for doing data-moderate assessments is that more assessments can be done and reviewed with fewer resources.

Ms. Culver said she appreciated Chairman Wolford's flow chart and his concerns about the perception of having more concern about overfished stocks than healthy ones. We should be equally concerned about false positives and false negatives. She liked the NMFS alternatives in that they are definitive that status estimates will be used regardless of status.

Ms. Culver moved and Ms. Kirchner seconded Motion 9 to adopt a process for determining status of data-moderate stocks as depicted in **Figure 2**.



**Figure 2. Proposed process for determining status of data-moderate stocks under Motion 9 at the March 2013 Pacific Fishery Management Council meeting.**

There was some discussion clarifying the motion.

Ms. Culver stated that the motion includes the adoption of the recommendations in Agenda Item H.2.b, Supplemental SSC Report and Agenda Item H.2.b, Supplemental GMT Report.

Mr. Lockhart asked if the motion contemplates this process going forward with data-moderate assessments in the current cycle and Ms. Culver replied yes.

Mr. Lockhart asked if the motion contemplates preparation of a rebuilding plan within two years if a data-moderate stock was declared overfished and would there be a full assessment within two years if it is judged possible to have one. Ms. Culver said yes.

Ms. Grebel asked for clarification on the inclusion of the SSC recommendations. Ms. Culver responded that the motion includes the four bulleted recommendations on page 1 of the Supplemental SSC Report.

Ms. Grebel stated there is one more recommendation in the last paragraph of the SSC report recommending data-moderate assessment results should not be automatically used for status determination. She asked if that recommendation was part of the motion, and Ms. Culver responded no. That recommendation is in conflict with the motion as depicted in **Figure 2**.

There was some discussion regarding whether the process proposed in the motion would require an FMP amendment and it was decided that this was not necessary.

Motion 9 carried unanimously.

### **H.3 Consideration of Inseason Adjustments, Including Carryover (3/10/2013; 8:01 a.m.)**

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

Ms. Kelly Ames presented the Agenda Item Overview.

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

Mr. Sean Matson presented Agenda Item H.3.b, Supplemental GMT Report.

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

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

None.

#### **H.3.d Council Action: Adopt Final Recommendations for Adjustments to 2013 Groundfish Fisheries, Including Carryovers**

Mr. Lockhart said the reference in the GMT statement that inseason actions could be implemented by mid-April is very optimistic, especially because actions from this meeting must be confirmed on the first day of the April Council meeting.

Mr. Myer moved and Ms. Kirchner seconded Motion 10 to:

- Move the shoreward trawl RCA boundary from 75 to 100 fm between 40°10' and 48°10' N. latitude for Period 2.
- Issue the maximum eligible surplus carryover (10 percent) for all non-whiting species.
- For petrale and sablefish north of 36° N. latitude, issue maximum eligible surplus carryover (10 percent).

Mr. Myer noted the rationale provided in the GAP statement for changing the RCA boundary and opening the areas. The same RCA structure is already in place in Periods 3, 4, and 5. He said there is little risk for canary bycatch, given individual accountability under rationalization. Regarding issuance of non-whiting carryover, the GMT report indicated there is very little likelihood of exceeding the ACL for sablefish or petrale.

Ms. Kirchner and Ms. Culver clarified that maximum eligible surplus carryover is up to 10 percent, understanding that at the individual level the percentages will vary.

Motion 10 passed (Mr. Lockhart abstained).

Mr. Lockhart said the agency will review the final data prior to making a decision on surplus carryover issuance. They hope to have those final data in April.

#### **H.4 Amendment 24: Improvements to the Groundfish Management Process (3/10/2013; 8:36 a.m.)**

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

Dr. Kit Dahl presented the Agenda Item Overview and introduced the following:

- Agenda Item H.4.a, Attachment 1: Groundfish Biennial Process Improvements, Including Amendment 24 (Summary Table).
- Agenda Item H.4.a, Attachment 2: Initial Proposal (Proposed Action and Alternatives) for a 10-year (2015-2024) NEPA Evaluation of Establishing and Adjusting Groundfish Harvest Specifications (“Tier 1” NEPA Document), Council Staff Whitepaper.
- Agenda Item H.4.a, Supplemental Attachment 3: Recent History of Harvest Control Rules for Setting Annual Catch Limits/Optimum Yields and Considerations for Developing Default Harvest Control Rules.
- Agenda item H.4.a, Supplemental Attachment 4: Amendment 24 Informational Briefing PowerPoint Slides.

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

Mr. Rod Moore presented Agenda Item H.4.b, Supplemental Ad Hoc Amendment 24 Workgroup Report.

Mr. John DeVore presented Agenda Item H.4.b, Supplemental SSC Report.

Ms. Lynn Mattes presented Agenda Item H.4.b, Supplemental GMT Report.

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

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

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

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

##### **H.4.d Council Action: Adopt a Range of Alternatives for Preliminary Analysis (3/10/2013; 10:32 a.m.)**

Ms. Culver moved and Ms. Kirchner seconded Motion 11 that the Council:

- 1) Move forward with the Amendment 24 process alternatives and developing the Tier 1 Environmental Impact Statement (EIS) according to the recommendations from the GMT and SSC reports, specifically items 1-4 on page 1 of the SSC report regarding rebuilding revision rules.
- 2) Maintain flexibility to use the current sigma/P\* method or something else.
- 3) Relative to Amendment 24 alternatives, remove alternative 2, but include the new alternative described in the GAP Report.

- 4) Move forward with revising COP 9 and following the new process and timeline for the 2015-2016 management specifications analysis relative to consideration of new vs. routine management measures.
- 5) Begin the development of the Tier 1 EIS, but delay final adoption until after the 2015-16 specifications and management measures cycle.
- 6) Revise the Amendment 24 Workgroup composition to include representatives from the SSC, NWFSC, and SWFSC and task them to work with the Project Team to design the Tier 1 EIS and help flesh out the contents relative to the long-term analysis.

With regard to the first item, Ms. Culver thought it unrealistic to get all of this done by June 2014. These tasks should be separate if they are to be done right. Therefore, she suggested combining the Amendment 24 process with the 2015-16 specifications process but delaying the Tier 1 EIS until after the 2015-16 specifications cycle is completed in June 2014. The specifics can be determined when the Council sets its process and workload schedule.

With regard to the second item, Amendment 23 identifies methods for setting ABCs and OFLs. But other methods could be used based on SSC advice. She didn't want Amendment 24 to foreclose the use of other acceptable methodologies during this time frame.

With regard to the third item, she thought the Council will want to continue considering appropriate P\* values. Further analysis should be provided when the Council is considering the default P\* value for new stock assessments. The GAP alternative provides the opportunity for this analysis.

With respect to the fourth item, Ms. Culver supports revising COP 9 and separating out the consideration of new versus routine management measures as part of the 2015-16 specifications cycle.

With respect to the fifth item, for the Tier 1 EIS to result in reduced workload in future biennial cycles, the Tier 1 analysis will have to be broad and robust. There are a lot of emerging issues in the 2015-16 biennial cycle, such as reorganizing stock complexes, specifications for dogfish, and data moderate assessments. If stocks fall into the precautionary zone or are declared overfished, dealing with those issues and writing this Tier 1 EIS could be difficult. NMFS has had to delay implementation of some Council priorities, and staff time spent on the Tier 1 EIS would only hamper NMFS's ability to implement priority items for the industry.

With respect to the sixth item, an expanded workgroup will help Council and NMFS staff design the Tier 1 document and analysis.

With respect to the first item, Mr. Lockhart asked if Ms. Culver expected an FMP amendment would be part of the action. Ms. Culver replied yes. Mr. Lockhart asked for clarification on how

the various actions would be separated out. Ms. Culver envisioned two EIS's, one for the 2015-16 specifications and the amendment, and a second being the Tier 1 EIS.

Dr. Dahl noted that the current Amendment 24 Workgroup includes representatives from the SSC and NWFSC, but the SWFSC is not currently represented. He noted that there may also need to be some changes in the current membership designations and the people appointed to those seats.

Dr. McIsaac asked NOAA General Counsel if a separate document for the 2015-16 specifications would adequately serve as a MSA decision document. Ms. McCall responded that the agency would need to make sure the final NEPA document supported the Council decision.

Ms. Culver noted that potentially three separate documents could be prepared for the issues in play: 1) process alternatives (Amendment 24), 2) the Tier 1 EIS, and 3) the 2015-16 harvest specifications and management measures. The Tier 1 EIS would be a separate document in place for the 2017-18 biennial cycle. Amendment 24 could be combined either with the 2015-16 specifications EIS or the Tier 1 EIS.

Dr. McIsaac noted that for previous biennial cycles, staff, or the "project team," had invited participation from agency science staff and others as needed. He wondered if what was proposed in the motion differed very much from this model. He recommended holding off on finalizing the composition of the Amendment 24 Workgroup until either Agenda Item F.3 or F.4.

Ms. Culver said she thought both the project team and Workgroup lacked adequate science and ecosystem expertise. These experts could help design the structure of the long-term analysis and in the assessment of environmental impacts for over the next 10 years.

Mr. Lockhart recognized there are three separate issues, but thought the agency should have the flexibility to determine how to address NEPA requirements. Ms. Culver said her primary concern is to realize workload savings with regard to NEPA. The integrated ecosystem assessment (IEA) being available online increases our understanding of the environment and impacts. We need to include the experts that have the knowledge. Without them we wouldn't see the benefits of doing the EIS.

Dr. Dahl sought clarification that the motion would decouple the Tier 1 EIS, which wouldn't include Amendment 24 and the 2014-2015 harvest specifications. That would mean a new set of alternatives would have to be developed for the Tier 1 document, which resets work to date.

Dr. McIsaac asked Mr. Lockhart if he expected Council staff to draft the EIS for the 2015-2016 harvest specifications EIS if it is decoupled from the Tier 1 EIS. Mr. Lockhart responded that if they are decoupled, the 2015-2016 process would be the same as what has been done previously with regard to staff involvement.

In response to a question from Dr. McIsaac, Ms. Culver stated that she expects two or three documents to be completed, covering each component. Ideally, Amendment 24 would be



combined with the 2015-2016 specifications in a single EIS. She also opined that if the Tier 1 EIS was completed simultaneously then the 2015-2016 NEPA analysis, it could be tiered from it. Dr. McIsaac thought this approach could substantially increase workload. Ms. Culver responded that more work now may be necessary to achieve the workload savings later, and by combining the analyses you will not get those later workload saving benefits.

Ms. Kirchner supported the motion and referenced the Supplemental GMT Report. With respect to revising COP 9 to establish separate management measure processes, she noted those management measures that were not included during the 2013-14 cycle. She thought the modified decision process would allow those measures to be considered.

Mr. Wolford expressed concern about mandating how these issues would be addressed procedurally and with respect to NEPA. Staff should be able to judge whether all the elements can be addressed in a single NEPA document or they need to be separated out.

Ms. Culver expressed concern that staff wouldn't be inclined to slow down and as a result she did not think they could achieve the high quality document. She would like to focus on Amendment 24 and 2015-2016 specifications; furthermore, there are new proposals to be considered in the current cycle. The Council will have plenty to do between now and June 2014. The Council should continue to make progress on these issues while providing some relief for staff. Also, scientists currently involved in STAR panels will need to assist with the effort. She said she did not want to be prescriptive.

Mr. Wolford said he thought the language in item number five was too prescriptive. Therefore, he moved and Mr. Feldner seconded to amend Motion 11 (Amendment 1) to change the language in item number five to read: Begin the development of the Tier 1 EIS, but recognize that adoption may not occur until after the 2015-2016 specifications and management measures cycle.

Mr. Wolford said this is largely a wording change that he thought clarifies the intent of the motion. He would prefer the project team to have the flexibility to prioritize workload and decide how to get the 2015-16 specifications done with a quality analysis.

Mr. Lockhart said he had always assumed the workload savings were down the road. He had been thinking along the same lines as Mr. Wolford and wants to get the EIS to be as good as possible in the 14 months that are available. He noted that other NMFS regions have taken a similar approach to NEPA. If problems arise, we can reassess at that time.

Ms. Culver spoke in opposition to the amendment. She noted that public testimony pointed out that there are trawl rationalization trailing actions that NMFS has not begun rulemaking on. It won't be possible for NMFS to do the rulemaking if their staff is working on this Tier 1 EIS. She would prefer the rulemaking to move forward on the decisions the Council has already made. The amendment gives NMFS the discretion to meet the June deadline and is contrary to what she was trying to achieve.

Mr. Pollard said he supports the amendment. Council and NMFS staff told the Council how the process based on the Tier 1 EIS can be completed within the allotted timeframe. He thought this approach, including Amendment 24, is a good idea. There will be a big workload in the short term to see the benefits in the long term.

Amendment 1 passed (Ms. Culver, Mr. Lincoln, and Mr. Myer voted no).

Mr. Wolford continued with his view that the language in the motion may still be too prescriptive in regard to item 6. His amendment allows the project team and Workgroup to determine whether the tasks can be completed and involve the necessary experts. He asked Dr. McIsaac whether it is better to expand the membership of the two groups or involve additional expertise when needed. Dr. McIsaac said more thought needs to be given to which of these two approaches is better. Ms. McCall noted that composition of these groups could trigger Federal Advisory Committee Act issues.

Ms. Kirchner said that considering the membership of the Workgroup now does not preclude making a final decision under the administrative items on the last day of the Council meeting.

Mr. Wolford asked if the Workgroup is intended to have an advisory role and whether the motion prescribes its composition and role. Ms. Culver replied that since the Workgroup is an ad hoc committee, it is difficult to say. She wasn't sure how prescriptive the motion is, but reiterated the goal of adding more scientific expertise to the Workgroup to work on the design and the contents of the long-term Tier 1 analysis. She thinks the current composition of the Workgroup and project team lacks the scientific expertise to do this. However, the Council can't dictate the specific personnel that should be added to these groups.

Mr. Wolford asked Dr. McIsaac if the motion is consistent with his intent to take up the Workgroup issue under the future workload and agenda planning agenda item.

Dr. McIsaac asked whether the recommendations in the Supplemental GMT Report on workload should be superseded by the Council direction in item 6. Ms. Culver said yes.

Dr. Hanson recommended holding off on the issue of Workgroup composition identified in item 6 of the motion until the administrative agenda items that cover appointments and future workload planning.

Ms. Culver said that item 6 is important to ensure the Tier 1 EIS is drafted properly so that it can stand for a few years. This requires scientific expertise for the design of the document and conduct of the analysis. She does not want to have that decision contingent on staff workload. The workload issue is addressed by item 5. Item 6 invites the experts to do the work, which are the people that have the ability to analyze the environmental impacts for the next 10 years. They are necessary to complete this document.

Mr. Tracy opined that the project team actually writes the NEPA documents while the Workgroup would be in a review role similar to that of other advisory bodies. The project team has the option of consulting with the required experts in this capacity.

Ms. Kirchner noted the importance of involving the proper people while acknowledging that the Council doesn't direct the work of the Science Centers. For that reason, the language in the motion is necessary to send them the message that we are asking for their help and it is a priority. If the motion isn't prescriptive then that message would be lost.

In response to Mr. Tracy's comment, Ms. Culver stated the reason the motion is written this way is because the Amendment 24 workgroup is a Council advisory body while the project team is not. The Council is unable to supervise the project team's work. She noted that when the Workgroup met it was only provided with the project team work product to review. Involving the Workgroup in the design of the Tier 1 EIS document would ensure the Council's direction is followed.

Motion 11 carried unanimously.

Dr. Dahl asked if the composition and reorganization of the Amendment 24 Workgroup would be taken up under a future Council meeting or agenda item. Dr. McIsaac confirmed it will be discussed under workload planning.

Dr. Hanson emphasized that the Tier 1 EIS should be done properly, even if that means missing the target completion date.

### **Closed Executive Session**

This session is closed to all except Council members, their designees, and others designated by the Council Chair to discuss litigation and personnel matters. Council was engaged in Closed Session from 3:30 p.m. until 5:00 p.m. on Saturday, March 9, 2013.

### **Highly Migratory Species Management**

#### **I.1 National Marine Fisheries Service Report (3/10/2013; 1:00 p.m.)**

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

Dr. Kit Dahl presented the Agenda Item Overview.

##### **I.1.b Regulatory Activities**

Mr. Mark Helvey presented Agenda Item I.1.b, Attachment 1: NMFS Southwest Regional Office Update on Legal and Regulatory Activities.

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

Dr. Russ Vetter presented Agenda Item I.1.c, NMFS Southwest Fisheries Science Center Report and Agenda Item I.1.c, Supplemental SWFSC PowerPoint. Dr. Chukey Sepulveda presented Agenda Item I.1.c, Supplemental SWFSC PowerPoint 2.

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

Mr. Doug Fricke presented Agenda Item I.1.d, Supplemental HMSAS Report.

### **I.1.e Public Comment**

Mr. Ken Hinman, National Coalition for Marine Conservation's (NCMC's) Wild Oceans, Leesburg, Virginia.

Mr. Doug Fricke, Washington Troller, Westport, Washington.

### **I.1.f Council Discussion**

Ms. Culver asked for the status of the proposed rule for the vessel monitoring system (VMS) described in the NMFS SWR Report. Mr. Helvey said the regulations will be pursuant to the Tuna Conventions Act of 1950 (16 U.S.C. 952), but NMFS would like to use the Council process for public review. He discussed the relevant contents of the SWR Report.

Ms. Culver agreed that implementing regulations for measures adopted by the WCPFC and IATTC should go through the Council process to solicit comments from Council advisory bodies and the interested public.

Ms. Yaremko asked if NMFS has thought about how this VMS requirement will affect people participating in multiple fisheries with VMS declarations. Mr. Helvey said NMFS wants get that type of input.

Ms. Lowman asked about the timing of Council involvement and Mr. Helvey responded that the September 2013 Council meeting seemed appropriate. Mr. Wolford said this should be scheduled under Agenda Item F.4, Council meeting planning.

## **I.2 Swordfish Management Report on Potential Changes to the Turtle Conservation Area and Take Limits (3/10/2013; 4:00 p.m.)**

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

Dr. Kit Dahl presented the Agenda Item Overview. The following attachments were provided for this agenda item:

- Agenda Item I.2.a, Attachment 1: PacFIN Landings Data Relevant to Proposed Pacific Leatherback Conservation Area (PLCA) Modification.
- Agenda Item I.2.a, Attachment 2: Letter to Assemblymember Paul Fong (CA) from Rod McInnis Regarding Proposals to Modify the PLCA; North Pacific Swordfish Fact Sheet.

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

Agenda Item I.2.b, NMFS Report (in briefing materials).

Dr. Steven Stohs presented Agenda Item I.2.b, Supplemental HMSMT PowerPoint.

Mr. Kirt Hughes presented Agenda Item I.2.b, HMSMT Report, Agenda Item I.2.b, Supplemental HMSMT Report 2, and Agenda Item I.2.b, Supplemental HMSMT Report 3.

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

LCDR Brad Soule presented Agenda Item I.2.b, Supplemental EC Report (with edits).

## **I.2.c Public Comment (3/10/2013; 5:13 p.m.)**

The following comments were included in the briefing materials:

Agenda Item I.2.c, Public Comment.

Agenda Item I.2.c, Supplemental Public Comment 2: Letter from Natural Resources Defense Council dated February 26, 2013.

Agenda Item I.2.c, Supplemental Public Comment 4: Letter from California Association of Harbor Masters and Port Captains, Inc.

The following individuals provided public testimony:

Mr. James Day, Seattle, Washington; in opposition to the drift gillnet fishery.

Ms. Veronica Fairchild, Seattle, Washington; in opposition of drift gillnet fishery in the Pacific Leatherback Turtle Conservation Area (PLCA).

Ms. Jennifer Fairchild, Seattle, Washington; in opposition of the drift gillnet fishery in the PLCA.

Mr. Robb Krehbiel, Seattle, Washington; in opposition of the drift gillnet fishery in the PLCA.

Ms. Tamaya Tereshkova; University Place, Washington, in opposition of expansion of the drift gillnet fishery in the PLCA.

Mr. Steve Fosmark, Fisherman, Pebble Beach, California; spoke in favor of expansion into the PLCA.

Mr. John Harder, Ocean Friends against Driftnets, Monterey, California; read his letter (Agenda Item I.2.c, Public Comment: Letter from John Harder) into the record.

Mr. Ken Hinman, NCMC's Wild Oceans; Leesburg, Virginia.

Mr. Ben Enticknap, Oceana, Portland, Oregon; presented Agenda Item I.2.c, Supplemental Public Comment PowerPoint (Oceana) and Agenda Item I.2.c, Supplemental Public Comment 3: Long-term decline of the Western Pacific Leatherback, *Dermochelys coriacea*: a globally important sea turtle population. Tapilatu, R. F., P. H. Dutton, M. Tiwari, T. Wibbels, H. V. Ferdinandus, W. G. Iwanggin, and B. H. Nugroho. 2013. Long-term decline of the western Pacific leatherback, *Dermochelys coriacea*: a globally important sea turtle population. *Ecosphere* 4(2):25. <http://dx.doi.org/10.1890/ES12-00348.1>.

Mr. Gary Burke, fisherman, Santa Barbara, California; spoke in favor of Drift gillnet (DGN) fishery.

**I.2.d Council Action: Provide Guidance on Potential Changes in the Boundaries and Timing of the Pacific Leatherback Turtle Conservation Area and Take Limits (9:15 a.m.)**

Ms. Yaremko moved and Mr. Brizendine seconded Motion 12 that the Council:

1. Take no action on the specific options presented in the HMSMT Report and Supplemental Report to open select times and areas of the PLCA.
2. Task the HMSMT with evaluating a potential modification to the PLCA as follows: For only the triangle area identified in Figure 1 of the Supplemental HMSAS Report: Access to this portion of the PLCA would be authorized only for vessels with both an onboard observer and VMS, meaning vessels unable to meet requirements to carry observers, or vessels without VMS would be precluded. Analysis should include an expectation of future effort levels in the area under these constraints, and evaluation of both present and past catch and turtle bycatch and interactions rates in this portion of the PLCA. The outer boundary of this triangle shall be defined by a single straight line approximating the 100 mile contour. Provide this analysis to the Council in early 2014.
3. Request that NMFS continue to evaluate the prospect of utilizing recent research advancements in sea turtle movement patterns as presented in the NMFS Report (Agenda Item I.1), to develop adaptive management strategies for the PLCA that would allow for adjustments to times and areas to minimize sea turtle interactions. Couple this evaluation with the HMSAS recommendation to also examine sea temperature and other biological and oceanographic data. Task the HMSMT with evaluating tools that may be necessary to ensure compliance with these flexible management measures; including the following:
  - a. Whether the present observer coverage (20 percent goal) is adequate to accurately estimate bycatch in the present-day DGN fishery.
  - b. A VMS requirement in the DGN fishery.Provide this report to the Council in early 2014.
4. Continue exploring the possibility of managing the DGN fishery with hard caps on incidental sea turtle take and other listed species, modeled after the Hawaii shallow-set longline fishery, and report to the Council on progress in early 2014.
5. Request that NMFS continue evaluating the efficacy of deep-set longline gear, deep set buoy gear, and other alternative gears for effectiveness in harvesting target species and reducing bycatch and interactions with leatherback turtles and marine mammals, toward the goal of developing viable alternatives to DGN gear, and report to the Council on progress in early 2014.

Ms. Yaremko said, as explained in her motion, more scientific information is needed to move forward on this proposal. Currently, there aren't enough safeguards proposed to minimize turtle interactions, given the decline in turtle populations. Having said that, the drift gillnet fishery has been operating under the constraint of the PLCA and there haven't been any modifications to that area since 2001. It is the Council's obligation to look at the fishery to determine their ability to access the fish in that area. Regarding the observer coverage, items 2 and 4 would require full observer coverage. However, some of the 12-13 vessels participating in the fishery cannot carry observers. Therefore, the HMSMT should evaluate if the present coverage is adequate to monitor turtle interactions. The HMSMT should also evaluate whether VMS is an appropriate tool for this fishery recognizing the large area covered by the PLCA.

Ms. Yaremko thought that emerging scientific research on the habitat and the distribution of sea turtles and swordfish could be used for management in six months to a year. This could inform questions about the risk of opening areas. With observer coverage providing estimates of bycatch, the use of hard caps is something the Council could consider. Finally, progress on alternative gear is encouraging, and the Council should encourage NMFS to continue this research so that alternatives to drift gillnets can be implemented to increase domestic swordfish catch.

Mr. Steve Williams said he supported the motion. He has concerns and understands the need for further analysis, but is not sure what answers will be forthcoming. He noted that the EC strongly supported VMS. While harvesters are concerned, additional observers can give us more information. The scientific research is encouraging; it may be possible to predict the movement of sea turtles so as to manage time and area closures more effectively. He is particularly interested in the alternative gear (deep set longline and buoy gear) and the evaluation of those types of gear needs to happen.

Mr. Anderson said that accurate estimates of future levels of fishing effort will be an important part of the evaluation described in the motion. He also thinks the evaluation of observer coverage levels with respect to estimating bycatch is important. He also supports the use of VMS. He too is supportive of alternative gears that will reduce bycatch. Because of these components of the motion, he supports it.

Mr. Helvey noted that the U.S. imports 75 percent of the swordfish it consumes. Alternative gears coupled with adaptive management could reduce these imports in the future.

Mr. Crabbe said an increase in fishery viability and reduction in impacts is needed. He supports the motion as a way to get more data to achieve these objectives.

Mr. Ortmann supported the motion and the potential for a positive impact for all concerned.

Motion 12 passed unanimously.

Dr. Dahl asked if item 4 was directed at NMFS staff or the HMSMT. Ms. Yaremko stated that both groups would need to be involved.

### **I.3 Recommendations for International Management Activities (3/11/2013; 9:39 a.m.)**

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

Dr. Kit Dahl presented the Agenda Item Overview. The following attachments were provided for this agenda item:

- Agenda Item I.3.a, Attachment 1: December 18, 2012, letter from Regional Administrator Michael Tosatto to Council Chair Dan Wolford.
- Agenda Item I.3.a, Attachment 2: November 20, 2012, letter from Executive Director Donald McIsaac to Kerri-Ann Jones, Assistant Secretary, Bureau of Ocean and Scientific Affairs,

Department of State, and Eric Schwab, Assistant Administrator for Fisheries, National Marine Fisheries Service.

- Agenda Item I.3.a, Attachment 3: December 11, 2012, letter from Assistant Secretary Kerri-Ann Jones to Dr. McIsaac.
- Agenda Item I.3.a, Attachment 4: December 26, 2012, letter from Acting Assistant Administrator Samuel Rauch III to Dr. McIsaac.
- Agenda item I.3.a, Attachment 5: January 21, 2013, letter from Canadian Consul General Denis Stevens to Dr. McIsaac.
- Agenda Item I.3.a, Attachment 6: Report of the 2012 Intercessional Meeting of the International Scientific Committee for Tuna and Tuna-Like Species in the North Pacific Ocean Plenary Session, December 19-21, 2012 Webinar.
- Agenda Item I.3.a. Supplemental Attachment 7: Report to the Pacific Fishery Management Council on the Canada-United States Pacific Albacore Treaty Negotiations, February 13-14, 2013, Vancouver, B.C., Canada.
- Agenda Item I.3.a, Supplemental Attachment 8: Letter to Eric Schwaab and Kerri-Ann Jones, Dated June 26, 2012, Regarding U.S. – Canada Albacore Treaty Annex C Negotiations.

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

Mr. David Hogan provided comments regarding the U.S. – Canada Albacore Treaty Negotiations.

Ms. Harkiran Rajasansi, Consulate General of Canada Consul provided comments regarding the U.S. – Canada Albacore Treaty Negotiations for a fishery regime in 2013.

Mr. David Hogan provided comments regarding the U.S. – Canada Albacore Treaty Negotiations for future negotiation dates for April.

Dr. Don McIsaac provided information regarding the Northern Committee Meetings.

Dr. Suzy Kohin provided Activities of the ISC and Summary of the Pacific Bluefin Tuna Stock Assessment PowerPoint.

Dr. Steven Stohs presented Agenda Item I.3.b, Supplemental NMFS Report.

Mr. Kirt Hughes presented Agenda Item I.3.b, Supplemental HMSMT Report and Agenda Item I.3.b, Supplemental HMSMT Report 2.

Mr. Doug Fricke presented Agenda Item I.3.b, Supplemental HMSAS Report.

### **I.3.c Public Comment (3/11/2013; 11:18 a.m.)**

The following comments were included in the Briefing Book:

Agenda Item I.3.c, Public Comment: Washington Trollers Association, American Albacore Fishing Association, Kyle and Kathryn Vanderpool.

Agenda Item I.3.c, Public Comment 2: American Albacore Fishermen and Stakeholders.

Agenda Item I.3.c, Supplemental Public Comment: Letter from International Law Offices of San Diego regarding Marine Stewardship Council (MSC) Standards.

Agenda Item I.3.c, Supplemental Public Comment 4: Letter to Dave Hogan from Stan Davis, FV Nightwind regarding U.S. – Canada Albacore Treaty.

Agenda Item I.3.c, Supplemental Public Comment 5: Letter from Tom Wraith, FV Amy Lyn, regarding the U.S. – Canada Albacore Treaty.



Agenda Item I.3.c, Supplemental Public Comment 6: Letter to Dave Hogan from Jack Vantress, FV Seawind, regarding U.S. – Canada Albacore Treaty.

Agenda Item I.3.c, Supplemental Public Comment 7: Letter to Dave Hogan from Bob Blocker, FV Her Grace, regarding U.S. – Canada Albacore Treaty.

Agenda Item I.3.c, Supplemental Public Comment 9: Letter from Waylon Blocker, FV Her Grace, regarding U.S. - Canada Albacore Treaty.

Agenda Item I.3.c, Supplemental Public Comment 10: Letter to Dave Hogan from Jack Webster, FV Millie G. regarding U.S. – Canada Albacore Treaty.

Agenda Item I.3.c, Supplemental Public Comment 11: Letter from Henry “Skip” and Linda McMaster, FV Captain Banjo, regarding the U.S. – Canada Albacore Treaty.

Agenda Item I.3.c, Supplemental Public Comment 12: Letter to Dave Hogan from Carl Nish, FV Lydorein, regarding U.S. – Canada Albacore Treaty.

Agenda Item I.3.c, Supplemental Public Comment 13: Letter to Dave Hogan from Eric Hopfer, FV Kjustin Nicole, regarding U.S. – Canada Albacore Treaty.

Agenda Item I.3.c, Supplemental Public Comment 14: Letter to Dave Hogan from John McDonell, FV Scandia, regarding U.S. – Canada Albacore Treaty.

Agenda Item I.3.c, Supplemental Public Comment 15: Letter to Dave Hogan from Brent Bixler, FV Royal Dawn, regarding U.S. – Canada Albacore Treaty.

Agenda Item I.3.c, Supplemental Public Comment 17: Resolution in Support of the U.S. Albacore Fleet from the Port of Bandon, regarding U.S. – Canada Albacore Treaty.

The following individuals provided public comment:

Mr. Rod Moore, Westcoast Seafood Processors Association, Portland, Oregon; regarding U.S. – Canada Albacore Treaty.

Mr. Peter Flournoy, International Law Offices of San Diego, San Diego, California; provided comments regarding U.S. – Canada Albacore Treaty.

Mr. Doug Fricke, Washington Trollers, Aberdeen, Washington; spoke regarding the U.S. – Canada Albacore Treaty.

Mr. Steve Fosmark, Albacore Fisherman, Pebble Beach, California; spoke in opposition of the U.S. – Canada Albacore Treaty 2013 Fishing Regime.

Mr. John Harder, Fisherman, F/V Ocean Joy, California; read his letter into the record (Agenda Item I.3.c, Supplemental Public Comment 8: Letter to Pacific Fishery Management Council from John Harder, F/V Ocean Joy, regarding U.S. – Canada Albacore Treaty).

Mr. Wayne Heikkila, WFOA, Redding, California.

Mr. Chip Bissell, American Albacore Fishing Association, Bonita, California; provided information in Agenda Item I.3.c, Supplemental Public Comment 3: Letter from American Albacore Fishing Association regarding U.S. - Canada Albacore Treaty.

Mr. Steve Moore, F/V Rose Mar, Los Osos, California in support of terminating the treaty.

Mr. Paul Hill, F/V Delana & F/V Betty H, Bellingham, Washington; in support of terminating the treaty.

Mr. Jack Webster, F/V Millie G, San Diego, California; in support of terminating the treaty.

Mr. Rodney McVicker, F/V Sundancer, Poulsbo, Washington; in support of terminating the treaty.

Mr. Wayne Moody, WFOA – Morro Bay, Arroyo Grande, California; spoke in support of terminating the treaty.

Mr. Rick Goché, Oregon Albacore Commission, Coquille, Oregon; read the motion from Agenda Item I.3.c, Supplemental Public Comment 16: Results of Motion from Oregon Albacore Commission, regarding the U.S. – Canada Albacore Treaty.

The following individuals agreed with the termination of the U.S. – Canada Albacore Treaty and stated same:

Mr. Gary Motsinger, Kilchis Fisheries, Nehalem, Oregon.  
Mr. Tom Wraith, F/V Amy Lynn, Brookings, Oregon.  
Mr. Brett Fahning, F/V Mary Lu, Crescent City, California.  
Mr. Ryan Vantress, F/V Seawind, Beaverton, Oregon.  
Mr. Jack Vantress, F/V Seawind, Cloverdale, Oregon.  
Mr. Eric Hopfer, F/V KJirstin Nicole, Tokeland, Washington.  
Mr. Kevin Marks, F/V Miss Ann and F/V Angela C, Olympia, Washington.  
Mr. Kris, Samuelson, F/V Tombo, Westport, Washington.  
Mr. Carl Nish, F/V Lydorien, San Diego, California.  
Mr. Skip McMaster, F/V Captain Banjo, McKinleyville, California.  
Mr. Steve Rittenberg, F/V Nicole Marie, Astoria, Oregon.  
Mr. Tom Potter, F/V Pacific Pride, Crescent City, California.  
Mr. Lewis Hill, F/V Holly H, Westport, Washington.  
Mr. Robert Manning, F/V Judy, Newport, Oregon.  
Mr. Matthew O'Donnell, F/V Rose Marie, Cave Junction, Oregon.  
Ms. Candee Mooslin, F/V Blue Dolphin, Carlotta, California.  
Mr. Gary Mooslin, F/V Blue Dolphin, Carlotta, California.

**I.3.d Council Action: Provide Recommendations for 1) Future negotiations on a U.S.-Canada Albacore Treaty fishing regime for 2013; 2) Further domestic and international management measures in response to the Pacific Bluefin tuna stock assessment; 3) Development of the precautionary framework for the North Pacific albacore tuna management and appropriate domestic responses (3/11/2013; 1:55 p.m.)**

Mr. Steve Williams moved and Mr. Feldner seconded Motion 13:

The Council tasks the HMSMT with updating their prior work and identifying a suite of domestic and international management measures suitable for the precautionary management framework for North Pacific albacore that the Council can evaluate and possibly provide to the U.S. delegation prior to the WCPFC's Northern Committee meeting in Sept 2013. Specifically, identify potential measures that should be avoided. Specify which measures are appropriate for a catch-based management framework and those appropriate for an effort-based management framework. In addition, evaluate and comment, as appropriate, on the Canadian proposal submitted to the IATTC (appended to Agenda Item I.3.b, Supplemental HMSAS Report). The HMSMT should bring recommendations to the Council at the June 2013 meeting.

Mr. Williams said he understands the HMSAS's concerns about disclosing potential U.S. negotiating positions, but the Council needs to develop recommendations in order to control our own destiny. He thinks this guidance is general enough so that the U.S. negotiating position is not compromised.

Mr. Helvey asked if the motion allows contemplation of circumstances where effort or catch could increase. Mr. Williams responded that it is included in the first point in the motion.

Mr. Helvey stated that it is important to start at the international level for stocks on both sides of the Pacific and not get into the domestic management issues. Therefore, he moved, and Mr. Crabbe seconded, Amendment 1 to Motion 13 [which would modify the first sentence of the motion as follows]:

The Council tasks the HMSMT with updating their prior work and identifying a suite of potential ~~domestic and international management measures~~ harvest control rules and reference points suitable for the precautionary management framework for North Pacific albacore that the Council can evaluate and possibly provide to the U.S. delegation prior to the WCPFC's Northern Committee meeting in September 2013.

Mr. Helvey said his amendment addressed the concern of the HMSAS about focusing on domestic management. Council recommendations should start at the international level and only after that action should domestic measures be contemplated.

Mr. Williams asked if Mr. Helvey's amendment allows the HMSMT to look at a broad suite of measures and Mr. Helvey responded yes.

Amendment 1 passed unanimously. Motion 13, as amended, passed unanimously.

Ms. Lowman moved and Mr. Lincoln seconded Motion 14 that the Council adopt HMSMT recommendations 1 and 3 in Agenda Item I.3.b, Supplemental HMSMT Report 2. The motion modifies bullet 2 in the Supplemental HMSMT Report as follows: "advise the U.S. Delegation to the IATTC and WCPFC to advocate for reduced harvest rates down to 2002-2004 levels for all nations."

[Recommendations in Agenda Item I.3.b, Supplemental HMSMT Report 2 as modified by the motion:

- 1) monitor the catch of U.S. commercial fisheries that catch bluefin in order to ensure that the 500 mt commercial catch limit for the U.S. in the Eastern Pacific Ocean is not exceeded;
- 2) advise the U.S. Delegation to the IATTC and WCPFC to advocate for reduced harvest rates down to 2002-2004 levels for all nations.; and
- 3) advocate the WCPFC provisions in place for "artisanal" and Korean fisheries be replaced with stronger data reporting requirements and limits in effort and catch.]

Ms. Lowman said her motion addresses concerns about the status of Pacific bluefin tuna.

Dr. Dahl asked if the 2002-2004 harvest rates would be interpreted as landings. On the west coast, landings have varied from year to year in the recent past, and average catch for these years could be below landings in a certain year. He noted that the IATTC Resolution, like other resolutions, establishes a *de minimus* level of 500 mt for the U.S. Ms. Lowman responded that bullet 1, calling on compliance with the current resolution, incorporates the *de minimus* threshold concept.

Motion 14 carried unanimously.

Mr. Helvey noted that NMFS is going through the process for a status declaration for Pacific bluefin and the Council could expect a notification in the near future.

Mr. Anderson noted stakeholder's views and the Council's previous correspondence stating its position on continued negotiations for a fishing regime in 2013 pursuant to the U.S.-Canada Albacore Treaty. He said that he did not want to undermine the State Department's negotiating position by changing the Council's recommendation with respect to a fishing regime in 2013. He referenced the November 20, 2012 letter to the Department of State and NMFS and pointed out that in that letter the Council recommended any effort limits be based on pre-1998 levels, which is consistent with the position taken by the Department of State. In addition, problems created by vessel capacity and the trading of permits were discussed at the February 13-14 bilateral meeting. In his view, the State Department has shown its willingness to listen to the industry and present those views to the Canadians. For 2014 and beyond, the Department of State should negotiate a phase-out of the treaty, as appropriate, because the benefit the U.S. derives from the treaty is now questionable. At this time he is not recommending sending another letter to the Department of State containing Council recommendations.

Mr. Williams said he thought that Mr. Anderson did a good job of describing the situation. It is important to recognize the Council's role as providing recommendations, but not being in control of the process. It is never as simple as it appears on the surface and provisions need to be carefully considered. He supports a cautious approach for a 2013 regime. In the long term a phase out does seem appropriate.

Mr. Hogan responded by saying he wanted to listen to Council members' views. The State Department has also taken into consideration the views of the harvesting sector, because they are the most prominent group that has to deal with the reciprocal agreement. Their view to reduce the level of participation is clear and currently the balance of benefits is not where we want it to be. In achieving the proper balance, the State Department is paying close attention to the Council and stakeholders. A carefully considered structure for how the regime is implemented will result in a much better way to deal with this.

## **J. Enforcement Issues**

### **J.1 Current Enforcement Issues (3/10/2013; 2:41 p.m.)**

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

Mr. Jim Seger presented the Agenda Item Overview.

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

RADM Keith Taylor introduced the Coast Guard contingent: LCDR Brian Chambers (Living Marine Resources (LMR) Program Manager); Mr. Dan Hardin (Fishing Vessel Safety Coordinator); and LCDR Brad Soule (LMR Program Manager). LCDR Soule presented Agenda Item J.1.b, Supplemental USCG Report 2: Update of U.S. Commercial Fishing Industry Vessel Requirements and Agenda Item J.1.b, USCG PowerPoint.

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

Mr. Jim Seger read Agenda Item J.1.c, Supplemental GAP Report into the record.

Lt. David Anderson presented Agenda Item J.1.c, Supplemental EC Report and referenced Agenda Item J.1.c, NMFS Report: Division Enforcement Priorities for 2013-Draft (in briefing book).

#### **J.1.d Public Comment**

Mr. Gary Burke, Santa Barbara, California.

Mr. Bill Sutton, Ojai, California.

#### **J.1.e Council Discussion**

Ms. Lowman and others offered the Council's thanks to the USCG for all of their good work and commitment to the fishery management process and safety concerns. Ms. Lowman thought that the GAP idea of posting a safety link on our website was a good one and that the information could also be included in our Council newsletter.

## **ADJOURN**

The Council meeting was adjourned March 11, 2013 at 5:22 p.m.

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Dan Wolford  
Council Chairman

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Date

DRAFT VOTING LOG  
Pacific Fishery Management Council  
217<sup>th</sup> Meeting  
March 2013

**Motion 1:** Adopt the proposed agenda (Agenda Item A.4, March 2013 Council Meeting Agenda) as our working agenda for this meeting, with the proviso that all decisions made at this meeting, with the exception of C.6, Adoption of 2013 Management Alternatives for Public Review and C.7, Salmon Hearings Officers, be considered “Preliminary Selections” to be formalized under a specific agenda item at the April 2013 Council Meeting.

Moved by: Dorothy Lowman  
Motion 1 carried unanimously.

Seconded by: Gway Kirchner

**Motion 2:** Adopt the 2013 stock abundance forecasts, ABCs, and ACLs as shown in Supplemental Preseason Report 1, February 2013, with the addition of a Grays Harbor wild Chinook forecast of 20,636 adults and a Grays Harbor hatchery Chinook forecast of 3,632 adults.

Moved by: Phil Anderson  
Motion 2 carried unanimously.

Seconded by: Steve Williams

**Motion 3:** Council forward approval of the Northwest Sardine Survey 2012-2013 Application (Agenda Item D.1.a, Attachment 2: West Coast Aerial Sardine Survey 2012 Application for Exempted Fishing Permit).

Moved By: Steve Williams

Seconded by: Michele Culver

**Amndmnt 1:** Council to include Agenda Item D.1.a, Attachment 3: Addendum to West Coast Aerial Sardine Survey 2012 Application for Exempted Fishing Permit in the motion.

Moved By: Michele Culver  
Amendment 1 carried unanimously.

Seconded by: Dale Myer  
Motion 3, as amended, carried

**Motion 4:** Council adopt the final five year Research and Data Needs document (Agenda Item F.1.a, Attachment 1) with changes as indicated in: Agenda Item F.1.b, Supplemental SSC Report recommending categorization of research needs in the Ecosystem Section based exclusively on the potential benefits; Agenda Item F.1.b, Supplemental GMT Report recommending additional research and data needs; and Agenda Item F.1.b, Supplemental GAP Report bullets 1 and 3, recommending changes to the priorities for reading hake survey otoliths and exploring the use of hook-and-line surveys to cover untrawlable areas.

**Amndmnt 1:** Include all three bullets from Agenda Item F.1.b, Supplemental GAP Report.

Moved By: Marci Yaremko                      Seconded by: Buzz Brizendine  
Amendment 1 carried unanimously.      Motion 4, as amended, carried unanimously.

**Motion 5:** Direct the South of Humbug Pacific Halibut Workgroup to analyze the impacts of moving the central Oregon subarea boundary south from Humbug Mt. to the Oregon/California border.

Moved by: Steve Williams                      Seconded by: Jeff Feldner

**Amndmnt 1:** Include analysis of the impacts associated with the four bulleted recommendations of the South of Humbug Policy Committee (Agenda Item G.2.a, Attachment 1, page 2).

Moved by: Michele Culver                      Seconded by: Marci Yaremko

**Amndmnt 1a:** Change the wording in the first bullet from “targeting” to “retention.”

Moved by: David Hanson                      Seconded by: Michele Culver

Amendment 1a carried unanimously.      Amendment 1, as amended, carried unanimously.

**Amndmnt 2:** Include analysis of opening the South of Humbug subarea from May 1 to June 30 and September 1 to October 31, and catch savings resulting from new Marine Protected Areas effective in 2012.

Moved by: Marci Yaremko                      Seconded by: David Crabbe  
Amendment 2 carried unanimously.      Motion 5, as amended, carried unanimously

**Motion 6:** Adopt the range of Pacific halibut landing restrictions for the salmon troll fishery as shown in Agenda Item G.3.b, Supplemental SAS Report for public review.

Moved By: Steve Williams                      Seconded by: Phil Anderson

**Amndmnt 1:** Add an Option 4 using the same language:

Beginning May 1, 2013, license holders may land no more than one Pacific halibut per each ten Chinook, except one Pacific halibut may be landed without meeting the ratio requirement, and no more than five halibut landed per trip.

Moved by: Marci Yaremko                      Seconded by: David Crabbe  
Amendment 1 failed (Ms. Yaremko, Mr. Crabbe, Mr. Brizendine, and Mr. Pollard  
voted in favor ).  
Motion 6 carried unanimously.

**Motion 7:**      Adopt for public review the range of Pacific halibut landing restrictions for the  
directed fixed gear sablefish fishery in the area north of Point Chehalis for 2013  
and 2014, as represented in Agenda Item G.3.b, Supplemental GAP Report.

Moved by: Phil Anderson                      Seconded by: Steve Williams  
Motion 7 carried unanimously.

**Motion 8:**      Adopt for public review the season dates for the incidental halibut harvest in the  
commercial sablefish fishery north of Point Chehalis, Washington for 2014 and  
beyond of April 1 through October 31 and a second option of status quo, which is  
May 1 through October 31.

Moved by: Phil Anderson                      Seconded by: Steve Williams  
Motion 8 carried unanimously.

**Motion 9:**      Adopt a process for determining the status of data-moderate stocks as depicted in  
Figure 2 in Agenda Item H.2.a, Attachment 1 with the following changes (based  
on Agenda Item H.2.d, Supplemental WDFW Motion with modifications):

- Immediately below the first box “Data Moderate Assessment Passes  
STAR and SSC review;” insert an oval designating “the status would be  
used as estimated” – flow down to stock depletion estimate.
- If stock is above target spawning output change or in the precautionary  
zone, do either a full or updated data moderate assessment to produce an  
*update on a five year cycle* (CHECK)
- Change “status used and reported as estimated” to the “status reported as  
estimated” in cases where the stock is considered above target spawning  
output or in the precautionary zone.
- If below Minimum Stock Size Threshold (MSST) and there is enough data  
for a full assessment, then the stock should be a candidate for a full  
assessment to produce an update on the five year cycle. If there is not  
enough data for a full assessment, that row will remain as reflected.

Motion includes the adoption of the recommendations in Agenda Item H.2.b,  
Supplemental SSC Report and Agenda Item H.2.b, Supplemental GMT Report.

Moved by: Michele Culver                      Seconded by: Gway Kirchner  
Motion 9 carried unanimously.

**Motion 10:**      Adopt the recommendations of the GMT as provided in Agenda Item H.3.b,  
Supplemental GMT Report to:



- Move the shoreward trawl RCA boundary from 75 to 100 fm between 40°10' and 48°10' N. latitude for Period 2.
- Issue the maximum eligible surplus carryover (10 percent) for all non-whiting species.
- For petrale and sablefish north of 36° N. latitude, issue maximum eligible surplus carryover (10 percent)

Moved by: Dale Myer

Seconded by: Gway Kirchner

Motion 10 carried (Mr. Lockhart abstained).

**Motion 11:** The Council will:

- 1) Move forward with the Groundfish Amendment 24 process alternatives and developing the Tier 1 EIS according to the recommendations from the GMT and SSC reports, specifically items 1-4 on page one of the SSC report regarding rebuilding revision rules.
- 2) Maintain flexibility to use the current sigma/P\* method or something else.
- 3) Relative to Amendment 24 alternatives, remove Alternative 2, but include the new Amendment 24 – GAP Alternative described on page 3 of Agenda Item H.4.b, Supplemental GAP report.
- 4) Move forward with revising COP 9 and following the new process and timeline for the 2015-2016 SPEX analysis relative to consideration of new vs. routine management measures.
- 5) Begin the development of the Tier 1 EIS but delay final adoption until after the 2015-16 specifications and management measures cycle.
- 6) Revise the Amendment 24 workgroup composition to include representatives from the SSC, NWFSC, and SWFSC and task them to work with the Project Team to design the Tier 1 EIS and help flesh out the contents relative to the long-term analysis.

Moved by: Michele Culver

Seconded by: Gway Kirchner

**Amndmnt 1:** Change the language for number five to read:

Begin the development of the Tier 1 EIS, but recognize that adoption may not occur until after the 2015/16 specifications and management measures cycle.

Moved By: Dan Wolford

Seconded by: Jeff Feldner

Amendment 1 carried (Ms. Culver, Mr. Lincoln and Mr. Myer voted no)

Motion 11, as amended, carried unanimously.

**Motion 12:** Council will:

1. Take no action on the specific options presented in Agenda Item I.2.b, HMSMT Reports 2 and 3 to open select times and areas of the Pacific Leatherback Conservation Area (PLCA).
2. Task the HMSMT with evaluating a potential modification to the PLCA as follows: For only the triangle area identified in Figure 1 of Agenda Item I.2.b, Supplemental HMSAS Report: Access to this portion of the PLCA would be authorized only for vessels with both an onboard observer and VMS, meaning vessels unable to meet requirements to carry observers, or vessels without VMS would be precluded. Analysis should include an expectation of future effort levels in the area under these constraints, and evaluation of both present and past catch and turtle bycatch and interaction rates in this portion of the PLCA. The outer boundary of this triangle shall be defined by a single straight line approximating the 100 mile contour. Provide this analysis to the Council in early 2014.
3. Request that NMFS continue to evaluate the prospect of utilizing recent research advancements in sea turtle movement patterns as presented in the NMFS SWFSC Report (Agenda Item I.1.c, Attachment 1), to develop adaptive management strategies for the PLCA that would allow for adjustments to times and areas to minimize sea turtle interactions. Couple this evaluation with the HMSAS recommendation to also examine sea temperature and other biological and oceanographic data. Task the HMSMT with evaluating tools that may be necessary to ensure compliance with these flexible management measures; including the following:
  - a. Whether the present observer coverage (20 percent goal) is adequate to accurate estimate bycatch in the present-day DGN fishery.
  - b. A VMS requirement in the drift gillnet (DGN) fishery.
 Provide this report to the Council in early 2014.
4. Continue exploring the possibility of managing the DGN fishery with hard caps on incidental sea turtle take and other listed species, modeled after the Hawaii shallow-set longline fishery, and report to the Council on progress in early 2014.
5. Request that NMFS continue evaluating the efficacy of deep-set longline gear, deep set buoy gear, and other alternative gears for effectiveness in harvesting target species and reducing bycatch and interactions with leatherback turtles and marine mammals, toward the goal of developing viable alternatives to DGN gear, and report to the Council on progress in early 2014.

Moved by: Marci Yaremko  
 Motion 12 carried unanimously.

Seconded by: Buzz Brizendine

**Motion 13:** The Council tasks the HMSMT with updating their prior work and identifying a suite of potential domestic and international management measures suitable for a precautionary management framework for North Pacific albacore that the Council can evaluate and possibly provide to the U.S. delegation prior to the WCPFC's Northern Committee meeting in September 2013. Specifically, identify potential

measures that should be avoided. Specify which measures are appropriate for a catch-based management framework and those appropriate for an effort-based management framework. In addition, evaluate and comment as appropriate on the Canadian proposal submitted to the IATTC (appended to Agenda Item I.3.b, Supplemental HMSAS Report). The HMSMT should bring recommendations to the Council at the June 2013 meeting.

Moved by: Steve Williams

Seconded by: Jeff Feldner

**Amndmnt 1:** Modify the first sentence in Motion 13 to read “identifying a suite of potential ~~domestic and international management measures~~ harvest control rules and reference points suitable for the precautionary management framework...”

Moved By: Mark Helvey

Seconded by: David Crabbe

Amendment 1 carried unanimously.  
unanimously.

Motion 13, as amended, carried

**Motion 14:** Adopt recommendations #1 and #3 in Agenda Item I.3.b, Supplemental HMSMT Report 2 - and a modification of #2 as follows: advise the U.S. Delegation to the IATTC and WCPFC to advocate for reduced harvest rates down to 2002-2004 levels for all nations.

Moved by: Dorothy Lowman

Seconded by: Rich Lincoln

Motion 14 carried unanimously.

**Motion 15:** Approve as final: Agenda Item F.2.a, Attachment 1: Draft Minutes: 214<sup>th</sup> Session of the Pacific Fishery Management Council (June 2012); and Agenda Item F.2.a, Attachment 2: Draft Minutes: 215<sup>th</sup> Session of the Pacific Fishery Management Council (September 2012).

Moved by: Dave Ortmann

Seconded by: Herb Pollard

Motion 15 carried unanimously.

**Motion 16:** Appoint Sgt Dan Chadwick to the Washington Fish and Wildlife seat on the Enforcement Consultants.

Moved by: Phil Anderson

Seconded by: Dale Myer

Motion 16 carried unanimously.

**Motion 17:** Appoint Mr. Scott Grunder to the Idaho Department of Fish and Game seat on the Habitat Committee.

Moved by: Dave Ortmann

Seconded by: Herb Pollard

Motion 17 carried unanimously.

**Motion 18:** Appoint Mr. Calvin Frank to the Washington Coast tribal fisher position on the Salmon Advisory Subpanel.

Moved by: David Sones  
Motion 18 carried unanimously.

Seconded by: Herb Pollard

**Motion 19:** Appoint Mr. Steve Copps to a new NMFS Northwest Region seat on the Groundfish Essential Fish Habitat Review Committee.

Moved by: Frank Lockhart  
Motion 19 carried unanimously.

Seconded by: Gway Kirchner

**Motion 20:** Solicit nominations for the vacant California seat on the Ecosystem Advisory Subpanel, to be filled at the June 2013 Council meeting.

Moved by: Marci Yaremko  
Motion 20 carried unanimously.

Seconded by: Buzz Brizendine

**Motion 21:** The Council nominates Ms. Michele Culver as one of the International Pacific Halibut Commission Management Strategy Advisory Body Fishery Manager representatives.

Moved by: Gway Kirchner  
Motion 21 carried unanimously.

Seconded by: Jeff Feldner

**Motion 22:** Adopt for the 2013 Treaty Ocean Troll Salmon Season, three alternatives for public review as they are presented in Table 3 of Agenda Item C.6.b, Supplemental STT Report, on pages 19-20:

Option I	quota levels of 55,000 Chinook, and 50,000 coho
Option II	quota levels of 47,500 Chinook, and 47,500 coho
Option III	quota levels of 40,000 Chinook, and 40,000 coho

The salmon season will consist of a May/June Chinook directed fishery and a July/August/September all-species fishery. The Chinook harvest will be split between the two periods with the following sub-quotes:

**Option I:** 33,000; **Option II:** 23,750; **Option III:** 20,000 for the May/June Chinook directed fishery and the remainder Chinook in each alternative for the July/August/September all species fishery.

The Treaty troll tribes are talking among themselves to possibly include a rollover opportunity of any remaining Chinook from the May-June to be transferred to the July-September time period on a fishery impact equivalent basis.

Moved by: David Sones  
Motion 22 carried unanimously.

Seconded by: Rich Lincoln

**Motion 23:** The Council adopt for public review the alternatives for non-Indian commercial and recreational fisheries north of Cape Falcon as presented in Agenda Item C.6.b, Supplemental STT Report (March 11, 2013) with one change: in Alternative I, the overall non-Indian TAC for coho would be 90,000 marked coho with a healed adipose fin clip.

Moved by: Phil Anderson

Seconded by: Rich Lincoln

**Amndmnt 1:** Modify part “d” under C.5 on page 18 as follows:

C.5. Inseason Management:

...

d. Fishery managers may consider inseason action ~~permitting the retention of unmarked coho~~ modifying regulations restricting retention of unmarked coho. To ensure that preseason projected impacts of the fishery are not exceeded, any inseason action shall consider, if significant, the difference between observed and preseason forecasted mark rates. Such a consideration may also include a change in bag limit of two salmon, no more than one of which may be a coho. ~~If retention of unmarked coho is permitted by inseason action, the allowable coho quota will be adjusted to ensure preseason projected impacts on all stocks is not exceeded.~~

Moved By: Bob Turner  
Amendment 1 carried unanimously.  
unanimously.

Seconded by: Phil Anderson  
Motion 23, as amended, carried

**Motion 24:** Adopt for public review the alternatives for non-Indian commercial and recreational fisheries between Cape Falcon and the Oregon/California border presented in Agenda Item C.6.b, Supplemental STT Report (March 11, 2013), with two exceptions: 1) on page 13 under Alternative I, Cape Falcon to Humbug Mt – change the non-mark-selective coho fishery quota to 16,000 and 2) request the STT model an inseason rollover of 12,000 coho from the July mark-selective recreational fishery into the September non-mark-selective fishery in Alternative I on a LCN coho impact neutral basis.

Moved by: Steve Williams  
Motion 24 carried unanimously.

Seconded by: Jeff Feldner

**Motion 25:** Adopt for public review the alternatives for non-Indian commercial and recreational fisheries south of the Oregon/California border as presented in Agenda Item C.6.b, Supplemental STT Report (March 11, 2013), with the following changes:

- Fort Bragg Area Commercial (Page 5)
  - Alternative I - modify July to read “July 10-31.”
    - § Add a 2014 commercial season for April 16-30, for all salmon except coho with a 27 inch minimum Chinook size limit; same gear restrictions as in 2013. All fish caught in the area must be landed in the area.
  - Alt II:
    - § Modify June to read “June 1-8 and June 23-30.”
    - § Add a 2014 commercial season for April 16-30, for all salmon except coho with a 27 inch minimum Chinook size limit; same gear restrictions as in 2013. All fish caught in the area must be landed in the area.
  - Alt III:
    - § Modify June to read “June 1-5, 14-18, 24-30. Amend July to read “July 6-31. Add a 2014 commercial season for April 16-30, for all salmon except coho with a 27 inch minimum Chinook size limit; same gear restrictions as in 2013. All fish caught in the area must be landed in the area.
- San Francisco Area Commercial (Page 6)
  - Alt I: Change dates in July to “July 10-31.”
  - Alt II: Change June to “June 1-8 and 23-30.”
  - Alt III: Change June to “June 1-5, 14-18, 24-30.” Change July to “July 6-31.”
- Monterey South Area Commercial—reflect same dates as now described in San Francisco Area for each Alternative.
- Pt. Arena to Pigeon Pt (San Francisco Area) Recreational (Page 15).
  - Alt I: April 6-November 10—change to read “open 5 days per week, Wed-Sun June 1-July 9.”
- Monterey Area Recreational (Page 15)
  - Alt I: Amend to read “April 6-October 6; open 5 days per week Wednesday through Sunday June 1-July 9.”
  - Alt II: Amend to read 7 days per week all salmon . . . “thru May 31; 26 inch total length limit July 1-31; 20 inches thereafter.”

Moved by: Marci Yaremko  
Motion 25 carried unanimously.

Seconded by: David Crabbe

**Amndmnt 1:** Change Recreational Alternative II in the Monterey Area to read “June 1 through July 31” (for the 26 inch total length limit).

Moved By: David Crabbe  
Amendment 1 carried unanimously.  
unanimously.

Seconded by: Buzz Brizendine  
Motion 25, as amended, carried

## LEGISLATIVE MATTERS

The Legislative Committee (LC) will meet Wednesday, June 19 to review legislative matters of interest to the Council.

Council staff has provided a summary of legislation introduced in the 113<sup>th</sup> U.S. Congress (Agenda Item C.3.a, Attachment 1) for potential review at the June Council meeting.

At the April LC meeting, the LC discussed potential changes to the Magnuson-Stevens Act in the context of focused discussions at the Managing Our Nation's Fisheries 3 conference, and the possibility that reauthorization legislation may be proposed in this Congress. The conference results were presented under Agenda Item C.1. The LC will discuss these results during their meeting.

### **Council Action:**

#### **1. Consider the recommendations of the Legislative Committee.**

#### **Reference Materials:**

1. Agenda Item C.3.a, Attachment 1: June 2013 Staff Summary of Federal Legislation.
2. Agenda Item C.3.a, Supplemental Legislative Committee Report.

#### **Agenda Order:**

- a. Agenda Item Overview
- b. Report of the Legislative Committee
- c. Reports and Comments of Advisory Bodies and Management Entities
- d. Public Comment
- e. **Council Action:** Consider Legislative Committee Recommendations

Jennifer Gilden  
Dave Hanson

PPMC  
05/30/13

## STAFF SUMMARY OF FEDERAL LEGISLATION IN THE 113<sup>TH</sup> U.S. CONGRESS

A summary of Federal legislation introduced in the 113<sup>th</sup> Congress is provided below. This summary is intended as a general overview for discussion purposes. Full text of these bills, with background information and current status, can be found at the Library of Congress website (<http://thomas.gov>) or at <http://govtrack.us>. These summaries are primarily from the Congress.gov website, further summarized by Council staff.

### HOUSE BILLS

#### *NEW HOUSE BILLS*

##### *HR 1308: Endangered Salmon and Fisheries Predation Prevention Act*

To amend the Marine Mammal Protection Act of 1972 to reduce predation on endangered Columbia River salmon and other nonlisted species, and for other purposes. This bill was a re-introduction of H.R. 3069 (112th) (Sep 29, 2011).

- **Introduced by** Doc Hastings (R-Washington) on March 21, 2013; has four cosponsors.
- **Status:** Referred to the House Natural Resources Committee.

This Act would amend the Marine Mammal Protection Act to authorize the Secretary of Commerce to issue one-year, renewable permits to Washington, Oregon, Idaho, the Nez Perce, Umatilla, Warm Springs, and Yakama tribes, and the Columbia River Inter-Tribal Fish Commission to “take” sea lions on the Columbia River or its tributaries in order to protect endangered and threatened species of salmon and other nonlisted fish species. Prohibits such a permit from authorizing the lethal taking of more than 10 sea lions; and limits the cumulative annual taking of sea lions to 1 percent of the annual potential biological removal level.

##### *HR 1667: Prevention of Escapement of Genetically Altered Salmon in the United States Act*

To prevent the escapement of genetically-altered salmon in the United States, and for other purposes. This bill is a companion bill to S 246 (Mark Begich, D-Alaska).

- **Introduced by** Don Young (R-Alaska) on April 23, 2013; has six cosponsors.
- **Status:** Referred to the House Natural Resources Committee.

Prohibits a person from shipping, selling, or purchasing a genetically-modified salmon, or a food product containing such fish, in interstate commerce; engaging in net-pen aquaculture of such fish; releasing such fish into a natural environment; or having custody, control, or possession of such fish with the intent to release it into a natural environment. Exempts fish, parts, or products used for scientific research or enforcement.



### HR 1788: Cormorant Management and Natural Resources Protection Act

To amend the Migratory Bird Treaty Act to delegate to States the authorities of the Secretary of the Interior under that Act with respect to cormorants, and for other purposes.

- **Introduced by** Michelle Bachmann (R-Minnesota) on April 26, 2013; has nine cosponsors.
- **Status:** Referred to the House Natural Resources Committee.

Essentially, this Act would amend the Migratory Bird Treaty Act to allow state (instead of Dept. of Interior) management of double-crested cormorants. It appears this bill is aimed at controlling cormorant populations in Minnesota and elsewhere due to their impact on recreational facilities; however, cormorant depredation on juvenile Pacific salmon is also a concern in the Council region.

### HR 1927: More Water and Security for Californians Act

To provide congressional direction for implementation of the Endangered Species Act as it relates to operation of the Central Valley Project and the California State Water Project and for water relief in the State of California.

- **Introduced by** Jim Costa (D-California) on May 9, 2013; no cosponsors.
- **Status:** Referred to the House Natural Resources Committee.

Essentially, this Act would provide Congressional direction for implementation of the Endangered Species Act; “restore operational flexibility to California water projects”; and “provide reasonable protection to threatened species.” Under the Act, “For each calendar year, during the period beginning on April 1 and ending on May 31, rates of pumping at the C.W. ‘Bill’ Jones Pumping Plant and Harvey O. Banks Pumping Plant shall not be reduced pursuant to the biological opinion of the National Marine Fisheries Service...”

The Congressional direction provided to the United States Fish and Wildlife Service and the National Marine Fisheries Service, who manage the Central Valley Project and the State Water Project, would last for seven years.

The bill is supported by Valley water districts and opposed by environmental groups.

### ONGOING HOUSE BILLS

These bills were described in more detail in the summary of legislation provided at the April 2013 Council meeting (Agenda Item B.4.a, Attachment 1; <http://tinyurl.com/lasz9abv>).

### HR 69: Illegal, Unreported, and Unregulated Fishing Enforcement Act of 2013

To strengthen enforcement mechanisms to stop illegal, unreported, and unregulated fishing, to amend the Tuna Conventions Act of 1950 to implement the Antigua Convention, and for other purposes. This bill was a re-introduction of H.R. 4100 (112th). It is related to S. 269, the International Fisheries Stewardship and Enforcement Act (Jay Rockefeller, WV).

- **Introduced by** Madeleine Bordallo (D-Guam) on February 12, 2013; has 14 cosponsors.
- **Status:** Referred to the Subcommittee on Fisheries, Wildlife, Oceans, and Insular Affairs.
- There have been **no changes** to this status since the April Council meeting, apart from the addition of one cosponsor.

*HR 71: Coral Reef Conservation Act Reauthorization and Enhancement Amendments of 2013*

To reauthorize the Coral Reef Conservation Act of 2000, and for other purposes. This bill was a re-introduction of H.R. 738 (112th).

- **Introduced by** Madeleine Bordallo (D-Guam) on January 3, 2013; has 10 cosponsors.
- **Status:** Referred to the Subcommittee on Fisheries, Wildlife, Oceans, and Insular Affairs.
- There have been **no changes** to this status since the April Council meeting.

*HR 584: To amend the Federal Food, Drug, and Cosmetic Act to require labeling of genetically engineered fish*

Amends the Federal Food, Drug, and Cosmetic Act to deem a food to be misbranded if it contains genetically-engineered fish, unless the food bears a label stating that it contains genetically-engineered fish. This bill is a re-introduction of H.R. 520 (112th) and is a companion bill to S. 248 (Mark Begich, Alaska).

- **Introduced by** Don Young (R-Alaska) on February 6, 2013; has 23 cosponsors.
- **Status:** Referred to the House Committee on Energy and Commerce: Health.
- Two additional **cosponsors** have been added since the April Council meeting.

*HR 753: (Untitled; prohibits finfish aquaculture in the EEZ)*

Prohibits the Secretary of the Interior and the Secretary of Commerce from issuing any permit or in any other way authorizing commercial finfish aquaculture operations in the U.S. Exclusive Economic Zone, except in accordance with law enacted after enactment of this Act. This bill is a re-introduction of H.R. 574 (112th).

- **Introduced by** Don Young (R-Alaska) on February 15, 2013; no cosponsors.
- **Status:** Referred to the House Natural Resources: Fisheries, Wildlife, Oceans and Insular Affairs.
- There have been **no changes** to this status since the April Council meeting.

*HR 799: Fisheries Disaster Relief and Research Investment Act*

To provide exclusive funding to support fisheries and the communities that rely upon them, to clear unnecessary regulatory burdens and streamline Federal fisheries management, and for other purposes.

Under this Act, each Council would establish a fishery investment committee with membership reflecting the membership of the Council. Each fishery investment committee would develop a regional, five-year fishery investment plan consistent with the research and data needs document.

The Act would establish a competitive grant program to provide for projects included in the regional fishery investment plans. The bill also amends the Saltonstall-Kennedy Act to adjust how funds would be allocated.

- **Introduced by** John Tierney (D-Massachusetts) on February 15, 2013; has nine cosponsors.
- **Status:** Referred to the House Natural Resources Subcommittee on Fisheries, Wildlife, Oceans and Insular Affairs.
- Two additional **cosponsors** have been added since the April Council meeting.

*HR 1012: Safety And Fraud Enforcement for Seafood Act*

To strengthen Federal consumer protection and product traceability with respect to commercially-marketed seafood, and for other purposes. This bill is a re-introduction of H.R. 6200 (112th) and a companion bill to S. 520 (Mark Begich).

- **Introduced by** Ed Markey (D-Massachusetts) on March 6, 2013; has 22 cosponsors.
- **Status:** Referred to the House Committees on Agriculture, Energy and Commerce, Natural Resources, and House Ways and Means Committee.
- Seventeen additional **cosponsors** have been added since the April Council meeting.

Most relevant to Council activities, the bill would require seafood imported into the US to be labeled with the acceptable market and scientific name; the harvest method, including gear type; catch date; weight; previous treatment (freezing, chemical treatment, country of processing); whether fish was wild caught or farm raised; location of fish farm; cultivation method. This information could be made available upon request rather than appearing on a label.

The Act would establish a memorandum of understanding between Secretary of Commerce and the Secretary of Health and Human Services to improve interagency cooperation on seafood safety and seafood fraud prevention, create a website listing foreign seafood exporters and any violations of seafood safety; and direct the Secretary of Commerce to create a “Guide to Acceptable Market Names for Seafood Sold in Interstate Commerce,” as a list of standardized names for identifying seafood at various distribution stages. The list will be posted on the web along with any consumer advisories.

*HR 1147: To provide limitations on maritime liens on fishing permits, and for other purposes.*

Companion bill to S. 542 (Lisa Murkowski, R-Alaska). Similar to HR 1210 (112th Congress).

- **Introduced by** Don Young (Alaska) on March 6, 2013. No cosponsors.
- **Status:** Referred to the House Committees on Agriculture, Energy and Commerce, Natural Resources, and House Ways and Means Committee.
- There have been **no changes** to this status since the April Council meeting.

Bars specified Federal shipping laws related to maritime liability from: (1) establishing maritime liens on state or Federal fishing permits (authorizing a person or use of a vessel to engage in fishing), and (2) authorizing civil actions to enforce maritime liens on such permits. It would

specify that a “fishing permit” is governed solely by the state or Federal law under which it was issued and is not included in the whole or as an appurtenance or intangible of a vessel.

In other words, this legislation would prohibit maritime liens from being imposed on commercial fishing permits, in order to protect fishermen’s livelihoods. The bill was inspired by attempts to take Alaskan fishing permits in Federal bankruptcy court. Alaska limited entry permits are already protected from liens by Alaska state law, but doubts have been raised by a court decision that determined a fishing license was subject to a maritime lien under Federal Admiralty Law.

## SENATE BILLS

### *NEW SENATE BILLS*

#### *S 601: Water Resources Development Act of 2013*

A bill to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes.

- **Introduced by** Barbara Boxer (D-California) on March 18, 2013; has one cosponsor.
- **Status:** Passed in the Senate on May 15, 83-14, with amendments (see below).

Typically, the Water Resources Development Act is a biannual bill. However, it was last authorized in 2007 and 2000. This 284-page bill authorizes 18 new Corps projects nationally. It reforms Corps processes to streamline projects and sets up a pilot program that would allow state and local governments to oversee Corps-authorized projects.

Most relevant to the Council, S. 601 requires the Corps to review its levee vegetation policy. The Corps’ policy requires all vegetation, except grass, to be removed from levees in order to allow for easier inspections and to reduce any potential weakening of levees through root growth. Non-compliance makes a community ineligible for Federal disaster assistance. The Council commented on this levee vegetation removal policy in April 2012 (<http://tinyurl.com/brprqp9>).

In addition, the bill calls for the Harbor Maintenance Trust Fund each year to provide funding for projects at a level equal to the level of Harbor Maintenance Trust Fund receipts, plus interest for that year. Additionally, the legislation provides a “point-of-order” enforcement mechanism if Congress tries to bypass this requirement.

S. 601 would authorize the Army Corps of Engineers to construct water projects for mitigating storm damage, restoring ecosystems, and reducing erosion on inland and intracoastal waterways. The legislation also would authorize the agency to establish grant programs to assist local and state governments with levee safety and rehabilitation programs. Finally, S. 601 would authorize the Corps and the Environmental Protection Agency to provide loans or loan guarantees to state and local governments and certain nongovernmental entities to complete water infrastructure projects.

- A Senate amendment by Sheldon Whitehouse (D-RI) to create the National Endowment for the Oceans to promote the protection and conservation of United States ocean,

coastal, and Great Lakes ecosystems passed. (See below). Other amendments not relevant to fisheries also passed.

*S 646: National Endowment for the Oceans Act.*

A bill to create the National Endowment for the Oceans to promote the protection and conservation of United States ocean, coastal, and Great Lakes ecosystems, and for other purposes.

- **Introduced by** Sheldon Whitehouse (D-RI) on March 21, 2013; has five cosponsors.
- **Status:** Referred to Senate Commerce, Science, and Transportation. This Act (or portions of the Act) was successfully added as an amendment to S, 601 (see above).

This Act authorizes the Secretary of Commerce and the National Fish and Wildlife Foundation to establish the National Endowment for the Oceans as a permanent endowment fund to support programs and activities to restore, protect, maintain, or understand living marine resources and their habitats and ocean, coastal, and Great Lakes resources, including baseline scientific research, ocean observing, and other programs in coordination with Federal and state agencies.

The Act directs the Foundation to award a minimum percentage of funds as grants to coastal states, while awarding a lesser percentage of funds to entities including states, Indian tribes, regional bodies, associations, non-governmental organizations, and academic institutions. Requires the contribution of non-federal matching funds for certain projects. Directs the Foundation to establish an advisory panel to review and make recommendations with respect to the grant applications of other entities.

*S 839: Coral Reef Conservation Amendments Act of 2013.*

A bill to reauthorize the Coral Reef Conservation Act of 2000, and for other purposes.

- **Introduced by** Bill Nelson (D-Florida) on April 25, 2013; has three cosponsors.
- **Status:** Referred to Senate Commerce, Science, and Transportation.

This Act amends the Coral Reef Conservation Act of 2000 to transfer certain authority from the NOAA Administrator to the Secretary of Commerce. Directs the Secretary to submit to Congress a national coral reef ecosystem action strategy, revised as necessary, to include discussions of coastal uses and management, including land-based sources of pollution; climate change; and other matters. Authorizes funds for monitoring and assessment, research, pollution reduction, education, and technical support.

Defines “coral reef ecosystem” as the system of coral reefs and geographically associated species, habitats, and environment, including any adjacent or associated mangroves and seagrass habitats, and the processes that control its dynamics. Includes the internal waters and territorial sea of the United States, the Exclusive Economic Zone of the United States, and the continental shelf, consistent with international law, in the area of application and enforceability of this Act.

Makes it unlawful to destroy, take, cause the loss of, or injure any coral reef or part, except if caused by permitted fishing gear use, a federally or state permitted use, bona fide marine

scientific research, certain Federal emergency activity, or a vessel master's actions to ensure vessel safety or to save a life at sea.

Makes anyone who engages in an activity that injures a coral reef ecosystem liable, jointly and severally, to the United States for response costs and damages, takings, costs of seizure, forfeiture, storage, disposal, and related interest. Provides for enforcement.

Authorizes the Secretary to issue permits for research and activities that would otherwise be prohibited by the Act. Directs the Secretary and other Federal members of the Coral Reef Task Force to work in coordination with other Federal agencies, states, and U.S. territorial governments to implement the strategies developed under this Act to address multiple threats to coral reefs and coral reef ecosystems.

### *ONGOING SENATE BILLS*

These bills were described in more detail in the summary of legislation provided at the April 2013 Council meeting (<http://tinyurl.com/lasz9abv>).

#### *S 45: West Coast Ocean Protection Act of 2013*

A bill to amend the Outer Continental Shelf Lands Act to permanently prohibit the conduct of offshore drilling on the outer Continental Shelf off the coast of California, Oregon, and Washington. This bill is a re-introduction of S. 171 (112th).

- **Introduced by** Barbara Boxer (D-California) on February 22, 2013; has five cosponsors.
- **Status:** Referred to the Committee on Energy and Natural Resources.
- There have been **no changes** to this status since the April Council meeting.

#### *S 246: Prevention of Escapement of Genetically Altered Salmon in the United States Act*

A bill to prevent the escapement of genetically-altered salmon in the United States, and for other purposes. This bill is a re-introduction of S. 1717 (112th).

- **Introduced by** Mark Begich (D-Alaska) on February 7, 2013; has one cosponsor.
- **Status:** Referred to the Committee on Commerce, Science, and Transportation.
- There have been **no changes** to this status since the April Council meeting.

#### *S 248: (Untitled)*

A bill to amend the Federal Food, Drug, and Cosmetic Act to require labeling of genetically engineered fish.

- **Introduced by** Mark Begich (D-Alaska) on February 7, 2013; has two cosponsors.
- **Status:** Referred to the Committee on Senate Health, Education, Labor, and Pensions.
- One additional cosponsor has been added since the April Council meeting.

*S 267: Pirate Fishing Elimination Act*

A bill to prevent, deter, and eliminate illegal, unreported, and unregulated fishing through port State measures.

- **Introduced by** Jay Rockefeller (D-West Virginia) on February 11, 2013; nine cosponsors.
- **Status:** Referred to the Committee on Commerce, Science, and Transportation.
- There have been **no changes** to this status since the April Council meeting.

*S 269: International Fisheries Stewardship and Enforcement Act*

A bill to establish uniform administrative and enforcement authorities for the enforcement of the High Seas Driftnet Fishing Moratorium Protection Act and similar statutes, and for other purposes.

- **Introduced by** Jay Rockefeller (D-West Virginia) on February 11, 2013; ten cosponsors.
- **Status:** Read twice and referred to the Committee on Commerce, Science, and Transportation.
- There have been **no changes** to this status since the April Council meeting.

*S 520: Safety And Fraud Enforcement for Seafood Act*

A bill to strengthen Federal consumer protection and product traceability with respect to commercially-marketed seafood, and for other purposes. This is a companion bill to HR 1012; see description of that bill for details.

- **Introduced by** Mark Begich (D-Alaska) on March 11, 2013; has two cosponsors.
- **Status:** Referred to the Committee on Senate Commerce, Science, and Transportation.
- There have been **no changes** to this status since the April Council meeting.

*S 518: H2O Visa for Seafood Processing Act*

A bill to authorize the issuance of H2O nonimmigrant visas for aliens temporarily performing labor in the seafood processing industry.

- **Introduced by** Mark Begich (D-Alaska) on March 11, 2013; no cosponsors.
- **Status:** Referred to the State Judiciary Committee.
- There have been **no changes** to this status since the April Council meeting.

## OTHER BILLS

Several other bills that are not directly relevant to Council activities, but may be of interest, are listed below.

The following bills were introduced after the April Council meeting:

- HR 1966 – Genetically Engineered Food Right-to-Know Act. To amend the Federal Food, Drug, and Cosmetic Act to require that genetically-engineered food and foods that contains genetically-engineered ingredients [including fish] be labeled accordingly. Companion bill to S. 809. (Peter DeFazio, D-Oregon).
- S. 713 – Rhode Island Fishermen’s Fairness Act. A bill to amend the Magnuson-Stevens Fishery Conservation and Management Act to add Rhode Island to the Mid-Atlantic Fishery Management Council. (Jack Reed, D-Rhode Island). Companion bill to HR 1504.
- S. 747 – No title. A bill to grant exclusive fishery management authority over the red snapper fish in the Gulf of Mexico to Alabama, Florida, Louisiana, Mississippi, and Texas. (David Vitter, R-Louisiana). Similar to HR 1430, the “Offshore Fairness Act.”

There has been no major activity on the following bills since the April Council meeting:

- HR 322 – Hunting, Fishing, and Recreational Shooting Protection Act. (Seeks to exclude lead shot and fishing sinkers from applicability under the Toxic Substances and Chemicals Act).
- HR 764 – Coastal State Climate Change Planning Act. To amend the Coastal Zone Management Act of 1972 to require the Secretary of Commerce to establish a coastal climate change adaptation planning and response program.
- HR 843 – San Francisco Bay Restoration Act. A bill to amend the Federal Water Pollution Control Act to establish a grant program to support the restoration of San Francisco Bay.
- HR 996 – Invasive Fish and Wildlife Prevention Act. A bill to establish an improved regulatory process for injurious wildlife to prevent the introduction and establishment in the United States of nonnative wildlife and wild animal pathogens and parasites that are likely to cause harm.
- S. 96 – Rigs to Reef Habitat Protection Act. A bill to authorize the use of certain offshore oil and gas platforms in the Gulf of Mexico for artificial reefs, and for other purposes.
- S. 221 – Saving Fishing Jobs Act. A bill to amend the Magnuson-Stevens Fishery Conservation and Management Act to permit eligible fishermen to approve certain limited access privilege programs, and for other purposes.
- S. 332 – Climate Protection Act of 2013. To address climate disruptions, reduce carbon pollution, enhance the use of clean energy, and promote resilience in the infrastructure of the United States, and for other purposes.





---

**Fwd: Survey on Sustainability Certification for U.S. Harvested Seafood**

---

Jennifer Gilden - NOAA Affiliate <jennifer.gilden@noaa.gov>  
To: Jennifer Gilden - NOAA Affiliate <Jennifer.Gilden@noaa.gov>

Tue, Jun 4, 2013 at 1:14 PM

## Marine Fisheries Advisory Committee Seeks Stakeholder Input on Sustainability Certification for U.S. Harvested Seafood

FOR IMMEDIATE RELEASE:

June 3, 2013

Press Contact: Mary Clark

(302) 674-2331 (261)

The Marine Fisheries Advisory Committee (MAFAC) advises the Secretary of Commerce on matters relating to Fisheries and Aquaculture. MAFAC is considering if and how the National Marine Fisheries Service (NOAA Fisheries) should develop a sustainable seafood certification program for U.S. fishery products. Please take 5 minutes to complete this brief survey and share your opinions. The information you provide will be used to inform MAFAC's recommendations regarding potential federal sustainable seafood certification.

Survey Link: <http://www.surveymonkey.com/s/TZZHNZB>  
(the entire survey should take about 5 minutes)

### Background

On April 10, the Mid-Atlantic Fishery Management Council passed a motion supporting the development of a sustainability certification program for U.S. seafood harvested under the Magnuson-Stevens Act. The New England Fishery Management Council approved a similar motion on April 25. The topic was further discussed at the Managing Our Nation's Fisheries 3 Conference on May 5-7 in Washington, D.C. and was reflected in the summary of 128 recommendations developed by conference participants.

**MAFMC Motion:** *That the Council recommend an amendment that would authorize NMFS to provide the US industry with a sustainability certification program and certification mark, which would provide the industry with the ability to promote and sell its seafood products, in both domestic and export markets, as sustainable based upon the requirements of the Act.*

**NEFMC Motion:** *That the Council recommend to add to the list of reauthorization priorities the need for a sustainable certification that would authorize NMFS to provide the U.S. industry with a sustainable certification program and certification mark, which would provide the industry with the ability to promote and sell its seafood products, in both domestic and export markets, as sustainable based upon the requirements of the Act.*

### **MONF3 Recommendations Related to MSA Certification Program:**

- Consider a national sustainable seafood certification program
- Recognize certification of U.S. fisheries that meet the 10 MSA national standards

MAFAC will soon be considering recommendations regarding a potential federal program to certify U.S. seafood as being sustainable. Your input in this survey will be used to inform these recommendations. Thank you for your time and interest!

---

*The Mid-Atlantic Fishery Management Council (MAFMC) is one of eight regional councils established by the Magnuson-Stevens Fishery Conservation and Management Act of 1976. The Council has primary responsibility for twelve species of fish and shellfish in the exclusive economic zone (EEZ) between 3 and 200 miles off the Mid-Atlantic coast. Member states include New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, and North Carolina. For more information, visit our website: [www.mafmc.org](http://www.mafmc.org).*

**Contact Us:**

800 North State St., Suite 201, Dover, DE 19901

Phone: (302) 674-2331

Email: [contact@mafmc.org](mailto:contact@mafmc.org)

Website: [www.mafmc.org](http://www.mafmc.org)

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## LEGISLATIVE COMMITTEE REPORT ON LEGISLATIVE MATTERS

The Legislative Committee (LC) met on Wednesday, June 19. The meeting was attended by committee members Dr. David Hanson, Mr. David Crabbe, Ms. Dorothy Lowman, Mr. Dale Myer, Mr. Gordy Williams, and Mr. Dan Wolford. Council staff officer Ms. Jennifer Gilden, Council Executive Director Dr. Donald McIsaac, Council Special Assistant, Mr. Don Hansen, former Council member, Mr. Rod Moore, former Highly Migratory Species Advisory Subpanel Chair, Mr. Peter Flournoy, and Morro Bay fishery consultant Mr. Chris Kubiak also attended.

The Committee briefly reviewed new fishery-related bills in the 113th Congress (see Agenda Item C.3, Attachment 1) and discussed findings developed at the Managing Our Nation's Fisheries 3 conference.

### **Current Legislation**

The LC discussions focused on the following Congressional bills. No written requests for Council comments on these, or any, bills have been received to date.

#### *H.R. 1308: The Endangered Salmon and Fisheries Predation Prevention Act*

As noted in the legislative summary, the Endangered Salmon and Fisheries Predation Prevention Act, introduced by Rep. Doc Hastings, would amend the Marine Mammal Protection Act to authorize the Secretary of Commerce to issue one-year, renewable permits to Washington, Oregon, Idaho, Columbia River tribes, and the Columbia River Inter-Tribal Fish Commission to "take" sea lions on the Columbia River or its tributaries in order to protect endangered and threatened species of salmon and other nonlisted fish species. Each permit would be limited to a lethal take of 10 sea lions, and the cumulative annual taking of sea lions would be limited to 1 percent of the annual potential biological removal level. The bill included no specific discussion of criteria for authorizing take, apart from approval by the Secretary of Commerce. A hearing was held on this bill on June 13.

H.R. 1308 is identical to H.R. 3069 and very similar to H.R. 946, both of which were introduced in the 112th Congress. The Council provided comments on H.R. 946. At that time, the comments focused on creating a more rapid response to time-sensitive salmon conservation situations by continuing existing state, tribal, and Federal coordination, streamlining the permit process for lethal removal, and maintaining Federal oversight while allowing the states and tribes greater flexibility on predation control decisions. The full letter is attached to this report.

#### *H.R. 1927: More Water and Security for Californians Act*

The More Water and Security for Californians Act would essentially exempt the Central Valley and State Water projects from Delta pumping restrictions required under the Endangered Species Act to protect Central Valley salmon and Delta smelt. Specifically, the bill text states, "Beginning on April 1 and ending on May 31, rates of pumping at the C.W. 'Bill' Jones Pumping Plant and Harvey O. Banks Pumping Plant shall not be reduced pursuant to the biological opinion of the National Marine Fisheries Service." LC members felt the bill appeared to represent a significant threat to California water management that would negatively affect Sacramento salmon and other species, and were prepared to develop comments on the bill if requested.

*HR 69 (Illegal, Unreported, and Unregulated [IUU] Fishing Enforcement Act of 2013) and S 269 (International Fisheries Stewardship and Enforcement Act)*

Both HR 69 and S 269 relate to control of IUU fisheries through amendments to the High Seas Driftnet Fishing Moratorium Protection Act, and both would alter sections of the Tuna Conventions Act that currently offer protections to U.S. fishermen. The LC tasked Council staff with reviewing the past history of Council comments on similar bills from prior sessions of Congress, for further consideration at the September LC meeting.

### **Managing Our Nation's Fisheries 3 Findings**

The LC briefly discussed the 128 findings developed at the Managing Our Nation's Fisheries 3 conference, with particular reference to those that might be involved in MSA reauthorization legislation. Under the expectation that the findings will be the subject of categorization and preliminary analysis over the summer, LC postponed serious discussions on this matter until the September Council meeting. This timeline will also allow advisory bodies to comment on the findings for the September meeting. Current expectations are that the Council Coordination Committee will ask for Pacific Council perspectives on legislative priorities in advance of a webinar meeting in October. It is also expected that refinement of MSA reauthorization issues will be the subject of LC meetings over the course of the next year.

### **Other LC Business**

The LC proposes to meet again at the September Council meeting.

PFMC  
06/22/13

## COASTAL MARINE SPATIAL PLANNING (CMSP) UPDATE

The National Ocean Council (NOC) released its Final National Ocean Policy Implementation Plan in April 16, 2013 (Agenda Item C.4.a, Attachment 1 – *on briefing book website and CD only*). The plan addresses nine priority objectives, including marine planning, and describes actions, outcomes, and milestones, to facilitate implementation. The plan includes voluntary Regional Fishery Management Council participation in regional planning bodies (RPB). While the final configuration has not yet been determined, the Pacific Council will be included in the West Coast RPB.

### **Council Action:**

**Provide Guidance on Council Involvement with Marine Planning Issues, as Appropriate.**

### **Reference Materials:**

1. Agenda Item C.4.a, Attachment 1: Final National Ocean Policy Implementation Plan (**Electronic Only**).
2. Agenda Item C.4.a, Attachment 2: Marine Planning Fact Sheet.

### **Agenda Order:**

- a. Agenda Item Overview
  - b. Update on Marine Planning activities
  - c. Reports and Comments of Advisory Bodies and Management Entities
  - d. Public Comment
  - e. **Council Action:** Provide Guidance on Council Involvement with CMSP Issues, as Appropriate.
- Kerry Griffin  
John Stein

PFMC  
05/28/13



# NATIONAL OCEAN POLICY IMPLEMENTATION PLAN

National Ocean Council

APRIL 2013



# National Ocean Council

Council on Environmental Quality

Office of Science and Technology Policy

Department of Agriculture

Department of Commerce

Department of Defense

Department of Energy

Department of Health and Human Services

Department of Homeland Security

Department of the Interior

Department of Justice

Department of Labor

Department of State

Department of Transportation

Environmental Protection Agency

Federal Energy Regulatory Commission

Joint Chiefs of Staff

National Aeronautics and Space Administration

National Oceanic and Atmospheric Administration

National Science Foundation

U.S. Army Corps of Engineers\*

U.S. Coast Guard

Office of the Director of National Intelligence

Office of Management and Budget

Office of the Vice President

National Security Staff\*\*

Domestic Policy Council

National Economic Council

\* *Member of the Deputy-level committee*

\*\* *Includes the National Security Advisor and the Assistant to the President for Homeland Security and Counterterrorism*

NATIONAL OCEAN POLICY IMPLEMENTATION PLAN

EXECUTIVE OFFICE OF THE PRESIDENT  
NATIONAL OCEAN COUNCIL  
WASHINGTON, D.C. 20503

April, 2013

Dear Colleague:

We are pleased to deliver the *National Ocean Policy Implementation Plan* (Plan), a document that translates the National Ocean Policy into on-the-ground actions that will benefit Americans. The Plan presents specific actions Federal agencies will take to bolster our ocean economy, improve ocean health, support local communities, strengthen our security, and provide better science and information to improve decision-making.

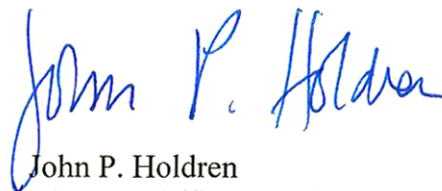
The National Ocean Policy, created by Executive Order 13547 on July 19, 2010, established the National Ocean Council, which consists of 27 Federal agencies, departments, and offices working together to share information and streamline decision-making. The Council developed the Plan over a two-year period with extensive public input from a wide range of stakeholders.

The National Ocean Policy and accompanying Plan will help spur economic growth, empower states and communities, and save taxpayer dollars through better coordination that avoids conflicts. They are examples of common-sense good government that will help Americans sustain and enjoy our ocean resources.

Sincerely,



Nancy H. Sutley  
Chair, Council on Environmental Quality  
Co-Chair, National Ocean Council



John P. Holdren  
Director, Office of Science and Technology Policy  
Co-Chair, National Ocean Council





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## I. Introduction

The ocean, our coasts, and the Great Lakes are among our most treasured resources. They are an integral part of our national identity and our future. A healthy marine environment feeds our Nation, fuels our economy, supports our cultures, provides and creates jobs, gives mobility to our Armed Forces, enables safe movement of goods, and provides places for recreation. Healthy, productive, and resilient oceans, coasts, and Great Lakes contribute significantly to our quality of life.

At the same time, these resources are vulnerable to activities and impacts that diminish their health, productivity, and resilience. Pollution, for example, degrades marine habitats, reduces access to recreational and commercial opportunities, and threatens public health and safety. Habitat loss impacts the stability of marine populations, leading to significant economic and cultural consequences. Overfishing

threatens current and future opportunities for recreational and commercial fishing, compromises our national food security, and reduces the ability of marine ecosystems to recover from disturbances. The impacts of climate change, such as sea-level rise, increase the vulnerability of coastal communities to storm damage. Moreover, these problems interact with one another, collectively amplifying their impact on the health of the ocean.

In addition, a growing population of ocean users is increasingly competing for ocean space both for established uses such as fishing, shipping, military activities, and conventional energy development, and for emerging uses such as renewable energy development and aquaculture. This competition creates conflicts between users and presents new challenges for decision-makers. Inefficient government decision-making can compound the problem, hampering economic opportunities and impeding the entrepreneurial, problem-solving efforts of commercial and conservation interests alike.

At the same time, the Nation is encountering new opportunities to improve our understanding of the ocean, how it works, and how we can expand our use of the ocean while maintaining its health and resilience. Advances in research, science, and technology are necessary to help us better understand how marine environments function, and how they influence and are influenced by human activities. Application of this knowledge will inform locally-driven management practices and will improve and maintain the health of the ocean, support employment and new economic opportunities, enhance the Nation's safety and security, and help preserve the ocean as a valuable resource.

Recognizing these challenges and opportunities, and building on the recommendations of two bipartisan commissions, President Obama established the National Policy for the Stewardship of the Ocean, Our Coasts, and the Great Lakes by Executive Order 13547 on July 19, 2010. The National Ocean Policy (Policy) highlights our responsibility to improve and maintain the health of the ocean, coasts, and Great Lakes and recognizes the importance of working with States,<sup>1</sup> tribes,<sup>2</sup> and other partners to tackle key challenges through common sense, science-based solutions. The Policy aims to ensure that our valuable ocean, coastal, and Great Lakes resources will continue to provide a wealth of benefits that support the Nation's well-being, safety, and prosperity.

Fundamentally, the National Ocean Policy coordinates, through establishment of the National Ocean Council, the ocean-related activities of Federal agencies to achieve greater efficiency and effectiveness, with a focus on reduced bureaucracy, improved coordination and integration, and fiscal responsibility. The Policy does not create new regulations, supersede current regulations, or modify any agency's established mission, jurisdiction, or authority. Rather, it helps coordinate the implementation of existing regulations and authorities by all Federal agencies in the interest of more efficient decision-making. The Policy does not redirect congressionally-appropriated funds, or direct agencies to divert funds from existing programs. Instead, it improves interagency collaboration and prioritization to help focus limited resources and use taxpayer dollars more efficiently.

Developed collaboratively by the agencies of the National Ocean Council and based on the work initiated by the Interagency Ocean Policy Task Force in 2009, this National Ocean Policy Implementation Plan (Plan) provides clear direction to Federal agencies and increased specificity to partners and stakeholders.<sup>3</sup> The Plan reflects a commitment to develop and apply the latest science and information, conduct the business of government more efficiently, and collaborate more effectively with State, tribal, and local

authorities, marine industries, and other stakeholders. This Plan describes specific actions that translate the goals of the National Ocean Policy into on-the-ground change to address key challenges, streamline Federal operations, save taxpayer dollars, and promote economic growth.

A wide range of stakeholders and partners will benefit from these actions to improve the stewardship and health of the ocean, coasts, and Great Lakes. For example:

- States and tribes will benefit from improved coordination with Federal agencies, better information for decision-making, and support for regional priorities and solutions;
- Recreational fishermen and boaters will benefit from actions that advance conservation programs and help ensure continued access to healthy and productive waters;
- Commercial fishermen will be better equipped to meet our Nation's growing demand for healthy seafood through improved science that supports increased sustainable fishing opportunity;
- The commercial shipping and ports industry will have more accurate charts for safe and efficient navigation;
- The Nation's Armed Forces will benefit from improved coordination with maritime interests to ensure their ability to test and train in order to meet current and emerging national security requirements;
- Offshore energy industries will benefit from better data and information to identify potential development sites, more efficient leasing and permitting processes, and planning that facilitates safe access, safe operations, and reduced conflicts with other uses;
- The aquaculture industry will benefit from streamlined Federal permitting and coordinated research efforts to support sustainable aquaculture;
- Coastal communities will build resilience to extreme events and sustain more coastal job opportunities; and
- Beach-goers, birders, conservationists, and others will benefit from healthier coastal and ocean habitats and ecosystems.

This Plan presents a common-sense, science-based approach to achieve these benefits through resource management that considers entire ecosystems. The goal of ecosystem-based management supported by this Plan is to maintain a healthy, productive, and resilient ocean that can continue to provide the benefits and resources humans want and need. Achieving this goal will require both a sound scientific foundation and a commitment to management practices that are adaptable to changing conditions and responsive to new challenges and opportunities that emerge. Working together, resource managers, ocean users, and other stakeholders can develop and apply ecosystem-based management incrementally, by learning and sharing effective practices as knowledge and experience increase.

Importantly, this Plan was informed by thoughtful input from national, regional, and local stakeholders from all marine sectors; tribal, State, and local governments; private sector partners, academic scientists, and the general public. It reflects careful consideration of extensive public comments, particularly those

that relate to the importance of incremental change, pilot projects, support for local and regional capacity and self-determination, and the fundamental need for more and better information.

The Implementation Plan better aligns multiple agency priorities and activities to promote greater synergies and efficiencies in Federal spending. Given today's constrained fiscal climate and recognizing uncertainty in the budget and appropriations processes, completion of every action within the identified timeframes will depend upon the availability of funds and resources.

In that vein, this Plan is intended to be a living document. It is designed to be adaptive to new information or changing conditions, and will be updated periodically as progress is made, lessons are learned, new activities are planned, and as the Nation continually strives to improve the stewardship of the ocean, coasts, and Great Lakes for the benefit of current and future generations.

## Organization of the Document

This Implementation Plan describes, under the following sections, how specific actions to implement the Policy will benefit: (1) The Ocean Economy, (2) Safety and Security, and (3) Coastal and Ocean Resilience by supporting (4) Local Choices, and providing foundational (5) Science and Information. Subsections describe specific outcomes that advance those benefits and the types of actions Federal agencies will take to achieve them. Specific planned actions are described in the appendix containing Implementation Actions. Many of these actions will produce benefits in the short-term that respond to immediate needs of communities, ocean stakeholders, and the public. Others create building blocks to support key outcomes in the medium- to long-term. The actions in this Implementation Plan are grounded in the National Priority Objectives of the Policy. They encompass efforts previously identified under these objectives as those that will move our Nation ahead toward resolving the most pressing challenges facing the ocean, our coasts, and the Great Lakes, and benefitting the people, communities, and businesses that rely on them.

Many of the actions support multiple outcomes, reflecting the common-sense value of focusing and coordinating the work of Federal agencies to provide products and services that benefit all Americans. In particular, a number of science and information-based actions that advance observing systems, mapping and charting, and other information tools benefit many different users at the national, regional, and local level. Those and other actions are therefore discussed in more than one section to explain how they advance each policy objective.





photo: NOAA

## II. The Ocean Economy

The ocean, our coasts, and the Great Lakes are among our Nation's most valuable resources and strongest economic drivers. In 2010, maritime economic activities such as shipping, marine construction, energy development, commercial fishing, recreational fishing and boating, aquaculture, and tourism contributed \$258 billion in GDP to the national economy and supported 2.8 million jobs.<sup>4</sup> Because so many people live near the coast, in 2010, 41 percent of our Nation's Gross Domestic Product (GDP), or \$6 trillion, was generated in the shoreline counties of the United States and territories, including the Great Lakes.<sup>5</sup> These coastal counties supported approximately 44 million jobs and \$2.4 trillion in wages.<sup>6</sup> The value of the ocean to Americans—for commerce, energy, recreation, food, culture, and national security—provides the foundation for our quality of life now and for future generations.

As a maritime Nation, we are challenged to maintain and enhance the economic benefits that a healthy and productive ocean provides. The declining health of ocean, coastal, and Great Lakes ecosystems threatens their ability to provide the products and services on which much of our economy depends. For example, marine and aquatic invasive species cost our economy billions of dollars each year in damage to fisheries, tourism, and coastal infrastructure.<sup>7</sup> Another example indicates that coral bleaching has cost the United States an estimated \$4.8 billion over the past 50 years, affecting tourism and fishing, and increasing the vulnerability of coastal areas to storm damage.<sup>8</sup> The proliferation of marine debris along our coasts has significant economic impacts across a number of marine sectors, including tourism, recreation, and fisheries.<sup>9</sup>

Government inefficiencies can add to these problems. For example, of the seafood consumed in the U.S. in 2011, an estimated 91 percent (by value) was imported with half of that coming from foreign aquaculture.<sup>10</sup> In 2011, the U.S. trade deficit in seafood was \$11.2 billion, a number that grows annually.<sup>11</sup> Government inefficiency in the siting, permitting and approval processes for aquaculture may be hindering the domestic aquaculture industry's growth.<sup>12</sup> Beyond threatening jobs and economic stability, poor coordination and ineffective planning can cause increased delays, conflicts, and costs among the growing number of ocean users.

This Plan responds to such challenges by focusing and coordinating action among Federal agencies under their existing authorizations and budgets, and by providing the tools we need to ensure a robust, sustainable ocean economy. It also promotes better science and information to support economic growth, more efficient permitting and decision-making, and healthier and more resilient marine ecosystems that will continue to support jobs, local economies, and a skilled and diverse ocean workforce.

A healthy marine environment provides significant economic benefits. For example, millions of Americans experience the ocean, coasts, and Great Lakes each year through recreational fishing and boating, which is a major contributor to the national economy. In 2010, marine tourism and recreation accounted for 70 percent of the jobs produced by the total ocean economy—1.9 million American jobs in total.<sup>13</sup> As such, maintaining healthy, productive waters and access to them for recreation and other activities is critically important to sustaining the benefits that so many Americans enjoy. The recreational fishing and boating communities directly contribute to and help fund (through excise taxes and license sales) many marine conservation, State wildlife and fishery programs, and other initiatives that provide further benefits through vehicles such as the Sport Fish Restoration and Boating Trust Fund. These are just some examples of the value provided by healthy marine waters.

The following actions will support existing and new marine industries, maintain and enhance the vitality of coastal communities and regions, and preserve the marine ecosystems that support our quality of life.

## Supporting Economic Growth

Businesses, communities, and governments that rely on ocean resources need high-quality scientific information and data. Greater access to high-quality data and information will enable maritime industries, resource managers, and decision makers at all levels of government to make responsible and effective decisions. Federal agencies will take the following actions that strengthen the national economy through enhanced accessibility to data and information and robust, sustained observing systems.

- **Advance our mapping and charting capabilities and products to support a range of economic activities.** To sustain the flow of the trillions of dollars of goods that pass through our ports and the many businesses that rely on the ocean, our coasts, and Great Lakes, agencies will coordinate to produce better mapping and charting products, which serve to preserve, protect, and expand our Nation's maritime economic activities. Improved mapping, charting, and associated products will enhance the efficiency of maritime commerce through safer navigation and better accident-avoidance, and updated hydrographic charts and seafloor maps will support marine industries such as offshore energy. These products will also provide coastal

communities with better elevation and bathymetric data to plan for and mitigate the adverse economic impacts of disasters.

- **Provide greater accessibility to data and information to support commercial markets and industries, such as commercial fishing, maritime transportation, aquaculture, and offshore energy.** Agencies will take a series of actions to facilitate the availability of relevant ocean data to provide easier access to information for research, planning, and decision support. Further, agencies will utilize public input, local and traditional knowledge, and scientific information to help identify and communicate the economic value of ecosystem services, such as healthy and productive wetlands that support spawning, breeding, and feeding of commercially and recreationally important fish species. This information can help decision makers consider the value of these services when evaluating actions that may impact the economy.
- **Sustain and further develop observing systems for the economic benefit of maritime commerce and marine industry.** Federal agencies will support the development and maintenance of ocean observing systems. Real-time information on waterway conditions from ocean, coastal, and Great Lakes observing systems such as the Physical Oceanographic Real-Time System directly supports the daily operations and efficiency of maritime commerce nationwide, as well as local and regional businesses that rely on the marine environment. Continued development of Federal ocean observing programs will stimulate private sector ocean technology development and provide a rigorous test-bed for new innovations.

## Promoting Jobs

Ocean industries are a major employer. In 2010, U.S. commercial ports supported more than 13 million jobs.<sup>14</sup> Similarly, in 2011, commercial fisheries supported 1.2 million jobs and \$5.3 billion in commercial fish landings, and marine recreational fisheries supported 455,000 jobs.<sup>15</sup> As of March 2012, energy and minerals production from offshore areas accounted for about \$121 billion in economic contributions to the U.S. economy and supported about 734,500 American jobs.<sup>16</sup> Offshore wind energy has the potential to directly support 20.7 jobs for every megawatt-hour generated. Installing 54 gigawatts of offshore wind capacity in U.S. waters would create more than 43,000 permanent operations and maintenance jobs.<sup>17</sup> There is significant potential along the Nation's shorelines to create a large number of coastal restoration jobs that recover degraded habitats and restore the fisheries and recreational opportunities they provide. For every million dollars invested, coastal restoration creates between 17 and 30 new jobs for coastal regions—regions that provide key habitat for more than 70 percent of the commercial and recreational fish catch.<sup>18</sup> Marine aquaculture in the U.S. has a farm-gate value of \$320 million<sup>19</sup> and supports up to 35,000 jobs.<sup>20</sup> Supporting the growth of sustainable marine aquaculture through the National Shellfish Initiative and building on existing efforts such as the Gulf of Mexico Fishery Management Council's Aquaculture Plan has the potential to provide additional jobs.

The following actions by Federal agencies will help maintain existing jobs and promote job growth in coastal and marine-related sectors by improving regulatory efficiency, reversing environmental impacts that hinder economic opportunity, and providing information that supports actions to maximize the



economic value of our natural resources. The goal of these actions is to enhance both immediate and long-term potentials for job creation.

- **Increase efficiencies in decision-making by improving permitting processes and coordinating agency participation in planning and approval processes.** A key goal of the Policy is to improve efficiency across Federal agencies, including permitting, planning, and approval processes to save time and money for ocean-based industries and decision makers at all levels of government while protecting health, safety, and the environment. Interagency work already in progress includes more efficient permitting of shellfish aquaculture activities, which will help produce additional domestic seafood and jobs and provide a template for similar action to support other marine commercial sectors. Through pilot projects developed in collaboration with relevant stakeholders, Federal agencies will identify opportunities to streamline processes and reduce duplicative efforts while ensuring appropriate environmental and other required safeguards.
- **Provide jobs and economic value by protecting and restoring coastal wetlands, coral reefs, and other natural systems.** Restoration activities provide direct economic opportunities, and healthy natural systems support jobs in industries such as tourism, recreation, and commercial fishing. Agencies will coordinate to protect, restore, and enhance wetlands, coral reefs, and other high-priority ocean, coastal, and Great Lakes habitats. Agencies will also work through the already established a National Shellfish Initiative with commercial and restoration aquaculture communities to identify ways to both responsibly maximize the commercial value of shellfish aquaculture and achieve environmental benefits such as nutrient filtration and fish habitat.
- **Prevent lost employment opportunities and economic losses associated with environmental degradation.** Hypoxia and harmful algal blooms have significant adverse economic, public health-related, and ecological consequences. Invasive species are a major challenge that results in economic losses to local communities and industries, costing the Nation more than \$120 billion annually.<sup>21</sup> Federal agencies will take steps to prevent and reverse widespread economic impacts caused by hypoxia, harmful algal blooms, invasive species, and other threats to healthy systems. They will take action to strengthen the monitoring, science, data access, modeling, and forecasting of hypoxia and harmful algal blooms to provide decision makers with the necessary information to minimize and mitigate harmful impacts on coastal economies. Federal agencies will take actions to improve our ability to detect and reduce invasive species in coastal and ocean habitats to protect commercial and recreational fish stocks, help sustain the jobs and industries that depend upon healthy coastal aquatic ecosystems, and save millions of dollars in lost revenue and avoided infrastructure damage.

## Developing a Skilled Ocean Workforce

A diverse workforce with interdisciplinary skills and training is needed to maintain the Nation's place as a world leader in ocean science and to ensure informed management and use of ocean, coastal, and Great Lakes resources. Agencies will coordinate to build the science, technology, engineering, and mathematics (STEM) and managerial workforce capacity needed to ensure that management of and research on ocean, coastal, and Great Lakes ecosystems are of the highest quality possible.

- **Develop human capacity and the skilled workforce necessary to conduct ocean research and manage ocean resources.** Agencies will coordinate to ensure that educational programs include diverse student groups and that a highly competent workforce is developed. Agency actions will result in more students, particularly from underrepresented groups at the undergraduate and graduate level, pursuing academic fields related to ocean, coastal, and Great Lakes science and management. This will support the Nation's leadership in ocean research and development and the application of best management practices. For example, agencies will use existing education and training resources to provide scholarship, fellowship, and internship opportunities that leverage existing Federal investments in ocean research, marine laboratories, and natural sciences to provide opportunities for education and training. Agencies will also contribute to periodic ocean-focused academic competitions for middle and high school students that have a positive impact on ocean-related career paths.



### III. Safety and Security

The ocean, our coasts, and Great Lakes are critically important to the Nation's safety and security. Safe, secure, and productive access to, and use of, our maritime domain are essential to maintaining military strength, a strong economy, and a high quality of life for all Americans. Marine waters comprise the physical boundaries of our Nation, support the mobility and training of our Armed Forces, and provide an economically vital foundation for energy, commerce, tourism and recreation, commercial and recreational fishing and boating, and other industries. For many Native and tribal communities and coastal residents, these waters directly sustain life and cultures. It is fundamentally in our Nation's best interest to better understand, protect, and sustain these waters.

Industry, government, academia, and the public conduct numerous activities on our coastlines and in the ocean and Great Lakes for a variety of purposes. By improving effective coordination and situational awareness, these comingled activities will take into consideration the safety and security of our people, property, and the health of the marine environment. Federal agencies will work together to improve our overall awareness of the maritime domain, be responsible stewards of the marine environment, and enhance the safety and security of our ports and waterways.

International cooperation is equally important. United States accession to the Convention on the Law of the Sea (Convention) is critical to protecting our navigational rights and freedoms, both for military vessels and for civilian vessels and their cargoes, and to advancing our economic interests in the ocean. The Convention accords to the United States extensive offshore resource rights, including exclusive rights to natural resources such as oil, gas, and fish, out to 200 nautical miles from shore, and additional rights to seabed resources, including oil and gas, beyond 200 nautical miles in several large areas. Accession to

the Convention also means that the United States would have the opportunity to place U.S. nominees/designees on various Convention bodies, including those developing the rules governing mineral resources in the deep seabed, and those making recommendations regarding Parties' submissions on the continental shelf beyond 200 nautical miles. Joining the Convention will advance our national interests by protecting and enhancing our access to the ocean and important natural resources.

## Improving Maritime Domain Awareness

A solid understanding of the wide range of activities, infrastructure, and environmental conditions that occur in the ocean, coastal, and Great Lakes ecosystems enables informed reactions and responses to events that occur in those waters. Maritime domain awareness is achieved by efficiently collecting and sharing information and by improving the Nation's infrastructure for ocean observing and remote sensing systems. It is also important to focus on greater collaboration with the international community to enable better sharing of information, expertise, and knowledge with other nations.

- **Enhance remote sensing systems for ocean observations to support maritime domain awareness.** Federal agencies will optimize use of enhanced remote sensing systems for ocean observations to improve awareness of real-time oceanographic, meteorological, and ecological conditions in the maritime domain. An integrated system of remote sensing assets designed for ocean observations will assist decision-makers by providing a more complete picture of the marine environment.
- **Engage internationally to exchange information, expertise, and knowledge about policy issues in the maritime domain.** The United States will collaborate with international organizations and bodies, such as the International Maritime Organization and Intergovernmental Oceanographic Commission, and with other nations, in exchanging information, expertise, and knowledge to address high-priority ocean policy issues. These efforts will improve awareness of activities in the maritime domain, especially among those nations sharing a maritime border with the United States, and enhance our ability to address high-priority ocean policy issues efficiently and effectively.

## Providing Maritime Safety and Security in a Changing Arctic

The Arctic is rapidly changing. One of the most dramatic changes is the decrease in sea ice, which is likely to increase vessel traffic in the U.S. Arctic. Commercial vessels may capitalize on more expeditious routes, cruise ships and recreational vessels are expected to bring more tourists to the region, fishing grounds are shifting, and oil and gas companies are moving forward with exploration activities and obtaining leases to drill into the Arctic seabed. This brings a need for improvements to our Arctic communication systems and environmental response management capabilities; our ability to observe and forecast sea ice; and the accuracy of maps and charts of the region. Our maritime safety and security in the Arctic hinge upon these actions.

- **Enhance communication systems in the Arctic to improve our capability to prevent and respond to maritime incidents and environmental impacts.** Federal agencies will improve Arctic communication systems by advancing both technical capabilities and partnerships.

Agencies will strengthen existing communication systems to allow vessels, aircraft, and shore stations to effectively communicate with each other and to receive information such as real-time weather and sea ice forecasts that will significantly decrease the risk of loss of life at sea or damage to property or the marine environment. Agencies will partner with each other, Native communities, industry, and other countries as appropriate to identify user needs and existing capabilities prior to building new communication systems.

- **Improve Arctic environmental incident prevention and response to ensure coordinated agency action, minimize the likelihood of disasters, and expedite response activities.** Increased Arctic vessel traffic brings increased risks of collisions, groundings, and other serious marine incidents that can lead to loss of life and property and damage the marine environment. A coordinated and prepared all-hazards response-management system will mitigate the impacts of marine-pollution events on fragile Arctic communities and ecosystems. To improve responses, Federal agencies will conduct joint spill-response workshops and exercises, develop and implement response coordination and decision-support tools like the Arctic Environmental Response Management Application, and improve spill prevention, containment, and response infrastructure, plans, and technology for use in ice-covered waters.
- **Improve Arctic sea ice forecasting to support safety at sea.** Sea ice forecasting is one of the most urgent and timely issues in the Arctic region. To ensure the best tactical and long-term ice forecasts are available for safe operations and planning, Federal agencies will work together to better quantify the rates of sea ice melt and regrowth, understand shifting patterns of distribution of ice, develop better maps of the ice edge, expand participation in the sea ice observation program, and coordinate with international partners to enable better model-based forecasting over larger areas. Improved observations will contribute to improved forecasts, which will better inform Arctic maritime safety and security activities.
- **Improve Arctic mapping and charting for safe navigation and more accurate positioning.** Advancements in hydrographic charting will enhance the safety of navigation in the Arctic region by reducing the risk of damaging maritime incidents. Federal agencies will update nautical charts and establish priorities, in concert with Native communities and stakeholders, for shoreline and hydrographic surveying activities. Further, mapping gravity data over the State of Alaska will help correct meters-level errors in Arctic positioning. Such efforts will support U.S. Navy and U.S. Coast Guard operations and help ensure the safety and security of all mariners in the Arctic.

## Enhancing the Safety and Security of Ports and Waterways

The safety and security of our people, property, and the marine environment and the viability of maritime commerce rely on safe, efficient, and secure navigation and waterways management systems. This includes effective planning for and response to emerging threats to our ports and harbors from illegal human activities, climate change, and extreme weather events or other natural disasters. Federal agencies will conduct several actions that leverage existing resources in a coordinated manner to ensure the

safety and security of all those who make a living from, enjoy through recreation, and rely on the health and vitality of our ports and waterways.

- **Conduct Waterway Analysis and Management System assessments and Port Access Route Studies to support decisions on waterways management and other navigational priorities.** The safe and secure navigation of commercial, recreational, and government vessels in and out of our Nation's ports depends on accurate and timely assessments of our waterways. Federal agencies will evaluate the performance of our waterways management systems on a consistent basis to identify the improvements needed to ensure the safety and security of our maritime public, the economic vitality of our ports, and the integrity of our marine ecosystems.
- **Assess the vulnerability of our ports and waterways to sea-level rise and extreme weather events or other natural disasters and enable actions that more effectively reduce risks and impacts.** The Nation's ports and waterways infrastructure support many economic, safety, and security activities. A better understanding of the potential impacts of climate change on our ports and waterways will prepare us to respond and adapt accordingly in order to preserve critical assets. Vulnerability assessments are critical to understanding how extreme weather, sea-level rise, and other manifestations of climate change may affect our coastlines. Federal agencies will conduct such assessments, in collaboration with State, tribal, local, and regional efforts. Federal agencies will develop and disseminate methods, best practices, and standards for assessing the resilience of natural resources, populations, and infrastructure in a changing climate.
- **Advance ocean observing systems to further enhance search and rescue operations and spill response in our ports and waterways.** Ocean observing systems provide real-time and near real-time oceanographic, meteorological, and ecological data, which feed into search and rescue and oil spill trajectory models. The reliability, quality, and resolution of ocean observing system data have a direct impact on the model output, which influences operational decisions for search and rescue and oil and hazardous substance spill response. Advancing the capabilities and reliability of our ocean observing system infrastructure will further protect life, property, and the marine environment in our economically vital ports and waterways.





## IV. Coastal and Ocean Resilience

The health and integrity of coastal habitats—such as coral reefs, wetlands, mangroves, salt marshes, and sea grass beds—are key to sustaining our Nation’s valuable coastal and ocean ecosystems and the wealth of benefits they provide to us. Outdoor enthusiasts across the Nation access coastal habitats for fishing, boating, birding, and hiking; communities depend on coastal wetlands as buffers against hurricanes; divers and snorkelers enjoy the beauty of coral reefs; and commercial fishermen provide fresh seafood for our tables. Coastal habitats provide spawning grounds, nurseries, shelter, and food for finfish, shellfish, migratory birds, and waterfowl. They protect coastal communities, homes, infrastructure, and businesses against damage from erosion and flooding, they support hundreds of thousands of jobs, they improve water quality by filtering and detoxifying runoff, they dampen the outbreak of pests and pathogens, they capture and store carbon, and they yield compounds for life-saving medicines. Healthy watersheds and coasts sustain our Nation by providing abundant clean water to coastal communities, residents, businesses, industries, and ecosystems.

Degradation of coastal habitats and ecosystems diminishes their health and their ability to provide environmental, economic, and societal services to the Nation. Our Nation lost nearly 60,000 acres of coastal wetlands each year between 1998 and 2004.<sup>22</sup> Roughly half of the coral reefs under U.S. jurisdiction are in “poor” or “fair” condition because of ocean warming, disease, and human activities.<sup>23</sup> Habitats are being altered by invasive species that threaten native aquatic life and cost billions of dollars per year in natural and infrastructure damage.<sup>24</sup> Trash in the Nation’s waterways injures and kills wildlife, degrades habitats, interferes with navigation, threatens public health and safety, and creates additional costs for shipping, fishing, tourism, and coastal communities. Pollution from a variety of sources affects our

streams, rivers, estuaries, and coasts, and is the leading cause of water quality problems in the United States. Such pollution represents a major cause of rapidly declining ocean and coastal ecosystem health.

These threats are exacerbated by the environmental impacts of climate change and ocean acidification and the resulting shifts in wildlife populations and abundance. Sea-level rise, increased severe storm events, changing ocean temperature, and saltwater intrusion present serious and growing threats to low-lying coastal communities through the destruction of infrastructure, flood inundation, loss of arable land, and the potential displacement of millions of people.<sup>25</sup> Climate change is also predicted to alter water levels of the Great Lakes, thereby changing water cycles and supply, habitats, and economic uses of the Lakes. Ocean acidification, caused by increased levels of carbon dioxide that make marine waters more acidic, can harm the growth of plants and animals, including recreationally and commercially important fish and shellfish. Marine industries such as shellfish aquaculture, and the jobs and communities they support, face increased impacts from the changing chemistry of our marine waters.

Federal agencies will work together to support the various national, State, tribal, and local efforts to prepare for, respond to, and mitigate or avoid the degradation and loss of ocean and coastal habitats, water quality, and ecosystems through improved capabilities, proactive stewardship, strengthened research, and enhanced collaboration. Agencies will also enable and support efforts to understand, minimize, and adapt to the impacts of climate change, ocean acidification, sea-level rise, and extreme weather events, strengthening the resilience of coastal communities.

## Reducing Adverse Conditions

Through National Ocean Policy actions, thousands of acres of wetlands and priority habitat will be protected, restored, or enhanced. Our Nation's coral reefs will be improved by better coordinating existing authorities and implementing projects to prevent or mitigate harmful impacts. Actions to support partnerships and efforts to locate, monitor, control, and eradicate invasive species will protect native aquatic populations and their habitats. Collaborative watershed restoration efforts are important to the overall success of coastal and marine habitat conservation. Restoration efforts in the Gulf Coast, Mississippi River Basin, and Great Lakes, and for Pacific Northwest salmon are excellent examples of collaborative, voluntary upland watershed conservation and restoration.

- **Reduce coastal wetland loss.** Federal agencies will work together and in cooperation with States and tribes to identify the underlying causes of wetland loss in coastal watersheds, and opportunities to more effectively protect and restore the important functions and values they provide. Agencies will conduct pilot studies to identify the most common underlying factors responsible for coastal wetland loss and the most successful tools for addressing it. These actions will complement ongoing State, local, and tribal government projects seeking to protect and restore coastal wetland ecosystems such as the Gulf Coast Ecosystem Restoration Council and the South Florida Ecosystem Restoration Task Force.
- **Protect, conserve and restore coastal and ocean habitats.** Agencies will coordinate to use and provide scientifically sound, ecosystem-based approaches to achieving healthy coastal and ocean habitats. For example, working through the U.S. Coral Reef Task Force, agencies will coordinate to address key threats to coral reef ecosystems, including impacts from land-based



sources of pollution, climate change, ocean acidification, planned activities (authorized activities), and unplanned activities (such as vessel groundings and spills).

- **Locate, control, prevent, and eradicate invasive species populations.** Federal agencies will improve our ability to prevent and reduce impacts from invasive species, focusing on early detection and response, to protect ecologically, commercially, recreationally, and culturally, important marine species and their habitats.
- **Improve and preserve our Nation's coastal and estuarine water quality to provide clean water for healthier waterways, communities, and ecosystems.** Through more effective use of voluntary programs, partnerships, and pilot projects, agencies will work to reduce excessive nutrients, sediments, and other pollutants. Agencies will also help protect, conserve, and maintain high-quality coastal waters by identifying priority areas for water quality monitoring and assessment and providing financial assistance to private landowners seeking to apply voluntary conservation practices. Other actions will reduce the impacts of hypoxia and harmful algal blooms faced by many coastal and inland States.

## Preparing for Change

Agencies will take a number of actions to improve the resilience of coastal communities and enhance their ability to adapt to the impacts from climate change, extreme weather events, and ocean acidification. Agencies will develop estimates for global mean sea-level rise and make available coastal inundation and sea-level change visualizations and decision-support tools relevant to regional, State, tribal, and local decision-makers. They will offer tools and training courses on how to design and implement vulnerability assessments and develop a national assessment of coastal and ocean vulnerability to both climate change and ocean acidification.

Actions will be conducted in coordination with other Federal climate change and ocean acidification programs and strategies, including the National Action Plan for Managing Freshwater Resources in a Changing Climate, the National Fish, Wildlife and Plants Climate Adaptation Strategy, the Strategic Plan for Federal Research and Monitoring of Ocean Acidification, the U.S. Global Change Research Program, the National Climate Assessment, and the Interagency Climate Change Adaptation Task Force. To the extent appropriate, these actions will also be coordinated with and guide relevant Federal Emergency Management Agency efforts such as national preparedness, disaster response and recovery, and flood hazard map development.

- **Strengthen and integrate observations into a coordinated network of sentinel sites to enhance the Nation's ability to provide early warnings, risk assessments, and forecasts for impacts.** Federal agencies will strengthen and integrate observations from the Nation's protected areas, research sites, and observing systems into a coordinated network of climate sentinel sites. This is an efficient and effective way to provide decision-makers with the information they need to reduce risks and increase resilience of ocean and coastal environments and communities in a changing climate.
- **Determine the impacts of interacting stressors on ecological systems, economies, and communities.** Agencies will develop an integrated research agenda to help address gaps in

our current understanding of impacts due to multiple, interacting factors, and build a foundation for the development of models, tools, and services to better inform future planning and decisions and improve implementation of existing policies. This integrated, interdisciplinary agenda will provide information for better forecasts of changes in ecological, economic, and social systems due to climate change and ocean acidification, and improved effectiveness of adaptation actions, with the goal of reducing risks and negative impacts on communities. For example, enhanced sea-level rise projections can inform the development of flood hazard maps.

- **Assess the vulnerability of coastal communities and ocean environments to climate change and ocean acidification and, in partnership with tribes, coastal communities and States, design and implement adaptation strategies to reduce vulnerabilities.** Agencies will develop methods, best practices, and guidance for assessing the vulnerability and resiliency of resources to a changing climate, building off existing efforts such as the National Climate Assessment. These tools will allow decision makers to assess local vulnerability, avoid actions that increase vulnerability of human communities or degrade natural resources, and take actions that increase resilience of both natural systems and communities. Agencies will also strengthen the institutions, mechanisms, and capacities for systematically enhancing resilience to hazards and incorporating adaptation strategies for coastal and ocean species and habitats into future planning, management processes, and infrastructure investments.

## Recovering and Sustaining Ocean Health

Agencies will take a number of actions to significantly improve our Nation's capacity to address the long-term challenges and impacts of natural and human-caused environmental changes. These actions will strengthen collaboration through scientifically sound ecosystem-based management.

Effective management of activities that affect ocean health requires considering several inter-connected functions of ocean ecosystems, the resources they provide, and how human activities impact both the ecosystems themselves, and the communities that depend on them. Most previous management approaches have focused on a single resource or issue and designed solutions focused on that resource or issue alone. For example, the conventional approach to managing fisheries has been to focus on a single species and work to ensure its availability, primarily by limiting how many of them can be caught. Integrated, ecosystem-based management goes further and supports the goal of having a greater abundance, distribution, and diversity of fish, more jobs, and thriving fishing communities by also addressing the food sources and ecosystems that fish need to grow and the factors that affect them. By understanding those connections, managers can make decisions that support all components of the system, so there can be more fish overall. Federal fishery managers are already applying a more integrated management approach, but it does not include consideration of non-fishery factors, such as water quality, that affect fisheries.

Together, the following actions will provide a lasting foundation for enhancing the many vital benefits our Nation derives from healthy ocean, coastal, and Great Lakes ecosystems.

- **Establish a framework for collaboration and a shared set of goals to promote ecosystem-based management.** Agencies will increase their collaboration with other levels of government,

experts, practitioners, and stakeholders to enhance the efficiency, consistency, and transparency of their development and implementation of ecosystem approaches to management based on existing statutes and regulations. Agencies will develop principles, goals, and performance measures that support the development of integrated ecosystem-based management.

- **Improve coastal and estuarine restoration efforts through better monitoring, coordination, and planning.** Monitoring restoration efforts provides important data and information to improve the science of restoration and track the societal benefits of restoration activities, such as increased fish populations and enhanced protection of coastlines from storms. Federal agencies that fund and implement coastal and estuarine habitat restoration projects will evaluate and track these efforts to ensure that they are efficient and effective.
- **Improve the Nation's preparedness for, and response to, environmental hazards through better forecasts, increased and more integrated monitoring, and strengthened preparedness.** Agencies will establish a Health Early Warning System that alerts public health officials and managers to marine-related threats to human and ecosystem health from diseases, toxins, and pathogens. To enhance our Nation's food safety and security, other actions will augment contaminant monitoring and disease surveillance programs in a target region, and develop new, rapid assessment methods to detect contaminants and spoilage in seafood. Further actions will also reduce the negative impacts of trash and marine debris by enhancing non-regulatory prevention, reduction, and removal methods through methods such as community-based grants. In addition, agencies will develop and implement a coordinated response management system to better protect Arctic communities and ecosystems from potential oil spills and other pollution events.
- **Protect significant natural and cultural marine and Great Lakes areas and sufficient habitat to ensure maintenance of ecosystem processes.** Identifying ecologically important and culturally significant areas for focused protection or management supports the long-term sustainability of ocean resources. Several Federal agencies have processes by which to identify important marine areas for management or protection under existing authorities. Agencies will address, with input from State, tribal, regional, local, and stakeholder interests, the protection of essential fish habitat and support reactivation of the National Marine Sanctuary Site Evaluation List. This List is a public process tool for evaluating marine areas that may be considered for national marine sanctuaries in a transparent and public way.



photo: Dawn Standifur

## V. Local Choices

Throughout the U.S., there are myriad tribal, State, regional, and local efforts to support and grow marine economies, protect and conserve the environment that supports quality of life, and sustain unique social and cultural identities. Priorities, however, vary across regions, as do the ways in which different regional actors choose to address them.

All regions share an interest in growing their economies and providing jobs that support strong communities, which they address through a diverse and often unique array of marine uses. For example, their interests range from conventional to renewable energy, they have different commercial and recreational fisheries, and they offer distinct tourism and recreational activities. They also have different priorities for environmental protection and the use of ocean resources. In the Pacific and Caribbean, coral reef ecosystem conservation is a focus area, while in the Pacific Northwest, addressing the impacts of ocean acidification on local shellfish growers is a top priority. In the Gulf of Mexico, efforts are underway to minimize the impacts of harmful algal blooms on human health, while in the Great Lakes, States are working to control invasive species to minimize the damage they cause to commerce, municipal infrastructure, and the Great Lakes ecosystem.

In Arctic communities, adapting to the impacts of climate change is a regional priority, while Chesapeake Bay communities focus on approaches to improve water quality. Regardless of the specific issues being addressed, communities and stakeholders need more and better information and coordinated and responsive Federal agency actions that address locally relevant issues. Actions under the National Ocean Policy provide tools and services that support and build on action at local, State, tribal, and regional scales. These will strengthen partnerships across all levels of government and with regional and local stakeholders and communities.

## Providing Tools for Regional Action

Science and data provide the building blocks for information and tools to support tribal, State, local, and regional action. Efficient access to observations and information is improving our ability to understand and predict ecosystem events—such as a loss or change in habitat or coral bleaching—as well as long-term planning and decision-making. Pilot projects focused on ecosystem-based management allow scientists, managers, and stakeholders to account for and address the many factors that affect how ecosystems work, at a manageable scale and in the context of relevant issues. More efficient discovery of, and access to, information improves the ability of tribal, State, local, and regional planners to understand, predict, and prevent or mitigate events. Assessing vulnerability is yet another crucial step in preparing for and responding to the impacts of climate change, ocean acidification, and extreme weather on ocean environments and coastal communities.

- **Identify and implement pilot projects that use an ecosystem-based approach to partnering in the stewardship of ocean and coastal resources.** In collaboration with local, regional, and tribal practitioners, agencies will identify and conduct pilot projects that incorporate best practices for ecosystem-based management, test on-the-ground effectiveness of decision-support tools, and demonstrate the practical utility of ecosystem-based approaches. Pilot projects will determine what additional data, tools, and training are required, identify how the collaborative and scientific frameworks may need to be altered to be more useful, and enable decision-makers and managers to understand how ecosystem-based management can be most effectively implemented at regional scales relevant to address specific resource management objectives.
- **Assess the vulnerability of communities and ocean environments to climate change and ocean acidification and support and implement adaptation strategies to promote informed decisions.** Agencies will develop best practices and guidance for assessing the vulnerability and resilience of communities, infrastructure, and resources to a changing climate and ocean acidification, and will develop and promote adaptation tools and strategies to help coastal communities address these risks. These tools will enable decision-makers at all levels of government to assess local vulnerability, inform near-term and long-term investments, and avoid actions that increase vulnerability.
- **Expand and improve discovery of and access to non-classified Federal data and decision-support tools, including ocean and coastal mapping products, to support local, tribal, State, and regional decision-making.** Not all existing Federal data are easily accessible or in a useable format for regional decision-making and planning purposes. Agencies will coordinate to make unrestricted Federal data publicly available in a standards-based format through a national data portal (ocean.data.gov). This central portal for planning-related ocean, coastal, and Great Lakes data will allow for easy discovery and access to data and derived products which support the further development of new and/or improved decision-support tools for planners at all levels of government.



## Strengthening Regional Partnerships

Federal agencies will work to strengthen and leverage existing regional partnerships and to build new ones. Agencies will honor the government-to-government relationship, trust obligations, and consultation responsibilities of the Federal government with Federally-recognized tribes and expand partnerships with tribes and Native communities. Agencies will also partner with and assist States in advancing the network of regional alliances to protect ocean, coastal, and Great Lakes health. Partnerships with local governments and private interests are also needed to leverage limited resources.

Existing regional ocean and Great Lakes partnerships are voluntary, usually multi-state forums established by State Governors that identify shared priorities and take critical action on a range of issues relevant to their region. They have different structures and employ varied methods and approaches to enhance the ecological and economic health of the region. These efforts involve non-governmental stakeholders and multiple State and Federal agencies involved in coastal and ocean management. Federal agency actions will increase communication among ocean sectors, streamline processes, leverage resources, and enhance coordination among all levels of government.

- **Support regional priorities and enhance regional partnerships' ability to address issues of regional importance.** Federal agencies will enhance on-the-ground progress by supporting regional priorities such as data collection and analysis, and by improving coordination among Federal offices based in regions. Agencies will identify opportunities to leverage resources and partner on the continued development and organization of regional alliances and existing partnerships. This will include data collection and analysis needed to advance regional efforts, compile resources available to enhance accomplishment of mutual regional goals, and identify and distribute best management practices that are broadly applicable for all regional ocean and coastal entities (for example, how to effectively engage stakeholders, develop partnerships, identify priorities, develop regional action plans, and measure success).
- **Support engagement of interested tribal authorities and use of tribal information.** Agencies will work with interested tribal governments to support tribal involvement in priority-setting and planning for each region, including the integration of traditional ecological knowledge and scientific data collected by indigenous groups. Agency engagement of and coordination with tribes will ensure that tribal interests, lands, treaty and other reserved rights, and co-management agreements are appropriately considered and included in each region.

## Supporting Regional Priorities

Marine planning is a science-based tool that regions can use to address specific ocean management challenges and advance their economic development and conservation objectives. Marine planning will support regional actions and decision-making and address regionally determined priorities, based on the needs, interests, and capacity of a given region. Just as Federal agencies work with States, tribes, local governments, and users of forests and grasslands, among other areas, marine planning will provide a more coordinated and responsive Federal presence and the opportunity for all coastal and ocean interests in a region to share information and coordinate activities. This will promote more efficient and effective decision-making and enhance regional economic, environmental, social, and cultural well-

being. In turn, regional actions will support national objectives to grow the ocean economy, increase regulatory efficiency and consistency, and reduce adverse impacts to environmentally sensitive areas.

The scope, scale, and content of marine planning will be defined by the regions themselves, to solve problems that regions care about in ways that reflect their unique interests, capacity to participate, and ways of doing business. Marine planning should build on and complement existing programs, partnerships, and initiatives. The intent is to ensure that a region can develop an approach that it determines works best.

This approach balances regional and national interests and recognizes that actions commensurate with regional interests and capacities will provide the most immediate regional benefits. Knowledge and experience will build over time and contribute to achieving national objectives.

- **Support marine planning to advance regionally determined economic, social, environmental, and cultural interests.** States, tribes, and Regional Fishery Management Councils may choose to participate on regional planning bodies established in accordance with the National Ocean Policy Executive Order, this Implementation Plan, and guidance to be released by the National Ocean Council. State, tribal, and Fishery Management Council participation on regional planning bodies is voluntary.

Should all States within a region choose not to participate in a regional planning body within their region, a regional planning body will not be established. Instead, Federal agencies will identify and address priority science, information, and ocean management issues associated with marine planning as described in the Executive Order. In doing so, Federal agencies will coordinate with non-Federal partners and authorities, including States, federally-recognized tribes and Fishery Management Councils, and stakeholders, to ensure that Federal actions support and advance both regional and national objectives.

Marine plans produced by regional planning bodies can provide information about specific issues, resources, or areas of interest to better inform existing management measures. Or, they can describe future desired conditions and provide information and guidance that supports regional action moving forward. Each region has flexibility to build the elements of its plans over time in response to what the region wants to accomplish, the resources available to do the work, and the time it will take to learn what works best in that region. Examples of potential focus areas for marine planning could include, but are not limited to:

- Developing information that facilitates more effective review and permitting among State, Federal, and tribal authorities for a specific class of activity such as offshore energy infrastructure;
- Characterizing environmental conditions and current and anticipated future uses of marine space to assist in siting offshore renewable energy;
- Developing and implementing a plan to acquire data and information to support more efficient management of activities of particular regional interest, such as remote sensing data to support coastal mapping;
- Identifying a specific geographic area and addressing management challenges that would benefit from multi-government resolution;

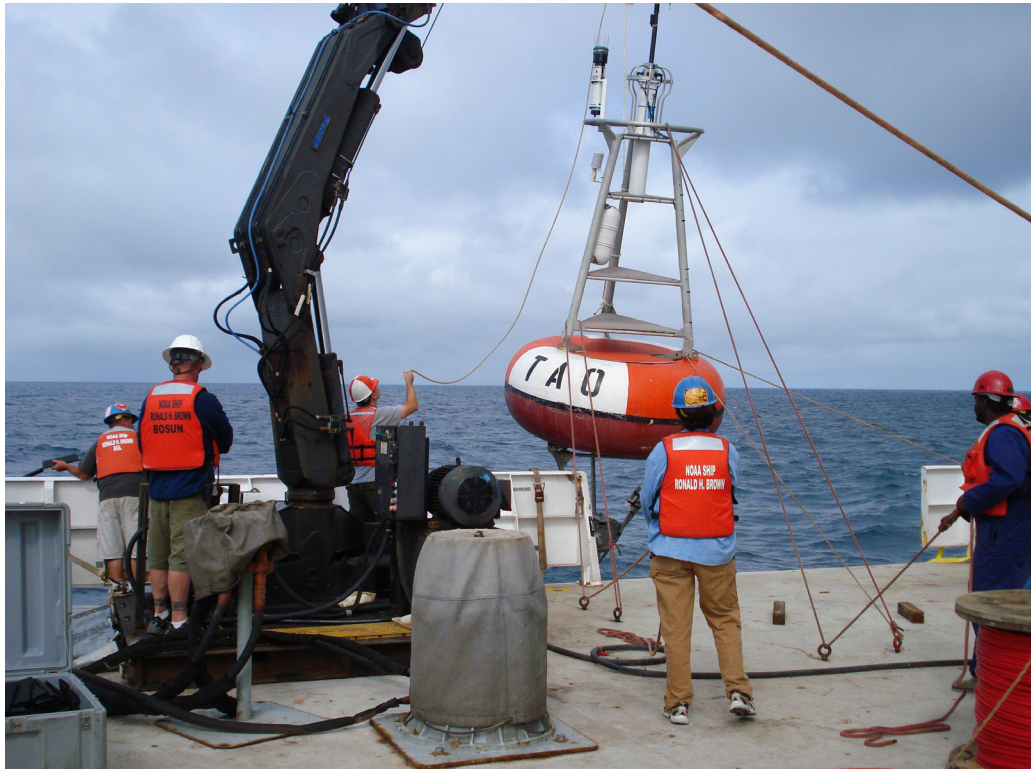
- Identifying and developing information that better informs agency or government-to-government consultations under the Endangered Species Act, Marine Mammal Protection Act, and the National Environmental Policy Act that apply to offshore development activities important to the region; or
- Developing maps and information that inform effective co-location of multiple existing and new ocean uses, such as commercial fishing, military training, and new energy infrastructure development.

Robust stakeholder engagement and public participation are essential to ensure that actions are based on a full understanding of the range of interests and interactions that occur in each region. Consultation with scientists, technical experts, the business community, and those with traditional knowledge is a foundation of marine planning.

Regional planning bodies are not regulatory bodies and have no independent legal authority to regulate or otherwise direct Federal, State, tribal, or local government actions. All activities will continue to be regulated under existing authorities. For example, commercial and recreational fishing will continue to be managed exclusively by the relevant State and Federal fisheries managers and Regional Fishery Management Councils or Commissions.

As an initial action, the National Ocean Council will provide additional guidance to support marine planning in the regions that choose to move forward through regional planning bodies as described above.





## VI. Science and Information

Scientific and technological advances allow us to better understand our world. Building our knowledge allows us to respond more appropriately to new challenges, adapt to changing conditions, and take advantage of emerging opportunities for the benefit of our Nation. Strong science, technology, and engineering capabilities and informed people and communities are the foundation for improving our understanding of the marine environment—from the coasts to the deep sea—and informing our decisions about how best to manage the activities that affect the valuable and multiple resources the marine environment provides.

Sustained scientific research and innovative technologies give us the high-quality information we need to maintain or restore ocean resources, guide development and investment opportunities, safeguard lives and property from marine hazards, enhance national security, prepare for and respond to the impacts of climate change and ocean acidification, improve public health, and protect ocean resources. Advancing our scientific, technological, and engineering capabilities also increases the Nation's competitiveness and helps spur the innovation that drives our economy and improves our quality of life. Ultimately, success in improving the ways we use and manage ocean resources depends on building broad public understanding and recognition of the importance of the ocean, coasts, and Great Lakes to our daily lives and the long-term welfare of our Nation.

The actions in this section will engage partners and stakeholders to provide significant, long-term commitments of scientific, technological, and educational support to address existing priorities and

apply new knowledge to improve our approaches to management and inform our responsible pursuit of opportunities. Discoveries and technological advances will provide data and information to improve decision-making and enhance the effectiveness of management actions. A focus on fundamental research and exploration will ensure continued advances in basic scientific understanding. An informed society will enable innovative and effective entrepreneurship and stewardship. Collectively, these actions will provide information and capabilities needed to support economies, improve human well-being, enhance environmental health, and increase safety and security.

## Enhancing Our Understanding of Ocean and Coastal Systems

For the United States to continue to be a global leader in understanding and acting on the connections between our well-being and the health of the natural environment, we need to continue exploring and expanding our knowledge of the ocean, our coasts, and the Great Lakes. Management and policy decisions must be based in the context sound science provides, through the integration of natural and social science data, information, and knowledge. National Ocean Policy actions will contribute to high-quality science and ensure that information based on that science is made available to guide decisions and actions. Insight gained from scientific research, advances in observations, and innovative technologies will further enable evaluation of trade-offs between alternative management scenarios, enhance our ability to balance competing demands on ecosystems, and strengthen our Nation's economic and scientific competitiveness. At the same time, increasing understanding of the ocean, coasts, and Great Lakes among our people and communities will empower better-informed public stewardship of ocean resources.

- **Advance fundamental scientific knowledge through exploration and research.** Through Federal research and exploration activities and partnerships with non-governmental organizations, new ocean discoveries will expand our knowledge and understanding of oceanic and Great Lakes biodiversity, biogeochemical processes, ecosystem services, and climate interactions. Agencies will use the Ocean Research Priorities Plan, a document built with input from the ocean science and technology community, as a reference in determining research directions. They will conduct expeditions in poorly known or unknown regions of the ocean and Great Lakes. They will also work to incorporate natural, social, and behavioral-science information in decision-support tools, which will enable Federal, State, tribal, regional, and local authorities to manage ocean, coastal, and Great Lakes resources more efficiently and effectively.
- **Advance technologies to explore and better understand the complexities of land, ocean, atmosphere, ice, biological, and social interactions on a global scale.** Environmental observation provides the basis for informing decision-making. New technologies, including improved remote sensing systems, and the coordination among agencies needed to develop and implement them, are critical to improving our understanding of the underlying physical and ecological processes driving the ocean, coasts, and Great Lakes, as well as to identifying more efficient means of monitoring these ecosystems. Federal agencies will evaluate how to most effectively integrate observational data, test and develop ocean sensors and communication standards, and implement data and modeling techniques to support a global observational capability to show how observed variables change over time.

- **Increase ocean and coastal literacy.** Increased public understanding of ocean and coastal science and the importance of the ocean in how our planet functions will empower people and communities to be better stewards of ocean resources and increase awareness of opportunities related to these resources. It will also increase interest in activities to address the issues facing the ocean, our coasts, and the Great Lakes. Agencies will contribute to opportunities for systematic inclusion of ocean topics and concepts into mainstream K-12 and informal education systems. Agencies will also develop content that incorporates the latest ocean science for use in schools, aquariums, science centers, National Parks, and other institutions, and conduct demonstration projects that deliver ocean observing data for schools and other educational opportunities.

## Strengthening Our Ability to Acquire Marine Data and Provide Information

Vital to ocean and coastal research and management in the United States is the availability of modern ships, undersea vehicles, moorings, satellites, laboratories, instruments, and observing systems. Our ability to send sensors and scientists to sea through these facilities and infrastructure provides critical information for protecting human lives and property from marine hazards, enhancing safety and security, understanding and projecting global climate change and ocean acidification, improving ocean health, and providing for the protection, sustainable use, and enjoyment of ocean resources. Improved science and technology will help the scientific community forecast changes with greater certainty and provide guidance for communities, resource managers, and commercial interests alike.

- **Assess the status of the Federal Oceanographic Fleet to inform future planning and to ensure a more efficient interagency approach to managing the Fleet.** The Federal Oceanographic Fleet is a critical national infrastructure that supports Federal agency and academic oceanographic operations, surveys, and research across a broad spectrum of needs. Ships provide access to the sea and Great Lakes and enable us to gather critical information that supports our responsible use and management of marine resources. Federal agencies will use the inventory and status report of the Federal Oceanographic Fleet to identify its capacity to support a range of requirements nationwide, including in the Arctic, such as data collection and research, weather and climate, ocean mapping, and the understanding of ocean and seafloor physical, chemical, geological, and biological processes.
- **Advance and sustain ocean, coastal, and Great Lakes observing system infrastructure to support a variety of users.** The hard infrastructure of our ocean observing systems, which include various sensors and instruments affixed to buoys, gliders, piers, sea walls, and other platforms (e.g., satellites), form the foundation for a national, integrated observing system which yields real-time information about the marine environment, including meteorological, oceanographic, and ecological conditions. Such information is of value to many different users—from commercial and recreational interests to government and academia—on a daily basis for multiple purposes. Federal agencies will work to advance and sustain the infrastructure of ocean observing systems, such as the Integrated Ocean Observing System and the Ocean Observatories Initiative, to ensure their capability, reliability, and longevity in providing valuable data and information to a growing community of users. Federal agencies will also develop

a national ocean observation and monitoring plan to address new autonomous underwater vehicle technologies and sustained monitoring of the water column.

- **Develop an integrated ocean and coastal data and information management system to support real-time observations.** Agencies will coordinate to develop a nationally integrated information management system for our ocean observing systems. We need this system—with supporting interagency data management policies—to realize the full potential and benefits of the Nation’s investment in ocean, coastal, and Great Lakes observing systems. This effort will provide easy access to relevant ocean observing data and information for research, planning, and decision support, and will be closely linked with the national marine planning data portal (ocean.data.gov) and other ocean and coastal data portals and services.
- **Implement a distributed biological observatory in the Arctic to monitor changes and improve our understanding of their socioeconomic and ecosystem impacts.** The effects of Arctic changes and human activity on ecosystems and Alaskans who depend on them are poorly understood. Continued observations are needed to form a basis of understanding of the changing processes in the Arctic region. Agencies will continue to develop and deploy a distributed biological observatory, or an array of sites for consistent monitoring of biophysical responses in the Arctic marine environment, as a component of the integrated Arctic Observing Network. Regional collaboration and partnerships will increase our capacity to monitor and assess changing environmental conditions and support improved management of Arctic coastal and ocean resources.

## Improving Science-based Products and Services for Informed Decision-Making

High-quality science and information are the foundation for the development of new and improved products and services, including decision-support tools and information displays, which can help inform the decisions at all levels of government working to protect and sustain our economy and environment. Federal agencies will pursue the following actions to enable all interests and decision-makers to make the best-informed decisions possible.

- **Improve the science framework to support decision-making.** Implementing ecosystem-based management will require support from all available scientific tools and methods (e.g., observing, monitoring, synthesizing, hypothesis testing, modeling, predicting, and reporting). Agencies will identify gaps in the basic natural and socioeconomic data needed to advance development and practice of ecosystem-based management, and develop plans to fill them, and engage partners and stakeholders in development of guidelines and best practices.
- **Provide the high-quality data and tools necessary to support science-based decision-making and ecosystem-based management.** Robust decision-support tools and processes will provide information derived from natural and social sciences and traditional knowledge to support timely and effective decision-making. To the degree practicable, these tools and processes will take advantage of and build upon Federal, State, tribal, regional, and local data

portals and regional data sharing systems, and be coordinated with other Federal data policies and initiatives.

- **Develop and share decision-support tools to identify coastal land protection and restoration priorities.** Developing and sharing decision-support tools will promote better coordination between Federal agencies and local, State, regional, and tribal entities in identifying protection and restoration priorities across the coastal landscape. As a pilot project, Federal agencies will complete the initial build-out of a Chesapeake Bay decision-support tool system and institute collaborative partnerships within the Bay to support coastal land conservation and restoration planning.





photo: Ernest Koe

## VII. Conclusion

This Implementation Plan identifies practical, efficient, and responsible actions that Federal agencies will take to support healthy, productive, and resilient ocean, coastal, and Great Lakes waters, thriving coastal communities, and a robust, safe, and secure marine economy. The Plan will strengthen and build on existing relationships, help forge new partnerships, and enable broad participation from stakeholders and the public in decisions that impact the oceans, coasts, and Great Lakes. Fundamentally, it will provide the science and tools our Nation needs to sustain and enhance the quality of life for all Americans.



## Endnotes

1. Throughout the Implementation Plan, the term “State” includes Puerto Rico, the U.S. Virgin Islands, Guam, the Commonwealth of the Northern Mariana Islands, and American Samoa.
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# National Ocean Policy Implementation Plan

Agenda Item C.4.a

## *Marine planning* Attachment 2

June 2013

The Implementation Plan supports voluntary regional marine planning, which brings together ocean users to share information to plan how we use and sustain ocean resources.

Marine planning is a science-based tool that regions can use to address specific ocean management challenges and advance their economic development and conservation objectives. It builds on and complements existing programs, partnerships, and initiatives, and engages stakeholders and the public.

Regions that choose to move forward will define the scope, scale and content of their efforts in accordance with their needs, interests, and capacities. Neither the National Ocean Policy nor marine planning creates or changes regulations or authorities.



Examples of effective marine planning in action include:

- Oregon has mapped resources and commercial and recreational uses to identify gaps in information and to avoid potential conflicts for wave energy;
- After finding overlap between migration routes for critically endangered right whales and shipping lanes, Massachusetts shifted the lanes to avoid dangerous and costly ship strikes; and
- Rhode Island has identified key resources and uses, like fishing and military needs, so that offshore wind energy can be sited in the best places with the least conflict.

*The vision of the National Ocean Policy is an America whose stewardship ensures that the ocean, our coasts, and the Great Lakes are healthy and resilient, safe and productive, and understood and treasured so as to promote the well-being, prosperity, and security of present and future generations.*

# National Ocean Policy Implementation Plan

## *Marine planning*

*Excerpts from the Implementation Plan:*

“The scope, scale, and content of marine planning will be defined by the regions themselves, to solve problems that regions care about in ways that reflect their unique interests, capacity to participate, and ways of doing business.”

“Marine planning should build on and complement existing programs, partnerships, and initiatives. The intent is to ensure that a region can develop an approach that it determines works best. This approach balances regional and national interests and recognizes that actions commensurate with regional interests and capacities will provide the most immediate regional benefits. Knowledge and experience will build over time and contribute to achieving national objectives.”

“Robust stakeholder engagement and public participation are essential to ensure that actions are based on a full understanding of the range of interests and interactions that occur in each region. Consultation with scientists, technical experts, the business community, and those with traditional knowledge is a foundation of marine planning.”

*The Appendix of the National Ocean Policy Implementation Plan lists the specific actions Federal agencies have committed to take.*

*The Implementation Plan and Appendix are available online at [www.whitehouse.gov/oceans](http://www.whitehouse.gov/oceans).*



# West Coast Marine Planning Update

John Stein

Presentation to the Pacific Fisheries  
Management Council  
June 2013

**NOAA  
FISHERIES  
SERVICE**





## Topics

- **Review major tasks**
- **Flexibility in National Ocean Policy**
- **Tribal Government Consultations**
- **West Coast Approach**
- **Federal Coordination**
- **Next Steps**



Satellite image of U.S. West Coast  
from SEAWIFS Project



## Major Tasks

- **Establish Regional Planning Body**
  - **Federal, Tribal and State, PFMC members**
  - **3 Co-leads (federal, tribal, state)**
  - **RPB has not been stood up**
- **RPB develops coast-wide spatial plan**
- **Flexibility in carrying out both tasks**



# National Ocean Policy

- **New *Implementation Plan* (CEQ website) allows for flexibility in regions**
- **NOC supports west coast effort to determine structure for RPB**
- **Complement states marine planning**
- **Carry out tribal consultation**
- **Federal agency coordination**



# Tribal Consultations

- **Currently working with the four WA Coastal Treaty tribes,**
- **CA tribes interested in meeting**
- **Coordinating with Jacque Hostler-Carmesin (GCC member)**
- **Large number of Federally-recognized tribes**
- **Effective tribal consultation is critical**





## West Coast Approach: Considering Sub-regional Strategy

- **Complexity of coast-wide coordination**
- **Resource constraints**
- **Let substance, issues and common needs drive structure**
- **Form a coast-wide Regional Planning Body when appropriate**
- **Devil is in the details**



## State Coordination

- **Using WCGA Ex-Comm as one coordinating mechanism**
- **State GCC members (Ranker and Bowles)**
- **Recognize each state has unique circumstances**
- **Tight budgets require flexibility**
- **'New' Governors**



## Federal Coordination

- **Key Federal agencies involved: BOEM, DOD, USCG, NOAA, EPA, NPS, USGS**
- **Impact of sequester evaluated**
- **Federal agencies still engaged**
- **Tight budgets require flexibility**
- **Monthly calls to coordinate**



# Stakeholder Engagement

- **Effective engagement essential for success**
- **Direct engagement needed**
- **Tight budgets—a driver for sub-regional**
- **Face to face meetings essential**
- **How to effectively use teleconference and webinars as well**



## Next Steps

- Explore sub-regional approach further
- Assess funding/leveraging opportunities
- Continue communication and coordination
- Begin to explore goals and priorities to be considered
- Underlying approach—needs and priorities drive the organizational structure. What works best for the west coast

*Science, Service, Stewardship*



# Questions

**NOAA  
FISHERIES  
SERVICE**



EXTRA



## Data and Tools

- **Multiple efforts (e.g., WCGA) with goal to coordinate a west coast “data library”**
- **Involves all partners**
- **Data sharing, access and transparency**
- **Tribes are involved and developing products**
- **NOAA tools: One example – ERMA**



## GROUND FISH ADVISORY SUBPANEL REPORT ON COASTAL MARINE SPATIAL PLANNING UPDATE

The Groundfish Advisory Subpanel (GAP) received a presentation from Dr. John Stein of the National Marine Fisheries Service Northwest Fisheries Science Center on the regional planning process being initiated under the National Ocean Policy. The GAP appreciates Dr. Stein providing the information and discussing the process with the GAP.

The GAP is aware the Council has representation on the West Coast regional planning body and we urge the Council representatives to take an active role. At the moment there is no avenue by which the fishing community can have a seat at the table during the regional planning process and the Council will have to serve as our voice. There are numerous entities with greater fiscal and political resources than the fishing community who will be actively involved in ocean planning and we need to be assured that the fishing community is not left out.

The GAP also requests Dr. Stein, as Federal co-lead on the regional planning body, provide regular updates to the GAP.

Furthermore, we suggest the Council invite representatives from the other agencies that are members of the regional planning body (Bureau of Ocean Energy Management, etc.) to attend Council meetings and apprise the Council and advisory bodies of updates and changes.

We understand the West Coast regional planning body is still being formed, in part due to budgetary problems, and urge the Federal agencies involved not to act too quickly but to do it right.

PFGC  
06/23/13

HABITAT COMMITTEE REPORT ON COASTAL MARINE SPATIAL  
PLANNING UPDATE

Staff Officer Mr. Kerry Griffin briefed the Habitat Committee (HC) on the marine planning section of the National Ocean Policy.

The HC noted that even though the new Regional Planning Bodies will not have regulatory authority, the planning framework will likely create a new level of consideration of habitat issues.

The HC also wishes to express its appreciation to the Council and staff for the determined efforts to see that fishing interests are represented on the Regional Planning Bodies, which is now the case.

The HC recommends that the Council establish a place on its website with easily accessible information about marine planning.

PFMC  
06/24/13

## FISCAL MATTERS

The Council's Budget Committee will meet on Wednesday, June 19, 2013, at 2:00 P.M. to consider budget issues as outlined in the Budget Committee Agenda.

The Budget Committee's Report is scheduled for Council review and approval on Tuesday, June 25.

### **Council Action:**

**Consider the report and recommendations of the Budget Committee.**

### **Reference Materials:**

1. Agenda Item C.5.b, Supplemental Budget Committee Report.

### **Agenda Order:**

- a. Agenda Item Overview
- b. Report of the Budget Committee
- c. Reports and Comments of Advisory Bodies and Management Entities
- d. Public Comment
- e. **Council Action:** Consider Budget Committee Recommendations

Chuck Tracy  
Dave Ortmann

PFMC  
05/28/13

## BUDGET COMMITTEE REPORT

The Budget Committee (BC) met on Wednesday, June 19, 2013 and received the Executive Director's Budget Report for the fourth year of the 2010-2014 Cooperative Agreement. The report covered: (1) status of funding for calendar year (CY) 2013; (2) a proposed operating budget for CY 2013; (3) summary of expenditures through May; and (4) expectations for future funding. The BC attendance was as follows:

Present: Mr. Dave Ortmann, Chairman; Ms. Michele Culver, Dr. Dave Hanson, Mr. Mark Helvey, Mr. Frank Lockhart, Ms. Dorothy Lowman, Mr. Dale Myer, and Mr. Dan Wolford

Absent: None

Non-members Present: Mr. Chuck Tracy, Ms. Patricia Crouse, Mr. Donald Hansen, Dr. Donald McIsaac, Mr. Rod Moore, Mr. Gerry Richter, and Mr. Steve Williams

### **Summary of CY 2013 Funding**

#### Normal Council Operations

Dr. McIsaac reported that there is still some uncertainty with regard to the upper extent of the Council's final funding for FY 2013. At the present time, NMFS Headquarters has indicated an intent for a 10 percent cut in our aggregate line item base funding from the FY2012 level funding. At the November, 2012 Council meeting, a 5 percent cut had been presumed. The expected 10 percent cut level was used in the budget and expense displays in the BC attachments.

In addition to the expected base funding of about \$3.7 million, the Northwest Region has provided new funding of \$330,000 for a regulatory process to consider electronic monitoring in the groundfish trawl catch share program, including the hiring of one full time Council staff member for a two-year limited-duration appointment, and to provide new funding of \$30,000 to establish a work group to support Endangered Species Act (ESA) compliance of the groundfish fishery consistent with the requirements of NMFS and USFWS ESA biological opinions for green sturgeon, eulachon, humpback whales, Steller sea lions, leatherback sea turtles, and short-tailed albatross.

#### Managing Our Nations Fisheries 3 Conference Funding

Dr. McIsaac reported that staff is completing the processing of bills from the May 6-9 conference. A small surplus is expected to remain from NMFS-provided funding when bill payments have been completed, including payments for proceedings publication later this year.

### **Proposed CY 2013 Budget and Status of Expenditures**

Based on Council guidance from November 2012 and cost and program updates since then, Dr. McIsaac presented the BC with a proposed CY 2013 operating budget of \$4,449,025. The budget increase over the November 2012 adopted provisional budget (\$171,884) includes additional work on electronic monitoring regulatory process, advisory body stipends, and

updated travel and meeting costs for 2013. The budget should allow near status quo Council operations for 2013.

Expenditures of the proposed CY 2013 budget are proceeding within normal expectations for the first five months of the year. The staff and BC will consider additional expenditure and income information at the September Council meeting and recommend any other appropriate action at that time.

### **Preliminary Expectations for Future Funding**

Dr. McIsaac reported that the President's proposed FY 2014 budget includes an increase of \$1 billion over the 2012 funding level for the Department of Commerce, including a return of Council base funding line items to approximately the FY 2012 levels. Given the status of Congressional action, there remains significant uncertainty about the Regional Fishery Management Council funding level for 2014 and beyond, as well as when actual funding level will be known.

### **Budget Committee Recommendations**

The BC recommends the Council adopt a CY 2013 operating budget of \$4,449,025.

PFMC  
06/24/13

## MEMBERSHIP APPOINTMENTS AND COUNCIL OPERATING PROCEDURES

During this agenda item, the Council has the opportunity to consider Administrative appointment issues with regard to 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).

### Election of Council Chair and Vice Chairs

The Council is slated to elect officers at this meeting. COP 1 provides for election of Council officers as follows:

The Chair and up to two Vice Chairs of the Council shall be elected by majority vote of Council members present and voting. Generally, elections are held during the June Council meeting. Officers shall serve one-year terms, which commence August 11 and end August 10 of the following year. Appointments may be renewed for additional one-year terms by majority Council vote at the next June meeting. The Chair may not serve more than two consecutive one-year terms.

Mr. Wolford is in his second term as Council Chair and Ms. Lowman is in her third term as Council Vice Chair.

### Council Members and Designees

The three-year terms for two Council members expire on August 10, 2013. Closed Session A.1.a, Attachment 1 (issued by National Marine Fisheries Service (NMFS) on April 8, 2013) provides a list of the members with expiring terms and the gubernatorial nominations. NMFS will announce a decision on the nominees no later than June 27, 2013.

### 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

As of the advertised deadline, the Council received two nominations for the vacant California seat, which should be appointed at this meeting:

Dr. Pete Adams (self-nominated) (Closed Session A.1.a, Attachment 2).

Ms. Mary Marking (self-nominated) (Closed Session A.1.a, Attachment 3).

### *Highly Migratory Species Management Team (HMSMT)*

Mr. Rod McInnis has nominated Ms. Heidi Taylor to fill the vacancy left by the transfer of Mr. Mike Hendrick in one of the NMFS Southwest Region (SWR) seats on the HMSMT (Closed Session A.1.a, Attachment 4).

Dr. Guillermo Compeán, Director of the Inter-American Tropical Tuna Commission (IATTC), responded affirmatively to a letter from Dr. Don McIsaac, which proposed to eliminate the Regional Fishery Management Organization seat on the HMSMT, currently held by the IATTC (Closed Session A.1.a, Attachment 5).

### *Enforcement Consultants (EC)*

Mr. Bruce Buckson has nominated Acting Special Agent in Charge Bill Giles to fill the vacancy left by the retirement of Ms. Vicki Nomura in the NMFS Northwest Region (NWR) Office of Law Enforcement seat on the Enforcement Consultants (EC); Mr Dayna Matthews will continue to serve as the Designee (Closed Session A.1.a, Attachment 6).

### *Habitat Committee (HC)*

Mr. Paul Hamdorf has nominated Mr. Eric Wilkins to replace Ms. Vicki Frey in the California Department of Fish and Wildlife (CDFW) seat on the Habitat Committee (HC) (Closed Session A.1.a, Attachment 7).

### *Scientific and Statistical Committee (SSC)*

Dr. Selina Heppell has informed the Council that she will be resigning her at-large seat on the SSC after the June 2013 Council meeting (Closed Session A.1.a, Attachment 8).

The NMFS Southwest Fisheries Science Center seat formerly occupied by Dr. Ramon Conser remains vacant.

### *Ad Hoc Committees*

Under Agenda Item F.6, Trawl Rationalization Trailing Actions, the Council was to determine composition and charge of an ad hoc industry advisory workgroup and potentially an ad hoc technical advisory group to advise on electronic monitoring issues.

## **Appointments to Other Forums**

The International Pacific Halibut Commission (IPHC) appointed Ms. Michele Culver to one of the U.S. fisheries managers seats on its Management Strategy Advisory Board (MSAB); Mr. Tom Marking was also appointed to the MSAB, filling the only sport industry seat (Agenda Item C.6.a, Attachment 1).

## **Changes to Council Operating Procedures**

There are several issues that may require new or updated COPs, including:

Potential changes to the Ecosystem Plan Development Team under COP 3 (Agenda Item C.6.a, Attachment 1), which may take the form of a change in name, a change in representation, or dissolution of the Team and replacement with an ad hoc committee(s) to focus on specific topics.

Elimination of Regional Fishery Management Organization representation on the HMSMT under COP 3 (Agenda Item C.6.a, Attachment 2).

Establishing the proposed Pacific Coast Groundfish and Endangered Species Work Group (ESWG) under COP 3 (Agenda Item C.6.a, Attachment 2). NMFS is required to establish an advisory body to support Endangered Species Act (ESA) compliance of the Pacific Coast Groundfish Fishery. The requirement stems from ESA Section 7(a)(2) Biological Opinions on the continuing operation of the groundfish fishery on threatened and endangered marine species. The first was published in November 2012 by the U.S. Fish and Wildlife Service (USFWS) and addresses short-tailed albatross. The second was published in December 2012 and considered green sturgeon, eulachon, humpback whales, Steller sea lions, and leatherback sea turtles. In September 2012, the Council received presentations from USFWS and NMFS staff on the draft Biological Opinions that included an invitation to create the advisory body as a formal Council committee. The agencies cited the transparency of the Council process and the opportunity to engage stakeholders early in the ESA process as advantageous to producing effective conservation and monitoring strategies. Absent Council action, NMFS will establish the advisory body as an internal federal process. The purpose, composition, objectives, and duties of the ESWG are outlined in the draft terms of reference (Agenda Item C.6.a, Attachment 3).

Updating COP 9 to reflect the groundfish management cycle changes discussed under Agenda Item F.7 (see Agenda Items F.7, Attachments 2 and 3).

### **Council Action:**

**Consider the following appointment and membership issues:**

- 1. Election of a Council Chair and Vice Chair for the 2013-2014 term.**
- 2. Filling the vacancy in the California seat on the EAS from the list of nominees.**
- 3. The nomination of Ms. Heidi Taylor to one of the NMFS SWR seats on the HMSMT.**
- 4. The nomination of Acting SAC Bill Giles to the NMFS NWR seat on the EC.**
- 5. The nomination of Mr. Eric Wilkins to the CDFW seat on the HC.**
- 6. Soliciting nominations for the vacant at-large seat on the SSC.**
- 7. Establishment and seating of ad hoc electronic monitoring workgroup(s).**

**Consider the following COP issues:**

- 8. COP 3 modifications for elimination of the RFMO seat on the HMSMT**
- 9. COP 3 modifications for status of the EPDT, and possible related ad hoc committees.**
- 10. COP 3 modifications for establishing an ESWG and approval of TOR for the ESWG.**
- 11. COP 9 modifications to the groundfish management cycle.**



### Reference Materials:

1. Closed Session A.1.a, Attachment 1: 2013 Gubernatorial Nominations to the Pacific Fishery Management Council.
2. Closed Session A.1.a, Attachment 2: Nomination of Dr. Pete Adams to the California seat on the EAS.
3. Closed Session A.1.a, Attachment 3: Nomination of Ms. Mary Marking to the California seat on the EAS.
4. Closed Session A.1.a, Attachment 4: Nomination of Ms. Heidi Taylor to the NMFS SWR seat on the HMSMT.
5. Closed Session A.1.a, Attachment 5: Letters regarding eliminating the IATTC seat on the HMSMT.
6. Closed Session A.1.a, Attachment 6: Nomination of Acting SAC Bill Giles to the NMFS NWR seat on the EC.
7. Closed Session A.1.a, Attachment 7: Nomination of Mr. Eric Wilkins to the CDFW seat on the HC.
8. Closed Session A.1.a, Attachment 8: Resignation of Dr. Selina Heppell from an at-large seat on the SSC.
9. Agenda Item C.6.a, Attachment 1: Management Strategy Advisory Board Membership.
10. Agenda Item C.6.a, Attachment 2: Draft Council Operating Procedure 3 - Plan, Technical, and Management Teams.
11. Agenda Item C.6.a, Attachment 3: Draft terms of reference for the Pacific Coast Groundfish and Endangered Species Work Group.
12. Agenda Item F.7.a, Attachment 2: Proposed Revisions to COP 9.

### Agenda Order:

- a. Agenda Item Overview
- b. Reports and Comments of Advisory Bodies and Management Entities
- c. Public Comment
- d. Council Action: Elect Council Chair and Vice Chair; Appoint Individuals to Advisory Bodies, and Consider Changes to Council Operating Procedures

Chuck Tracy

PFMC

05/31/13

At the 2013 Annual Meeting, the International Pacific Halibut Commission (IPHC, or Commission) advanced the development of a Management Strategy Evaluation (MSE) program for the halibut resource. The Commission approved the formation of a Management Strategy Advisory Board (MSAB) to advise the Commission on the development and evaluation of candidate objectives and strategies for managing the fishery.

- [MSE Framework - Annual Meeting presentation](#)
- [MSE Discussion paper](#)

The Commission appreciates the broad interest expressed in participation on the Management Strategy Advisory Board (MSAB) through the nomination process. The suite of nominations was impressive and the Commission had to make difficult choices in arriving at a Board of reasonable size and balancing various viewpoints. The Commission is pleased to announce the selection of the Board and is extremely grateful to all of those who were willing to participate in this initiative.

The nominees selected and the ex-officio members for the MSAB are:

MEMBER	COUNTRY	SECTOR
1. Bruce Gabrys	U.S.	Commercial
2. John Woodruff	U.S.	Processing
3. Peggy Parker	U.S./CDN	Processing
4. Shane Halverson	U.S.	Processing
5. Brad Mirau	CDN	Processing
6. Jeff Kauffman	U.S.	Commercial
7. Per Odegaard	U.S.	Commercial
8. Ryan Littleton	U.S.	Commercial
9. Scott Mazzone	U.S.	Tribal
10. Michele Culver	U.S.	Fish Mgmt Cncl
11. Dan Hull	U.S.	Fish Mgmt Cncl
12. Gary Robinson	CDN	Commercial
13. Jim Lane	CDN	First Nations
14. Chris Sporer	CDN	Commercial
15. Gregg Elwood	U.S.	Commercial

16. Tom Marking	U.S.	Sport
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*Ex-officio*

Rachel Baker	U.S.	Manager
Adam Keizer	CDN	Manager
Scott Meyer	U.S.	Sport Manager
Rob Kronlund	CDN	MSE Expert
Robyn Forrest	CDN	Sci. Advisor
Loh-Lee Low	U.S.	Sci. Advisor
Commissioner Ryall	CDN	
Commissioner Balsiger	U.S.	

DRAFT

## **COUNCIL OPERATING PROCEDURE**

### **Plan, Technical, and Management Teams**

3

Approved by Council: 07/20/83

Revised: 09/16/87, 11/13/90,

04/06/95, 6/17/03, 03/11/05, 0/07/06, 9/14/06, 09/17/09, 11/05/09, 09/16/10; **11/07/12, 06/25/2013**

### **PURPOSE**

To establish procedures for plan, technical, and management teams and workgroups (Teams).

### **OBJECTIVES AND DUTIES**

When requested by the Council Chair or the Executive Director, the Teams shall:

1. Furnish objective, scientific appraisals of particular fisheries and associated biological resources as assigned by the Council (for example, fisheries for salmon, groundfish, coastal pelagic species, or highly migratory species). It will not be the Team's responsibility to recommend preferred management options to the Council. However, Teams have the discretion to note Team Preferred Alternatives and the rationale for the preferred alternative to facilitate Council decision making.
2. Contribute to the development of fishery management plans (FMP) and FMP amendments, and develop proposed changes to regulations when it is determined by the Council that such FMPs or amendments are required.
3. In preparing a draft FMP, present alternative management goals and objectives to the Council for adoption. Management goals and objectives should be operational and as specific as possible. Goals and objectives should be based on measurable criteria, which will provide a basis for evaluating if management programs are meeting stated goals and objectives.
4. Present analyses that examine short-term and long-term tradeoffs, particularly when policy decisions have long-term implications (e.g., rebuilding rates).
5. In drafting the FMP or amendment, make decisions with regard to what is included in the successive drafts to be presented to the Council. The Scientific and Statistical Committee (SSC) and other advisory bodies may advise the Teams and Council, but their advice is not binding on the Teams. The Council shall decide if the FMP is to be modified and Teams shall comply with Council directives.
6. When presenting successive drafts of FMPs or amendments, submit in writing a list of problems and alternative solutions which require resolution by the Council. An analysis of alternative management strategies shall be included prior to adoption of each FMP or amendment.

7. Contribute to documents and reports required by an FMP or the Council, such as Stock Assessment and Fishery Evaluation (SAFE) documents. In particular:
  - The Salmon Technical Team will compile annual abundance forecasts.
  - Council staff will prepare groundfish rebuilding plans, as required.
8. Evaluate, validate, document, and recommend changes to models used to estimate impacts of Council management proposals.
9. Assist the Council and National Marine Fisheries Service (NMFS) staff in the preparation of the necessary documentation required for Secretarial approval of a Council action by providing and reviewing appropriate written work elements from the duties described in items 1 - 9 above. This documentation may include an Environmental Assessment, Environmental Impact Statement, or other documents required under the National Environmental Policy Act, Regulatory Impact Reviews, Regulatory Flexibility Analyses, and all other documents required by applicable law. Except as directed by the Council, the Council staff shall be responsible for coordination of materials provided by the Teams into the necessary federal documents and final submission to NMFS for Secretarial approval consideration.
10. Attend Council meetings at the request of the Council Chair or the Executive Director to advise the Council on specific fisheries, with particular reference to the biological and socioeconomic implications of managing those fisheries.
11. Be represented at meetings of the relevant advisory subpanel to provide technical information as requested by the subpanel, with number of Team members present dependent on expertise, necessity, and competing workload assigned by the Council.
12. Attend public hearings on the FMPs or amendments, with number of Team members present dependent on expertise, necessity, and competing workload assigned by the Council.
13. Present models, stock assessments, or fishery analyses of elevated scientific complexity for review by the SSC. When possible, the documents should be provided accordance with COP 4, SSC Objective and Duty 10.
14. Perform such other necessary and appropriate Team duties as may be required by the Council to carry out its functions under the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), National Environmental Policy Act, Endangered Species Act, and other applicable law.
15. Offer advice to the Council on the assessments, specifications, and management measures pertaining to each FMP with particular regard to (a) the capacity and the extent to which U.S. commercial and recreational fisheries will harvest the resources managed under their respective FMPs, (b) the economic and social effects of such management measures, (c) potential conflicts among groups using a specific fishery resource, or (d) enforcement

problems peculiar to each fishery with emphasis on the expected need for enforcement resources.

16. Offer advice to the Council on (a) FMPs, FMP amendments, and regulatory amendments during preparation of such FMPs or amendments by the Council, (b) FMPs prepared by the Secretary of Commerce and transmitted to the Council for review, and (c) the effectiveness of the FMPs, amendments, regulations, and other measures which have been implemented.
17. Identify specific legal or enforcement questions on proposals and request response through the Executive Director from the appropriate parties. (Note: The Council staff will attempt to anticipate the need for enforcement and legal advice and arrange for the Enforcement Consultants and/or National Oceanic and Atmospheric Administration General Counsel to attend subpanel meetings.)

## COMPOSITION

1. Teams shall consist of not more than ~~eight~~<sup>13</sup> members (unless additional members are deemed necessary by the Council), each concerned with carrying out the objectives and duties of their appointed Team.
2. The Council may establish or abolish such Teams as it deems necessary to perform Council duties as specified under the Magnuson-Stevens Act and other applicable laws.
3. Teams shall be composed of state, federal, tribal, and non-governmental specialists, as necessary. Members are nominated by their agencies or organizations, qualifications of the members are reviewed by the SSC and Council members, and are appointed by the Council.

## MEMBERSHIP

### Term of Members

Members shall be appointed by the Council and serve indefinite terms unless terminated by the Council per the procedure described below or the member resigns.

### Termination of Membership

A Team member may be replaced at the Council's discretion if the member; 1) transfers employment or moves to a different location, 2) is absent from two or more consecutive meetings without giving adequate notification to the Team Chair or Council Executive Director, 3) appears unable to fulfill their obligations as a Team member, or 4) is reassigned by sponsoring agency.

### Replacement of Members

Upon receipt of a letter of resignation or following Council action to remove a member, the Executive Director shall contact the agency or organization the former member represented for a replacement nominee.

### Alternates

A Team member may send an alternate to a Team meeting when the official member is unable to attend under the following stipulations. The alternate is expected to fulfill the primary duties of the absent member and the Executive Director must be notified in advance in writing with the name of and contact information for the proposed alternate at least two weeks prior to the first day of the advisory body meeting, or the first day of the Council meeting held in conjunction with the Team meeting. Non-federal alternates will be reimbursed for travel expenses per the Council travel rules. Exceptions to these stipulations may be made at the discretion of the Executive Director for highly unusual occurrences.

### Officers

The Chair and Vice Chair of each Team shall be elected by majority vote of Team members present and voting. Such officers shall be confirmed by the Council Chair and shall serve one-year terms. There is no limit as to the number of terms that individuals may serve as officers. The presiding officer has the responsibility and authority to ensure that meetings are conducted in an orderly and business-like manner.

### Subcommittees

The Teams may establish such subcommittees as they deem necessary to facilitate their duties.

## MEETINGS

The Teams shall meet at the request of Council Chair or Executive Director, or their respective Team Chair with the approval of the Council Chair or the Executive Director, as often as necessary to fulfill their responsibilities.

### Public Participation

Scheduled meetings of Teams and Team subcommittees shall be announced in advance in the *Federal Register* and by other means to ensure wide distribution (described below). Meeting notices will describe the purpose of the meeting and topics to be discussed. Unless otherwise announced, a scheduled Team meeting shall be of the same duration as the Council meeting during which it is held. These scheduled meetings shall be open to the public. Public comments will be accepted by the Team during a public comment period or at the discretion of the Team Chair. Public comments shall be limited to items on the Team agenda. Policy issues and decisions concerning final choices among options are the province of Council deliberations.

Therefore, it is in the Council forum that public comments on such matters shall be received, not in Team meetings.

Minutes reporting major Team actions, and records and documents prepared for the Council, shall be filed in the Council office, where they will be available for public review.

Because Team meetings are essentially working sessions for drafting materials for Council review, public taping of those proceedings shall be permitted only as specifically authorized by the Council Chair. Draft work product, reports, or statements prepared and discussed at these meetings will be available to the public in final form after submission to the Council. They will not be distributed to the public during the meeting unless authorized by the Team Chair.

Copies of this operating procedure will be distributed on request to the public attending Team meetings.

#### Public Notification of Meetings

Timely public notice of each Team meeting, including the time, place, and agenda topics for the meeting, shall be widely distributed via facsimile machine, electronically (e-mail and Council website), and/or U.S. Postal Service to individuals on mailing lists maintained by the Council and to local media. The notice also may be announced by such other means as will result in wide publicity. For purposes of this notice, the term "timely" will be defined as two weeks prior to the actual meeting. However, the Council recognizes that due to the expediency of some Council actions and/or other reasons deemed valid, such two-week advance notice may not always be possible.

Timely notice of each regular meeting, emergency meeting, and hearing also shall be published in the *Federal Register*. Council staff shall prepare this notice in coordination with the appropriate NMFS regional office. In this context, the term "timely" shall denote submission (at least 23 calendar days prior to the meeting) of the notice to NMFS for publication in the *Federal Register*.

#### MINUTES

If practicable, Council staff or a Team member shall draft summary minutes of each Team meeting

#### STAFF RESPONSIBILITIES

Council staff members will assist the Teams as required.

#### AGENCY OR ORGANIZATION POLICY POSITION ADVOCATES

Team members will not act as official policy advocates of agency or organization positions while acting in their capacity as Team members.



## ADDITIONAL EXPERTISE

Teams are encouraged to invite individuals with specialized expertise to assist them as needed. The Council Executive Director will consider reimbursing such experts for travel expenses on a case-by-case basis.

### CURRENT REPRESENTATION ON TEAMS

Team and Total Number of Members	Affiliation
Coastal Pelagic (9)	2 California Department of Fish and Game Up to 4 National Marine Fisheries Service with at least one representing the Northwest Fisheries Science Center 1 Washington Department of Fish and Wildlife 1 Oregon Department of Fish and Wildlife 1 Tribal Agency
Ecosystem Plan Development (13)	1 California Department of Fish and Game 1 Idaho Department of Fish and Game 1 Oregon Department of Fish and Wildlife 1 Washington Department of Fish and Wildlife 1 Tribal Government Representative 1 NMFS NWR 1 NMFS SWR 5 From NW and SW Fishery Science Centers (at least one of which has socio-economic expertise) 1 National Ocean Service
Groundfish (11)	6 State fish management agency (two each from Washington, Oregon, California) 1 NMFS Southwest Fisheries Science Center 1 NMFS Northwest Fisheries Science Center 2 NMFS Northwest Region 1 Tribal Agency One of the members should be an economist
Highly Migratory Species (8)	2 NMFS Southwest Fisheries Science Center 2 NMFS Southwest Region 3 State Fish Management Agency (one each from Washington, Oregon, California) <del>1 Regional Fishery Management Org. (e.g., Inter American                Tropical Tuna Commission (IATTC))</del>
Salmon (8)	3 State Fish Management Agency (one each from Washington, Oregon, California) 3 NMFS 1 USFWS

## CURRENT REPRESENTATION ON TEAMS

Team and Total Number of Members	Affiliation
	1 Tribal Governments
Model Evaluation Workgroup (7-9)	3 State Fish Management Agency (one each from Washington, Oregon, California) 1 NMFS 1 Northwest Indian Fisheries Commission
<del>Model Evaluation Workgroup (7-9) (continued)</del>	1 Columbia River Inter-Tribal Fish Commission 1 USFWS 1 SSC (may be filled by one of the state or tribal agency representatives) 1 STT (may be filled by one of the state or tribal agency representatives)
<u>Groundfish Endangered Species Work Group</u>	<u>3 State Fish Management Agency (one each from Washington, Oregon, California)</u>
<u>(10)</u>	<u>1 NMFS Sustainable Fisheries Division</u>
	<u>1 NMFS Protected Resources Division</u>
	<u>1 Fish taxon expert</u>
	<u>1 Marine mammal taxon expert</u>
	<u>1 Seabird taxon expert</u>
	<u>1 Sea turtle taxon expert</u>
	<u>1 USFWS</u>
	<u>Other representatives as necessary (may be short-term appointments)</u>

**Pacific Coast Groundfish and Endangered Species Work Group  
Draft Terms of Reference**

**PURPOSE:**

The Pacific Coast Groundfish and Endangered Species Work Group is established pursuant to Section 302(g)(2) of the Magnuson-Stevens Act to serve as a multi-party advisory body to the Council for the purpose of supporting Endangered Species Act (ESA) compliance of the Pacific Coast Groundfish Fishery (Fishery) for green sturgeon, eulachon, humpback whales, Steller sea lions, leatherback sea turtles, and short-tailed albatross consistent with the requirements of NMFS and USFWS ESA Section 7(a)(2) biological opinions on the continuing operation of the Fishery.<sup>1</sup>

**COMPOSITION:**

The Work Group shall consist of 11 or more members as specified from each entity or category below. The representatives selected to serve on the Work Group shall have appropriate expertise in conservation of the aforementioned species, groundfish fisheries management, or quantitative analysis.

- Four taxa experts. One each for fish, marine mammals, sea turtles, and seabirds.
- One representative of the West Coast Groundfish Observer Program.
- Two representatives from the NMFS. One from the Protected Resources Division and one from the Sustainable Fisheries Division.
- One representative from the USFWS.
- Three representatives of State management agencies. One each from California, Oregon, and Washington.
- Other representatives as determined by the Council. Representatives in this category may be short-term appointments (e.g., one meeting) to address specific issues.

**OBJECTIVES AND DUTIES:**

1. The Work Group shall at a minimum convene on a biennial basis or more frequently as directed by the Council.
2. The Work Group shall review NMFS reports on annual tracking of observed take, fleet-wide take reporting, spatial and temporal characteristics of fisheries by gear type, observer coverage analysis and implementation plans, and other reports as outlined in the biological opinions or generated under 3.a, below.
3. Based on review of the NMFS reports, the Work Group shall

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<sup>1</sup> The opinions are available here:

- [https://alaskafisheries.noaa.gov/protectedresources/seabirds/esa/pcgf\\_biop1112.pdf](https://alaskafisheries.noaa.gov/protectedresources/seabirds/esa/pcgf_biop1112.pdf)
- [https://pcts.nmfs.noaa.gov/pcts-web/dispatcher/trackable/NWR-2012-9437?overrideUserGroup=PUBLIC&referer=%2fpcts-web%2fpublicAdvancedQuery.pcts%3fsearchAction%3dSESSION\\_SEARCH](https://pcts.nmfs.noaa.gov/pcts-web/dispatcher/trackable/NWR-2012-9437?overrideUserGroup=PUBLIC&referer=%2fpcts-web%2fpublicAdvancedQuery.pcts%3fsearchAction%3dSESSION_SEARCH)

- a. Recommend new analyses, reports, or changes to sampling protocols to improve bycatch estimates of the aforementioned species.
  - b. Consider whether the amount or extent of incidental take stipulated in the biological opinions is exceeded.
  - c. Consider whether new information reveals effects in a manner or to an extent not previously considered in the biological opinions.
  - d. Propose, for Council<sup>2</sup> consideration, conservation<sup>3</sup> and management measures to minimize bycatch of the aforementioned species. If directed by the Council, the Work Group will meet jointly with the Groundfish Management Team, Groundfish Advisory Panel, or other Council advisory bodies, to incorporate stakeholder perspectives in the development of management measures.
4. NMFS shall take a lead role in chairing the committee, developing agendas, developing or procuring review materials, and drafting and presenting Work Group reports.
5. Council staff will notice meetings, coordinate presentations to the Council and its advisory bodies, and provide logistical support.

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<sup>2</sup> Section 7(a)(1) of the ESA directs Federal agencies to use their authorities to further the purposes of the ESA by carrying out conservation programs for the benefit of the threatened and endangered species. Specifically, conservation recommendations are suggested regarding discretionary measures to minimize or avoid adverse effects of a proposed action on listed species or critical habitat or regarding the development of information.

<sup>3</sup> Conservation measures are actions to benefit or promote the recovery of listed species that are proactively taken to minimize or compensate for effects on the species under review. These may include actions taken prior to initiation of consultation or actions committed to through the course of a consultation.



June 13, 2013

Via electronic mail

Dear Mr. Stelle and Mr. Wolford:

Please accept this letter as my official designation of California Department of Fish and Wildlife designees and representatives for the Pacific Fishery Management Council (Council).

As you know, pursuant to the Magnuson-Stevens Act, and Code of Federal Regulations, 50 C.F.R. section 600 *et seq.*, I serve as the Governor of California's appointed principal state official for purposes of the Council. Any principal state official may also name his or her designee(s) to act on their behalf at Council meetings. Such designees must be a resident of the state and be knowledgeable and experienced, by reason of their experience, expertise, or training in the fishery resources of the Council's concern.

I am writing to inform you of three designees who may act on my behalf at Council meetings. These three are: Joanna Grebel; Lieutenant Bob Farrell; and, Dr. Craig Shuman.

Ms. Grebel is employed full-time at the California Department of Fish and Wildlife as a Senior Environmental Scientist. Her full salary is paid by the state. She is knowledgeable and experienced in fishery resources of the geographic area of concern to the Council by the function and experience she has in her professional capacity at the Department. She has already been designated, but I wish to confirm her designation for the Council's records.

Mr. Farrell is employed full-time at the California Department of Fish and Wildlife as an Assistant Chief in the Law Enforcement Division. His full salary is paid by the state. He is knowledgeable and experienced in fishery resources of the geographic area of concern to the Council by the function and experience he has in his professional capacity at the Department.

Dr. Shuman is employed full-time at the California Department of Fish and Wildlife as our Marine Region Manager. His full salary is paid by the state. He is knowledgeable and experienced in fishery resources of the geographic area of concern to the Council by the function and experience he has in his professional capacity at the Department, and previously at the California Fish and Game Commission where he served for a number of years as the Commission coordinator for marine issues.

Finally, Ms. Marci Yaremko remains a designee to act on my behalf at Council meetings.

I provide this notice 48 hours before the next Council meeting June 18-25 in Orange County, California, pursuant to applicable federal regulations.

Thank you for your time in this matter. Please do not hesitate to contact me or Dr. Shuman if you have any questions. Dr. Shuman may be reached at 805.568.1246 or by email at [craig.shuman@wildlife.ca.gov](mailto:craig.shuman@wildlife.ca.gov).

Sincerely,



Chuck Bonham  
Director

ec: Craig Shuman, [craig.shuman@wildlife.ca.gov](mailto:craig.shuman@wildlife.ca.gov)  
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Marci Yaremko, [marci.yaremko@wildlife.ca.gov](mailto:marci.yaremko@wildlife.ca.gov)





**NOAA** NATIONAL OCEANIC AND  
ATMOSPHERIC ADMINISTRATION  
UNITED STATES DEPARTMENT OF COMMERCE

Contact: Connie Barclay  
301-427-8003/202-441-2398

For Immediate Release  
June 20, 2013

### **Commerce announces 2013 regional fishery council appointments**

The Commerce Department today announced the appointment of 20 new and returning members to the eight regional fishery management councils that partner with NOAA Fisheries to manage ocean fish stocks. The new and reappointed council members begin their three-year terms on August 11.

The councils were established by the Magnuson-Stevens Fishery Conservation and Management Act to prepare fishery management plans for marine fish stocks in their regions. NOAA Fisheries works closely with the councils as plans are developed, and then reviews, approves and implements the fishery management plans. Council members represent diverse groups, including commercial and recreational fishing industries, environmental interests and academia, and carry out the act's requirements to end overfishing, rebuild fish stocks, and manage them sustainably.

"We are looking forward to working with our new and returning council members," said Sam Rauch, acting NOAA assistant administrator for fisheries. "With annual catch limits in place for all federally managed species and 32 stocks rebuilt since 2000, collaboration between NOAA and the councils is more important than ever in order to continue this positive momentum."

Each year, approximately one-third of the total 72 appointed members to the eight regional councils are appointed by the Secretary of Commerce. The Secretary selects members from nominations submitted by the governors of fishing states, territories and tribal governments.

Council members are appointed to both obligatory (state-specific) and at-large (regional) seats. Council members serve a three-year term and can be reappointed to serve three consecutive terms.

#### **New England Council**

The New England Council includes members from Connecticut, Maine, Massachusetts, New Hampshire and Rhode Island. The appointees for 2013 fill an obligatory seat for New Hampshire and two at-large seats.

Obligatory seat:

Ellen D. Goethel (New Hampshire)

At-large seats:

Michael P. Sissenwine (Massachusetts)

\*Francis "Frank" W. Blount, Jr. (Rhode Island)

#### **Mid-Atlantic Council**

The Mid-Atlantic Council includes members from the states of Delaware, Maryland, New Jersey, New York, North Carolina, Pennsylvania, and Virginia. The appointees for 2013 fill an obligatory seat for Delaware and three at-large seats.

Obligatory seat:

\*Lee G. Anderson (Delaware)

At-large seats:

\*Richard "Rick" B. Robins, Jr. (Virginia)

\*Stephen E. Linhard (Maryland)

Jeffery "Jeff" H. Kaelin (New Jersey)

### **South Atlantic Council**

The South Atlantic Council includes members from Florida, Georgia, North Carolina, and South Carolina. The appointees for 2013 fill obligatory seats for North Carolina and South Carolina.

Obligatory seats:

Jack H. Cox, Jr. (North Carolina)

Christopher "Chris" C. Conklin (South Carolina)

### **Caribbean Council**

The Caribbean Council includes members from Puerto Rico and the U.S. Virgin Islands. The appointee for 2013 fills an at large seat.

At-large seat:

Louis A. "Tony" Blanchard (U.S. Virgin Islands)

### **Gulf Council**

The Gulf Council includes members from Alabama, Florida, Louisiana, Mississippi, and Texas. The appointees for 2013 fill obligatory seats for Texas and Mississippi and one at-large seat.

Obligatory seats:

\*Douglass "Doug" W. Boyd (Texas)

Leann N. Bosarge (Mississippi)

At-large seat:

Roy O. Williams (Florida)

### **Pacific Council**

The Pacific Council includes members from California, Idaho, Oregon, and Washington. The appointees for 2013 fill an obligatory seat for Idaho and one at-large seat.

Obligatory seat:

\*Herbert "Herb" A. Pollard, II (Idaho)

At-large seat:

\*Danny "Dan" L. Wolford (California)



## **North Pacific Council**

The North Pacific Council includes members from Alaska and Washington. The appointees for 2013 fill obligatory seats for Alaska.

Obligatory seats:

\*Duncan S. Fields (Alaska)

David B. Long (Alaska)

## **Western Pacific Council**

The Western Pacific Council includes members from American Samoa, Guam, Hawaii, and the Commonwealth of the Northern Mariana Islands. There is one appointee filling an obligatory seat for American Samoa that has been vacant since 2012 and two appointees for 2013 filling two at-large seats.

Obligatory seat:

\*\*Claire T. Poumele (American Samoa)

At-large seats:

\*William A. Sword (American Samoa)

\*Julie A. K. Leialoha (Hawaii)

\*Reappointment

\*\*This appointment fills the 2012 vacant seat and expires in 2015.

NOAA's mission is to understand and predict changes in the Earth's environment, from the depths of the ocean to the surface of the sun, and to conserve and manage our coastal and marine resources. Join us on [Facebook](#) , [Twitter](#) and our other [social media channels](#).

On the Web:

NOAA's Fisheries Service: <http://www.nmfs.noaa.gov>

The 2011 Report to Congress on Apportionment of Membership on the Regional Fishery Management Councils: [http://www.nmfs.noaa.gov/sfa/reg\\_svcs/councils.htm](http://www.nmfs.noaa.gov/sfa/reg_svcs/councils.htm)

COMPOSITION OF ECOSYSTEM ADVISORY BODIES

**Ecosystem Plan Development Team**

1 California Department of Fish and Wildlife  
Deb Wilson-Vandenberg

1 Idaho Department of Fish and Game  
Richard Scully

1 Oregon Department of Fish and Wildlife  
Cyreis Schmitt

1 Washington Department of Fish and Wildlife  
Corey Niles

1 Tribal Government Representative  
Larry Gilbertson

1 NMFS NWR  
Yvonne DeReynier

1 NMFS SWR  
Josh Lindsay

5 From NW and SW Fishery Science Centers (at least one of which has socio-economic expertise)

John Field  
Melissa Haltuch  
Sam Herrick  
Andrew Leising  
Phil Levin

1 National Ocean Service  
Lisa Wooninck

**Ad hoc Ecosystem Committee**

1 California Department of Fish and Wildlife

1 Idaho Department of Fish and Game

1 Oregon Department of Fish and Wildlife

1 Washington Department of Fish and Wildlife

1 Coastal Treaty Tribe

1 NMFS NWR

1 NMFS SWR

## 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 September 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 preliminary proposed September 2013 Council meeting Agenda (Attachment 2).

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 proposed June 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 September Council meeting.**
- 3. Identify priorities for advisory body considerations at the next Council meeting.**

### **Reference Materials:**

1. Agenda Item C.7.a, Attachment 1: Pacific Council Workload Planning: Preliminary Year-at-a-Glance Summary.
2. Agenda Item C.7.a, Attachment 2: Preliminary Proposed Council Meeting Agenda, September 12-17, 2013 in Boise, Idaho.
3. Agenda Item C.7.b, NMFS Report: Sam Rauch Letter Regarding NMFS Furlough Dates.

### **Agenda Order:**

- a. Agenda Item Overview
- b. Reports and Comments of Advisory Bodies and Management Entities
- c. Public Comment
- d. Council Discussion and Guidance on Future Meeting Agenda and Workload Planning

Don McIsaac

PFMC  
06/03/13

## 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)

	<u>September 11-17, 2013</u> (Boise)	<u>November 1-6, 2013</u> (Costa Mesa)	<u>March 8-13, 2014</u> (Sacramento)	<u>April 5-10, 2014</u> (Vancouver)	<u>June 20-25, 2014</u> (Garden Grove)
<b>CPS</b>		NMFS Rpt Sardine Asmnt & Mgmt Meas. EFP Notice of Intent for 2014	Sardine Methodology Review EFPs: Final Recommendations	<u>Sardine Asmnt &amp; Mgmt Meas.</u>	NMFS Rpt
<b>Groundfish</b>	NMFS Report Inseason Mgmt Approve Stock Assessments 2 Initial Actions for Setting Fisheries in 15-16 & Beyond Plan Science Improvements Sablefish ownership <u>PPA</u> <u>Seabird Avoidnce Regs Final</u> Stock Cmplx FPA Trawl Trailing Actions: Scope PIE 3; Gear Wrkshp Rpt; AMP; Elec Montr: <u>Initial</u> <u>Perf Stds Doc &amp; Scoping</u> EFH Phase 2: Preview Props	NMFS Report Inseason Mgmt Stock Assessment Clean-up & Rebuilding Analyses Further Actions for Setting Fisheries in 15-16 & Beyond Preliminary EFP Approval Sablefish ownership FPA <u>Stock Cmplx FPA</u> Trawl Trailing Actions Electronic Monitoring: Finalize Perf Stds Doc & Adopt ROA EFH Phase 2 Report and Options for Further Consideration	NMFS Report Inseason Mgmt <u>Meth Rev Process Discussion</u>  <i>Info Report: Status of Rationalized Fishery Report to Congress</i>  <u>Trawl Trailing Actions</u>  <u>Initiate EFH Amendment As Necessary</u>	NMFS Report Inseason Mgmt  <u>Pac Whiting Spx &amp; Meas.</u> Adopt Final Biennial Spex & PPA Mgmt Measures (2)  <u>Trawl Trailing Actions</u> <u>Elec Monitoring Check-in</u>	NMFS Report Inseason Mgmt   Adopt FPA Mgmt Measures for 15-16 & Beyond   Trawl Trailing Actions: Elec Monitoring PPA
<b>HMS</b>	NMFS Report <u>Final EFP Approval</u>	NMFS Report Input to International RFMO	NMFS Report US-Canada Albacore Update Internat'l RFMO Matters Including Northern Committee Albacore Decision Rules & IATTC DGN Monitoring, Mgmt & Alt Gear Rpt		NMFS Report  <u>Preliminary EFP Approval</u> US-Canada Albacore Update
<b>Salmon</b>	NMFS Report Method Rev: Adopt Priorities <u>A18 EFH: Adopt FPA</u> <u>Cormorant Mgmt Plan Cmnts</u>	NMFS Rpt 2013 Method Rev.--Final  Winter Chinook Control Rules 2014 Preseason Mgmt Schd	NMFS Rpt Approve Review, Forecasts, SDC, and ACLs Approve Rebuilding Plans (if necessary) 2014 Season Setting (4)	2014 Method Rev.--Identify Topics Calif Coastal Chinook Update 2014 Season Setting (3)	
<b>Other</b>	Routine Admin (11) Habitat Issues Tri-State Enforcement Rpt P. Halibut: CSP Change Alts P. Halibut Bycatch Estimate Unmanaged Forage Fish Protection initiative	Routine Admin (11) Habitat Issues Federal Enforcement Priorities P. Halibut: Final CSP Changes  <u>Ocean Obs Initiative Prog Rpt</u> <u>IEA Wkshp Rpt</u>	Routine Admin (9) Habitat Issues  P. Halibut: Prelim Incidntl Regs P. Halibut: IPHC MTG CA Current Ecosystem Rpt Int Ecosystem Assessment Rpt	Routine Admin (10) Habitat Issues Annual USCG Fishery Enf. Rpt P. Halibut: Final Incidental Regs Ocean Observation Initiative Rpt <u>Unmanaged Forage Fish</u> <u>Protection initiative</u>	Routine Admin (11) Habitat Issues     CMSP Update
<b>Apx. Floor Time</b>	<b>5.5 days</b>	<b>5.7 days</b>	<b>4.8 days</b>	<b>4.4 days</b>	<b>2.4 days</b>

***PRELIMINARY PROPOSED PACIFIC COUNCIL MEETING AGENDA, SEPTEMBER 12-17, 2013 IN BOISE IDAHO***

**(SHADED ITEMS ARE TENTATIVE)**

	Thu, Sept 12	Fri, Sept 13	Sat, Sept 14	Sun, Sept 15	Mon, Sept 16	Tue, Sept 17
	<p><b>A. CALL TO ORDER 8 AM</b></p> <p><b>1-4.</b> Opening Remarks, Roll Call, ED Report, Approve Agenda (30 min)</p> <hr/> <p><b>B. OPEN COMMENT</b></p> <p><b>1.</b> Comments on Non-Agenda Items (45 min)</p> <hr/> <p><b>HIGHLY MIGRATORY SPECIES</b></p> <p><b>1.</b> NMFS Report (1 hr)</p> <p><b>2.</b> Final EFP Approval (45 min)</p> <hr/> <p><b>ENFORCEMENT</b></p> <p><b>1.</b> Tri-State Enforcement Report (1 hr)</p> <hr/> <p><b>HABITAT</b></p> <p><b>1.</b> Current Habitat Issues (45 min)</p> <hr/> <p><b>PACIFIC HALIBUT</b></p> <p><b>1.</b> Review Bycatch Estimate for Groundfish Fisheries (1 hr)</p> <p><b>2.</b> Adopt Public Review Options for Catch Sharing Plan Changes (1 hr)</p> <hr/> <p><b>CLOSED EXECUTIVE SESSION</b></p> <p>Discuss Litigation &amp; Admin. Appointment Issues (1 hr)</p>	<p><b>ADMINISTRATIVE</b></p> <p><b>1.</b> Legislative Matters (30 min)</p> <hr/> <p><b>SALMON</b></p> <p><b>1.</b> NMFS Report (1 hr)</p> <p><b>2.</b> Methodology Review: Adopt Priorities (30 min)</p> <p><b>3.</b> EFH Amendment 18: Adopt FPA (2 hr 30 min)</p> <p><b>4.</b> Comments on Cormorant Management Plan (1 hr 30 min)</p> <hr/> <p><b>GROUNDFISH</b></p> <p><b>1.</b> NMFS Report (1 hr)</p> <p><b>2.</b> Final Seabird Avoidance Regulations (1 hr)</p>	<p><b>GROUNDFISH</b></p> <p><b>3.</b> Plan Science Improvements (1 hr 30 min)</p> <p><b>4.</b> Adopt PPA for Sablefish Ownership &amp; Control Issues (2 hr)</p> <p><b>5.</b> Essential Fish Habitat Phase 2: Preview of Proposals (1 hr 30 min)</p> <hr/> <p><b>ECOSYSTEM BASED MANAGEMENT</b></p> <p><b>1.</b> Unmanaged Forage Fish Protection Initiative (3 hr)</p>	<p><b>GROUNDFISH</b></p> <p><b>6.</b> Approve Stock Assessments (4 hr)</p> <p><b>7.</b> Adopt Stock Complex FPA (2 hr 30 min)</p> <p><b>8.</b> Initial Actions for setting Fisheries in 2015-2016 &amp; Beyond (1 hr 30 min) [Continue Monday]</p> <hr/>	<p><b>GROUNDFISH</b></p> <p><b>8.</b> Continue - Initial Actions for setting Fisheries in 2015-2016 &amp; Beyond (4 hr 30 min)</p> <p><b>9.</b> Trawl Rationalization Trailing Actions: Scope PIE 3; Gear Workshop Rpt; AMP; Elec Monitoring—Initial Performance Standards Document &amp; Scoping (4 hr)</p> <hr/>	<p><b>GROUNDFISH</b></p> <p><b>10.</b> Consideration of Inseason Adjustments (2 hr)</p> <hr/> <p><b>ADMINISTRATIVE</b></p> <p><b>2.</b> Approve Council Minutes (15 min)</p> <p><b>3.</b> Fiscal Matters (15 min)</p> <p><b>4.</b> Membership Appointments &amp; COPs (15 min)</p> <p><b>5.</b> Future Council Meeting Agenda &amp; Workload Planning (45 min)</p> <hr/>
<b>Wed, Sept 11</b>	7.75 hr	8 hr	8 hr	8 hr	8.5 hr	3.5 hr
8 am SSC 8 am GAP 8:30 am HC Noon LC 2 pm BC 4 pm Chair's Briefing 5 pm EC	7 am State Delegations 8 am GAP & GMT 8 am STT & SAS? 8 am SSC 6 pm Chair's Reception  As Necessary EC	7 am State Delegations 8 am GAP & GMT 8 am EPDT&EAS  As Necessary EC	7 am State Delegations 8 am GAP & GMT 8 am EPDT&EAS  As Necessary EC	7 am State Delegations 8 am GAP & GMT  As Necessary EC	7 am State Delegations 8 am GAP & GMT  As Necessary EC	7 am State Delegations      As Necessary EC

Agenda Item C.7.a  
Attachment 2  
June 2013

Pacific Council Workload Planning: Preliminary Year-at-a-Glance Summary					
(Parenthetical numbers mean multiple items per topic; shaded Items may be rescheduled pending workload priorities; deletions= <del>strikeout</del> ; underline= <u>new</u> )					
	September 11-17, 2013 (Boise)	November 1-6, 2013 (Costa Mesa)	March 8-13, 2014 (Sacramento)	April 5-10, 2014 (Vancouver)	June 20-25, 2014 (Garden Grove)
<b>CPS</b>		NMFS Rpt Sardine Asmnt & Mgmt Meas. EFP Notice of Intent for 2014 <u>Establish MSY for N. Anchovy</u> <u>Method Rev.--Identify Topics</u> <u>Sardine Harvest Parameter</u> <u>Consideration</u>	<del>Sardine Methodology Review</del> EFPs: Final Recommendations	Sardine Asmnt & Mgmt Meas.	NMFS Rpt <u>Sardine Methodology Review</u>  P. Mackerel Biennial Spex
<b>Groundfish</b>	NMFS Report Inseason Mgmt Approve Stock Assessments 2	NMFS Report Inseason Mgmt Stock Assessment Clean-up & Rebuilding Analyses	NMFS Report Inseason Mgmt <u>Meth Rev Process Discussion</u>	NMFS Report Inseason Mgmt	NMFS Report Inseason Mgmt
	Stock Cmplx Consideration Initial Actions for Setting Fisheries in 15-16 & Beyond Plan Science Improvements Sablefish <u>Permit Stacking</u> <u>Program Review-Scope/ROA</u> <u>Seabird Avoidance Regs Final</u>	<u>Stock Cmplx FPA</u> Further Actions for Setting Fisheries in 15-16 & Beyond Sablefish <u>Permit Prog. Rev. ROA</u> Preliminary EFP Approval <u>Seabird Avoidance Regs Final</u>	<u>Biennial Spex &amp; Mgmt Measures</u> <u>Document Review</u>  <i>Info Report: Status of</i> <i>Rationalized Fishery Report</i> <i>to Congress</i> <u>Trawl Trailing Actions</u>	<u>Pac Whiting Spx &amp; Meas.</u> Adopt Final Biennial Spex & PPA Mgmt Measures (2) <u>Sablefish Permit Prog Rev FPA</u> <u>PPA/FPA</u>	Final EFP Approval Adopt FPA Mgmt Measures for 15-16 & Beyond  <u>Refine Stk Assmnt Pln &amp; TORs</u>
	Trawl Trailing Actions: Scope PIE 3; AMP; <u>Trawl Flex Scoping</u> ; <u>Gear Wkshp Rpt</u> ; <u>Elec Monitoring: Scoping</u> <u>EFH Phase 2: Preview Prop</u> <u>Informational Report</u> <u>NMFS Report</u>	Trawl Trailing Actions PIE 3; AMP  <u>Mid-Water Sport Fishery Alts</u> Elec Monitoring: Adopt ROA EFH Phase 2 Report and Options for Further Consideration	<u>Mid-Water Sport Fishery Final</u> <u>Barotrauma Mortality Rates</u> Initiate EFH Amendment As Necessary	Elec Monitoring Check-in	Elec Monitoring PPA
<b>HMS</b>	Final EFP Approval	Update on International Issues <u>Comm Tuna VMS Regs FPA</u>	NMFS Report US-Canada Albacore Update Update on International Issues  DGN Monitoring, Mgmt & Alt Gear Rpt		NMFS Report US-Canada Albacore Update Update on International Issues <u>Preliminary EFP Approval</u> <u>Scope Routine Mgmt Measure</u> <u>Changes, SDC, &amp; Ref. Pts.</u>
<b>Salmon</b>	NMFS Report Method Rev: Adopt Priorities  A18 EFH: Adopt FPA Cormorant Mgmt Plan Cmnts	NMFS Rpt 2013 Method Rev.--Final Winter Chinook Control Rules  2014 Preseason Mgmt Schd	NMFS Rpt Approve Review, Forecasts, SDC, and ACLs Approve Rebuilding Plans (if necessary) 2014 Season Setting (4)	2014 Method Rev.--Identify Topics Calif Coastal Chinook Update  2014 Season Setting (3)	
	Routine Admin (11) Habitat Issues Tri-State Enforcement Rpt <u>MONF-3 Follow-ups</u> P. Halibut: CSP Change Alts P. Halibut Bycatch Estimate Unmanaged Forage Fish Protection initiative <u>Update List of Fisheries FPA</u>	Routine Admin (11) Habitat Issues Federal Enforcement Priorities  P. Halibut: Final CSP Changes  <u>Ocean Obs Initiative Prog Rpt</u> <u>IEA Wkshp Rpt</u>	Routine Admin (9) Habitat Issues  <u>Regional Operating Agreement</u> P. Halibut: Prelim Incidntl Regs P. Halibut: IPHC MTG CA Current Ecosystem Rpt Int Ecosystem Assessment Rpt	Routine Admin (10) Habitat Issues Annual USCG Fishery Enf. Rpt  P. Halibut: Final Incidental Regs Ocean Observation Initiative Rpt <u>Unmanaged Forage Fish</u> <u>Protection initiative</u>	Routine Admin (11) Habitat Issues     CMSP Update
<b>Other</b>					
<b>Apx. Floor Time</b>	<b>5.4 days</b>	<b>6.8 days</b>	<b>5.7 days</b>	<b>5.3 days</b>	<b>4 days</b>

Agenda Item C.7.a  
 Supplemental Attachment 3  
 June 2013

***(SHADED ITEMS ARE TENTATIVE) UNDERLINED ITEMS ARE NEW SINCE C.7.A, ATTACHMENT 2***

Agenda Item C.7.a  
Supplemental Attachment 4  
June 2013

June 2013



UNITED STATES DEPARTMENT OF COMMERCE  
National Oceanic and Atmospheric Administration  
NATIONAL MARINE FISHERIES SERVICE  
1315 East-West Highway  
Silver Spring, Maryland 20910  
THE DIRECTOR

MAY 06 2013

RECEIVED

MAY 14 2013

PFMC

D.O. McIsaac, Ph.D.  
Executive Director  
Pacific Fishery Management Council  
7700 NE Ambassador Place  
Portland, OR 97220

Dear Dr. McIsaac:

Thank you for your letter regarding your concerns about the impact of proposed furlough dates on the upcoming stock assessment review panel.

The proposed furlough dates are tentative and will not be finalized until after NOAA completes required consultation with labor unions and provides 30 days official notice to employees. We may be able to work with employees to schedule alternate furlough days to cover mission-critical activities. Guidance on this has not yet been provided, but we will keep your request in mind as we work through the logistics of this situation.

If you have further questions, please contact Kristen Koch, Southwest Fisheries Science Center, at (858) 546-7081.

Sincerely,

Samuel D. Rauch III  
Deputy Assistant Administrator  
for Regulatory Programs,  
performing the functions and duties of the  
Assistant Administrator for Fisheries





GROUND FISH ADVISORY SUBPANEL REPORT ON  
FUTURE WORKLOAD PLANNING

Draft Northwest Region Saltwater Recreational Fishing Action Agenda for the period Covering  
October 2013- December 2015

The Groundfish Advisory Subpanel (GAP) is impressed with the goals and objectives of the Draft Northwest Region Saltwater Recreational Fishing Action Agenda. We are very supportive of this revised draft, which is an improvement over earlier versions.

One example of this is ....Goal 1 Improved Recreational Fishing Opportunities:

“Reduce barotrauma related mortality of recreationally caught rockfish”...“this will include the production and distribution of educational materials as well as the free distribution of descending devices.”

The GAP supports this kind of approach and encourages National Oceanic and Atmospheric Administration to further pursue these goals. We also request the National Marine Fisheries Service Southwest Region to provide their plan to the Council for review.

Sablefish Ownership and Control Restrictions

The GAP would like to thank the Council members for helping schedule the issue of examining the ownership and control restrictions relative to the sablefish tiered program. Currently, this issue is scheduled for the September Council meeting.

Several sablefish-endorsed permit owners remain very interested in resolving their concerns on this issue, and the GAP requests the Council keep this issue on the September 2013 meeting agenda.

HIGHLY MIGRATORY SPECIES ADVISORY SUBPANEL REPORT ON  
FUTURE COUNCIL MEETING AGENDA AND WORKLOAD PLANNING

The Highly Migratory Species Advisory Subpanel (HMSAS) respectfully request that the Council put on its September 2013 meeting agenda as an action item to comment on two pending bills which should have been reviewed by the Legislative Committee of the Council. These two bills are **S.269** and **H.R. 69** and they relate to implementing legislation for the Antigua Convention. The background on this legislation follows.

The Antigua Convention is the revised Inter-American Tropical Tuna Convention (IATTC) convention, which the U.S. was instrumental in negotiating over 10 years ago. The U.S. has not deposited its instrument of ratification yet, since to date no implementing legislation has been passed, even though the Senate several years ago gave its advice and consent to the Convention.

The implementing legislation for the original IATTC treaty is called the Tuna Conventions Act of 1950, (16 U.S.C. 951). Title IV of **H.R. 269** amends the Act to bring it up to date with the revised Convention. Fortunately, the drafters of the revision kept existing language which benefits U.S. commercial fishermen. We believe this original language, which does not contravene the revised Convention, needs to be retained. That section states that in making regulations, the Secretary of Commerce shall:

in no event . . . [make those regulations effective] . . . prior to an agreed date for the application by *all countries* whose vessels engage in fishing for the species covered by the Convention in the regulatory area on a meaningful scale, in terms of effect upon the success of the conservation program, of effective measures for the implementation of the Commission's recommendations applicable to all vessels and persons subject to their respective jurisdictions. The Secretary *shall suspend* the application of any such regulations when, after consultation with the Secretary of State and the United States Commissioners, he determines that foreign fishing operations in the regulatory area are such as to constitute a serious threat to the achievement of the objectives of the Commission's recommendations. (Emphasis added.)

The language in Section 405 of Title IV of **S. 269** correctly amends Section 6 of the Tuna Conventions Act, by inserting subsections (a) and (b) and leaving Section 6(c) of the Tuna Conventions Act intact. The problem is that the companion bill in the House, **H.R. 69** takes a different approach. In Title II, Section 206, of that bill the language replaces the entire Section 6 of the Tuna Conventions Act by inserting the same language in subsections (a) and (b) that are in **S.269** but deletes subsection (c). Eventually, these bills will have to be rectified in a Conference Committee. It is extremely important that the language of subsection (c) be retained.

This language is critically important to assure that the U.S. fleet fishing for highly migratory species is not disadvantaged in the face of competition from foreign fleets fishing for the same

species. The history of regional fisheries management organizations is replete with examples of the U.S. passing and enforcing regulations to conserve and manage marine resources, only to

have other countries, members of the same organization, fail to pass, or more often, fail to enforce similar regulations. This has often had the effect of putting U.S. fishermen out of business when they are following the spirit and intent of internationally agreed to measures, but their foreign counterparts are not being similarly regulated by their governments.

PFMC

06/23/13

From: **Kelly, Lisa M** <[LKelly@oig.doc.gov](mailto:LKelly@oig.doc.gov)>  
Date: Fri, Jun 7, 2013 at 8:53 AM  
Subject: RE: Commerce OIG review of NOAA catch share programs - Sablefish Permit Stacking Program  
To: "McIsaac, Donald" <[Donald.McIsaac@noaa.gov](mailto:Donald.McIsaac@noaa.gov)>

**Hello Don.**

**I will call on Wednesday at 9:30, using the number you've provided. I am including the questions I anticipate covering.**

- **Is the FMC or its staff responsible for monitoring for compliance with any of the program requirements (or is NMFS handling all administration and oversight of the program)?**
- **Please describe any periodic reporting to the Council from NMFS and concerning the program (e.g., Frequency and type of communication; Describe the information NMFS includes in its communications to the FMC and FMC staff).**
- **Are there progress reviews for the program (or is the FMC planning to complete a review)?**

**Thanks.**

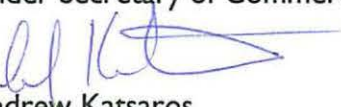
**Lisa Kelly, Auditor  
U.S. Department of Commerce  
Seattle Regional Office of Inspector General  
Telephone [\(206\) 220-4715](tel:2062204715)**



UNITED STATES DEPARTMENT OF COMMERCE  
Office of Inspector General  
Washington, D.C. 20230

February 11, 2013

**MEMORANDUM FOR:** Dr. Jane Lubchenco  
Under Secretary of Commerce for Oceans and Atmosphere

**FROM:**   
Andrew Katsaros  
Assistant Inspector General for Audit

**SUBJECT:** Review of NOAA's Catch Share Programs

In an August 17, 2011, letter to our office, Congressmen Barney Frank and John Tierney expressed concerns over the fisheries regulatory process at NOAA, the National Marine Fisheries Service (NMFS), and Fishery Management Councils (FMCs). In response, our office initiated a multiple-phase review of NMFS and FMCs related to developing rules for the commercial fishing industry. We issued our first report on January 16, 2013. As a continuation of that review, we are initiating a review of the controls and processes associated with NOAA's catch share programs.

The objective of our review is to determine the adequacy of controls NOAA has in place to make decisions related to catch share allocations.

We will contact your audit liaison to schedule an entrance conference. In the meantime, if you have any questions about this review, please contact me at (202) 482-7859 or David Sheppard, Regional Inspector General for Audit, at (206) 220-7970. We appreciate the cooperation of NOAA staff during this review.

cc: Samuel Rauch, Acting Assistant Administrator for Fisheries, NOAA  
Carrie Selberg, Chief of Staff, Fisheries Regulatory Program, NOAA  
Emily Manashes, Acting Director, Office of Sustainable Fisheries, NOAA  
Mack Cato, Director, Office of Audit and Information Management, NOAA

(g) LIMITED ACCESS PRIVILEGE ASSISTED PURCHASE PROGRAM.—

(1) IN GENERAL.—A Council may submit, and the Secretary may approve and implement, a program which reserves up to 25 percent of any fees collected from a fishery under section 304(d)(2) to be used, pursuant to section 53706(a)(7) of title 46, United States Code, to issue obligations that aid in financing—

(A) the purchase of limited access privileges in that fishery by fishermen who fish from small vessels; and

(B) the first-time purchase of limited access privileges in that fishery by entry level fishermen.

(2) ELIGIBILITY CRITERIA.—A Council making a submission under paragraph (1) shall recommend criteria, consistent with the provisions of this Act, that a fisherman must meet to qualify for guarantees under subparagraphs (A) and (B) of paragraph (1) and the portion of funds to be allocated for guarantees under each subparagraph.

(h) EFFECT ON CERTAIN EXISTING SHARES AND PROGRAMS.—Nothing in this Act, or the amendments made by the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006, shall be construed to require a reallocation or a reevaluation of individual quota shares, processor quota shares, cooperative programs, or other quota programs, including sector allocation in effect before the date of enactment of the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006.

(i) TRANSITION RULES.—

(1) IN GENERAL.—The requirements of this section shall not apply to any quota program, including any individual quota program, cooperative program, or sector allocation for which a Council has taken final action or which has been submitted by a Council to the Secretary, or approved by the Secretary, within 6 months after the date of enactment of the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006, except that—

(A) the requirements of section 303(d) of this Act in effect on the day before the date of enactment of that Act shall apply to any such program;

(B) the program shall be subject to review under subsection (c)(1)(G) of this section not later than 5 years after the program implementation; and

(C) nothing in this subsection precludes a Council from incorporating criteria contained in this section into any such plans.

(2) PACIFIC GROUND FISH PROPOSALS.—The requirements of this section, other than subparagraphs (A) and (B) of subsection (c)(1) and subparagraphs (A), (B), and (C) of paragraph (1) of this subsection, shall not apply to any proposal authorized under section 302(f) of the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006 that is submitted within the timeframe prescribed by that section.

(c) REQUIREMENTS FOR LIMITED ACCESS PRIVILEGES.—

(1) IN GENERAL.—Any limited access privilege program to harvest fish submitted by a Council or approved by the Secretary under this section shall—

(A) if established in a fishery that is overfished or subject to a rebuilding plan, assist in its rebuilding;

(B) if established in a fishery that is determined by the Secretary or the Council to have over-capacity, contribute to reducing capacity;

(C) promote—

- (i) fishing safety;
- (ii) fishery conservation and management; and
- (iii) social and economic benefits;

(D) prohibit any person other than a United States citizen, a corporation, partnership, or other entity established under the laws of the United States or any State, or a permanent resident alien, that meets the eligibility and participation requirements established in the program from acquiring a privilege to harvest fish, including any person that acquires a limited access privilege solely for the purpose of perfecting or realizing on a security interest in such privilege;

(E) require that all fish harvested under a limited access privilege program be processed on vessels of the United States or on United States soil (including any territory of the United States);

(F) specify the goals of the program;

(G) include provisions for the regular monitoring and review by the Council and the Secretary of the operations of the program, including determining progress in meeting the goals of the program and this Act, and any necessary modification of the program to meet those goals, with a formal and detailed review 5 years after the implementation of the program and thereafter to coincide with scheduled Council review of the relevant fishery management plan (but no less frequently than once every 7 years);

(H) include an effective system for enforcement, monitoring, and management of the program, including the use of observers or electronic monitoring systems;

(I) include an appeals process for administrative review of the Secretary's decisions regarding initial allocation of limited access privileges;

(J) provide for the establishment by the Secretary, in consultation with appropriate Federal agencies, for an information collection and review process to provide any additional information needed to determine whether any illegal acts of anti-competition, anti-trust, price collusion, or price fixing have occurred among regional fishery associations or persons receiving limited access privileges under the program; and