

## REGIONAL OPERATING AGREEMENT

In January 2013, the Department of Commerce, Office of Inspector General (OIG), issued a final report addressing streamlining the rulemaking process for fisheries management and improving the transparency and consistency in fisheries management. The report included a recommendation that National Marine Fisheries Service (NMFS) finalize regional operating agreements (ROAs) between NMFS regional offices and Councils. The primary purpose of an ROA is to provide a clear understanding of roles, responsibilities, and obligations between Councils and NMFS regional offices.

The NMFS Action Plan developed in response to the OIG's report committed to submitting approved ROAs that identify the current roles and responsibilities of NMFS and the Council, communication protocols, and process for working together during the development of fishery management plans, amendments, and regulations, including discussion of how roles, responsibilities, and milestones are set and communicated for specific actions. The intent of the Action Plan response was to allow each Region-Council pair to continue using the existing systems and protocols that they had developed to coordinate their work, but to document those existing mechanisms to ensure that the various roles and responsibilities, communication protocols, and processes for working together were clearly understood and communicated. Where appropriate, the documentation should also explain how these systems operate in context of the open, public Council process.

The Action Plan committed NMFS to working with each Council to prepare draft ROAs for Council review and signature by December 31, 2013.

At its September 2013 meeting, the Council received a draft ROA documenting NMFS roles and responsibilities, but without concomitant sections for the Council. Since that time, Council staff has added a description of Council roles and responsibilities documenting current processes and procedures (Agenda Item I.1.a, Attachment 1) and made other miscellaneous edits to the document. At the time of the advance briefing book deadline, NMFS had not had the opportunity to review these draft changes due to the Federal employee furlough.

### **Council Action:**

- 1. Review and provide guidance on Draft ROA.**
- 2. Consider approval of Draft ROA.**

### **Reference Materials:**

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

Agenda Order:

- a. Agenda Item Overview
- b. Reports and Comments of Advisory Bodies and Management Entities
- c. Public Comment
- d. **Council Action:** Adopt Regional Operating Agreement between Pacific Council and National Marine Fisheries Service

Chuck Tracy

PFMC  
10/10/13

*Draft*  
**Operating Agreement**

Among the

Pacific Fishery Management Council;

NOAA<sup>1</sup> Fisheries Service West Coast Regional Office;

NOAA Fisheries Service Northwest Fisheries Science Center;

NOAA Fisheries Service Southwest Fisheries Science Center;

NOAA Fisheries Service Office of Law Enforcement, Northwest;

NOAA Fisheries Service Office of Law Enforcement, Southwest;

NOAA General Counsel, Northwest Section; and

NOAA General Counsel, Southwest Section

November 2013

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<sup>1</sup> "NOAA" is the National Oceanic and Atmospheric Administration. "NOAA Fisheries Service" and the "National Marine Fisheries Service (NMFS)" are **synonymous** names for the same agency. NMFS is the term used in this document.

## Acronyms and Abbreviations

COP	Council Operating Procedure
Council	Pacific Fishery Management Council
ESA	Endangered Species Act
FMP	Fishery Management Plan
GC	General Counsel
MSA	Magnuson-Stevens Fishery Conservation and Management Act
NEPA	National Environmental Policy Act
NMFS	National Marine Fisheries Service (also known as NOAA Fisheries)
NOAA	National Oceanic and Atmospheric Administration
NWFSC	NMFS' Northwest Fisheries Science Center
OLE	NMFS' Office of Law Enforcement
PSMFC	Pacific States Marine Fisheries Commission
SOPP	Statement of Organization, Practices, and Procedures
SSC	Scientific and Statistical Committee
SWFSC	NMFS' Southwest Fisheries Science Center
Teams	Plan, Technical, and Management Teams and Workgroups
WCR	NMFS' West Coast Regional Office

## Overview

This Operating Agreement (Agreement) confirms the mutual interests of, and describes the working relationship among, the following entities:

- Pacific Fishery Management Council (Pacific Council)
- NMFS' West Coast Regional Office (WCR),
- NMFS' Northwest Fisheries Science Center (NWFSC),
- NMFS' Southwest Fisheries Science Center (SWFSC),
- NOAA's Office of General Counsel,<sup>2</sup> Northwest and Southwest Sections (NOAA GC), and
- NMFS' Office of Law Enforcement, Northwest and Southwest Divisions (OLE).

The preparation, review, approval, and implementation of fishery management actions and the implementing rules and regulations under the MSA comprise a complex process in which the Regional Fishery Management Councils and NMFS, acting on behalf of the Secretary of Commerce (Secretary), have distinct, yet sometimes overlapping, roles. In addition to the MSA, a variety of other applicable laws and Executive Orders have analytical and procedural requirements with which NMFS and the Pacific Council must comply, including the National Environmental Policy Act, the Endangered Species Act, the Marine Mammal Protection Act, the Regulatory Flexibility Act, the Paperwork Reduction Act, the Information Quality Act, and the Administrative Procedure Act. To support the mutual and dependent responsibilities of the Pacific Council, the NMFS WCR, NWFSC, SWFSC, NOAA General Counsel, and the NMFS OLE, this Agreement specifies responsibilities of each entity.

## Roles and Responsibilities

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<sup>2</sup> Represents NMFS but is actually a part of NOAA.

## **Pacific Council**

The Pacific Council is responsible under the MSA for the preparation of FMPs, FMP amendments, and other related actions for species under its authority. The Pacific Council develops, analyzes the likely impacts of, and recommends management measures to NMFS that are the product of an open and transparent public process open to all interested in the fishery and consistent with all applicable laws and regulations. The Pacific Council is responsible for documenting its fishery management process and providing the justification and rationale for its recommendations. Pacific Council members must be informed of the potential impacts of the actions they are recommending by ensuring all documentation and analysis necessary to support fishery management actions are available prior to final action on Pacific Council recommendation.

### ***An Open, Public, Transparent Decision-Making Process***

The Pacific Council is responsible for conducting a properly noticed, open process in an accessible public forum that encourages public input throughout all developmental stages and at the time of final decision making, in accordance with the Pacific Council's SOPP and COP1. This is to include the preparation of advance Briefing Books with notice of situational decision making specifics scheduled for each particular Council meeting, together with informational material and public comment received in advance of publication deadlines. Pacific Council staff shall work with NMFS entities to insure to the extent possible that informational material produced by NMFS can be included in the advance Briefing Book. The Pacific Council is responsible for distribution of information about Council decisions to the public in a timely manner.

### ***Pacific Council Advisory Bodies***

The Pacific Council is responsible for appointing members to Advisory Bodies and conducting their meetings in accordance with COPs 2, 3, 4, 5, 6, 7, 8, and the SOPP document, including an SSC, Management Teams and Advisory Subpanels for each of the Pacific Council FMPs, a Habitat Committee, and Enforcement Consultants Committee, a Groundfish Allocation Committee, a Budget Committee and a Legislative Committee, and other permanent and ad-hoc committees. The Pacific Council staff is responsible for facilitating input of scientific, technical and policy analysis and advice from these Advisory Bodies to Pacific Council Members and the public in the form of written statements presented at Council meetings.

### ***Preparation of an Administrative Record***

The Pacific Council is responsible for documenting its fishery management process and providing the justification and rationale for its recommendations. The full record of each Council meeting is maintained at the Council office, and consists of the following:

1. The meeting notice and proposed agenda.
2. The approved minutes. 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.
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.

5. The Council Decision Summary Document. This document is distributed immediately after the meeting and contains very brief descriptions of Council decisions.

6. Draft or final decision documents finalized after the Council meeting such as Environmental Impact Statements or Environmental Assessments.

7. Pacific Council News. There are between two and four editions of the Pacific Council News produced each year. The Spring Edition covers March and April Council meetings; the Summer Edition covers the June Council meeting; the Fall Edition covers the September meeting; and the Winter Edition covers the November Council meeting. In some years the Summer Edition may be combined with the Spring Edition, and/or the Fall Edition Combined with the Winter Edition.

#### ***Inter-staff Workload Planning and Communication Protocols***

It is recognized that workload for Pacific Council fishery management actions is a shared responsibility between the Pacific Council staff and the federal parties to this Agreement. During the meeting agenda and workload planning portion of each Council meeting, the parties shall strive to define the primary party responsible for major NEPA and other analytical documents the Council will rely on for decision-making and the Secretarial approval process. The Pacific Council is responsible for convening conference calls with the federal parties to the Agreement after each Council meeting to discuss workload follow-ups and next Council meeting preparations. Informal inter-staff “project teams” composed of representatives of the parties to this Agreement can be created to plan and execute the procedural and technical steps necessary for the regulatory process, and to collaborate on the supporting documents for Pacific Council actions, including the MSA documents (e.g., FMP, FMP amendment), the NEPA document (i.e., Categorical Exclusion, Environmental Assessment, Finding of No Significant Impact, or Environmental Impact Statement), information necessary for WCR to conduct ESA section 7 consultations, and documentation demonstrating compliance with all other relevant applicable laws and Executive Orders. (e.g., environmental assessments, environmental impact statements, FMP amendment, etc.).

Pacific Council staff will be responsible for authorizing the deeming of proposed implementing regulations for Pacific Council-developed actions to ensure that regulations are consistent with Pacific Council intent, while WCR staff will be responsible for writing draft implementing rules and regulations and conducting Paperwork Reduction Act or Information Quality Act analyses.

#### **NMFS**

NMFS reviews the Pacific Council’s fishery management recommendations for consistency with all statutory and regulatory requirements and Executive Orders. NMFS approves, disapproves, or partially approves the Pacific Council’s recommendations. If a measure is disapproved, NMFS is responsible for providing the rationale and justification for the disapproval. If measures are approved, NMFS is responsible for implementing, administering, and enforcing the management programs. In accordance with MSA §302(f)(3) and (4), NMFS is responsible for participating in the development of Pacific Council actions through attendance at Council meetings, meetings of established Advisory Bodies, specialized workgroups, project teams and workshops, and other informal collaboration, such as post-Council meeting conference calls to coordinate follow-ups.

#### ***NMFS HQ***

NMFS Headquarters is responsible for:

- Deciding whether to concur with the Regional Administrator's decision regarding approval/disapproval/partial approval of Pacific Council-recommended actions;
- Deciding whether to approve final rule implementing regulations;
- Determining that an appropriate NEPA document has been completed for the action; and
- Resolving with NOAA General Counsel any issues elevated to Headquarters, including issues related to determinations of legal sufficiency.

## **WCR**

WCR will assist the Pacific Council in the development of fishery management actions, by:

- Attending Pacific Council meetings with representation in the Regional Administrator Council Member seat, and with sufficient support staff to provide for documents and analysis necessary for Pacific Council decision-making.
- Ensuring staff representation on appointed seats for Advisory Bodies listed in the Pacific Council COPs, or participation in Advisory Bodies as necessary if not a member of the Advisory Body, to provide information and analysis on biological, technical, policy, administrative, and legal requirements and issues as appropriate.
- Ensuring active staff participation in specialized work groups, project teams or workshops leading to Pacific Council decision making, as well as on informal communication and collaboration efforts.
- Identifying a lead staff person in the Sustainable Fisheries Division to assist with coordinating other WCR/NOAA divisions as needed, including Habitat, Protected Resources, NEPA, OLE, and NOAA General Counsel.
- Identifying and responding to staff resource needs, requirements, and/or limitations associated with the development, review, approval, and/or implementation of an action.
- Coordinating any interactions as appropriate between the Pacific Council and NMFS Headquarters and the various offices within NMFS Headquarters (e.g., Office of Sustainable Fisheries, Office of Science and Technology, and the NOAA NEPA Coordinator).
- Coordinating the review of Pacific Council actions and documentation within NWFSC, OLE, SWFSC, WCR, and NOAA General Counsel.
- Providing advice, guidance, and information on fishery management policy issues and requirements as appropriate, including considerations of administrative costs and complexity, potential approvability issues, enforceability concerns, timing of the development and implementation of an action, particularly with regard to the Secretarial review phase, and regulatory simplification (i.e., how to keep measures and regulations as simple and clear as possible).
- Drafting proposed and final rules to implement approved measures, with the accompanying regulatory language, consistent with the Pacific Council's action and intent; providing such rules and regulations to Pacific Council staff in a timely manner to allow for the Pacific Council's regulatory deeming process.
- Ensuring that all applicable laws and executive orders are addressed (e.g., Paperwork Reduction Act, Information Quality Act) and integrated into the Pacific Council process as appropriate.
- In consultation with Pacific Council Staff, identifying the type of NEPA analysis expected to be undertaken to support the decision-making process (i.e., Categorical Exclusion, Environmental Assessment, or Environmental Impact Statement).
- Taking the lead of the construction of NEPA documents beyond the capacity of Pacific Council resources, and providing them in the advance Briefing Book to Council meetings in which Pacific Council decision-making is scheduled.
- Conducting Essential Fish Habitat consultations, in a manner integrated with the Pacific Council process as appropriate.
- Conducting consultations under the Endangered Species Act, in a manner integrated with the Pacific Council process as appropriate.

- Conducting regulatory economic analyses (e.g., Regulatory Flexibility Act) and providing it to Pacific Council staff in a timely manner for including it in Briefing Book materials prior to meetings in which Pacific Council decision-making is scheduled.
- Responding to public comments received during rulemaking, in consultation with Pacific Council staff.
- Implementing and administering approved programs and program changes; working closely with OLE and NOAA General Counsel to enforce regulations and defend approved Pacific Council recommendations in litigation.
- Monitoring, projecting, and documenting fishing activity and catches and providing such information to the appropriate Pacific Council Advisory Body, taking appropriate in-season and/or post-season actions relative to annual catch limits and seasonal catch quotas.
- In consultation with, or as a result of, Pacific Council recommendations or discussion, develop and implement emergency actions, interim actions, and Secretarial FMPs/amendments that respond to new information or management/statutory requirements.
- Notification of the timing for formal transmittal of Pacific Council action and associated documentation for FMP amendments and other major actions of the Pacific Council.

### ***NWFSC and SWFSC***

The NWFSC and SWFSC staff will attend Pacific Council meetings as necessary and ensure staff representation on appointed seats for Advisory Bodies listed in the Pacific Council COPs, or participation in Advisory Bodies as necessary if not a member of the Advisory Body, to provide scientific information and analysis relative to the development of fishery management actions. The NWFSC and SWFSC staff will also contribute to and review Pacific Council-developed documents supporting fishery management actions; provide advice, data, modeling (e.g., ecosystem impacts models, stock assessments, cost-earnings modeling) and analysis that promotes the use of the best available scientific information. NWFSC and SWFSC will provide for stock assessments and STAR Panels as scheduled in the Pacific Council process.

### ***NOAA General Counsel, Northwest and Southwest Sections***

NOAA General Counsel will attend Pacific Council meetings and Advisory Bodies as appointed, to advise the Pacific Council throughout the process of developing documentation and making sequential and final decisions on fishery management matters. NOAA GC also provides legal advice to the WCR Regional Administrator confirming legal sufficiency of documentation and processes. WCR coordinates the interaction of NOAA General Counsel with the Pacific Council process and their Advisory Bodies. It is expected that a representative from NOAA GC will be involved, as necessary, so that legal issues are addressed early in the process of developing potential actions. If challenged legally, NOAA General Counsel is responsible for assisting the Department of Justice in defending approved management actions and will consult with and involve with the Pacific Council and its staff in the process.

### ***OLE, Northwest and Southwest Divisions***

OLE staff will attend Pacific Council meetings and participate on Advisory Bodies as appointed, to provide enforcement-related advice to the Pacific Council, its various Advisory Bodies, and other entities, as appropriate. If an OLE staff person is not on an Advisory Body, it will be the responsibility of the lead WCR Sustainable Fisheries Division staff person to coordinate OLE input on Pacific Council actions. OLE will ensure that any potential enforcement-related issues that may be associated with an action are identified as early as possible and addressed to the extent practical.

## Life of Agreement

This Agreement will become effective when signed by all parties, and will remain in effect unless and until it is terminated by one or more parties, or it is superseded by another agreement. Any party may terminate this Agreement by providing 90 days written notice to the remaining parties. This Agreement may be expanded to include other aspects of the development and implementation of management actions and may be amended at any time upon written agreement among all parties.

## Statement of Commitment

By signing below, I agree, on behalf of the organization I represent, to fulfill the roles and responsibilities outlined herein, and to support the efforts of the other parties.

Pacific Fishery Management Council:

\_\_\_\_\_  
Executive Director

\_\_\_\_\_  
Date

NOAA Fisheries Service West Coast Regional Office:

\_\_\_\_\_  
Regional Administrator

\_\_\_\_\_  
Date

NOAA Fisheries Service Northwest Fisheries Science Center:

\_\_\_\_\_  
Science and Research Director

\_\_\_\_\_  
Date

NOAA Fisheries Service Southwest Fisheries Science Center:

\_\_\_\_\_  
Science and Research Director

\_\_\_\_\_  
Date

NOAA Fisheries Service Office of Law Enforcement, Northwest Division:

\_\_\_\_\_  
Special Agent in Charge

\_\_\_\_\_  
Date

NOAA Fisheries Service Office of Law Enforcement, Southwest Division:

\_\_\_\_\_  
Special Agent in Charge

\_\_\_\_\_  
Date

NOAA General Counsel, Southwest Section

\_\_\_\_\_  
Section Chief

\_\_\_\_\_  
Date

NOAA General Counsel, Northwest Section

\_\_\_\_\_  
Section Chief

\_\_\_\_\_  
Date

DRAFT

*Revised Draft*  
**Operating Agreement**

Among the

Pacific Fishery Management Council;

NOAA<sup>1</sup> Fisheries Service West Coast Regional Office;

NOAA Fisheries Service Northwest Fisheries Science Center;

NOAA Fisheries Service Southwest Fisheries Science Center;

NOAA Fisheries Service Office of Law Enforcement, Northwest;

NOAA Fisheries Service Office of Law Enforcement, Southwest;

NOAA General Counsel, Northwest Section; and

NOAA General Counsel, Southwest Section

November 2013

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<sup>1</sup> "NOAA" is the National Oceanic and Atmospheric Administration. "NOAA Fisheries Service" and the "National Marine Fisheries Service (NMFS)" are synonymous names for the same agency. NMFS is the term used in this document.

## Acronyms and Abbreviations

COP	Council Operating Procedure
EO 12866	Executive Order 12866 Regulatory Planning and Review
ESA	Endangered Species Act
FMP	Fishery Management Plan
GC	General Counsel
MSA	Magnuson-Stevens Fishery Conservation and Management Act
NEPA	National Environmental Policy Act
NMFS	National Marine Fisheries Service (also known as NOAA Fisheries)
NOAA	National Oceanic and Atmospheric Administration
NWFSC	NMFS' Northwest Fisheries Science Center
OLE	NMFS' Office of Law Enforcement
Pacific Council	Pacific Fishery Management Council
PSMFC	Pacific States Marine Fisheries Commission
RFA	Regulatory Flexibility Act
SOPP	Statement of Organization, Practices, and Procedures
SSC	Scientific and Statistical Committee
SWFSC	NMFS' Southwest Fisheries Science Center
Teams	Plan, Technical, and Management Teams and Workgroups
WCR	NMFS' West Coast Regional Office

## Overview

This Operating Agreement (Agreement) confirms the mutual interests of, and describes the working relationship among, the following parties:

- Pacific Fishery Management Council (Pacific Council)
- National Marine Fisheries Service (NMFS') West Coast Regional Office (WCR),
- NMFS' Northwest Fisheries Science Center (NWFSC),
- NMFS' Southwest Fisheries Science Center (SWFSC),
- NOAA's Office of General Counsel,<sup>2</sup> Northwest and Southwest Sections (NOAA GC), and
- NMFS' Office of Law Enforcement, Northwest and Southwest Divisions (OLE).

The preparation, review, approval, and implementation of fishery management actions and the implementing rules and regulations under the Magnuson-Stevens Act (MSA) comprise a complex process in which the Regional Fishery Management Councils and NMFS, acting on behalf of the Secretary of Commerce (Secretary), have distinct, yet sometimes overlapping, roles. In addition to the MSA, a variety of other applicable laws and Executive Orders have analytical and procedural requirements with which NMFS and the Pacific Council must comply, including the National Environmental Policy Act (NEPA), the Endangered Species Act (ESA), the Marine Mammal Protection Act, the Regulatory Flexibility Act (RFA), the Paperwork Reduction Act, the Information Quality Act, Executive Order (EO) 12866, and the Administrative Procedure Act. To support the mutual and dependent responsibilities of the Pacific Council, the NMFS WCR, NWFSC, SWFSC, NOAA GC, and the NMFS OLE, this Agreement specifies responsibilities of each party to be implemented to the fullest extent that anticipated funding and staffing levels allow; anticipated funding is within the range of the recent decade. Should funding and staffing fall

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to levels that affect the ability to meet expectations, the Pacific Council and the Federal Parties shall confer in an effort to adjust expectations and, if necessary, proceed to terminate this agreement (see “Life of Agreement” section below).

## **Roles and Responsibilities**

### **Pacific Council**

The Pacific Council is responsible under the MSA for the preparation of Fishery Management Plans (FMPs), FMP amendments, and other related actions for species under its authority that require conservation and management. The Pacific Council develops, analyzes the likely impacts of, and recommends management measures to NMFS that are the product of an open and transparent public process engaging all interested in the fishery and consistent with all applicable laws and regulations. The Pacific Council is responsible for documenting its fishery management process and providing the justification and rationale for its recommendations. Typically, Pacific Council staff are the lead drafters of required analyses to support these recommendations (e.g., NEPA, MSA, RFA/EO 12866, etc.) (see “Inter-staff Workload and Communication Protocols” section below). Pacific Council members must be informed of the potential impacts of the actions they are recommending by ensuring all documentation and analysis necessary to support fishery management actions are available prior to final action on Pacific Council recommendations.

### ***An Open, Public, Transparent Decision-Making Process***

The Pacific Council is responsible for conducting a properly noticed, open process in an accessible public forum that encourages public input throughout all developmental stages and at the time of final decision-making, in accordance with the Pacific Council’s Statement of Organization, Practices, and Procedures (SOPP) and Council Operating Procedure (COP) 1. This is to include the preparation of advance briefing books with notice of decision-making specifics scheduled for each particular Pacific Council meeting, together with informational material and public comment received in advance of publication deadlines. Pacific Council staff shall work with NMFS parties to ensure to the extent practicable that informational material produced by NMFS can be included in the advance briefing book. The Pacific Council is responsible for distribution of information about Pacific Council decisions to the public in a timely manner.

### ***Pacific Council Advisory Bodies***

The Pacific Council is responsible for appointing members to Advisory Bodies and conducting their meetings in accordance with COPs 2, 3, 4, 5, 6, 7, 8, and the SOPP document, including a Scientific and Statistical Committee (SSC), Management Teams and Advisory Subpanels for each of the Pacific Council FMPs, a Habitat Committee, an Enforcement Consultants Committee, a Groundfish Allocation Committee, a Budget Committee, a Legislative Committee, and other permanent and ad hoc committees. The Pacific Council staff is responsible for facilitating input of scientific, technical, and policy analysis and advice from these Advisory Bodies to Pacific Council Members and the public in the form of written statements presented at Pacific Council meetings.

### ***Preparation of an Administrative Record***

As noted above, the Pacific Council is responsible for documenting its fishery management process and providing the justification and rationale for its recommendations. The full record of each Pacific Council meeting is maintained at the Pacific Council office, and consists of the following:

1. The meeting notice and proposed agenda.
2. The approved minutes. 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 Pacific Council meeting

and summarize pertinent Pacific Council discussion for each Pacific Council Guidance, Discussion, or Action item, including detailed descriptions of rationale leading to a decision and discussions between an initial motion and the final vote.

3. Audio recordings of the testimony, presentations, and discussions occurring at the meeting. Recordings are labeled by agenda number and time to facilitate electronic review of a particular agenda item.

4. All documents produced for consideration at the Pacific 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 Pacific Council Secretariat and distributed to Pacific Council Members; (4) written public comments received at the Pacific Council meeting in accordance with agenda labeling requirements; and (5) electronic material or handout materials used in presentations to Pacific Council Members during the open session.

5. The Pacific Council Decision Summary Document. This document is distributed immediately after the meeting and contains very brief descriptions of Pacific Council decisions.

6. Draft or final analytical documents, such as Environmental Impact Statements or Environmental Assessments as appropriate.

7. *Pacific Council News*. There are between two and four editions of the *Pacific Council News* produced each year. The Spring Edition covers March and April Pacific Council meetings; the Summer Edition covers the June Pacific Council meeting; the Fall Edition covers the September meeting; and the Winter Edition covers the November Pacific Council meeting. In some years the Summer Edition may be combined with the Spring Edition, and/or the Fall Edition Combined with the Winter Edition.

#### ***Inter-staff Workload Planning and Communication Protocols***

It is recognized that workload for Pacific Council fishery management actions is a shared responsibility between the Pacific Council staff and the Federal parties to this Agreement. During the meeting agenda and workload planning portion of each Pacific Council meeting, the parties shall strive to define the primary party responsible for major NEPA, EO 12866, RFA, and other analytical documents the Pacific Council will rely on for decision-making and the Secretarial approval process. The Pacific Council is responsible for convening conference calls with the Federal parties to the Agreement after each Pacific Council meeting to discuss workload follow-ups and next Pacific Council meeting preparations. Informal inter-staff “project teams” composed of representatives of the parties to this Agreement can be created to plan and execute the procedural and technical steps necessary for the Pacific Council decision-making and regulatory processes, and to collaborate on the supporting documents for Pacific Council actions, including MSA documents (e.g., FMP, FMP amendment), NEPA documentation (e.g., Environmental Assessment, Environmental Impact Statement), information necessary for WCR to conduct ESA Section 7 consultations, and documentation demonstrating compliance with all other relevant applicable laws and Executive Orders. In addition, the senior leadership of the Pacific Council, WCR, NWFS, and SWFS will meet periodically to discuss workload planning.

Pacific Council staff will be responsible for reviewing proposed implementing regulations for Pacific Council-developed actions, and for making a recommendation to the Executive Director (and if appropriate, the Pacific Council) that regulations are deemed consistent with Pacific Council intent before transmitting the deeming decision and associated materials to NMFS.

## **NMFS**

NMFS reviews the Pacific Council's fishery management recommendations for consistency with all statutory and regulatory requirements and Executive Orders. NMFS approves, disapproves, or partially approves the Pacific Council's recommendations. If a measure is disapproved, NMFS is responsible for providing the rationale and justification for the disapproval. If measures are approved, NMFS is responsible for implementing, administering, and enforcing the management programs. In accordance with MSA §302(f)(3) and (4), NMFS is responsible for participating in the development of Pacific Council actions through attendance at Pacific Council meetings, meetings of established Advisory Bodies, specialized workgroups, project teams and workshops, and other informal collaboration, such as post-Pacific Council meeting conference calls, to coordinate follow-up actions.

## **NMFS HQ**

NMFS Headquarters is responsible for:

- Deciding whether to concur with the Regional Administrator's decision regarding approval/disapproval/partial approval of Pacific Council-recommended actions;
- Deciding whether to approve final rule implementing regulations;
- Determining that an appropriate NEPA document has been completed for the action; and
- Resolving with NOAA GC any issues elevated to Headquarters, including issues related to determinations of legal sufficiency.
- **Providing guidance on FMP approval processes and underlying regulatory requirements.**

## **WCR**

WCR will assist the Pacific Council in the development of fishery management actions, by:

- Attending Pacific Council meetings with representation in the Regional Administrator's Pacific Council Member seat, and with sufficient support staff to assist with documents and analysis necessary for Pacific Council decision-making.
- Ensuring staff representation on appointed seats for Advisory Bodies listed in the Pacific Council COPs, or participation in Advisory Bodies as necessary if not a member of the Advisory Body, to provide information and analysis on biological, technical, policy, administrative, and legal requirements and issues, as appropriate. **In the absence of direct OLE staff input on a Pacific Council action, it will be the responsibility of the WCR to coordinate with OLE and ensure appropriate input occurs on Pacific Council actions.**
- Ensuring active staff participation in specialized work groups, project teams, or workshops leading to Pacific Council decision-making, as well as on informal communication and collaboration efforts.
- Identifying a lead staff person in the Sustainable Fisheries Division to assist with coordinating other WCR/NOAA divisions, offices, and experts as needed, including Area Offices, the Protected Resources Division, OLE, NOAA GC, and NEPA and ESA experts.
- Identifying and responding to Pacific Council and WCR staff resource needs, requirements, and/or limitations associated with the development, review, approval, and/or implementation of an action.
- Coordinating any interactions as appropriate between the Pacific Council and NMFS Headquarters and the various offices within NMFS Headquarters (e.g., Office of Sustainable Fisheries, Office of Science and Technology, and the NOAA NEPA Coordinator).
- Coordinating the review of Pacific Council actions and documentation within NWFSC, OLE, SWFSC, WCR, and NOAA GC as necessary.

- Providing advice, guidance, and information on fishery management policy issues and requirements as appropriate, including considerations of administrative costs and complexity, enforceability, timing of the development and implementation of an action, potential obstacles to the approvability of an action in advance of the Secretarial review phase, and regulatory simplification (i.e., how to keep measures and regulations as simple and clear as possible).
- Drafting proposed and final rules to implement approved measures, with the accompanying regulatory language, consistent with the Pacific Council's action and intent; providing such rules and regulations to Pacific Council staff in a timely manner to allow for the Pacific Council's regulatory deeming process.
- Ensuring that all applicable laws and Executive Orders are addressed (e.g., Paperwork Reduction Act, Information Quality Act) and integrated into the Pacific Council process as appropriate.
- In consultation with Pacific Council staff, identifying the type of NEPA analysis expected to be undertaken to support the decision-making process (i.e., Categorical Exclusion, Environmental Assessment, or Environmental Impact Statement).
- Taking the lead in the construction of NEPA documents in response to limited Pacific Council resources, and providing these documents in the advance briefing book to Pacific Council meetings in which Pacific Council decision-making is scheduled.
- Conducting Essential Fish Habitat consultations, in a manner integrated with the Pacific Council process as appropriate.
- Conducting consultations under the ESA, in a manner integrated with the Pacific Council process as appropriate.
- Assisting Pacific Council staff in developing analyses that will aid NMFS with its economic analysis of regulations (e.g., RFA and EO 12866). In most instances, Pacific Council staff are to develop preliminary analyses for Pacific Council decision-making that can be finalized by NMFS as part of the rulemaking process.
- Responding to public comments received during rulemaking, in consultation with Pacific Council staff as appropriate.
- Implementing and administering approved programs and program changes; working closely with OLE and NOAA GC to enforce regulations and defend approved Pacific Council recommendations in litigation.
- Monitoring, projecting, and documenting fishing activity and catches, providing such information to the appropriate Pacific Council Advisory Body, and taking appropriate in-season and/or post-season actions relative to annual catch limits and seasonal catch quotas.
- In consultation with, or as a result of, Pacific Council recommendations or discussion, develop and implement emergency actions, interim actions, and Secretarial FMPs/amendments that respond to new information or management/statutory requirements as appropriate.
- Notification to Pacific Council staff concerning the timing for formal transmittal of Pacific Council action and associated documentation for FMP amendments and other major actions of the Pacific Council.

### ***NWFSC and SWFSC***

The NWFSC and SWFSC staff will: attend Pacific Council meetings as necessary; provide for staff representation on appointed seats for Advisory Bodies listed in the Pacific Council COPs, or participation in Advisory Bodies as necessary if not a member of the Advisory Body, and; provide scientific information and analysis relative to the development of fishery management actions. The NWFSC and SWFSC staff will also contribute to and review Pacific Council-developed documents supporting fishery management actions, and provide advice, data, modeling (e.g., ecosystem impacts models, stock assessments, cost-earnings modeling) and analyses that promote the use of the best available scientific information. NWFSC and SWFSC will provide support for stock assessments and STAR Panels as scheduled through the Pacific Council process.

***NOAA General Counsel, Northwest and Southwest Sections***

NOAA GC advises the Pacific Council and NMFS throughout the process of developing documentation, making and reviewing decisions, and provides legal advice to the WCR Regional Administrator confirming legal sufficiency of documentation and processes. NOAA GC staff will attend Pacific Council meetings, will make every effort to participate in Pacific Council Advisory Bodies to which they have agreed to be appointed, and will participate in meetings of other Advisory Bodies as needed. NOAA GC provides legal support to the Pacific Council, the SSC, and other Advisory Bodies of the Pacific Council, in coordination with NMFS. It is expected that a representative from NOAA GC will be involved, as necessary, so that legal issues are addressed early in the process of developing potential actions. NOAA GC is responsible for assisting the Department of Justice in defending agency decisions when they are challenged legally.

***OLE, Northwest and Southwest Divisions***

OLE staff will provide active staff representation and participation in support of Pacific Council meetings and Advisory Body meetings as appointed, to provide enforcement-related advice to the Pacific Council, its various Advisory Bodies, and other entities, as appropriate. If an OLE staff person is not on an Advisory Body, OLE will coordinate with the WCR to ensure the WCR can provide appropriate input on Pacific Council actions. OLE will ensure that any potential enforcement-related issues that may be associated with an action are identified as early as possible and addressed to the extent practicable.

**Life of Agreement**

This Agreement will become effective when signed by all parties, and will remain in effect unless and until it is terminated by one or more parties, or it is superseded by another agreement. Any party may terminate this Agreement by providing 90 days written notice to the remaining parties. This Agreement may be expanded to include other aspects of the development and implementation of management actions and may be amended at any time upon written agreement among all parties.

**Statement of Commitment**

By signing below, I agree, on behalf of the organization I represent, to fulfill the roles and responsibilities outlined herein, and to support the efforts of the other parties.

Pacific Fishery Management Council:

\_\_\_\_\_  
Executive Director

\_\_\_\_\_  
Date

NOAA Fisheries Service West Coast Regional Office:

\_\_\_\_\_  
Regional Administrator

\_\_\_\_\_  
Date

NOAA Fisheries Service Northwest Fisheries Science Center:

\_\_\_\_\_  
Science and Research Director

\_\_\_\_\_  
Date

NOAA Fisheries Service Southwest Fisheries Science Center:

\_\_\_\_\_  
Science and Research Director

\_\_\_\_\_  
Date

NOAA Fisheries Service Office of Law Enforcement, Northwest Division:

\_\_\_\_\_  
Special Agent in Charge

\_\_\_\_\_  
Date

NOAA Fisheries Service Office of Law Enforcement, Southwest Division:

\_\_\_\_\_  
Special Agent in Charge

\_\_\_\_\_  
Date

NOAA General Counsel, Southwest Section

\_\_\_\_\_  
Section Chief

\_\_\_\_\_  
Date

NOAA General Counsel, Northwest Section

\_\_\_\_\_  
Section Chief

\_\_\_\_\_  
Date

## MAGNUSON-STEVENSON ACT (MSA) REAUTHORIZATION PRIORITIES AND OTHER LEGISLATIVE MATTERS

The Legislative Committee (LC) will meet Thursday, October 31 to review Magnuson-Stevens Act (MSA) reauthorization priorities discussed at the October 23-24, 2013 Council Coordination Committee (CCC) meeting, to discuss additions or deletions from the Council priority assignments decided at the September 2013 Council meeting, to discuss a format for further analysis of Council priority assignments, and to review legislative matters of interest to the Council.

### Council Coordination Committee Follow-up

The CCC will meet via webinar on October 23-24 for the primary purpose of considering positions on MSA reauthorization, including further analysis of the findings developed at the Managing Our Nation's Fisheries 3 (MONF3) Conference and preliminary priorities of each of the eight Regional Fishery Management Councils and National Marine Fisheries Service (see Agenda Item A.3.a, Supplemental Attachment 1, for the proposed CCC meeting agenda). A summary of the results of discussions relative to MSA reauthorization is shown in Agenda Item I.2.a, Supplemental Attachment 7.

### Further Analysis of Priority Topics

In September, the Council identified priority topics for further analysis prior to considering position statements. There has been insufficient time since the September Council meeting to provide detailed analysis at this meeting. However, under a presumption that Congressional action will not be so advanced by the spring of 2014 to preclude more deliberate analysis over the winter, it is useful at this time to hear what the Council feels is necessary further information and analysis to be considered at the April 2014 Council meeting when this topic is next scheduled for Council consideration. As an example of the kind of information and preliminary analysis that might be brought back to the Council, Council staff has created a draft fact sheet format, using one topic for illustration purposes (Agenda Item I.2.a, Attachment 1). The Council should provide guidance on the format and content of further analysis requested for its April 2014 meeting.

### Changes to the List of Preliminary Pacific Council Priorities

The Legislative Committee and the Council spent a substantial amount of time discussing the MONF3 Conference findings at the September Council meeting, and identified 17 priority topic areas for further analysis (Agenda Item I.2.a, Attachment 2). However, in addition to new input from the CCC meeting as described above, not all Council advisory bodies were able to comment at that time since they did not all meet in September. While the Council may wish to postpone further prioritization decisions of the findings until the March 2014 meeting when more detailed analysis is available, it may wish to alter the current initial list of 17 priority topic areas based on additional input received at this meeting. Notably, there are advisory bodies that were

not present at the September Council meeting and are not present at this meeting whose input will need to be considered at a later time.

### Current Legislation

Council staff has provided a summary of legislation introduced in the 113<sup>th</sup> U.S. Congress (Agenda Item I.2.a, Attachment 3) for potential review at this meeting.

### Letters

At its September meeting, the Council directed Council staff to develop three letters: A draft letter on H.R. 69 (Illegal, Unreported, and Unregulated Fishing Enforcement Act of 2013) and S. 269 (International Fisheries Stewardship and Enforcement Act) in the event that the Council receives a Congressional request for comment on this issue (Agenda Item I.2.a, Attachment 4); a Congressionally-requested letter on the Revitalizing the Economy of Fisheries (REFI) in the Pacific Act of 2013 (Agenda Item I.2.a, Attachment 5); and a letter requesting comment from relevant West Coast tribes on proposed changes to the tenure of the tribal seat on the Council (Agenda Item I.2.a, Attachment 6).

### **Council Action:**

#### **1. Consider the Legislative Committee report and recommendations.**

### Reference Materials:

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

Jennifer Gilden  
Dave Hanson

d. Public Comment

e. **Council Action:** Consider the Report and Recommendations of the Legislative Committee

PFMC

10/10/13

The Honorable Doc Hastings  
United States House of Representatives  
1203 Longworth House Office Building  
Washington, D.C. 20515-4704

The Honorable Mark Begich  
United States Senate  
111 Russell Senate Office Building  
Washington, D.C. 20510-0201

Subject: Priorities regarding the reauthorization of the Magnuson-Stevens Act

Dear Chairman Hastings and Senator Begich:

Thank you for your request for Pacific Fishery Management Council comments on the reauthorization of the Magnuson-Stevens Act (MSA). The Pacific Council believes that the MSA has worked well to ensure a science-based management process that ensures long-term sustainable harvests while preventing overfishing and rebuilding depleted stocks. Under current MSA provisions, the Pacific Council has ended within one year any overfishing that has inadvertently occurred, all depleted stocks have been rebuilt or are on strict rebuilding schedules and are making progress towards healthy levels, and none of the over 100 West Coast fish stocks are experiencing overfishing. The Pacific Council believes large-scale changes to the MSA are not warranted, and any changes made to the Act should be carefully considered.

Despite the demonstrated effectiveness of the MSA, the Pacific Council believes there are areas that can be refined in order to improve marine fishery management in the United States and internationally. Participants at the Managing Our Nation's Fisheries 3 conference held in Washington, D.C., this past May developed 128 "findings" that represented ideas for improving marine fishery management. While many of these ideas were not intended for statutory consideration, many were. Within these, some were quite minor, while others were more substantial. The Pacific Council has heard feedback on these ideas from its Legislative Committee, Scientific and Statistical Committee, advisory subpanels, technical teams, and the public, and has identified some general priority topics at this time. The priorities are labeled as "highest priority" and "lower priority," but are not in priority order within those categories.

### **Highest Priority**

Although the items below are listed as high priority, it should be noted these are very general recommendations focusing on areas for improvement and do not represent specific statutory language proposals. The Council lacked the time to develop more detailed policy statements on these issues; however, we plan to do so in the future, assuming the legislative schedule allows.

*Improve rebuilding requirements for overfished stocks:*

- *Address the discontinuity associated with the ten-year rebuilding requirement.*
- *Don't "chase noise" in rebuilding plans (in other words, temper immediate reactions to changes in stock assessments that may merely be statistical "noise," rather than a significant status change).*
- *Address "rebuilding as soon as possible" problems associated with properly taking into account the needs of fishing communities.*

The MSA currently requires that rebuilding take as short a time as possible, after due consideration of the effect on fishing communities, with a maximum rebuilding time of 10 years if possible. Alternatively, for long-lived stocks that cannot rebuild in 10 years, rebuilding must occur in the time to rebuild if there were no fishing, plus one generation time. This requirement necessarily leads to large reductions in catch of directed fishery stocks that are being rebuilt, and can restrict mixed-stock fisheries when the rebuilding stock coexists with healthy stocks. However, it is important to note the purpose that rebuilding programs are designed to increase stock sizes to provide for biological stability and the attendant future economic benefits.

Some believe that the current focus on rebuilding in a certain amount of time results in overly restrictive fishery management that is unnecessarily harmful to fishermen and fishing communities, and that more flexibility is needed to optimize multiple goals. The 10-year rule, where stock rebuilding must occur within 10 years if possible, leads to an awkward and discontinuous policy that disrupts fisheries for little conservation gain. If a stock can rebuild in 9 years at a cost of closing all fisheries, this becomes a mandate. Paradoxically, rebuilding a fish stock in far worse condition that requires 11 or more years to rebuild causes less economic disruption. This is illogical and potentially disastrous for fishing-dependent communities.

In addition, uncertainty in stock assessments and rebuilding analyses for overfished stocks has created a situation where seemingly small changes to analytical results can lead to dire consequences to fisheries and fishing communities ("chasing noise"). This disruption is especially problematic when analytical results vary small amounts, both up and down, due to assessment uncertainty.

Rebuilding as soon as possible, taking into account the needs of the fishery communities, has been interpreted by Courts as nearly ignoring the needs of fishing communities until such time as they have demonstrated a disastrous state. Solutions may be as simple as changing the word

“possible” to “practical.” At any rate, there is a need for threshold clarity so as to allow Councils to properly take into account important social and economic impacts to communities.

*Stocks that were designated as overfished, and that were then determined never to have been overfished, should not be held to rebuilding provisions.*

The data and scientific approaches used to determine stock status evolve and improve, and revisions to past stock status are common. The best available science used to declare a stock overfished may later be improved and show that the stock was never overfished. In these cases, continuing to manage the fishery under rebuilding plan restrictions may no longer be necessary. However, the MSA does not explicitly exempt stocks from rebuilding plans when it is later determined the stock was never overfished.

For example, in 2000, a stock assessment indicated that widow rockfish on the West Coast were below the minimum stock size threshold (MSST) that triggers an overfished status designation. Accordingly, the stock was declared overfished and a rebuilding plan put in place. However, subsequent assessments in 2005 and 2007 estimated that the biomass had never dropped below the MSST and thus the stock had never been overfished. Despite the best available science, uncertainty regarding MSA requirements and the assessment results resulted in the fishery remaining under a restrictive rebuilding plan until 2013. Continuing to manage widow rockfish under a rebuilding plan, even though the stock was never overfished, resulted in social and economic impacts to fishing communities and industry. It also represented a significant expenditure of Council resources to construct and maintain a rebuilding plan, and the new catch share program was unnecessarily complicated by the overfished declaration of widow rockfish and its subsequent rebuilding plan.

*Include a carryover exception to allow annual catch limits to be exceeded in order to carry over surplus and deficit harvest from one year to the next, provided there is a finding from a Council's Scientific and Statistical Committee that such a carryover provision will have negligible biological impacts.*

As part of their business planning, fishermen need to know whether they may carry over surplus and deficit harvest from one year to the next. In the past there has not been a consistent policy regarding this decision. If the SSC finds that carryover will not adversely affect a fish stock, then it should be explicitly allowed.

*Better align and streamline the National Environmental Policy Act (NEPA) and §304(i).*

While a mandate to include streamlining of the NEPA and MSA processes was included in the 2006 reauthorization of the MSA, it has not yet been addressed. The current process is inefficient, requiring substantial additional work to satisfy duplicative NEPA and MSA mandates. This unnecessarily delays implementation of regulations and burdens management resources that could be used more efficiently.

*Explore more flexibility for “data-poor” or “data-limited” species where the precautionary approach limits information on stock performance under higher catch rates.*

One common management challenge is developing and implementing annual catch limits (ACLs) effectively when the requisite data are lacking, when no data collection program is in place, and/or when major natural fluctuations in stock abundance occur more rapidly than stock assessments can be updated. When less information about a stock is available, or the data are outdated, the current model calls for a Council to set a particularly low ACL compared to the theoretically maximum allowable catch, out of recognition of a higher level of scientific uncertainty. There is concern from fishermen who believe fish to be in great abundance based on their observations, but who are restricted from catching the fish because lack of scientific data causes an overly-conservative ACL. It can also lead to severe economic consequences when a rarely-caught stock about which little is known appears occasionally in a healthy mixed stock fishery, and a new, highly buffered ACL for this rare stock suddenly requires a large reduction in catch, creating a bottleneck species that closes or substantially reduces an otherwise healthy fishery.

*Provide flexibility in requirements and qualifications for NMFS-certified observers to ensure that a sufficient pool of observers is available.*

Current requirements and qualifications for NMFS certified observers may be too restrictive regarding formal education and full independence provisions. There have been difficulties in providing a sufficient pool of observers that should be addressed.

### ***Lower Priority***

The Council has also identified the following priority areas that we ask you to take into consideration in drafting new legislation.

- *Designate one Commissioner seat on IATTC Commission for PFMC*
- *Address rebuilding requirements when environmental conditions may be a predominant factor in a stock's decline.*
- *Include a viable mixed stock exception.*
- *Replace the term "overfished" with "depleted" to account for non-fishing causes of stock size below minimum stock size threshold.*
- *Consider a national standard for habitat: "Minimize adverse impacts on essential fish habitat to the extent practicable."*
- *Explore options to improve access to currently confidential harvest or processing information for purposes of enhanced socioeconomic analysis.*
- *Amend MSA to change "vessels" to "vessel" in the IUU certification section.*
- *Make a consistent distinction between "overfishing" (a measure of fishing rate) and "overfished" (a measure of abundance).*
- *Enhance enforcement capabilities for international fisheries, including at-sea and in port monitoring and enforcement, and providing assistance to developing countries in their enforcement capacity.*

Thank you again for the opportunity to comment. The Pacific Council appreciates your dedication to West Coast fisheries and the communities that depend on them. Should you or your staff have any questions about the enclosed report or require additional information, please don't hesitate to contact me at any time.

Sincerely,

D.O. McIsaac, Ph.D.  
Executive Director

JDG:kam

Cc: Council Members  
Council Advisory Body Members  
RFMC Executive Directors

*Draft Sample*  
**FACT SHEET**

for  
POTENTIAL MAGNUSON-STEVENSON ACT REAUTHORIZATION ISSUES

**Topic**

Stocks later determined never overfished should not be held to rebuilding provisions.

**Relevant MSA Sections**

Section 304(e) Rebuilding of Overfished Fisheries

**Issue Essence Statement**

The data and scientific approaches used to determine stock status typically evolve and improve, and revisions to past stock status are common. The best available science used to declare a stock overfished may later be improved and show that the stock was never overfished. In these cases, continuing to manage the fishery under the rebuilding plan restrictions may no longer be necessary. However, the MSA does not explicitly exempt stocks from rebuilding plans when it is later determined the stock was never overfished.

**Objectives of Legislative Change**

Objectives of legislative changes should include ensuring that the best available science is used in determining whether a stock rightfully triggered an overfished status designation with the necessity of constructing and maintaining a rebuilding plan.

**Relevance and Impacts to the Pacific Council and West Coast Fisheries**

This issue has only affected the Groundfish Fishery Management Plan to date. In 2000, a stock assessment indicated that widow rockfish were below the minimum stock size threshold (MSST) that triggers an overfished status designation. Accordingly, the stock was declared overfished and a rebuilding plan put in place. However, subsequent assessments in 2005 and 2007 estimated that the biomass had never dropped below the MSST and thus the stock had never been overfished. Despite the best available science, uncertainty regarding MSA requirements and the assessment results resulted in the fishery remaining under a restrictive rebuilding plan until 2013, when the stock reached target biomass. At the time, the Council discussed what might happen under an opposite scenario, where a new scientific assessment might find a past point where the stock was below the MSST but was not currently.

Continuing to manage widow rockfish under a rebuilding plan, even though the stock was never overfished, resulted in social and economic impacts to fishing communities and industry. It also represented a significant expenditure of Council resources to construct and maintain a rebuilding plan. Further, the trawl rationalization program design was

influenced by the overfished declaration of widow rockfish. For example, the Council developed formal, long-term intersector allocations and established initial allocation of quota share with the intent of covering only the incidental catch of widow rockfish in fisheries that target healthy stocks, instead of treating widow rockfish as a target stock with an allocation based on equal allocation and catch history components. The Council is scheduled to reconsider the initial allocation of widow rockfish quota share in 2014.

*Council Floor Discussions*

[This section to list Council meetings in which this topic came up in Council floor discussions, for example in this draft sample, [September 2005](#), [November 2008](#)]

*Relevant Statements from Advisory Bodies*

[Agenda Item G.9.c, Supplemental GAP Report, September 2013](#)

[Agenda Item F.8.b, Supplemental SSC Report, September 2005](#)

[Agenda Item H.3.c, Supplemental GAP Report, November 2005](#)

**Perspectives or Positions of Other Entities**

*MONF3 Findings*

This finding was developed during Session 1, Topic 2: Rebuilding Program Requirements and Timelines. There was general agreement among the speakers, panelists, and public commenters that stocks that are later determined to have never been overfished should no longer be subject to the MSA rebuilding requirements. A related finding under Session 1, Topic 2 recommended that uncertainty in assessments be acknowledged so that policy makers were provided the flexibility to not “chase noise.”

[Other related findings to be completed]

*Other Regional Fishery Management Councils*

[To be completed]

*NMFS*

[To be completed]

*Fishing Industry*

[To be completed]

*Non-Governmental Organizations*

[To be completed]

## References

### *MONF3 Conference*

Session 1, Topic 2 Description: <http://tinyurl.com/MONF3-Session1>

Session 1, Topic 2 Papers: <http://tinyurl.com/MONF3-Session1-Papers>

Conference Findings: [http://www.managingfisheries.org/2013\\_materials\\_post-conference.html](http://www.managingfisheries.org/2013_materials_post-conference.html)

Conference Proceedings (available in late 2013)

## 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 GovTrack.us website, further summarized by Council staff.

### Most Relevant Bills

#### *HR 1526: Restoring Healthy Forests for Healthy Communities Act (NEW TO COUNCIL)*

- **Introduced by** Doc Hastings (R-Washington) on April 12, 2013; 22 cosponsors.
- **Status:** Passed in the House of Representatives 244-173.

This bill is intended to improve the economic stability of timber-dependent counties by ensuring that such counties have a dependable source of revenue from National Forest System land. It would increase logging on Bureau of Land Management forests in exchange for protecting other lands for fish and wildlife habitat.

Specifically, the bill places statutory requirements on the board feet of timber to be harvested annually, doubling the current amount. Sections of national forests would be designated as “forest reserve revenue areas,” designed for the purpose of logging and revenue generation for specific counties. Timber harvesting projects within these forest reserve revenue areas would be exempt from judicial review that is otherwise required under several key environmental statutes. The bill curtails environmental review of proposed projects within these revenue areas.

Among other things, the bill calls for slightly more than half of the “O&C lands” – 1.47 million acres of previously managed timber lands – to be sustainably managed for timber production, with a portion of the revenues going to the 18 O&C counties in Western Oregon. The remainder of the O&C lands would be managed by the US Forest Service as old-growth forest preserves. The bill would also add 58,100 acres to the Rogue Wilderness Area in southern Oregon, and would designate 93 miles of 35 tributaries of the Rogue as either “wild,” “scenic,” or “recreational” under the Wild and Scenic Rivers Act. In addition, it would ban mining on 19 tributaries on the Rogue and 11 miles on the Chetco River.

Notably, the bill contains a clause that “If the Secretary [of the Department of Agriculture] determines that a proposed covered forest reserve project may affect the continued existence of any species listed as endangered or threatened... the Secretary shall issue a determination explaining the view of the Secretary that the proposed covered project is not likely to jeopardize the continued existence of the species.”

The Obama administration has threatened to veto the bill, saying it would harm the long-term management strategy of national forest lands, and that it conflicts with existing statutory requirements.

HR 3080: Water Resources Reform and Development Act of 2013 (NEW)

- **Introduced by** Bill Shuster (R-Pennsylvania) on September 11, 2013; 30 cosponsors.
- **Status:** Referred to the House Natural Resources, House Budget, House Transportation and Infrastructure, and House Ways and Means Committees. Discussed, marked up, and reported by the House Transportation and Infrastructure Committee on September 19.
- **Note:** Govtrack.us gives this bill a 67 percent chance of being enacted.

This 160-page bill, known as the WRRDA, authorizes the U.S. Army Corps of Engineers to carry out its missions to develop, maintain, and support port and waterways infrastructure needs, and support flood protection and environmental restoration needs. Historically, Congress has passed such legislation every two years to provide clear direction to the Administration and the Corps, but no bill has been signed into law since 2007.

The bill makes reforms to increase transparency, accountability, and Congressional oversight of Federal water resource development. It would increase the amount of money spent from the Harbor Maintenance Trust Fund, authorize the U.S. Army Corps of Engineers' key missions and projects, require the Army Corps of Engineers to send Congress annual reports on proposed activities, and set up a process to deauthorize \$12 billion in inactive projects. It also would include provisions to speed up the environmental review process, mandating that studies may only take three years, cost no more than \$3 million and work through no more than three levels within the Corps.

The bill is intended to create jobs by lowering the cost of shipping freight by water, provide flood protection, and create sunset dates for newly authorized projects. WRRDA also would authorize 23 projects in the U.S. that already have been reviewed and recommended by the Army Corps, including levee improvements for the Sacramento area.

This bill incorporates HR 399, the Levee Vegetation Review Act of 2013, introduced by Doris Matsui (D-California) on January 23, which directs the Secretary of the Army to undertake a comprehensive review of the Corps of Engineers' policy guidelines on vegetation management for levees in order to determine whether current Federal policy is appropriate for all regions of the United States.

The bill also amends the River and Harbor Act to include aquatic invasive species.

HR 2646 and S. 1275: Revitalizing the Economy of Fisheries in the Pacific (REFI) Act (Ongoing)

- **HR 2646 was introduced by** Jaime Herrera-Beutler (D-Washington) on July 10, 2013; has 16 cosponsors. Two cosponsors have been added since the September Council meeting.
- **S. 1275 was introduced by** Maria Cantwell (D-Washington) on July 10, 2013; has 6 cosponsors. There have been no changes to the status of this bill since the September Council meeting.

Under both of these bills, which are essentially the same, the Secretary of Commerce would issue a loan to refinance the existing debt obligation funding the fishing capacity reduction program for the West Coast groundfish fishery implemented under section 212 of the Department of Commerce and Related Agencies Appropriations Act, 2003.

At the September Council meeting, the Council approved a letter to Representative Herrera-Beutler expressing the Council's support for the bills (Agenda Item I.2.a, Attachment 5).

*HR 69: Illegal, Unreported, and Unregulated Fishing Enforcement Act of 2013, and S 269: International Fisheries Stewardship and Enforcement Act (Ongoing)*

- **HR 69 was introduced by** Madeleine Bordallo (D-Guam) on February 12, 2013; has 16 cosponsors. There have been no changes since the September Council meeting.
- **S 269 was introduced by** Jay Rockefeller (D-West Virginia) on February 11, 2013; 11 cosponsors. There have been no changes since the September Council meeting.
- **Status:** Reported to the Senate. A hearing was held on this bill on July 30, 2013. A substitute bill was passed by the Senate Commerce, Science, and Transportation Committee.

Both of these bills strengthen enforcement mechanisms to stop illegal, unreported, and unregulated fishing, amend the Tuna Conventions Act of 1950 to implement the Antigua Convention, and make other changes. However, they address these issues in different ways.

At the September Council meeting, the Council called for development of a draft letter to Delegate Bordallo and Senator Rockefeller in the event that a request for comment is received. To date, such as request has not been received; however the letter is attached (Agenda Item I.2.a, Attachment 4).

The letter notes that during a markup held on July 30 of this year, S. 269, Title IV, Section 405 was changed to remove most of Section 6(c) of the Tuna Conventions Act. The language that was removed benefits domestic commercial fishermen and should be retained; this would help ensure 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 letter also notes that S. 269 would add a member of the Pacific Fishery Management Council to the IATTC Commission, which the Council favors.

*S 1521: Responsible Seafood Certification and Labeling Act (NEW)*

- **Introduced by** Lisa Murkowski (R-Alaska) on September 18, 2013; no cosponsors.
- **Status:** Referred to the Senate Health, Education, Labor, and Pensions Subcommittee.

This bill would prohibit Federal agencies from requiring seafood to be certified as sustainable by a third party nongovernmental organization.

## Other House Bills

These bills were described in more detail in the summary of legislation provided at the June and September 2013 Council meetings (<http://tinyurl.com/mh9mc4z>). None of these bills have changed since the September Council meeting.

- HR 71: Coral Reef Conservation Act Reauthorization and Enhancement Amendments of 2013. (*Madeline Bordallo, D-Guam*)
- HR 584: To amend the Federal Food, Drug, and Cosmetic Act to require labeling of genetically engineered fish. (*Don Young, R-Alaska*)
- HR 753: Untitled; prohibits finfish aquaculture in the EEZ. (*Don Young, R-Alaska*)
- HR 799: Fisheries Disaster Relief and Research Investment Act. (*John Tierney, D-Massachusetts*)
- HR 1012: Safety and Fraud Enforcement for Seafood Act. (*Ed Markey, D-MA*)
- HR 1147: To provide limitations on maritime liens on fishing permits, and for other purposes. (*Don Young, R-Alaska*)
- HR 1308: Endangered Salmon and Fisheries Predation Prevention Act. (*Doc Hastings, R-Washington*)
- HR 1667: Prevention of Escapement of Genetically Altered Salmon in the United States Act (*Don Young, R-AK*)
- HR 1788: Cormorant Management and Natural Resources Protection Act. (*Michelle Bachmann, R-Minnesota*)
- HR 1927: More Water and Security for Californians Act. (*Jim Costa, D-California*)
- HR 3063: Healthy Fisheries through Better Science Act. (*Robert Wittman, R-VA*)

## Other Senate Bills

### *New Bills*

#### *S 1528: Comprehensive National Mercury Monitoring Act*

- **Introduced by** Susan Collins (R-Maine) on September 19, 2013; one cosponsor.
- **Status:** Referred to the Senate Committee on Environment and Public Works.

This bill would establish a comprehensive national mercury monitoring network to accurately quantify regional and national changes in atmospheric deposition, ecosystem contamination, and bioaccumulation of mercury in fish and wildlife in response to changes in mercury emissions would help policy makers, scientists, and the public to better understand the sources, consequences, and trends in United States mercury pollution.

### *Ongoing Bills*

These bills were described in more detail in the summary of legislation provided at the June and September 2013 Council meetings. None of these bills have changed since the September Council meeting.

- S 267: Pirate Fishing Elimination Act (*John “Jay” Rockefeller, D-WV*)
- S 520: Safety and Fraud Enforcement for Seafood Act (*Mark Begich, D-AK*)
- S 839: Coral Reef Conservation Amendments Act of 2013 (*Bill Nelson, D-FL*)
- S 45: West Coast Ocean Protection Act of 2013 (*Barbara Boxer, D-California*)
- S 246: Prevention of Escapement of Genetically Altered Salmon in the United States Act (*Mark Begich, D-Alaska*)
- S 248: (Untitled). A bill to amend the Federal Food, Drug, and Cosmetic Act to require labeling of genetically engineered fish (*Mark Begich, D-Alaska*)
- S 518: H2O Visa for Seafood Processing Act (*Mark Begich, D-Alaska*)
- S 601: Water Resources Development Act of 2013 (*Barbara Boxer, D-California*) (Passed Senate in May 2013)
- S 646: National Endowment for the Oceans Act (*Sheldon Whitehouse, D-RI*)

## Less Relevant 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 September Council meeting:

- **HR 3105: Aquaculture Risk Reduction Act.** To amend the Lacey Act Amendments of 1981 to exempt from such Act animals accidentally included in shipments of aquatic species produced in commercial aquaculture, and for other purposes. (*Rick Crawford, R-AR*)
- **HR 2935: Conservation Reform Act of 2013.** Establishes an Interagency Working Group on Global Conservation; and establishes the International Conservation Strategy to strengthen the capacity of the United States to collaborate with other countries, international organizations, the private sector, and private voluntary organizations to conserve natural resources and enhance biodiversity. (*Jeff Fortenberry, R-NE*)
- **HR 3099: Gulf of Mexico Red Snapper Conservation Act of 2013.** Provides for the development of a fishery management plan for Gulf of Mexico red snapper. (*Joe Garcia, D-FL*)

There has been no major activity on the following bills since the September Council meeting (or before):

- *HR 2842:* To create competition in the Department of Agriculture’s canned tuna purchasing program. (Linda Sanchez, D-California)
- *HR 2735: Protecting Lands Against Narcotics Trafficking Act of 2013.* (Jared Huffman, D-California)
- *HR 2705: Stanislaus River Native Anadromous Fish Improvement Act.* (Jeff Denham, R-California)
- *HR 2588: FORESTS Act of 2013 (Fulfilling Our Responsibility for Efficient and Sustainable Timber Supply).* (Sean Duffy, R- Wisconsin)
- *HR 2261: National Mitigation Fisheries Coordination Act.* (Rick Crawford, R-Arkansas)

- *HR 2162: Environmental Compliance Cost Transparency Act of 2013.* (Paul Gosar, R-Arizona)
- *HR 2044: To prohibit the use, production, sale, importation, or exportation of any pesticide containing atrazine.* (Keith Ellison, D-Minnesota)
- *HR 1699: Genetically Engineered Food Right-to-Know Act.* (Peter DeFazio, D-Oregon)
- *HR 996/S 1153: Invasive Fish and Wildlife Prevention Act.* (Louise Slaughter, D-New York)
- *HR 843: San Francisco Bay Restoration Act.* (Jackie Speier, D-California)
- *HR 764: Coastal State Climate Change Planning Act.* (Lois Capps, D-California)
- *HR 322/S 1505: Hunting, Fishing, and Recreational Shooting Protection Act.* (Seeks to exclude fishing sinkers from the Toxic Substances and Chemicals Act). (Jeff Miller, R-Florida)
- *S 1359: Clean Cruise Ship Act of 2013.* (Dick Durbin, D-Illinois)
- *S 1335: Sportsmen's Act.* (Lisa Murkowski, R-Alaska)
- *S 1254: Harmful Algal Bloom and Hypoxia Research and Control Amendments Act of 2013.* (Bill Nelson, D-Florida)
- *S. 1202: Safeguarding America's Future and Environment Act.* (Sheldon Whitehouse, D-Rhode Island)
- *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)
- *S. 713: Rhode Island Fishermen's Fairness Act.* Adds Rhode Island to the Mid-Atlantic Fishery Management Council. (Jack Reed, D-Rhode Island)
- *S. 332: Climate Protection Act of 2013.* (Bernie Sanders, D-Vermont)
- *S. 221: Saving Fishing Jobs Act.* Permits eligible fishermen to approve certain limited access privilege programs, and for other purposes. Does not apply to the Pacific Council region. (Kelly Ayotte, R-New Hampshire)
- *S. 96: Rigs to Reef Habitat Protection Act.* Applies only to Gulf of Mexico. (David Vitter, R-Louisiana)

PFMC  
10/10/13



## Pacific Fishery Management Council

7700 NE Ambassador Place, Suite 101, Portland, OR 97220-1384  
Phone 503-820-2280 | Toll free 866-806-7204 | Fax 503-820-2299 | [www.pcouncil.org](http://www.pcouncil.org)  
Dorothy M. Lowman, Chair | Donald O. Mclsaac, Executive Director

October X, 2013

The Honorable Madeleine Bordallo  
House

The Honorable John Rockefeller  
Senate

Subject: [Not Requested as of 10/15] Pacific Fishery Management Council Comment on H.R. 69 (Illegal, Unreported, and Unregulated Fishing Enforcement Act of 2013) and S. 269 (International Fisheries Stewardship and Enforcement Act)

Dear Delegate Bordallo and Senator Rockefeller:

Thank you for your request for Pacific Fishery Management Council comments on H.R. 69 and S. 269. Both of these bills strengthen enforcement mechanisms to stop illegal, unreported, and unregulated fishing, amend the Tuna Conventions Act of 1950 to implement the Antigua Convention, and make other changes. However, they address these issues in different ways.

The Pacific Council and its Legislative Committee have reviewed both bills and have the following comments.

### **Antigua Convention**

During a markup held on July 30 of this year, S. 269, Title IV, Section 405 was changed to remove most of Section 6(c) of the Tuna Conventions Act. The language that was removed benefits domestic commercial fishermen and should be retained. That section of the Tuna Conventions Act 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.)

H.R. 69 takes a different approach to the Antigua Convention. In Title II, Section 206 of that bill, the entire Section 6 of the Tuna Conventions Act is replaced by inserting the same language in subsections (a) and (b) that are in S. 269, but subsection (c) is deleted.

Eventually, these bills will have to be rectified in a Conference Committee. The Pacific Council believes it is extremely important that the language in Section 405 of Title IV of S. 269 should amend Section 6 of the Tuna Conventions Act by inserting subsections (a) and (b) and leaving Section 6(c) of the Tuna Conventions Act intact. This would help ensure 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.

### **Inter-American Tropical Tuna Commission**

S. 269 would add a member of the Pacific Fishery Management Council to the IATTC Commission, which the Council favors.

Thank you again for the opportunity to comment. The Pacific Council appreciates your dedication to West Coast fisheries and the communities that depend on them. Should your staff have any questions about the enclosed report or require additional information, please have them contact me or Ms. Jennifer Gilden at 503-820-2280.

Sincerely,

D. O. McIsaac, Ph.D.  
Executive Director

XXX:xxx

c:

#### **Pacific Fishery Management Council Members**

Mr. Randy Fisher, Executive Director, Pacific States Marine Fisheries Commission  
Mr. Chuck Tracy, Deputy Director, Pacific Council  
Ms. Kelly Ames, Staff Officer, Pacific Council  
Mr. John DeVore, Staff Officer, Pacific Council  
Mr. Jim Seger, Staff Officer, Pacific Council  
Mr. David Whaley, Committee on Natural Resources, U.S. House of Representatives  
Ms. Lindsey Kraatz, Legislative Fellow, Office of Congressman Mike Thompson  
Mr. Chad Ramey, Legislative Director, Office of Congresswoman Herrera Beutler  
Mr. Will Stelle, NMFS Regional Administrator  
Mr. Rod McInnis, Acting Director of NOAA Fisheries Office of International Affairs



## Pacific Fishery Management Council

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Phone 503-820-2280 | Toll free 866-806-7204 | Fax 503-820-2299 | [www.pcouncil.org](http://www.pcouncil.org)  
Dorothy M. Lowman, Chair | Donald O. McIsaac, Executive Director

October 10, 2013

The Honorable Jaime Herrera-Beutler  
United States House of Representatives  
1130 Longworth HOB  
Washington, DC 20515

Subject: Requested Pacific Fishery Management Council Comment on H.R. 2646 and S. 1275, the Revitalizing the Economy of Fisheries (REFI) in the Pacific Act of 2013

Dear Congresswoman Herrera-Beutler:

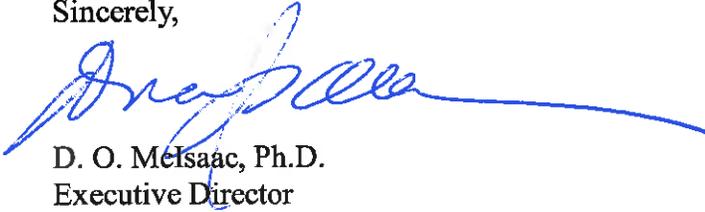
Thank you for your request for Pacific Fishery Management Council (Pacific Council) comments on H.R. 2646 and S. 1275, the Revitalizing the Economy of Fisheries (REFI) in the Pacific Act of 2013. The Pacific Council considered its Legislative Committee recommendations, took public comment on both bills, and has taken the position of being highly supportive of efforts to ease the financial burden to groundfish fishermen through refinancing the existing loan funding the limited entry trawl fishery buyback under the Pacific Coast Groundfish Fishery Fishing Capacity Reduction Program. The Pacific Council asks that you consider this position and the following comments.

The Pacific Council notes that West Coast fishermen have made substantial sacrifices to maintain and rebuild fish stocks while restructuring and rationalizing groundfish trawl fisheries. The limited entry trawl fishery has recently been transformed into an individual quota program, which is having beneficial outcomes for both conservation of the resource and the associated fishery communities. However, this program also imposes significant added observer and cost recovery expenses on the fishermen. Absent relief such as described in these bills, economic casualties in the fishery are feared. Together with the financial terms of the decade-old vessel buy-back loan, the cost of operating in this fishery is overly burdensome.

The Pacific Council supports provisions that cap the debt obligation paid by fishermen at 3 percent of exvessel revenue and that extend the term of the loan to 45 years. The Pacific Council also supports the proposed interest rate, which is "the percent the Secretary must pay as interest to borrow from the Treasury the funds to make the loan."

Thank you again for the opportunity to comment. The Pacific Council appreciates your dedication to West Coast fisheries and the communities that depend on them. Should your staff have any questions about the enclosed report or require additional information, please have them contact me or Ms. Jennifer Gilden at 503-820-2280.

Sincerely,



D. O. McIsaac, Ph.D.  
Executive Director

DOM:csp

- c: Pacific Fishery Management Council Members
  - Mr. Randy Fisher, Executive Director, Pacific States Marine Fisheries Commission
  - Mr. Chuck Tracy, Deputy Director, Pacific Council
  - Ms. Kelly Ames, Staff Officer, Pacific Council
  - Mr. John DeVore, Staff Officer, Pacific Council
  - Mr. Jim Seger, Staff Officer, Pacific Council
  - Mr. David Whaley, Committee on Natural Resources, U.S. House of Representatives
  - Mr. Peter Modaff, Jr., Legislative Director, Office of Senator Maria Cantwell
  - Mr. Chad Ramey, Legislative Director, Office of Congresswoman Herrera-Beutler
  - Mr. Will Stelle, NMFS Regional Administrator, WCR
  - Groundfish Advisory Subpanel Members
  - Groundfish Management Team Members



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Dorothy M. Lowman, Chair | Donald O. McIsaac, Executive Director

October 11, 2013

Ms. Maria Lopez, Chair  
Hoh Tribe  
PO Box 2196  
Forks, WA 98331

Subject: Proposal to Remove Restrictions on the Pacific Fishery Management Council Tribal Seat

Dear Ms. Lopez:

The Pacific Fishery Management Council (Pacific Council) has been discussing proposed changes to the Magnuson-Stevens Fishery Conservation and Management Act (MSA)—the primary Federal act governing fisheries management in the United States. As you know, the Pacific Council includes one tribal seat representing West Coast federally-recognized tribes with treaty fishing rights.

In September, the Pacific Council took preliminary positions on a variety of issues related to MSA reauthorization (see <http://tinyurl.com/Sept2013-PFMC-Decisions>). The Pacific Council also received a request from the Makah Tribe to recommend that any reauthorization of the MSA remove the three-term limit on the tribal seat on the Pacific Council, and the requirement that tribes submit three nominee names for the position. The Makah Tribal representative felt that the three-name requirement was not necessary, and noted that the limits on the tribal seat should be the same as the limits on State government seats on the Pacific Council.

The Council believes that all affected tribes should have an opportunity to comment on this matter. Therefore, we are asking for your input. A decision on this matter is scheduled for the November 1-6, 2013 Pacific Council meeting in Costa Mesa, California. Please feel welcome to testify at this meeting. Alternatively, please send any comments to the Pacific Council at the address above, or email [pfmc.comments@noaa.gov](mailto:pfmc.comments@noaa.gov).

Sincerely,

A handwritten signature in black ink, appearing to read "Don Isaac".

D. O. McIsaac, Ph.D.  
Executive Director

JDG:kam

c: Council Members  
List of tribes who received a similar letter (attached)

West Coast Treaty Tribes with Fishing Rights

NWIFC Tribes

Hoh Tribe  
PO Box 2196  
Forks, WA 98331  
Chairperson: Maria Lopez  
Fisheries Contact: Joe Gilbertson

[Jamestown S'Klallam Tribe](#)

Jamestown S'Klallam Tribe  
1033 Old Blyn Hwy  
Sequim, WA 98382  
Chairperson: Ron Allen  
Fisheries Contact: Scott Chitwood

[Lower Elwha Klallam Tribe](#)

2851 Lower Elwha Road  
Port Angeles, WA 98363  
Chairperson: Frances Charles  
Fisheries Contact: Doug Morrill

[Lummi Nation](#)

2616 Kwina Road  
Bellingham, WA 98226  
Chairperson: Clifford Cultee  
Fisheries Contact: Elden Hillaire

[Makah Nation](#)

PO Box 115  
Neah Bay, WA  
Chairperson: T.J. Greene  
Fisheries Contact: Russ Svec

[Muckleshoot Tribe](#)

39015 172nd Avenue SE  
Auburn, WA 98092  
Chairperson: Virginia Cross  
Fisheries Contact: Isabel Tinoco

[Nisqually Indian Tribe](#)

Ms. Cynthia Iyall  
Nisqually Indian Tribe  
4820 She-Nah-Num Drive SE  
Olympia, WA 98513  
Chairperson:  
Natural Resources Manager/NWIFC  
Commissioner: Georgiana Kautz

[Nooksack Tribe](#)

Mr. Bob Kelly  
Nooksack Tribe  
PO Box 157  
Deming, WA 98244  
Chairperson:  
Fisheries Contact: Gary MacWilliams

[Port Gamble S'Klallam](#)

Jeromy Sullivan  
Port Gamble S'klallam Tribe  
31912 Little Boston Road NE  
Kingston, WA 98346  
(360) 297-2646  
FAX: (360) 297-7097  
Chairperson:  
Natural Resources Director/Finfish  
Manager: Paul McCollum

[Puyallup Tribe of Indians](#)

Puyallup Tribe of Indians  
3009 East Portland Avenue  
Tacoma, WA 98404

Tribal Chair: Herman Dillon, Sr.  
Natural Resources Director: Bill Sullivan  
Fisheries Director: Joe Anderson

[Quileute Indian Tribe](#)

Quileute Indian Tribe  
PO Box 279  
La Push, WA 98350

Fisheries:  
P.O. Box 187  
LaPush, WA 98350

Chairperson: Tony Foster  
Fisheries Contact: Melvin Moon

**Quinault Indian Nation**  
Quinault Indian Nation  
P.O. Box 189  
Taholah, WA 98587  
Fisheries Policy Spokesperson/NWIFC  
Commissioner: Ed Johnstone  
Natural Resources Director: Dave Bingaman

**Sauk-Suiattle Tribe**  
Sauk-Suiattle Tribe  
5318 Chief Brown Lane  
Darrington, WA 98241

Chairperson: Janice Mabee  
Fisheries Contact: Robert Franklin, Fishery  
Manager  
Natural Resources Director: Chris Danilson

**Skokomish Tribe**  
Skokomish Tribe  
North 80 Tribal Center Rd.  
Shelton, WA 98584  
Tribal Chair: Charles "Guy" Miller

**Squaxin Island Tribe**  
Squaxin Island Tribe  
SE 70 Squaxin Lane  
Shelton, WA 98584

Tribal Chair: David Lopeman  
Natural Resources Director/NWIFC  
Commissioner: Andy Whitener

**Stillaguamish Tribe**  
PO Box 277  
Arlington, WA 98223

Chairperson: Shawn Yanity  
Fisheries Contact: Shawn Yanity; Assistant  
Fisheries Manager Jeff Tatro

**Suquamish Tribe**  
PO Box 498  
18490 Suquamish Way  
Suquamish, WA 98392

Chairperson: Leonard Forsman  
Fisheries Manager: Rob Purser

**Swinomish Tribe**  
Swinomish Indian Tribal Community  
11404 Moorage Way  
LaConner, WA 98257  
Chairperson: Brian Cladoosby  
Fisheries Contact: Lorraine Loomis

**Tulalip Tribes**  
Tulalip Tribes  
6406 Marine Drive  
Tulalip, WA 98271  
Tribal Chair: Melvin R. Sheldon Jr.  
Director of Fish and Wildlife: Ray Fryberg  
Sr.  
Commissioner of Fisheries & Natural  
Resources: Terry Williams

**Upper Skagit Tribe**  
Upper Skagit Tribe  
25944 Community Plaza Way  
Sedro Woolley, WA 98284  
Chairperson: Jennifer Washington  
Natural Resources Director: Scott Schuyler

CRITFC Tribes

Confederated Tribes of Warm Springs  
1233 Veterans St.  
Warm Springs, OR 97761

Confederated Tribes of the Umatilla Indian  
Reservation  
Nixyáawii Governance Center  
46411 Timíne Way  
Pendleton, Oregon 97801

Nez Perce  
P.O. Box 305  
Lapwai, ID 83540  
Silas C. Whitman - Chairman

Yakama Nation  
Harry Smiskin, Chairman  
401 Fort Road  
PO BOX 151  
Toppenish, WA 98948

California Tribes

Yurok Tribe  
Thomas P. O'Rourke Sr., Chairman  
190 Klamath Blvd.  
Klamath, CA 95548

Hoop Valley Tribe  
*Danielle Vigil-Masten, Tribal Chairwoman*  
*PO Box 1348*  
*Hoop, CA 95546*  
*(530) 625-4211*

**MAGNUSON-STEVENS ACT REAUTHORIZATION PRIORITIES IDENTIFIED AT THE  
 SEPTEMBER 2013 PACIFIC FISHERY MANAGEMENT COUNCIL MEETING**

At the September Council meeting, the Council discussed priority matters for potential legislative change in the reauthorization of the current Magnuson-Stevens Act (MSA). In general, the Council felt the current MSA was working reasonably well and was not in need of any major changes, while also believing there was room for positive refinement in certain areas.

At this early stage in considering changes, the Council identified topical areas of potential improvement only. The Council identified 17 topics as priority matters worthy of further evaluation. These are listed in the table below, organized by the Managing Our Nation’s Fisheries 3 (MONF3) conference sessions and an additional category for matters not discussed at the national conference.

It is notable that not all Council advisory bodies were able to submit statements regarding these priorities at the September, 2013 Council meeting. Given this, and the insufficient period of time the Legislative Committee spent reviewing the 128 MONF3 findings, the priorities below should be viewed as a tentative list at this time.

These priorities were passed along to the Council Coordination Committee (CCC) meeting in October, for consideration by the other seven Regional Fishery Management Councils in their development of consensus CCC national priorities.

	<b>Topic for MSA Reauthorization</b>	<b>Relevant MSA Section</b>
<b>MONF3 Session 1 – Improving Fishery Management Essentials: Annual Catch Limit Science and Implementation Issues, Including Managing “Data-Limited” Stocks; Rebuilding Program Requirements and Timelines; International Fisheries Management: Leveling the Playing Field</b>		
1	Revise rebuilding time requirements: <ul style="list-style-type: none"> <li>a) Fix the ten-year rebuilding requirement dilemma</li> <li>b) “Don’t chase noise” in rebuilding plans</li> <li>c) Address “rebuilding as soon as possible” problems</li> </ul>	MSA Section 304(e) (4)(A)(ii) (3)(A) (4)(A)(i)
2	Stocks later determined never overfished should not be held to rebuilding provisions	MSA Section 304 (e)
3	Include a viable mixed stock exception	
4	Clarify criteria regarding needs of fishing communities	MSA Section 304(e) (4)(A)(i)
5	Include a carryover exception to allow ACLs to be exceeded in order to carry over surplus and deficit harvest from one year to the next, provided there is a finding from the SSC that such a carryover provision will have negligible biological impacts	MSA Section 303(a)

6	Explore more flexibility for data-poor species where the precautionary approach limits information on stock performance under higher catch rates	MSA Section 303
7	Implement stricter imported seafood labeling requirements in the US market	
<b>MONF3 Session 2 – Advancing Ecosystem-Based Management, Assessing Ecosystem Effects and Integrating to Climate Change; Forage Fish Management; Integrating Habitat Considerations: Opportunities and Impediments</b>		
8	Address rebuilding requirements when environmental conditions may be a predominant factor in a stock’s decline	MSA Section 304(e)
9	Consider a national standard for habitat: “Minimize adverse impacts on essential fish habitat to the extent practicable”	MSA Section 301(a)
<b>MONF3 Session 3 - Providing Fishing Community Stability: Recreational and Subsistence Fishery Connections; Integrating Community Protection, Jobs Emphasis, and Domestic Seafood Quality Assurance; Assessment and Integration of Social and Economic Tradeoffs</b>		
10	Explore options to improve access to currently confidential harvest or processing information for purposes of enhanced socioeconomic analysis	MSA Section 402
<b>Other Topics Not Addressed at the MONF3 Conference</b>		
11	Make a consistent distinction between “overfishing” (a measure of fishing rate) and “overfished” (a measure of abundance)	
12	Replace the term “overfished” with “depleted” to account for non-fishing causes of stock size below MMST	MSA Section 3 (34)
13	Amend MSA to change “vessels” to “vessel” in the IUU certification section	MSA Section 609 (d)
14	Designate one Commissioner seat on IATTC Commission for PFMC	
15	Address social and economic issues by changing “possible” to “practicable.” (This may duplicate priority 1.)	MSA Section 304(e)(4)(A)(i)
16	Better align and streamline the National Environmental Policy Act & MSA section 304(i)	MSA Section 304(i)
17	Provide flexibility in requirements and qualifications for observers.	MSA Section 401

LEGISLATIVE COMMITTEE REPORT MAGNUSON-STEVENSON ACT (MSA)  
REAUTHORIZATION PRIORITIES AND OTHER LEGISLATIVE MATTERS

The Legislative Committee (LC) met on Thursday, October 31. The meeting was attended by committee members Dr. David Hanson, Mr. David Crabbe, Ms. Dorothy Lowman, Mr. Dale Myer, and Mr. Dan Wolford; Council Executive Director Dr. Donald McIsaac, and Pacific Council staff Mr. Chuck Tracy, Ms. Jennifer Gilden, and Mr. Don Hansen. Several other people attended the meeting, including Mr. Phil Anderson, Mr. Mark Helvey, Ms. Gway Kirchner, Mr. Rod Moore, Mr. Steve Bodnar, and Ms. Corey Ridings.

The LC first heard a staff review of recent Federal legislation (Agenda Item I.2.a, Attachment 3). Of note, the Water Resources Reform and Development Act passed the Senate on October 31. The House, which already passed the bill, needs to approve changes made in the Senate before the bill is signed into law. Among many other things, this Act directs the Army Corps of Engineers to review their guidelines on levee vegetation to determine whether current Federal policy is appropriate for all regions of the United States. The bill also increases the amount of money spent from the Harbor Maintenance Trust Fund, and may possibly increase funding for dredging of small ports.

As noted in the situation summary for this agenda item, a draft letter to Del. Madeleine Bordallo and Senator John “Jay” Rockefeller has been prepared on H.R. 69 (Illegal, Unreported, and Unregulated Fishing Enforcement Act of 2013) and S. 269 (International Fisheries Stewardship and Enforcement Act), pending a request for Pacific Council input. The LC discussed the draft and directed staff to add more details to the section on an Inter-American Tropical Tuna Commission seat for the Pacific Council. The LC recommends the draft letter be sent, with the additions described, in the event a congressional request is made for the Pacific Council opinion on this legislation.

**Report on Council Coordination Committee Meeting**

The LC heard a report from Dr. Donald McIsaac on the Council Coordination Committee (CCC) webinar meeting held on October 23-24. According to Mr. Dave Whaley, who spoke during the webinar meeting, House Natural Resources Committee Chairman Doc Hastings has said he is planning to release an Magnuson-Stevens Act (MSA) reauthorization bill in November. According to Mr. Jeff Lewis (Congressional staff), Senator Mark Begich anticipates introducing initial legislation near the end of the year. At this point, NMFS is not actively working on a draft MSA reauthorization bill, but is rather working on National Standard 1 revisions, with a completion schedule targeting the fall of 2014.

Given the relatively aggressive schedule at the congressional level, the CCC chose to develop general recommendations at its October meeting, recognizing that it would not be possible to have the Councils agree on further detail at this time. In general, the CCC agreed that the MSA is working well but needs some adjustments. At this time the CCC is not planning to release any

more detailed recommendations than those included in the meeting decisions report (Agenda Item A.3, Supplemental Attachment 2) before a CCC meeting scheduled in February.

### **Further Consideration of Council Priority Topics for MSA Reauthorization**

The LC reviewed the 17 priorities developed by the Council in September (Agenda Item I.2., Supplemental REVISED Attachment 2), the decisions of the CCC, and other new input. The LC recommends the Pacific Council send a letter to the Congressional principals recommending that bill drafters consider language that addresses six high priority matters, as well as giving a lesser degree of consideration to the other matters identified at the September 2013 Pacific Council meeting, and any other matters related by the Pacific Council during the Agenda Item I.2 floor session. The six highest priority items are listed as numbers 1-6 in the table below, but are not intended to reflect individualized priority order. After reorganizing two of the 17 items identified at the September Council meeting, the remaining priority topics are listed in the table below as numbers 7-15, again without intended priority within this second tier of issues.

The LC discussed the report from the Enforcement Consultants (Agenda Item I.2.c, Supplemental EC Report), the letter from the Yurok Tribe (Agenda Item I.2.c, Supplemental Tribal Report) and the idea of eliminating the three nominee requirement for state seats, but did not make a recommendation to the Pacific Council. The LC noted there may be additional input from Tribal governments during the Pacific Council floor session.

### **Format for Analysis of Council MSA Reauthorization Priorities**

The LC discussed the format for the next level of analysis of Pacific Council MSA reauthorization priorities (I.2.a, Attachment 1). Despite the immediate timeframe for the introduction of an MSA reauthorization bill, the LC felt it would be useful to continue with development of these “fact sheets” to help the Pacific Council better understand the findings, for at least the highest tier priority topics. The LC recommended that the fact sheets include a section containing any relevant proposed wording from introduced MSA reauthorization bills.

### **Other Issues**

The LC proposes to meet in March or April to review any new, relevant legislation and review the MSA priority fact sheets.

PFMC  
11/03/13

	<b>Topic for MSA Reauthorization</b>	<b>Relevant MSA Section (§)</b>
1	Revise rebuilding time requirements: a) Address the discontinuity associated with the ten-year rebuilding requirement b) “Don’t chase noise” in rebuilding plans c) Address social and economic issues regarding the needs of fishing communities by changing “rebuilding as soon as possible” to “rebuilding as soon as practicable.”	§ 304(e) (4)(A)(ii) (3)(A) (4)(A)(i)
2	Stocks later determined never overfished should not be held to rebuilding provisions	§304 (e)
3	Include a carryover exception to allow ACLs to be exceeded in order to carry over surplus and deficit harvest from one year to the next, provided there is a finding from the SSC that such a carryover provision will have negligible biological impacts	§303(a)
4	Better align and streamline the National Environmental Policy Act & MSA § 304(i)	§ 304(i)
5	Explore more flexibility for data-poor species where the precautionary approach limits information on stock performance under higher catch rates	§ 303
6	Provide flexibility in requirements and qualifications for observers.	§ 401
7	Designate one Commissioner seat on IATTC Commission for PFMC	
8	Make a consistent distinction between “overfishing” (a measure of fishing rate) and “overfished” (a measure of abundance)	
9	Replace the term “overfished” with “depleted” to account for non-fishing causes of stock size below MMST	§ 3 (34)
10	Address rebuilding requirements when environmental conditions may be a predominant factor in a stock’s decline	§ 304(e)
11	Include a viable mixed stock exception	
12	Consider a national standard for habitat: “Minimize adverse impacts on essential fish habitat to the extent practicable”	§ 301(a)
13	Explore options to improve access to currently confidential harvest or processing information for purposes of enhanced socioeconomic analysis	§ 402
14	Amend MSA to change “vessels” to “vessel” in the IUU certification section	§ 609 (d)
15	Implement stricter imported seafood labeling requirements in the US market	

COASTAL PELAGIC SPECIES ADVISORY SUBPANEL REPORT ON MAGNUSON-  
STEVENS ACT (MSA) REAUTHORIZATION PRIORITIES AND OTHER LEGISLATIVE  
ISSUES

The Coastal Pelagic Species Advisory Subpanel (CPSAS) and Coastal Pelagic Species Management Team (CPSMT) received a joint briefing from Ms. Jennifer Gilden, summarizing some of the Federal legislation currently in Congress. Ms. Gilden also outlined the Magnuson-Stevens Act priorities from Agenda Item I.2.a. Supplemental REVISED Attachment 2, and identified which of the items were prioritized by the Council's Legislative Committee. The CPSAS agrees with all the priorities identified by the Legislative Committee for numbers 1 (and 15), 2, 5, 6, 16, and 17, as contained within Agenda Item I.2.a Supplemental REVISED Attachment 2).

In addition, the CPSAS recommends these additional priorities, which are highly important to CPS fisheries:

#4: Clarify criteria regarding needs of fishing communities.

CPS fisheries are primarily day-boat fisheries, which are the foundation of the socio-economic well-being of numerous fishing communities on the west coast and are fundamental to their infrastructure. Further clarification on how the needs of communities are considered and incorporated into fishery management decisions would benefit CPS-dependent and other fishing communities.

#8: Address rebuilding requirements when environmental conditions may be a predominant factor in a stock's decline. The Magnuson-Stevens Act needs to include flexibility to account for environmental and climatic variation including fluctuations on El Niño, decadal, and climate change / global warming time scales.

#11: Make a consistent distinction between "overfishing" (a measure of fishing rate) and "overfished" (a measure of abundance). This distinction is important when managing highly dynamic stocks, such as CPS.

The CPSAS would appreciate the Council's consideration and inclusion of these additional priorities in its recommendations for development of consensus Council Coordination Committee national priorities.

ENFORCEMENT CONSULTANT REPORT ON MSA REAUTHORIZATION AND OTHER  
LEGISLATIVE MATTERS

On September 14, 2013, Council action was taken on Agenda Item H.1 regarding prioritization of legislative priorities with regard to Magnuson-Stevens Act (MSA) reauthorization.

Council action limited the items proposed for inclusion as priorities to a subset of a list provided by the Council's Legislative Committee ([Agenda Item H.1.b, Supplemental Legislative Committee Report, September 2013](#)).

The Enforcement Consultant committee would like to have the following two items considered for submission as priority issues as well:

From [Agenda Item H.1.a, Attachment 1: Matrix of Findings from the Managing Our Nations Fisheries 3 Conference, September 2013](#):

Session 1, Topic 3 - International Fisheries Management: Leveling the Playing Field

- Help developing countries build fishery management and enforcement capacity, and
- Increase support for at-sea and in-port monitoring and enforcement.

Both of these actions are directly connected to the MSA reauthorization (MSA sec. 207) and serve to strengthen the cooperation between countries, having a direct effect on fisheries enforcement and management. Current language in the MSA does not specifically list "enforcement" in sections 207(3) and 207(6). Adding appropriate language will provide further flexibility in assigning effort to the issues surrounding shared international borders. It is critical that west coast law enforcement agencies possess the authority and guidance to proactively engage with international partners to prevent and address illegal, unreported, and unregulated fishing issues. Developing partnerships at our shared borders before an issue necessitates enforcement action should be a primary conservation goal.

PFMC  
10/23/13

## GROUND FISH ADVISORY SUBPANEL REPORT ON LEGISLATIVE MATTERS

The Groundfish Advisory Subpanel (GAP) heard a presentation from Ms. Jennifer Gilden about the Legislative Committee's actions, the status of the Magnuson-Stevens Act (MSA) reauthorization and other legislative issues.

The GAP agrees with the Legislative Committee's selection of issues for prioritization as referenced in [Agenda Item I.2.a, Supplemental Revised Attachment 2](#). These are summarized as:

- #1/15: Revise the rebuilding time requirements and addressing social and economic issues by changing "possible" to "practicable";
- #2: Stocks later determined to have never been overfished should not be held to rebuilding provisions;
- #5: Include a carryover exception to ACLs;
- #6: Explore more flexibility for data-poor stocks;
- #16: Streamlining the National Environmental Policy Act (NEPA) and MSA section 204(i); and
- #17: Provide flexibility in requirements for observers.

The GAP also requests the Council add one more item to the list:

- #3, Include a viable mixed-stock exception. Though there is a vague reference to this in the National Standard 1 guidelines, the statute is not explicit in allowing an exception. The GAP suggests that if it is referenced and available to use, a clear allowance should be included in the MSA.

## GROUND FISH MANAGEMENT TEAM REPORT ON MAGNUSON-STEVENSON ACT REAUTHORIZATION

We have spoken to this issue in other statements ([Agenda Item H.1.c, Supplemental GMT Report, September 2013](#) and [Agenda Item B.4.c, Supplemental GMT Report, April 2013](#)). We support what we wrote in these earlier reports, but here we only re-emphasize a few points.

First, rebuilding is where we have seen important problems with the connection between the law, science, and analysis. We do not think changing the “short as possible” language to “short as practicable” would necessarily resolve these problems. The ideal fix would involve directly relating the law to the policy objectives that rebuilding is meant to achieve and better addressing the range of trade-offs that Congress wishes to allow the Councils to make (i.e. with flexibility in addressing the balance between yield in the short-term vs. yield in the long-term, ecological considerations, etc.). The uncertainty in rebuilding means that trade-offs cannot be weighed precisely and different attitudes toward risk will always leave rebuilding to policy judgment. Yet much of the problem we have seen arises in part from the science and the guidelines not directly linking to these trade-offs (e.g. how does the Guideline’s mean generation time approach provide an acceptable resolution of the trade-offs involved with rebuilding?). There are new studies available that may help craft such an amendment to the rebuilding law.<sup>1</sup> We expect Congress will be looking to these sources in its deliberations.

Rebuilding isn’t the only area we’ve seen differences between the science and interpretations of what the MSA allows. Most of these relate to overfishing and annual catch limits. Some on the team would recommend further attention to concepts like the mixed stock exception and “pretty good yield” and the matter of managing transboundary stocks. These issues frequently arise in our discussions and cause us problems with analysis.<sup>2</sup> Some of these issues might be addressed using the policy flexibility that the Councils have now. Others might take changes to law or serious consideration of the National Standard 1 Guidelines.

Lastly, as to item #12 in [Agenda Item I.2.a, Supplemental REVISED Attachment 2](#), we reiterate our comment that if the Council wants to recommend differentiating stocks that are at low abundance because of overfishing from those that are more driven by environmental factors, then we would choose a different word than “depleted” to describe the latter. Depleted implies that a stock was fished/exploited and so suggests the same thing as “overfished.” There are other words or phrases that could make this differentiation better. Yet as we pointed out before, the harvest policies for a stock at low abundance would not necessarily depend on how the stock got there. The groundfish harvest policies are rates that factor in the best estimate of current abundance and stock productivity. Some stocks, like sardine, may have environmental conditions more explicitly built into the harvest control rule.

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<sup>1</sup> E.g., National Research Council. 2013. *Evaluating the Effectiveness of Fish Stock Rebuilding Plans in the United States*. The National Academies Press, Washington, D.C., 292 p.

<sup>2</sup> E.g., see discussion of “risk” in [Agenda Item H.4.b, GMT Report](#).



# YUROK TRIBE

190 Klamath Boulevard • Post Office Box 1027 • Klamath, CA 95548

I.2

October 28, 2013

D.O. McIsaac, Ph. D.  
Executive Director  
7700 NE Ambassador Place, Suite 101  
Portland, OR 97220-1384

Subject: Proposal to Remove Restrictions on the Pacific Fishery Management Council (PFMC)  
Tribal Seat

Dear Mr. McIsaac:

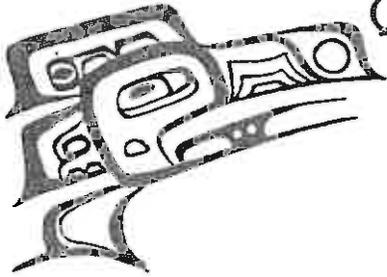
Thank you for your October 11, 2013 letter requesting our input regarding the re-authorization of the Magnuson-Stevens Fishery Conservation and Management Act (MSA) and potential changes regarding the nomination process and term limit for the Tribal seat. We agree that tribes should not be required to submit three names when submitting a nomination for the Council seat, however we believe the three-term limit should remain in place in an effort to increase opportunities for participation on the Council by various tribes. We also believe that an additional Tribal seat on the Council is warranted and recommend that this be addressed during the ongoing re-authorization process.

I appreciate the efforts the Tribal representatives on the Council have made over the years to represent our interests; however we feel that a representative from the Yurok Tribal Government is best suited to represent us. I recognize there may be reluctance to give each of the West Coast tribes with treaty or federally reserved fishing rights a seat on the Council, however designating an additional Tribal seat, such as a seat for Northern Tribes and a seat for Southern Tribes, would be a step toward increasing representation for each tribe on the Council. Retaining the three-year term limit, or at least limiting the Tribal seat to three consecutive terms, is another mechanism for increasing the opportunity for each Tribe to be directly represented on the Council.

In summary, we think that efforts should be made to maximize representation of Tribes on the PFMC, including the addition of another Tribal seat. If you have any questions, please contact me at the address in the letterhead.

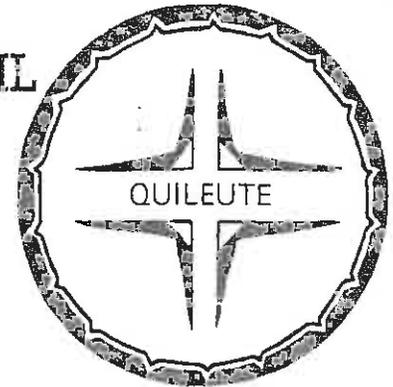
Sincerely,

Thomas O'Rourke, Chairman



## QUILEUTE TRIBAL COUNCIL

POST OFFICE BOX 279  
LA PUSH, WASHINGTON 98350-0279  
TELEPHONE (360) 374-6163  
FAX (360) 374-6311



November 2013

**Re: Testimony Quileute Tribe on Agenda Item I.2.a, Attachment 6, Proposal to remove Restrictions on the Pacific Fisheries Management Council Tribal Seat**

The Quileute Tribe appreciates Dr. Mc Isaac's October 11, 2013 communication to our tribal chair and other "West Coast Tribes" regarding the changes proposed by the Makah Tribe to the Magnuson-Stevens Fishery Conservation and Management Act (MSA) at the September PFMC meeting in Boise, Idaho. For a variety of reasons, we do not support the Makah's proposal at this time. In general, however, we do not support a system in which one tribal sovereign is designated to speak for several other sovereign governments; we instead support a system that will provide for multiple tribal input and rotation of representatives.

We do appreciate this opportunity to have dialogue on the tribal seat issue, to clarify our view of the challenges that are created by having only one "tribal" seat occupied by one individual on the PFMC. As PFMC is aware, the federal waters along the Washington coast are unique in that there are four treaty tribes (Hoh, Makah, Quileute Tribes and the Quinault Indian Nation) whose treaty fishing grounds are included therein. As the tribal seat exists currently, it lumps four separate sovereign nations together. This system does not provide for each sovereign to express its own unique concerns and perspectives regarding fishery issues before the PFMC for discussion or action.

As PFMC technical processes have evolved through the years to accommodate changing resource knowledge and the nature of fisheries, so should the structure of representation. Each sovereign tribe has a unique location as well as unique legal standing and perspective to offer to PFMC processes; however, the current structure does not accommodate for this complexity. We have observed how the federal and state seats typically allow for rotation of their individual representatives at the Council table and that the representative's selection is often dictated by area of expertise. Perhaps an easy solution to the current dilemma is to articulate that the tribal seat will function similarly to the federal and state seats.

We suggest that PFMC create a process inclusive of the affected treaty tribes and our federal trustees, to discuss a more equitable tribal representation in the PFMC forums (Council and Advisory Committees). We hope at this Costa Mesa meeting to collaboratively begin such a process.

QUINAULT INDIAN NATION  
TESTIMONY RE: MSA RE-AUTHORIZATION

Thank you madam Chair and members of the Council for the opportunity to comment on the changes proposed for the tribal seat on the Pacific Fishery Management Council as part of a re-authorization of the Magnuson-Stevens Fishery Conservation and Management Act (MSA). My name is Ed Johnstone. I'm the Fisheries Policy Spokesperson for the Quinault Indian Nation.

I am here to propose that the following modifications be made to the proposals regarding the tribal seat:

Regarding the three nominee requirement for the tribal seat, we support that nominations be solicited from tribal governments with fishing rights in the area under the Council's jurisdiction at the end of every term. So long as adequate time and notice are given for tribes to submit nominations, there should be no minimum number of nominees required. However, a maximum of three nominees is a reasonable limit to the number of nominees that should be officially considered by the Administration. The tribal seat does not represent one tribal government; rather it represents all of them. Therefore, tribal governments must be afforded the opportunity to comment on the individuals nominated before selection.

Regarding term-limits, we see no need for the arbitrary three term limit on the tribal seat. The tribal seat should serve at the pleasure of the tribes the same as state agency appointees currently serve. The tribal seat represents in excess of 25 tribes across the Council fisheries and, while a term limit may reduce the chance for long-term relationships to affect the performance of individuals occupying the tribal seat, we believe that selection should be based primarily on qualifications. The MSA requires that the tribal seat be rotated, but the MSA and implementing regulations are unclear as to the manner in which the rotation is to be administered. Our primary concern is that the individual occupying the tribal seat must fairly represent the interests of all tribes with fishing rights affected by the Council's decisions; the individual must not vote in a manner that favors the interests of the individual or his/her tribe. A provision that establishes conflict of interest standards would be helpful.

The Quinault Indian Nation has a long history of multi-term tribal representation on the PFMC. Before an official tribal seat was required, my brother, Guy McMinds, was selected to sit on the Council by the Governor of the State of Washington. Jim Harp, a Quinault member and Mr. David Sones from the Makah Tribe have also been appointed to fill the tribal seat. Each of these individuals was often placed in the difficult position of having to reconcile differences among tribes when voting in the Council process. But all were able to put aside the parochial interests of their own tribes, and successfully shoulder the responsibility to work hard to protect the fishing rights of all tribes affected by Council decisions.

Thank you. I'm happy to respond to questions should you wish additional clarification.

## APPROVAL OF COUNCIL MEETING MINUTES

The draft June 2013 Pacific Fishery Management Council (Council) meeting minutes are provided for Council review and approval in Agenda Item I.3.a, Supplemental Attachment 1.

The full record of each 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. There are between two and four editions of the Pacific Council News produced each year. The Spring Edition covers March and April Council meetings; the Summer Edition covers the June Council meeting; the Fall Edition covers the September meeting; and the Winter Edition covers the November Council meeting. In some years the

Summer Edition may be combined with the Spring Edition, and/or the Fall Edition Combined with the Winter Edition. The Pacific Council News is available online at <http://www.pcouncil.org/resources/archives/newsletters/>.

**Council Action:**

**1. Review and approve the draft June 2013 Council meeting minutes.**

**Reference Materials:**

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

**Agenda Order:**

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

Dorothy Lowman

PFMC  
10/11/13

**DRAFT MINUTES**  
**219th Session of the**  
**Pacific Fishery Management Council**  
**June 20-25, 2013**  
**Hyatt Regency Orange County**  
**11999 Harbor Blvd, Garden Grove, CA 92840**  
**Telephone 888-421-1442**

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## **A. Call to Order (June 20, 2013)**

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

Mr. Dan Wolford, Chairman, called the 219<sup>th</sup> meeting of the Pacific Fishery Management Council (Council) to order at 8:07 a.m. on Thursday, June 20, 2013. There will be a closed session held after regular business concludes today 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. William L. "Buzz" Brizendine (At-Large)  
Mr. Brian Corrigan (U.S. Coast Guard (USCG), non-voting designee)  
Mr. David Crabbe (California Obligatory)  
Ms. Michele Culver (State of Washington Official, designee)  
Mr. Jeff Feldner (At-Large)  
Ms. Joanna Grebel (State of California Official, designee)  
Dr. Dave Hanson, Parliamentarian (Pacific States Marine Fisheries Commission (PSMFC), non-voting designee)  
Mr. Rich Lincoln (Washington Obligatory)  
Mr. Frank Lockhart (National Marine Fisheries Service (NMFS) Northwest Region, designee)  
Ms. Dorothy Lowman, Vice Chair (Oregon Obligatory)  
Mr. Dale Myer (At-Large)  
Mr. David Ortmann (State of Idaho 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 (State of Alaska Official, non-voting designee)  
Mr. Steve Williams (State of Oregon Official, designee)  
Mr. Dan Wolford, Chair (At-Large)

During the week, the following people were present in their designated seats for portions of the meeting:

Mr. Chuck Bonham (State of California Official); Mr. Bob Farrell (State of California Official, designee); Mr. Mark Helvey (NMFS Southwest Region, designee); Ms. Gway Kirchner (State of Oregon Official, designee); and Dr. Craig Shuman (State of California Official, designee).

The following person was absent from the meeting: Mr. Dave Hogan (U.S. State Department, non-voting designee).

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

Dr. Donald McIsaac presented the Executive Director's Report and introduced the two informational reports:

- Informational Report 1: Memo to PFMC from NOAA Office of General Counsel Regarding Fisheries-Related Civil Prosecution activity: January 1, 2013 – May 15, 2013; and
- Informational Report 2: NMFS Office of Law Enforcement, Pacific Coast Enforcement Highlights (Northwest/Southwest Divisions) April 1, 2012 – March 31, 2013.

Dr. McIsaac reported on the Columbia River assessment interview that he engaged in on May 29, 2013. Information on that interview and the general background can be found in Agenda Item A.3.a, Attachment 1: Columbia Basin Salmon Recovery Situation Assessment: Interview Questions and Process Background. He also called the Council's attention to 1) Agenda Item C.5, concerning Council funding for 2013 which has been received with about a 10 percent reduction from the previous year; 2) a Sunday evening reception put on by the Pew Research Center (not a Council sponsored event); and 3) the Council Chair's Reception. He reported that the State of California has appointed two new Council member designees: Mr. Bob Farrell and Dr. Craig Shuman. He also noted that the Council has just recently hired Mr. Brett Wiedoff to staff development of the electronic monitoring program.

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

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

Mr. David Crabbe moved and Mr. Buzz Brizendine seconded Motion 1 to approve the Agenda as shown in Agenda Item A.4, (June 2013 Proposed Council Meeting Agenda). Dr. McIsaac clarified that under Agenda Item C.2, only the March minutes (not the March and April minutes) are available for final approval.

Motion 1 carried unanimously.

#### **B. Open Comments**

##### **B.1 Comments on Non-Agenda Items (6/20/2013; 8:18 a.m.)**

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

Ms. Lynne Mattes presented Agenda Item B.1.a, Supplemental GMT Report.

Mr. Doug Fricke presented Agenda Item B.1.a, Supplemental HMSAS Report.

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

Dr. Cisco Werner, Southwest Fisheries Science Center, La Jolla, California - presented information from Agenda Item B.1, Open Comment 1: Letter to Dr. McIsaac from Dr. Werner Regarding Annual Peer Review of the Southwest Fisheries Science Center La Jolla Laboratory.

Mr. Frank Lockhart, NMFS Assistant Regional Administrator - presented information in Agenda Item B.1. Supplemental Open Comment 4: NOAA's Draft Northwest Region Saltwater Recreational Fishing Action Agenda.

Mr. Wayne Heikkila, Western Fishboat Owners Association (WFOA), Redding, California - presented information from Agenda Item B.1, Open Comment 2: Letter from WFOA Regarding Alternative to Marine Stewardship Council Certification.

Mr. Peter Flournoy, Western Fishboat Owner's Association, San Diego, California – referenced information from the Legislative Committee meeting and requested that two statutes regarding international fisheries be added to the September Council meeting agenda.

Mr. Louis Zimm, Groundfish Advisory Subpanel (GAP) Member, San Diego, California - spoke regarding the Draft Northwest Region Saltwater Recreational Fishing Action Agenda.

Mr. Randy Hupp, Ecoleaser, LLC, Spring Valley, California - presented information on fish descending devices.

Ms. Theresa Labriola, Wild Oceans, Leesburg, Virginia - reviewed information in Agenda Item B.1, Open Comment 3: Letter from Wild Oceans Regarding Forage Fish Status Indicator for the California Current Ecosystem; and read Agenda Item B.1. Supplemental Open Comment 6: Letter regarding Fishery Ecosystem Plan.

Mr. Phil Schenck, FV Terri's Gale, San Pedro, California and Mr. Tom Durr - presented information from Agenda Item B.1. Supplemental Open Comment 5: Letter to USCG from Weil & Associates, Regarding Foreign Fishing Vessel Admeasurement.

[9:05 a.m. - Council postponed the rest of the Public Comment until Friday afternoon]

[Council reconvened this item on 6/21/2013 at 1:05 p.m.]

Mr. Will Stelle, Acting Regional Administrator, NMFS Northwest Region - provided comments about the merger of the NW and SW Regions.

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

Ms. Michele Culver spoke to the letter from NMFS Northwest Region (NWR) regarding the saltwater recreational fishing agenda. She noted that the Groundfish Management Team (GMT) comments highlighted the need for improving recreational fishing opportunities, education, and outreach (e.g., use of descending devices and fish identification). She also wanted to highlight the forage fish survey (page 7 of the NMFS Action Agenda). These are all things that Washington Department of Fish and Wildlife (WDFW) and Washington State have been actively engaged in. She wanted to be sure that there is good coordination with the development of these proposed activities with WDFW and the state, and to ensure the efforts are not duplicative. Mr. Lockhart agreed and stated that his office is working to do this with all of the states.

Dr. McIsaac stated that some of the public testimony indicated a problem with the permitting process for the tonnage of squid allowed Canadian fishing vessels off California. He wasn't clear on the role of the Council in this and wanted to hear from the State of California and the USCG concerning this problem.

Mr. Brian Corrigan stated that the USCG has been aware of this problem for some time. It is a broad-based and complex problem that involves the Jones Act and commerce in all parts of the country. This has precluded making a quick fix. The focus on this issue off California, and in other areas, has now raised the priority of the issue to the appropriate level that will enable work on a solution. The USCG is currently in the investigative phase, exploring options and determining the scope of the issue. Once USCG Headquarters has the full scope of the issue, we will be looking to resolve it on a national level. As that moves forward, we would try to keep the

Council apprised of the actions and may be looking for Council input. He was not sure of the timing of this process and the statute of limitations for infractions which might have occurred.

## **C. Administration**

### **C.1 Reports on Managing Our Nation's Fisheries 3 (MONF3) Conference and the Council Coordination Committee (CCC) Meeting (6/20/2013; 9:26 a.m.)**

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

Mr. Chuck Tracy provided the Agenda Item Overview and introduced the following reference materials:

- Agenda Item C.1.a, Attachment 1: MONF3 Press Release;
- Agenda Item C.1.a, Attachment 2: Detailed Agenda from the Managing Our Nation's Fisheries 3 Conference;
- Agenda Item C.1.a, Attachment 3: Summary of findings from the Managing Our Nations Fisheries 3 Conference; and
- 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.

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

Dr. McIsaac invited Council Members who attended the MONF3 Conference to provide remarks about their experience. Mr. Myer, Ms. Kirchner, Mr. Crabbe, Mr. Lockhart, Mr. Helvey, Dr. Hanson, Ms. Lowman, and Mr. Wolford provided comments. The Council also listened to Mr. Anderson's recorded speech which he gave as part of the reaction panel in response to the 128 recommendations for potential management improvements identified during the conference.

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

Dr. Geoff Shester, Oceana, Monterey, California.

#### **C.1.d Council Action: Provide Guidance on Issues Associated with Outcomes of the MONF3 Conference and CCC Meeting**

Council action was targeted at a discussion of and guidance on further consideration of the findings from the MONF3 Conference and the CCC meeting.

Mr. Lockhart commented that climate change is one of the most important issues we will have to address. The changes in fish population distributions are already being mapped. Interestingly, the movement on the west coast is southward rather than northward as you might expect.

Mr. Sones commented that climate change and habitat issues are the most important issues for the tribes. The public needs to be educated on the effects and the things they can do to help reduce these impacts. Mr. Roth supported Mr. Sones' comments.

Dr. McIsaac commented that the consideration of the 128 action items is a rather daunting task that will take some time to sort out. The Council staff will be working on them over the summer and the findings will come before the CCC body in October. This allows the Council to take up these issues again in September with the benefit of more analysis.

Regarding matters from the CCC meeting that are not specific to the MONF3 Conference; Dr. McIsaac noted 2 items from Agenda Item C.1.a, Attachment 4: Item I, Allocation Review Process; and Item J, Office of the Inspector General Report (OIGR) Action Plan. Immediate action is not necessary on these items; however, the Council needs to be aware of them. The allocation review process is a large task that concerns timely reviews of the harvest allocations in the fishery management plans (FMPs). The OIGR covers the regulatory process and relationships between the Regional Fishery Management Councils (RFMCs) and NMFS. One of the recommendations deals with finalizing regional operating agreements between the RFMCs, the science centers, and the regions, which will likely be ongoing in 2014.

Mr. Wolford stated that it seems appropriate to forward these issues and recommendations to the advisory bodies and Council staff for further categorization and resolution, and then to deal with them further at the September meeting in order to be responsive to the CCC. Ms. Lowman agreed.

## **C.2 Approval of Council Meeting Minutes (6/20/2013; 10:21 a.m.)**

### **C.2.a Council Member Review and Comments**

Mr. Dan Wolford called the Council's attention to Agenda Item C.2.a, Attachment 1: Draft Minutes: 217<sup>th</sup> session of the Pacific Fishery Management Council (March 2013).

### **C.2.b Council Action: Approve March 2013 Minutes**

Mr. Dave Ortmann moved and Mr. Herb Pollard seconded Motion 2 to Approve Agenda Item C.2.a, Attachment 1: Draft Minutes: 217<sup>th</sup> session of the Pacific Fishery Management Council (March 2013).

Motion 2 carried unanimously.

## **C.3 Legislative Matters (6/22/2013; 4:52 p.m.)**

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

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

- Agenda Item C.3.a, Attachment 1: June 2013 Staff Summary of Federal Legislation; and
- Agenda Item C.3.a, Supplemental Attachment 2: Survey on Sustainability Certification for U.S. Harvested Seafood.

### **C.3.b Report of the Legislative Committee**

Dr. Dave Hanson presented Agenda Item C.3.b, Supplemental Legislative Committee Report.

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

None.

### **C.3.d Public Comment**

None.

### **C.3.e Council Action: Consider Legislative Committee Recommendations.**

The Council asked staff to provide further follow-up on H.R. 1927 (More Water and Security for Californians Act) at the September meeting.

Mr. Steve Williams noted that the states of Oregon and Washington had provided a joint letter concerning H.R. 1308 (Endangered Salmon and Fisheries Predation Prevention Act). If the need and opportunity arises, the Council could submit a letter using the joint state letter as a guide.

## **C.4 Coastal Marine Spatial Planning (6/24/2013; 2:24 p.m.)**

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

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

- Agenda Item C.4.a, Attachment 1: Final National Ocean Policy Implementation Plan; and
- Agenda Item C.4.a, Attachment 2: Marine Planning Fact Sheet.

### **C.4.b Update on Marine Spatial Planning Activities**

Dr. John Stein presented an update on marine spatial planning activities.

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

Mr. John Holloway presented Agenda Item C.4.c, Supplemental GAP Report.

Mr. Tim Roth presented Agenda Item C.4.c, Supplemental HC Report.

### **C.4.d Public Comment**

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

### **C.4.e Council Action: Provide Guidance on Council Involvement with CMSP Issues, as Appropriate**

Ms. Culver spoke to the topic of ocean energy management. She noted that Washington has a state marine spatial planning effort to coordinate with the various jurisdictions, stakeholders, and state and Federal entities. They are aligning their efforts with Oregon to have a seamless approach within the ocean. They are seeking to have authority to comment on development beyond 3 miles and are moving forward rather than waiting for formation of the regional planning body for oversight of proposed renewable energy projects. As indicated in the GAP statement, she is looking for more communication with the industry for what is occurring within the three states. She supports the request of the Habitat Committee (HC) to put information on the Council website to at least link to the state website, and, to the extent possible, have regular updates at the national and regional level as well.

Mr. Steve Williams agreed with Ms. Culver's recommendations regarding the websites and noted that Oregon did just update their territorial sea plan. He found it ironic that all this involvement has gone forward and the regional planning body has not been formed.

Mr. Chuck Bonham supported continued attendance by Dr. Stein to keep the Council updated on the process and for the Council to keep clear communication with the states as it develops its role in the process.

Mr. Crabbe suggested Dr. Stein meet with all the advisory bodies in the future to keep them abreast of the process and to solicit input.

Other Council members supported the need for good communication. Mr. Wolford noted the Council has a seat on the planning body (occupied by Ms. Culver) and that Dr. Stein could work with that person to help coordinate communication. Dr. Stein agreed.

Mr. Griffin summarized that the guidance was clear for improved communication, including use of links on the Council website.

## **C.5 Fiscal Matters (6/25/2013; 12:34 p.m.)**

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

Mr. Chuck Tracy presented the Agenda Item Overview.

### **C.5.b Budget Committee Report**

Mr. Dave Ortmann presented the Budget Committee Report (Agenda Item C.5.b).

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

None.

### **C.5.d Public Comment**

None.

### **C.5.e Council Action: Consider Budget Committee Recommendations**

Mr. Ortmann briefly commented on the Budget Committee meeting and invited others to attend when possible.

Mr. Ortmann moved and Mr. Pollard seconded Motion 27 to adopt the Budget Committee recommendation for a CY 2013 operating Budget of \$4,449,025.

Motion 27 carried unanimously.

## **C.6 Membership Appointments and Council Operating Procedures (6/25/2013; 12:42 p.m.)**

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

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

- Agenda Item C.6.a, Attachment 1: Management Strategy Advisory Board Membership;
- Agenda Item C.6.a, Attachment 2: Draft Council Operating Procedure 3 – Plan, Technical, and Management Teams;
- Agenda Item C.6.a, Attachment 3: Draft terms of Reference for the Pacific Groundfish and Endangered Species Work Group;
- Agenda Item F.7.a, Attachment 2: Proposed Revisions to COP 9;
- Agenda Item C.6.a, Supplemental Attachment 4: Letter from Mr. Chuck Bonham regarding CDFW designees;
- Agenda Item C.6.a, Supplemental Attachment 5: NMFS Announcement of 2013 Regional Fishery Council Appointments; and
- Agenda Item C.6.a, Supplemental Attachment 6: composition of Ecosystem Advisory Bodies.

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

None.

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

Mr. Tom Rudolph, Pew Charitable Trusts, Portland, Oregon.

### **C.6.d Council Action: Elect Council Chair and Vice Chair; Appoint Individuals to Advisory Bodies and Consider Changes to Council Operating Procedures.**

Mr. Steve Williams moved and Mr. Jeff Feldner seconded Motion 28 that the Council appoint Ms. Dorothy Lowman to the position of Chair for the 2013-2014 term. Motion 28 carried unanimously.

Mr. Ortmann moved and Mr. Rich Lincoln seconded Motion 29 to appoint Mr. Herb Pollard to the position of Vice-Chair for the 2013-2014 term. Motion 29 carried unanimously.

Ms. Joanna Grebel moved and Mr. Buzz Brizendine seconded Motion 30 to appoint Dr. Pete Adams to the California seat on the Ecosystem Advisory Subpanel. Motion 30 carried unanimously.

Mr. Helvey moved and Mr. Crabbe seconded Motion 31 to appoint:

- SAC Bill Giles to the NMFS NWR seat on the Enforcement Consultants (EC);
- Dr. Emmanis Dorval to the NMFS Southwest Fisheries Science Center (SWFSC) seat on the Coastal Pelagic Species Management Team (CPSMT); and
- Ms. Heidi Taylor to the NMFS SWR seat on the Highly Migratory Species Management Team (HMSMT).

Motion 31 carried unanimously.

Ms. Grebel moved and Mr. Crabbe seconded Motion 32 to appoint Mr. Eric Wilkins to the California Department of Fish and Wildlife (CDFW) Seat on the Habitat Committee (HC). Motion 32 carried unanimously.

Dr. McIsaac stated that Council staff will solicit nominations for the vacant at-large seat on the SSC.

Mr. Wolford nominated the following persons to the Electronic Monitoring (EM) Workgroup:

- PSMFC (chair) – Dave Hanson
- At-Sea Whiting – Brent Paine
- Shoreside Midwater Trawl – Heather Mann
- Shoreside Bottom Trawl – Paul Kujala
- Shoreside Bottom Trawl – Travis Hunter
- IFQ Fixed Gear (Pot) – Geoff Bettencourt
- IFQ Fixed Gear (Longline) – Bob Alverson
- EM Provider – Howard McElderry (Archipelago)
- Conservation Representative – Shems Jud

Mr. Wolford appointed the following to the Electronic Monitoring Technical Advisors (EMTA):

- PSMFC – Dave Colpo
- NMFS NWR – Colby Brady
- NMFS NWFSC – Jon McVeigh
- NMFS Office of Law Enforcement – Dayna Matthews
- NMFS General Counsel – Mariam McCall
- WA – Dan Chadwick
- OR – Maggie Sommer
- CA – Bob Puccinelli

Dr. McIsaac confirmed correspondence with the Inter-American Tropical Tuna Commission (IATTC) that they will not be able to contribute to a regional fishery management organization (RFMO) seat on the HMSMT. Therefore, that position could remain vacant or be eliminated and await a need to be re-established. In this budget climate, staff recommends elimination of the seat.

Mr. Mark Helvey moved and Mr. Williams seconded Motion 33 to modify COP 3 to eliminate the RFMO Seat on the HMSMT. Motion 33 carried unanimously.

Dr. McIsaac commented regarding the proposed creation of a new ad hoc Ecosystem Committee as a successor to the Ecosystem Plan Development Plan (EPDT) and as opposed to realignment of the EPDT as a management team. He noted that the ad hoc committee would be formed to work on forage fish Initiative 1. If it replaced the EPDT, there wouldn't be an advisory body to weigh in on the state of the ecosystem report each year. However, it also doesn't seem appropriate to keep both with the overlap in personnel. The agency Council members confirmed they would use the same personnel either way.

Mr. Lincoln recommended that the Council form the ad hoc committee to focus on Initiative 1 for now. The Council could change the focus of the ad hoc group as we choose, if that was needed further down the road.

Mr. Lincoln moved and Mr. Ortmann seconded Motion 34 to dissolve the EPDT and establish an Initiative 1 workgroup (Ad Hoc Ecosystem Committee) as shown in Agenda Item C.6.a, Supplemental Attachment 6; with the membership as noted on the right side of the page.

Motion 34 carried unanimously.

Mr. Helvey moved and Mr. Brizendine seconded Motion 35 to modify COP 3 to establish the Groundfish Endangered Species Workgroup and terms of reference as shown in Agenda Item C.6.a, Attachment 3.

Mr. Wolford noted that this motion would only create the workgroup and that nominations to the positions would come at a later meeting. In response to a question from Mr. Ortmann, it was confirmed that Idaho was not a member and the workgroup, as formed at this time, concerned only the groundfish fishery. Mr. Tracy noted an earlier request for a tribal member on this group.

Mr. Sones moved and Mr. Helvey seconded Amendment 1 to Motion 35 to include a tribal seat to the membership on the workgroup.

Amendment 1 carried unanimously. Motion 35, as amended, carried unanimously.

Mr. Lincoln asked for clarification to ensure that Council members or their designees would not be precluded from serving on this work group. He noted that in COP 3 under the section "Agency or Organization Policy Position Advocates," there is a statement that "Team members will not act as official policy advocates of agency or organization positions while acting in their capacity as Team members." He was concerned that WDFW might not be able to participate on the workgroup if Council members were precluded due to their Council role, which might include advocacy of certain policies.

Council staff concurred that this could be an issue unless the Council was comfortable with allowing for an exception for this particular workgroup.

Mr. Lincoln moved and Mr. Pollard seconded Motion 36 to update the language on Agenda Item C.6.a, Attachment 2 (Draft COP 3) on the bottom of page 5, under the section "Agency or Organization Policy Position Advocates," at the end of the sentence beginning with "Team members will not act . . .": add the language "*which is not intended to preclude Council members or their designees from serving on the Endangered Species Workgroup.*"

Mr. Williams moved and Mr. Feldner seconded Amendment 1 to Motion 36 to insert "Groundfish" before Endangered Species Workgroup.

Amendment 1 carried unanimously. Motion 36, as amended, carried unanimously.

Dr. McIsaac noted that with the actions completed in this agenda item, the Council has now appointed its first woman Chair.

## **C.7 Future Council Meeting Agenda and Workload Planning (6/25/2013; 1:28 p.m.)**

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

Dr. McIsaac presented the Agenda Item Overview and introduced the following reference materials:

- Agenda Item C.7.a, Attachment 1: Pacific Council Workload Planning: Preliminary Year-at-a-Glance Summary;
- Agenda Item C.7.a, Attachment 2: Preliminary Proposed Council Meeting Agenda, September 12-17, 2013 in Boise, Idaho;
- Agenda Item C.7.a, Supplemental Attachment 3: Year-at-a-Glance Summary; and
- Agenda Item C.7.a, Supplemental Attachment 4: Proposed Council Meeting Agenda, September 12-17, 2013 in Boise, Idaho.

### **C.7.b Reports and Comments of Advisory Bodies and Management Entities**

Dr. McIsaac referenced the following reports:

- Agenda Item C.7.b, Supplemental OIG Sablefish LAPP Questions;
- Agenda Item C.7.b, Supplemental HMSAS Report, which deals mostly with legislative issues that can be dealt with at the next Legislative Committee meeting; and
- Agenda Item C.7.b, NMFS Report: Sam Rauch Letter Regarding NMFS Furlough Dates.

Mr. Gerry Richter presented Agenda Item C.7.b, Supplemental GAP Report.

### **C.7.c Public Comment**

Mr. Tom Rudolph, Pew Charitable Trusts, Portland, Oregon.

Mr. Gerry Richter, representing Bob Alverson, Fishing Vessels Owner's Association, Seattle, Washington.

### **C.7.d Council Discussion and Guidance on Future Meeting Agenda and Workload Planning**

The Council discussed issues of clarification and scheduling for several future agenda items, including: barotrauma information in November (Kirchner/Brizendine); adding a work planning item in November for Ecosystem Initiative 9 and forage indicators to identify any work needed to be done for the March Council meeting (Lincoln); timing of the sablefish permit review (Grebel); and an SSC request for information on the sardine aerial survey (McIsaac).

[Council concluded this agenda item at 2:09 p.m. on 6/25/2013 and adjourned the meeting.]

## **D. Highly Migratory Species Management**

### **D.1 National Marine Fisheries Service Report (6/20/2013; 10:40 a.m.)**

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

Dr. Kit Dahl provided the Agenda Item Overview.

#### **D.1.b Regulatory Activities**

Mr. Mark Helvey presented Agenda Item D.1.b, NMFS Report.

Mr. Rod McInnis presented Agenda Item D.1.b, Supplemental NMFS Report 2.

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

No report was given.

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

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

#### **D.1.e Public Comment**

Dr. Geoff Shester, Oceana, Monterey, California - presented information regarding the drift gillnet fishery.

#### **D.1.f Council Discussion**

Ms. Culver asked for some clarification about NMFS' criteria for fish aggregating devices to meet the resolution by the IATTC. Mr. McGinnis stated that the resolution only concerns floating or anchored devices specifically deployed for the purpose of aggregating fish.

Council members also discussed issues concerning the incentives for agreeing on good management practices among the international participants and NMFS' review of the proposed listing of sharks (hammerhead and great white sharks) which is just beginning and may or may not result in a listing and incidental take statement.

### **D.2 U.S. – Canada Albacore Treaty Update (6/20/2013; 11:10 a.m.)**

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

Dr. Kit Dahl provided the Agenda Item Overview, including Agenda Item D.2.a, Attachment 1: Summary of April 16-17, 2013, Meeting between the U.S. and Canada to discuss Albacore Treaty issues (Prepared by Council Staff).

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

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

#### **D.2.c Public Comment**

Mr. Wayne Heikkila, Western Fishboat Owner's Association, Redding, California.

#### **D.2.d Council Action: Adopt, as Necessary, Recommendations for the Fishery Regime Pursuant to the U.S. – Canada Albacore Treaty**

Mr. Williams commented that, based on his involvement with the meetings and delegation negotiations, the fleet is definitely moving toward phasing out the current fishery regime in the near future. He is supportive of that. However, we need to move forward with our eyes wide open as there could be consequences in other areas outside of the albacore fleet. We are not ready for a letter at this time (as requested by the Highly Migratory Species Advisory Subpanel (HMSAS)), because we have not covered all of the bases. We need to move forward with setting up the negotiations to ensure a timely process and provide a letter at the appropriate time.

Mr. Brizendine supported Mr. William's comments with regard to a careful approach to the phase-out to allow us to identify potential consequences.

Mr. Wolford was bothered by the fact that the HMSAS could not come to a conclusion about what to recommend for a phase-out. They wanted the Council to write a letter supporting the phase-out, but did not provide specifics about what should go in it.

Regarding the timing of the negotiations, Mr. Helvey stated that Mr. Dave Hogan should now be available to begin a dialog with Canada to set up a schedule. He expects the meetings would begin in the fall and continue into early 2014. He agreed that there is not a need for a letter at this time.

Mr. Wolford said he believes we need specific recommendations from the HMSAS and it may be necessary to have a minority report from them to help clarify the issues.

Dr. McIsaac suggested Council members make clear what information they would like in the future consideration of the phase-out issue so that the advisors and staff could help provide that information.

Mr. Williams expressed reluctance at providing too much additional guidance (beyond moving toward the phase-out) given that this is a negotiation process and we are not sure of what all could be on the table.

Mr. Sones agreed with being cautious. He would also like to see more information on the use of foreign workers on U.S. fishing vessels (he favors using U.S. workers) and how that was different from or might be affected by the issue with the tuna fleet.

Ms. Lowman stated that we should have more information in September and it may be a more proper time to determine the details of a letter. We can discuss that under agenda planning.

#### **D.3 Preliminary Exempted Fishing Permit (EFP) Approval (6/20/2013; 1:35 p.m.)**

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

Dr. Kit Dahl presented the Agenda Item Overview. He reported that no applications for EFPs were received and no Council action was necessary.

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

None.

### **D.3.c Public Comment**

None.

### **D.3.d Council Action: Adopt EFPs for Highly Migratory Species Fisheries for Public Review**

No applications were received to act on.

## **D.4 Response to Pacific Bluefin Tuna Overfished Status (6/21/2013; 8:20 a.m.)**

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

Dr. Kit Dahl presented the Agenda Item Overview, including:

- Agenda Item D.4.a, Attachment 1: April 8, 2013, Letter from Rodney McInnis, NMFS Southwest Region Administrator to Dan Wolford, Council Chair; and
- Agenda Item D.4.a, Attachment 2: March 26, 2012, Letter from Executive Director, Donald McIsaac, to Deputy Assistant Secretary David Balton.

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

Mr. Kirt Hughes presented Agenda Item D.4.b, Supplemental HMSMT Report.

### **D.4.c Public Comment**

None.

### **D.4.d Council Action: Adopt Response to Magnuson-Stevens Act Requirements associated with the Declaration of International Overfishing of Bluefin Tuna**

[8:49 a.m.: The Council suspended consideration of this agenda item until later in the meeting in order to obtain additional U.S. landings data before making a decision on its recommendations for regulations responsive to the declaration of international overfishing of bluefin tuna. The Council reconvened this agenda item on 6/22/2013 at 8:09 a.m.]

Dr. Dahl called the Council's attention to Agenda Item D.4.b, Supplemental HMSMT Report 2 which contained the landings information requested by the Council. He made the following clarifications or corrections to the tables: Table 3 is private recreational landings in "thousands of fish" and Table 4 is catch per fishing vessel data in "number of fish," not "thousands of fish."

Council members had other observations or questions of clarification about the data.

Mr. Brizendine referenced the letter to Mr. Bolton (Agenda Item D.4.a, Attachment 2) which recommended no new domestic regulatory measures for bluefin tuna. Mr. Brizendine recommended forwarding that recommendation to the appropriate bodies.

Dr. McIsaac noted that Mr. Brizendine's recommendation could cover the domestic fishing issue if the Council believes the domestic fishery is so minor that additional restrictions would be meaningless. However, there is also the broader international plight of the bluefin stock to consider. A couple of years ago, the Council recommended going back to the Western and Central Pacific Fisheries Commission (WCPFC) arena to do some additional things, such as fewer exemptions for artisanal fishing or for Korea. These exemptions are still in play and the Council could ask the U.S. Delegation for further constraints. There is also some action that might be possible in the IATTC arena. Mr. Brizendine agreed.

Mr. Williams added that it is also important to emphasize a reduction in impacts for the zero to age-three fish.

Ms. Culver, noting the letter from Mr. McInnis, stated that the Council should also include support for the request by the IATTC for conservation actions by the WCPFC to help make the proposed IATTC actions effective.

Mr. Helvey pointed out that the situation for bluefin tuna has gotten worse since last year when the Council provided a letter. He suggested that while it may be a *de minimis* impact, it might still be worth looking at the current recreational bag limits off California and Oregon and see how they match up with actions off Mexico. An analysis might determine if a reduction would make a difference and would send a signal to the international delegations that we are willing to do something for the recovery of the stock. He noted that the IATTC has moved toward catch limits, while the WCPFC are managing under effort, which does not seem to have been very effective. It may be useful in the letter to suggest that the WCPFC move in the direction of catch limits.

Dr. McIsaac asked Mr. Helvey what type of schedule he was proposing with regard to taking up the bag limit issue in the Council process.

Mr. Helvey replied that he was thinking of the biennial cycle (starting June 2014).

Dr. McIsaac requested that the Council affirm if they wished to keep (in this year's letter) the last paragraph from the previous letter about the southern California commercial passenger fishing vessel (CPFV) recreational fishery and its relationship with Mexico, and a paragraph about working collaboratively with Mexico. The Council so affirmed.

## **D.5 North Pacific Albacore Tuna Precautionary Management Framework (6/21/2013; 8:49 a.m.)**

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

Dr. Kit Dahl presented the Agenda Item Overview, including Agenda Item D.5.a, Attachment 1: Summary Report of the Eighth Regular Session of the WCPFC Northern Committee, Attachment E: Northern Pacific Albacore Reference Points, Requests to the International Scientific Committee for Tuna and Tuna-like Species in the North Pacific Ocean.

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

Mr. Kirt Hughes presented Agenda Item D.5.b, HMSMT Report and Agenda Item D.5.b, Supplemental HMSMT Report 2.

Dr. Owen Hamel presented Agenda Item D.5.b, Supplemental SSC Report.

Mr. Doug Fricke presented Agenda Item D.5.b, Supplemental HMSAS Report.

### **D.5.c Public Comment**

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

Mr. Doug Fricke, Boat Seafoods, Westport, Washington.

### **D.5.d Council Action: Adopt Elements of a Precautionary Management Framework for North Pacific Albacore Tuna (6/21/2013; 10:18 a.m.)**

Based on the technical reports and discussion, Ms. Culver noted that using the spawning potential ratio (SPR) seems to be a preferred approach. It appears the Council is being asked to consider forwarding the HMSMT whitepaper and any other recommendations, agreed to here, as its initial input on a precautionary management framework. She thought it would be helpful to know if there are specific elements that the U.S. delegation is not in alignment with, or needs recommendations other than those that they are in agreement with.

Mr. Helvey replied that the elements of the U.S. position are still very general. The discussions last year with Japan covered only appropriate reference points and was very general. Harvest control rules are not on the table yet. All of the information so far is from minutes of the meetings and there isn't a specific position that has been offered by the U.S. This may be the opportunity to begin that process. By September of 2014 the Northern Committee intends to have a precautionary management approach in place. The Northern Committee meeting this September should start to narrow down the appropriate way to go and start dealing with harvest control rules. If, at this meeting, the Council recommends that level 2 SPR reference points are the way to go, it may help to move the process forward.

Mr. Williams believes that the HMSMT report is a good start, but needs some refinement before we would send it forward. Also, the timing is not quite ripe to go forward with specifics and there will be a more appropriate time after the Northern Committee workgroups meet and have their discussions on the effort-based measures.

Dr. McIsaac agreed that this is very early in the process and it would be premature to get into very many specifics. There isn't even a precautionary approach outline at this time. Very soon the delegation will want to see some ideas. The Council will likely hear about this issue again in November, or as early as September, with information about what the Northern Committee has considered. Next April or June would be the time to get very specific in the Council's recommendations.

Ms. Culver moved and Mr. Lincoln seconded Motion 6 to revise Agenda Item D.5.b, HMSMT Report to incorporate the comments in Agenda Item D.5.b, Supplemental HMSMT Report (2) and Agenda Item D.5.b, Supplemental SSC Report; and include a cover letter from the Council to the U.S. delegation which reiterates our SSC's recommendation to use SPR reference points

rather than a biomass reference point, and indicate that our current HMS FMP has a simple linear harvest control rule (Figure 1, page 5 of the HMSMT Report).

Ms. Culver stated that she agrees we are at a point for general comments. The HMSMT did a great job in their report of describing the pros and cons of the various management elements and incorporating the FMP goals for albacore management. The HMSMT report, as modified with the Supplemental HMSMT Report 2 and the SSC report, gives adequate background information to the delegation as to the thinking of the Council on biological reference points and harvest control rules. It gives them some good information as to why the biomass-based reference point would not be advisable, and good thoughts as to what management measures would be needed to monitor and limit fishing mortality in the future.

Mr. Williams said he agreed with most of the proposed action, as long as the cover letter indicates that there is more to come and the door is left open for further information that could make us change our recommendations.

Ms. Culver said she believes the HMSMT report is fairly broad and general, and any more specific information we might wish to provide later could fit within the bounds of their current report. She felt it was important to give the delegation something now, given that the discussions are upcoming.

Mr. Helvey expressed concern that the motion locks us in with regard to what goes into the cover letter. He would like to see the cover letter be more of a summary of the reports, with the reports as appendices. Under the motion, the cover letter only mentions the Supplemental SSC Report and recommendation to use SPR. It doesn't highlight harvest control rules and an analysis using catch and effort.

Ms. Culver clarified that she agreed with Mr. William's earlier remarks about refining the HMSMT report and her intention was for the staff to revise the HMSMT Report by incorporating the information from the Supplemental HMSMT 2 and Supplemental SSC reports into one comprehensive report. In addition, staff would draft a cover letter. She included two things she would like to see in the cover letter. If Mr. Helvey would like to see additional items, he could amend the motion to expand what goes into the cover letter.

Motion 6 carried (Mr. Helvey voted no).

Concerning future timing of additional Council consideration and refinement of this issue, Dr. McIsaac indicated there might be a brief informational report in September, but certainly additional consideration in November and then in March and possibly June of 2014.

Dr. Craig Shuman noted that, for discussion purposes, some of the components that were mentioned earlier were: adding "Recreational (data collection)" to the management objectives in #2, and emphasizing additional and better data for future actions at the international level. He believes these are important and should be in the cover letter or on the record.

Council members confirmed that the wording of Motion 6 regarding the contents of the cover letter was not intended to preclude emphasizing other issues, as long as they were consistent with what was contained in the advisory body reports.

## **E. Enforcement Issues**

### **E.1 Vessel Monitoring System (VMS) Declaration Regulations (6/20/2013; 1:37 p.m.)**

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

Mr. Jim Seger presented the Agenda Item Overview, including:

- Agenda Item E.1.a, Attachment 1: Need for Fishery Declarations for Active VMS Units; and
- Agenda Item E.1.a, Attachment 2: NMFS Highly Migratory Species Report for the March, 2013 Council Meeting – Excerpt.

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

Mr. Dayna Matthews presented Agenda Item E.1.b, EC Report: Enforcement Consultant Report on Vessel Monitoring Systems (VMS) and Declaration Regulations.

Mr. Kirt Hughes presented Agenda Item E.1.b, Supplemental HMSMT Report.

Mr. Doug Fricke presented Agenda Item E.1.b, Supplemental HMSAS Report.

Mr. Gerry Richter presented Agenda Item E.1.b, Supplemental GAP Report.

#### **E.1.c Public Comment**

Mr. Peter Flournoy, International Law Offices, San Diego, California.

#### **E.1.d Council Action: Adopt Final Declaration Regulations and Consider Process for compliance with Inter-American Tropical Tuna Commission Requirements for VMS (6/20/2013; 2:23 p.m.)**

Ms. Culver asked if the declarations and requirements under item 1 would be in groundfish regulations and, if they were to apply to other fisheries, how would they know to check the groundfish regulations.

Mr. Dana Matthews responded that there are a couple of options. One is to keep all of the regulations under groundfish. Another is to put them, in their entirety, under each fishery sector. They think the best option is to keep the whole regulation under groundfish and put anything that is needed in the other regulations with a cross-reference to the groundfish regulations. An example is the salmon fishery where the fisherman has to look at the groundfish regulations to know what groundfish he can keep as incidental catch. Beyond that example, in applying for the basic VMS reimbursement program, the fisherman is exposed to the regulations of who, how, and why. Mr. Seger added that the fisherman must contact NMFS when making the declaration, which would include information on the requirements.

In response to a question, Mr. Helvey clarified that NMFS does believe the intent of the IATTC resolution is to require VMS in the highly migratory fishery, and we are currently out of

compliance. The consequences of the U.S. not being in compliance would be to lose standing in the international community, reduce our ability to make strong statements about other countries out of compliance, and diminish the forward progress of conservation measures in the Eastern Pacific.

Ms. Culver asked if we revise the groundfish declaration, couldn't we require VMS for albacore vessels greater than 24 meters in length and drift gillnet vessels as part of the same rulemaking process.

Mr. Helvey responded that the international process might be speedier and the U.S. delegation wanted the rule in place for next year. Other vessels (e.g., some CPS vessels) may also be affected and complicate the Council and rulemaking action.

Ms. Culver stated that there seems to be two separate issues. One is whether we use the Magnuson-Stevens Act (MSA) or the Tuna Convention Act, and the second is whether we put it into the groundfish regulations or HMS regulations if we go with MSA. She favored using the MSA. The Council will have the ability to be in the process, it will facilitate data-sharing agreements with the states and NMFS at the enforcement level, and it will allow enforcement at the state level. She thought any small delay in implementation would be relatively inconsequential.

Mr. Wolford concurred in doing it under the MSA.

Mr. Sones expressed some frustration with why the resolution was being applied to vessels in the bait fish fishery. He believes it will be additional cost without any conservation benefit.

Mr. Wolford asked if NMFS could look up how other countries had self-declared with regard to implementing VMS (following up on an earlier question from Mr. Crabbe). Mr. Helvey responded that it wasn't relevant to the NMFS determination that we are out of compliance and we are behind in implementing VMS.

Mr. Bob Farrell responded to Mr. Sones' comment on the conservation benefit of the VMS implementation. He noted that from a global perspective, the VMS program will help to reduce the illegal, unreported, and unregulated fishery participation.

Ms. Culver moved and Mr. Myer seconded Motion 3 that the Council request NMFS modify §660.13 and 14 as appropriate to make it clear that upon registering a VMS unit with the NMFS Office of Law Enforcement, an initial declaration of gear type or sector is required. Subsequent changes to gear type or sector would require a declaration change as is the current requirement for all limited entry permitted, non-groundfish trawl, and open access vessels [quoted from indented paragraph of Agenda Item E.1.b, EC Report]; and modify 660.13(d)(5)(iv)(24) by changing "other gear" to "other fishery" (Agenda Item E.1.a, Attachment 1, page 2).

Ms. Culver stated that the intent of her motion is to satisfy the final action items for item 1 and item 2 (from the Situation Summary) and is consistent with the recommendation of the EC for adding a requirement for an initial declaration of gear type or sector upon registering a VMS unit

with OLE and by modifying “other gear” to “other fishery” to clarify that it’s not just for other gear to take groundfish.

Mr. Feldner asked what that does for a declaration for doing scientific research. Ms. Culver was not sure how that would be handled.

To address that issue, Mr. Wolford moved and Mr. Feldner seconded Amendment 1 to delete the word “fishery” from the motion. [leaving an “other” category]

Amendment 1 carried unanimously.

Motion 3, as amended, carried unanimously.

Ms. Culver moved and Mr. Lincoln seconded Motion 4 to require VMS on albacore fishing vessels 24 meters or more in length and on California swordfish drift gillnet vessels; and that NMFS include this requirement in the HMS regulations proposed and considered through the MSA, and incorporate the VMS process by referring to the groundfish regulations. And that this would be considered a preliminary preferred alternative and would be the first of a two-meeting process.

Ms. Culver stated that it is clear NMFS’ interpretation of compliance with the IATTC Resolution included application to albacore vessels and that NMFS wants us to move into compliance in a timely manner. NMFS is also recommending VMS units for the California swordfish drift gillnet vessels. The intent of this motion is to streamline the process as much as possible.

Mr. Myer asked if the purse seine vessels were catching albacore and, if so, were they also out of compliance.

Mr. Helvey said they periodically fish for albacore and would catch bluefin and sometimes other tuna as opportunities presented themselves. He also noted that the motion did not seem to include the CPS vessels which would fall under the IATTC Resolution.

Mr. Myer moved and Ms. Culver seconded Amendment 1 to strike “albacore” and insert “tuna.”

Mr. Helvey confirmed that this would now include the commercial CPS vessels and does not, and need not, apply to recreational vessels, including charter vessels.

Mr. Crabbe noted that there are basically two CPS purse seine vessels that target yellowfin or bluefin tuna for the U.S. Fleet. Given that effort for tuna is infrequent, are they required to have VMS at all times, or just when actively pursuing or catching tuna?

Mr. Matthews clarified that the regulations are very stringent about turning the VMS on and off and can result in an inability to enter the fishery the following year. This is just the first of a two-part process, so the fishermen will have an opportunity to comment on this issue before your final decision.

Amendment 1 carried unanimously.

Mr. Williams supported the motion, but was concerned that it had become very broad and may have ramifications beyond what we need to do.

Mr. Judson Feder pointed out that, as it stands now, the motion implies recreational and commercial fisheries. He also wasn't sure what was intended by the term "VMS process."

Ms. Culver clarified that she had referred to the VMS declaration process in the groundfish regulations. That was what was intended in the motion. She suggested an amendment to focus the motion on the commercial fisheries.

Mr. Wolford moved and Mr. Brizendine seconded Amendment 2 to Motion 4 to insert the word "commercial" in front of "tuna."

Amendment 2 carried unanimously.

Mr. Farrell referred to Mr. William's concern about the breadth of the motion and expressed his desire to remove the drift gillnet fishery (DGN) from this motion. He moved and Mr. Crabbe seconded Amendment 3 to Motion 4 to strike "drift gillnet fishery" from the motion.

Mr. Farrell stated his belief that removing the DGN fishery from the motion will not delay the implementation of VMS requirements for the DGN fleet and would be simpler and less controversial than tying them in with the rest of the motion.

Ms. Culver didn't understand the concern and the need for removal of the DGN fleet. Her motion listed two categories of vessels: 1) vessels fishing for albacore tuna that are 24 meters or longer, and 2) DGN vessels of all lengths. She stated that it would be most efficient to fold in the albacore and DGN regulations at the same time in the rulemaking process. This is the first of a two-meeting process, and we will have more data and analysis from which to determine the appropriate coverage before we take final action at the second meeting.

Mr. Farrell withdrew his amendment (second concurred).

Mr. Helvey clarified that there are two timelines for this issue. For IATTC purposes (the albacore fishery) they would like to have something in place for June 2014. For the DGN fishery, they are mandated by the Endangered Species Act to get something in place and their timeline on that is August 15, 2015. In response to a question from Dr. McIsaac, Mr. Helvey confirmed that NMFS would take the lead on the National Environmental Policy Act (NEPA) analysis on this issue when it comes before the Council for final action.

Motion 4, as amended, carried unanimously.

[The Council concluded this agenda item on 6/20/2013 at 3:45 p.m. and adjourned for closed session. Council reopened Agenda Item E.1.d on Friday, June 21, 2013 at 8:03 a.m.]

Mr. Helvey asked for reconsideration of Motion 4 in Agenda Item E.1.d. He stated NMFS' concern that including the DGN fishery in Motion 4 was not properly noticed and could slow down NMFS meeting the timelines for implementation that he described the previous day.

Mr. Helvey moved and Mr. Pollard seconded Motion 5 to reconsider Motion 4 made under E.1.d. Motion 5 carried unanimously.

Ms. Culver expressed her concern that removing the DGN vessels might cause us additional work later on to go back and revise the groundfish regulations because of the way the current declaration categories are listed in the groundfish regulations.

Mr. Mathews suggested that before the final decision at the second meeting, they would have time to scope the declarations list again and provide for Council consideration the best options in relation to the different gear types under specific FMPs.

Mr. Helvey moved and Mr. Farrell seconded Amendment 4 to Motion 4 to remove the DGN vessel reference from the motion and revisit it at a later time.

Ms. Culver expressed her concern that the regulatory changes be structured to limit the number of times the Council has to reconsider the groundfish regulations.

Amendment 4 carried unanimously. Motion 4, as amended, carried unanimously.

## **F. Groundfish Management**

### **F.1 National Marine Fisheries Service Report (6/21/2013; 11:11 a.m.)**

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

Ms. Kelly Ames provided the Agenda Item Overview.

#### **F.1.b Regulatory Activities**

Mr. Frank Lockhart presented Agenda Item F.1.b, Attachment 1: *Federal Register* Notices Published since the Last Council Meeting and Agenda Item F.1.b, Supplemental NMFS Report.

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

Dr. Michelle McClure presented Agenda Item F.1.c, Supplemental Science Center PowerPoint.

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

None.

#### **F.1.e Public Comment**

None.

### **F.1.f Council Discussion**

None.

## **F.2 Status of the Rationalized Trawl Fishery (6/21/2013; 1:56 p.m.)**

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

Mr. Jim Seger presented the Agenda Item Overview.

### **F.2.b Report of the NW Fisheries Science Center Economic Data Collection Program (EDCP)**

Dr. Todd Lee and Ms. Erin Steiner presented Agenda Item F.2.b, Supplemental NMFS PowerPoint from the following Reports: Agenda Item F.2.b, EDCP Report 1: Excerpt from Economic Data Collection Program Administration and Operations; Agenda Item F.2.b, EDCP Report 2: Economic Data Collection Program First Receiver and Shorebased Processor; Agenda Item F.2.b, EDCP Report 3: Economic Data Collection Program Catcher Vessel Report; Agenda Item F.2.b, EDCP Report 4: Economic Data Collection Program Catcher-Processor Report; and Agenda Item F.2.b, EDCP Report 5: Economic Data Collection Program Mothership Report.

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

Dr. Owen Hamel presented Agenda Item F.2.c, Supplemental SSC Report.

Ms. Heather Reed presented Agenda Item F.2.c, Supplemental GMT Report.

Mr. Shems Jud presented Agenda Item F.2.c, Supplemental GAP Report.

### **F.2.d Public Comment (6/21/2013; 2:59 p.m.)**

Agenda Item F.2.d, Public Comment: Letter from Dr. Hans Radtke.

### **F.2.e Council Discussion**

Council members expressed an interest to have the trawl economic data information narrowed down in the future, refining the data in an annual report so that it is more digestible. They also suggested creating an online form to make it easier for contributors to submit information.

## **F.3 Mid-Water Sport Fishery (6/21/2013; 3:05 p.m.)**

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

Ms. Kelly Ames provided the Agenda Item Overview.

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

Ms. Gway Kirchner addressed Agenda Item F.3.b, ODFW Letter: ODFW Letter of Support.

Ms. Heather Reed presented Agenda Item F.3.b, Supplemental GMT Report.

Lt. David Anderson presented Agenda Item F.3.b, Supplemental EC Report.

Mr. Mark Cedergreen presented Agenda Item F.3.b, Supplemental GAP Report.

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

Mr. John Holloway, exempted fishing permit applicant, Portland, Oregon - presented information found in Agenda Item F.3.c, Holloway Proposal: Recreational Midwater Rockfish Fishery.

Mr. Louis Zimm, Southern California Angler, San Diego, California.

### **F.3.d Council Action: Provide Guidance on Further Consideration of Mid-Water Sport Fishery Regulations (6/21/2013; 3:59 p.m.)**

Ms. Kirchner moved and Mr. Feldner seconded Motion 7 that the Council move forward with evaluation of a midwater sport fishery in Oregon as proposed in Agenda Item F.3.c, Holloway Proposal, with a potential implementation of April 1, 2014, or as soon as possible thereafter.

Ms. Kirchner stated that we have been looking at this potential fishery for quite some time through past implementation of EFPs. The EFP tested the avoidance of the gear by yelloweye rockfish and was successful, even in high concentration areas. She thinks it is a worthy proposal for evaluation. We need to look at the data it provides and we need to honor this innovative thinking and the collaboration that developed with this proposal. The motion is specific to Oregon. If another state would like to expand it to their waters, she is supportive of that, but wanted to leave that up to the other states. Ms. Kirchner clarified that the proposal is for the charter and sport fleet and she is not recommending changing at this time. The proposal is for the purpose of evaluating how the gear works, and we will decide later about how to integrate it into the regular fishery and in other areas.

Ms. Grebel moved and Mr. Brizendine seconded Amendment 1 to Motion 7, to add “and California” after “Oregon.”

Ms. Grebel stated that we are still in the initial scoping phase and trying to figure out what data is available. At this point she believes we should not limit ourselves, but should investigate further to help inform the potential use in California. In response to questions on possible differences in the fishery off California, she stated that the gear would be the same, the depths would be different, but you could maintain a 10 fathom buffer from the current seaward closure. However, at this time she would not hardwire any details, but leave it as part of the scoping to determine what is possible.

Amendment 1 carried unanimously.

Council members expressed concern with timing and workload if this proposal moves forward, and speculated that it would take at least two more meetings to complete final approval.

Ms. Culver moved and Mr. Lincoln seconded Amendment 2 to Motion 7 to strike “April 1, 2014 or as soon as possible thereafter” and replace it with “as part of the 2015-2016 specifications process.”

In response to questions concerning the meaning of “implementation as part of the 2015-2016 specifications process,” Ms. Culver withdrew Amendment 2 (second concurred) and provided a reworded amendment.

Ms. Culver moved and Mr. Lincoln seconded Amendment 3, to Motion 7, to amend the language to read “implementation of January 1, 2015.”

Mr. Wolford stated he would vote against the amendment. In the initial motion it states April 1, 2014 or as soon as possible thereafter. He would like the Council and staff to have the opportunity to assess the workload and decide what the appropriate time is to implement it. April 1 is the earliest it could possibly happen and he thinks it is inappropriate to mandate January 1, 2015.

Ms. Kirchner expressed support for the amendment. Her main goal was to see it go forward and she didn’t want a timing issue to derail that.

Ms. Culver stated her purpose for the amendment was for clarity in the process of how this fishery could be implemented as a part of the rulemaking package for the 2015-2016 management measures and be in place January 1, 2015.

Amendment 3 to Motion 7 carried. Mr. Wolford and Mr. Ortmann voted no.

Dr. McIsaac asked who will evaluate the EFP.

Ms. Kirchner stated that her understanding was that NMFS would do the heavy lifting and ODFW could assist with the analysis as much as possible. If this became part of the 2015-2016 management measures, then it would be completed with the other non-routine management measures we would be looking at.

Mr. Lockhart stated it will be a struggle to have this process completed. He was supportive of moving forward on it, but he could not commit his staff to have anything ready for the September meeting.

Mr. Wolford spoke in support of the motion. He said it is important to not let a useful EFP die that would help to protect the resource for the constraining species.

Motion 7, as amended, carried unanimously.

#### **F.4 Seabird Avoidance Regulations (6/21/2013; 4:28 p.m.)**

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

Ms. Kelly Ames presented the Agenda Item Overview and referenced Agenda Item F.4.b, Preliminary Draft Environmental Assessment (EA): Measures to Minimize Take of Short-tailed Albatross in the Pacific Coast Groundfish Fisheries.

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

Ms. Gretchen Hanshew presented Agenda Item F.4.b, Supplemental GMT Report.  
Lt. David Anderson presented Agenda Item F.4.b, Supplemental EC Report.  
Mr. Bob Alverson presented Agenda Item F.4.b, Supplemental GAP Report.

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

Mr. Bob Alverson, Fishing Vessel Owners Association, Seattle, Washington.  
Mr. Seth Atkinson, Natural Resources Defense Council, San Francisco, California.

#### **F.4.d Council Action: Adopt Preliminary Seabird Avoidance Regulations in Groundfish Fisheries for Public Review (6/21/2013; 5:00 p.m.)**

Mr. Farrell provided some observations on the Environmental Assessment (EA), especially in regard to Section 1.4 and the impacts of the two alternatives. It appeared to him that both alternatives come very close to meeting the intent of avoiding jeopardy. He was concerned that we might create a very complex set of regulations when voluntary compliance after an outreach and education program has shown to be very effective in dealing with the problem. He was especially concerned with the impact on smaller vessels. He believes Alternative 1 with its provision for further outreach and analysis could be adequate. His goal is to simplify regulatory complexity whenever possible.

Ms. Culver supported the need for simplification on compliance and enforcement of the regulations. She noted that the reason there was little difference in the projected results of both alternatives was likely due to the very small number of vessels greater than 55 feet in length in the fleet. A small increase in voluntary compliance within the whole fleet would achieve as much at 100 percent compliance of the larger vessels. She views this as a first step, and we need more information before we put the restrictions on the smaller vessels. She also noted the proposal for a weather safety exemption and hadn't heard that it might create a loophole or other problem. However, it would require the enforcement entities to purchase instruments to measure wind speed. She is inclined to send the alternatives out for public review and get more feedback from the public and advisory bodies and some specific suggestions for simplification.

Mr. Roth stated that it was his understanding there was a strong expectation as a result of the seabird biological opinion that regulations would be in place as soon as possible for vessels longer than 55 feet. Regulations for smaller vessels would be included at a later time after more information has been gathered to find ways to address the safety issues for smaller boats. He believes we have a good start with this EA and is not sure if the regulations can be simplified. The Endangered Species Act (ESA) workgroup is a forum where further reporting and review can be entertained for efforts to work with those vessels less than 55 feet in length.

Mr. Wolford noted the introduction to the EA which states that NMFS is required to implement seabird avoidance regulations for vessels greater than 55 feet. He wondered if Alternative 1 was an acceptable choice or if we are limited to Alternative 2, or some other alternative.

Mr. Lockhart confirmed that there is a requirement of NMFS. There is some leeway to simplify the regulations. Mr. Lockhart confirmed that we can wait for further information from the

ongoing studies to take action on the small boats, but we need to have a regulation in place for the large boats for 2014.

Ms. Culver moved and Ms. Kirchner seconded Motion 8 that the Council approve the alternatives in Agenda Item F.4.b, Preliminary Draft EA, and the addition of a third alternative proposed in Agenda Item F.4.b, Supplemental GMT Report, for public review.

Ms. Culver stated this is a necessary next step to comply with the biological opinion. She also included the third alternative to provide the GAP and EC with an opportunity for comments. She would hope that the EC could develop some suggested regulatory language that could be simpler for compliance sake for the final action. She confirmed that these were not preliminary preferred alternatives.

Motion 8 carried unanimously.

Ms. Culver requested that NMFS look at the comments on regulatory language in the GAP report to check if the proposed regulations are the same as the Alaska regulations; and include the proposed wording changes by the GAP and EC for using feet rather than meters.

Mr. Lockhart clarified that they had made changes from the Alaska regulations and would note the good points being made here. He also noted that the Council not adopting a preliminary preferred alternative doesn't prevent the Council from making a final decision at the next meeting.

Ms. Kirchner agreed with Ms. Culver's guidance and would also like to see that the regulations round to the nearest foot.

## **F.5 Approve Stock Assessments (6/22/2013; 10:21 a.m.)**

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

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

- Agenda Item F.5.a, Attachment 1: Data-moderate stock assessments for brown, China, copper, sharpchin, stripetail, and yellowtail rockfishes and English and rex soles in 2013;
- Agenda Item F.5.a, Attachment 2: Pacific Coast Groundfish Stock Assessment Review (STAR) Panel for Data-Moderate Assessments;
- Agenda Item F.5.a, Attachment 3: Available Age and Length Comparison Data for the Nine Data-Moderate Stocks Undergoing Assessment in 2013;
- Agenda Item F.5.a, Attachment 4: Status of the darkblotched rockfish resource off the continental U.S. Pacific Coast in 2013;
- Agenda Item F.5.a, Attachment 5: Darkblotched Rockfish Stock Assessment Review (STAR) Panel Report;
- Agenda Item F.5.a, Attachment 6: Status of the U.S. Petrale Sole Resource in 2012;
- Agenda Item F.5.a, Attachment 7: Petrale Sole Stock Assessment Review (STAR) Panel Report;

- Agenda Item F.5.a, Attachment 8: Status of bocaccio, *Sebastes paucispinis*, in the Conception, Monterey and Eureka INPFC Areas as evaluated for 2013;
- Agenda Item F.5.a, Attachment 9: Canary Rockfish Catch Report for 2011-12;
- Agenda Item F.5.a, Attachment 10: Pacific Ocean Perch Catch Report for 2011-12; and
- Agenda Item F.5.a, Attachment 11: Yelloweye Rockfish Catch Report for 2011-12.

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

Dr. Owen Hamel presented Agenda Item F.5.b, Supplemental SSC Report.

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

Mr. Gerry Richter presented Agenda Item F.5.b, Supplemental GAP Report.

#### **F.5.c Public Comment (6/22/2013; 12:58 p.m.)**

Mr. Pete Leipzig, Fisherman's Marketing Association, McKinleyville, California.

#### **F.5.d Council Action: Adopt Final Data Moderate Stock Assessments, the Petrale Sole Stock Assessment, the Darkblotched Rockfish Stock Assessment, the Bocaccio Update Assessment, and Catch Reports for Canary, Pacific Ocean Perch, and Yelloweye Rockfish (6/22/2013; 1:09 p.m.)**

Ms. Grebel moved and Ms. Kirchner seconded Motion 10, to adopt the stock assessments (which include data-moderate, full, and updated assessments) except for brown rockfish, China rockfish, and copper rockfish, and the catch reports recommended by the SSC for use in management in 2015-2016.

Ms. Grebel stated that the SSC did a very good job of reviewing these and much of the rationale for the full and update assessments being the best available science is included in the SSC report. There was considerable discussion about brown, China, and copper rockfish and she has excluded them from this motion to allow for further discussion. She clarified that the motion is meant to include adopting the catch reports.

Mr. Wolford moved and Mr. Brizendine seconded Amendment 1 to add the words "and also adopt" in front of "the catch reports."

Amendment 1 carried unanimously. Motion 10, as amended, carried unanimously.

Ms. Grebel moved and Mr. Crabbe seconded Motion 11, that the China rockfish, copper rockfish, and brown rockfish data-moderate assessments go to the mop-up panel for evaluation of an alternative model that has an area stratification north and south of 42° N. latitude.

Ms. Grebel said that we have heard considerable discussion regarding these three stocks. She has had questions about the data that actually went into these assessments. For example, the lack of California data and applicability of using another state's indices for California data, given that there is differential management between the states. We were unable to talk to the Stock Assessment Team (STAT) to get some of these questions clarified, and the SSC did not seem to have had a very thorough discussion of these issues. The intent of the motion is to go to the mop-up panel and look at an alternative model which would stratify at 42° and would allow a

secondary model in addition to the one we have. She was not asking for new indices to be developed, but simply to re-stratify the data and apply the Oregon index to Oregon data and California indices to California data. If it is not possible to go to the mop-up panel, she would be comfortable with the SSC Groundfish Subcommittee evaluating this prior to the November Council meeting. Finally she noted that the STAR Panel made several comments about not having enough time to review the information and this would give them time to delve into those issues.

Motion 11 carried unanimously.

## **F.6 Trawl Rationalization Trailing Actions (6/22/2013; 1:21 p.m.)**

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

Mr. Jim Seger presented the Agenda Item Overview, including the Supplemental Agenda Item Overview PowerPoint, and introduced the following reference materials:

- Agenda Item F.6.a, Attachment 1: Electronic Monitoring – Objectives, Calendar, and Advisory Body Budget;
- Agenda Item F.6.a, Attachment 2: Initial Draft Whitepaper: Electronic Monitoring and Performance Standards; and
- Agenda Item F.6.a, Supplemental Attachment 3: Unofficial Partial Transcripts from the April 2013 Council Meeting.

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

Agenda Item F.6.b, PSMFC Report: Final Report, Electronic Monitoring Program: Review of the 2012 Season.

Mr. Frank Lockhart presented Agenda Item F.6.b, Supplemental NFMS Report: Proposal to Review Pre- and Post-Trawl Rationalization Regulations.

Ms. Michele Culver presented Agenda Item F.6.b, WDFW Report: Washington Department of Fish and Wildlife Report on Trawl Rationalization Trailing Actions.

Dr. Owen Hamel presented Agenda Item F.6.b, Supplemental SSC Report.

Ms. Heather Reed presented Agenda Item F.6.b, Supplemental GMT Report.

Mr. Shems Jud presented Agenda Item F.6.b, Supplemental GAP Report.

### **F.6.c Public Comment**

Mr. Ralph Brown, Trawler, Brookings, Oregon.

Mr. Seth Atkinson, NRDC, San Francisco, California.

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

### **F.6.d Council Action: Receive Updates on Electronic Monitoring Processes and Provide Guidance, as Necessary; Provide Guidance on Process Improvements and Enhancements PIE 3 Process; and Consider Other Trailing Action Issues as Needed, Including End of Year Quota Pounds Trading (6/22/2013; 3:28 p.m.)**

Mr. Seger summarized that the actions for the Council to consider were 1) the EM process, and 2) the scoping process in September and the NMFS Report on how we move ahead with future

trailing actions. The third item in the Situation Summary is no longer relevant. The first task under the EM would be to determine the ad hoc work group. He directed the Council's attention to page 3 of Attachment 1 which displays three alternatives for the ad hoc workgroup. He also noted the technical advisors (listed in the right hand column). If the Council decides to have technical advisors, they might or might not be a formal group. They could just be persons that attend the workgroup meetings. Further, he noted that NMFS has provided funds which should cover the ad hoc workgroup.

Ms. Culver stated her proposal would be to go with a modified version of the EC recommendations which would be: an at-sea whiting trawl, shoreside midwater trawl, two shoreside bottom trawl, an IFQ fixed gear, and an EM provider. Also, the GAP requested a conservation member. Would the budget cover that? Dr. McIaac responded that it would.

Mr. Myer stated his thoughts were in alignment with those of Ms. Culver. He suggested that it would be great if the EM provider could be someone who had knowledge of the technical aspects of the observer program.

The Council had further discussion and questions about what positions and expertise were needed and how they could be structured.

Ms. Culver moved and Mr. Myer seconded Motion 12 that the Council approve the form of an ad hoc advisory body for EM comprised of the following positions: PSMFC (Chair), an at-sea whiting trawl, a shoreside midwater trawl, two shoreside bottom trawl, an IFQ fixed gear, an EM provider, and a conservation representative. The charge would be to focus development on alternatives for EM consideration consistent with the objectives described in Agenda Item F.6.a, Attachment 1.

Ms. Culver stated that this is a good composition of those who are actively engaged in the trawl IFQ fishery and would have the necessary operational knowledge and on-the-ground experience. It is an attempt to have a complete representation of those affected by the actions while keeping the group relatively small to meet our budget constraints. The motion does not include the technical advisors.

The Council discussed the pros and cons of the composition, especially with regards to the role and person who might be in the EM provider position and how the technical advisors would interact with the work group.

Motion 12 carried unanimously.

Ms. Culver separated the technical advisor decision so that there could be more discussion on the agencies' perspectives. WDFW recommends there be an enforcement representative who is familiar with the regulations, could determine what could and couldn't be done, and was knowledgeable concerning the feasibility of requests for state compliance in data turnaround.

Mr. Lockhart noted that the NWR and the science centers have a vested interest in this and would have representatives at each of the meetings. Responding to a question, he stated that they

would have someone at the meetings who was familiar with the regulations and how the program might be implemented; as well as other staff, dependent on workload and funding.

Ms. Lowman moved and Ms. Kirchner seconded Motion 13 that the Council establish a technical advisory committee as shown in Table 1, Agenda Item F.6.a, Attachment 1, page 3, on the right hand side; which includes: PSMFC, NMFS West Coast Region, NMFS NWFSC, NMFS OLE, NOAA GC, and the states of Washington, Oregon, and California.

Ms. Lowman stated that she thinks it is important to include the GC as there will be issues of confidentiality, chain of custody, etc. Naming the position will help formalize the commitment.

Ms. McCall agreed on the importance of including the GC and stated they would try to have an appropriate attorney at each meeting if at all possible.

Motion 13 carried unanimously.

Mr. Wolford asked for the Council to start thinking about nominees for the positions so that they could be appointed at the end of the week. He then noted that the Council has some more work to do with regard to providing any guidance on the whitepaper before the agenda item is wrapped up. He asked Mr. Seger to lay out the issues.

Mr. Seger summarized the overall plan for completing the whitepaper. He suggested the Council might want to provide input on the difference between policy performance standards and regulatory performance standards, and on the other requirements that EM proposals would have to meet.

Ms. Culver stated that the whitepaper is not what she had envisioned, likely because the Council had not given much guidance as to what they wanted to see in the paper. She was concerned that two years does not give us much time to work through what she considers to be a rather complex program and regulation. She noted the whitepaper is at a more philosophical level on performance standards while she was thinking of performance standards more in line with what is in the WDFW report, focusing on a couple of the key questions for the ad hoc workgroup to consider. From a policy prospective, it is more about a risk assessment of what level of coverage and review of video we would need in order to achieve something similar to the current program. It might take a combination of EM and regulations. She would like to ask the ad hoc workgroup what would be an acceptable level of cost to achieve an acceptable level of risk. Those are the types of things she would want to be explored in the whitepaper and to identify some preliminary information for the ad hoc committee to start off with that would have some guidance to shape their discussions. She offered that the state staff could help revise the whitepaper along the lines she has outlined.

Mr. Wolford stated he believed there was more than enough philosophical information in the whitepaper, while some parts went into too much depth (e.g., figuring out the sampling rate to avoid missing a discard rather than just laying out an acceptable specified level of not missing a discard). He would like to see more information along the lines Ms. Culver referred to in the WDFW report for performance standards.

Ms. Lowman basically agreed. She felt we need a risk assessment so that we can determine the tradeoffs of cost and accuracy.

Ms. Kirchner agreed and hoped to get that information from the ad hoc workgroup.

Dr. Hanson said that we do not yet have the data to figure out the risk at this time. More sampling will occur this summer and when we get this we can go back and review the tapes at percentages different from 100 percent to get an idea of the risk. Risk will be different for different species and he believes the overfished species will drive the decision.

Ms. Culver referred the Council to the second to last paragraph on the first page of the WDFW report for the kind of information she was talking about as a higher level for how the EM program must accurately capture discard events. For instance, whether a discard has occurred, the amount of discard (weight and size of the fish), the disposition of the discard (to be able to give credits for survivability), and the ability to capture rare events. These are the higher-level performance standards. On pages 2 and 3 are more details, which are sort of the strawman proposals to get some feedback from industry on what would or would not work.

Ms. Lowman agreed.

Mr. Seger noted that establishing sideboards to guide the workgroup is more of a policy decision, while the whitepaper is more of a scoping document. He ask for further clarification of how the Council wished to give guidance to the workgroup.

Mr. Lincoln thought there had been quite a bit of discussion that could help guide the workgroup in its efforts. Others agreed and felt it was not necessary to give the workgroup too many directions or constraints. It was noted that the Council would see another draft more toward a scoping paper in September, and so concluded its guidance on this issue.

In response to a question from Ms. Kirchner, Mr. Lockhart stated there has been no specific proposal for an EFP in the whiting fishery. Interest has been expressed, but neither the Council nor NMFS has recommended moving forward on it. Dr. Mc Isaac added that if an EFP were proposed it should come through the Council and be introduced in workload and agenda planning (Agenda Item C.7).

Dr. Hanson referenced the PSMFC Report. He stated that they are taking into account the concerns in the SSC statement from April and are being consistent with the NMFS program. Regarding explanations for the differences between observers and EM, he noted that it isn't a simple question. The differences are not consistent; however, they have provided some information on some examples as to why there are substantial differences. He noted that observers are fallible and that could be a part of the inconsistency. There is ongoing work to do a better job of comparing results; however, the results from this year's study will not be available until next spring, as they will need to wait for the observer data.

Regarding the trawl flexibility for trading quota pounds, Mr. Lockhart stated NMFS anticipates bringing it forward for September with the Council providing a preliminary preferred alternative

at the March meeting and a final alternative in April 2014. However, the Council would determine which issues to move forward in September, which could include the adaptive management program.

## **F.7 Consideration of 2015-2016 and Beyond Harvest Specifications and Management Measures (6/23/2013; 8:04 a.m.)**

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

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

- Agenda Item F.7.a, Attachment 1: Draft Annotated Outline for the Harvest Specifications EIS;
- Agenda Item F.7.a, Attachment 2: Proposed Revisions to COP 9; and
- Agenda Item F.7.a, Attachment 3: Schedule for Developing Groundfish Harvest Specifications and Management Measures.

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

Mr. Rod Moore presented Agenda Item F.7.b, Supplemental GAP Report.

Mr. Corey Niles presented Agenda Item F.7.b, Supplemental GMT Report (with corrections provided during presentation and contained in the archived report).

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

Ms. Michele Culver commented on Agenda Item F.7.b, WDFW Report.

Mr. David Sones presented Agenda Item F.7.b, Supplemental Tribal Comment.

### **F.7.c Public Comment**

Mr. Bill James, Port San Luis Commercial Fishermen's Association, Avila, California - presented information in Agenda Item F.7.c, Supplemental Public Comment from Bill James.

Mr. Seth Atkinson, NRDC, San Francisco, California.

### **F.7.d Council Action: Review Environmental Impact Statement Approach and Range of Alternatives for Amendment 24 Harvest Control Rules; Approve Relevant Projection Models; Adopt Schedule for Deciding 2015-2016 Harvest Specifications and Management Measures and Consider Council Operating Procedure 9 Modifications (6/23/2013; 10:39 a.m.)**

Mr. DeVore clarified that for making the harvest specifications decisions for 2015-2016, you do not need to provide the values at this time. You can make a range of the policy decisions (e.g., P\*) and use the default harvest control rules (HCR) to get to the annual catch limits (ACL). Council staff would bring back the range of alternatives and by November you need to decide on a range for specific alternatives for a decision. The analysis for the long-term impacts (beyond 2015 and 2016) will be going on at the same time and will probably rely on using different states-of-nature to capture a long-term range. The Council needs to make specific decisions for 2015-2016, but not for our analysis of the long-term effects. There needs to be more discussion for us to determine the exact choice of alternatives to use for the long-term.

Dr. Dahl responded that we are not planning on structuring the long-term analysis as separate alternatives, but as part of the analysis, looking at various indicators like catch, based on the policy choices rated against the uncertainty for the stock condition.

Ms. Culver moved and Mr. Lincoln seconded Motion 14 that the Council replace the approach in the draft annotated outline in Agenda Item F.7.a, Attachment 1, with the approach described in Agenda Item F.7.b, Supplemental GMT Report; such that the no-action alternative would have a baseline window period (one suggestion is 2003-2012 as an example). The action alternatives would be based on a range of P\* of 0.25 to 0.45; and to provide direction to the analytical team to do “their best” to come up with a reasonable range of values that would result in applying these P\* values over the next ten years as the potential outcomes.

Ms. Culver stated that she liked the approach of the GMT and appreciated the work the project team did with the GMT. She thinks having a no-action alternative that better aligns with the analysis of that alternative as provided in the draft Chapter 3, makes sense. She thinks we are getting hung up over the difference between numbers and percentages. She likes having the action alternatives structured as a range of P\* values. Her motion is intended to provide action alternatives so that the range of P\* values are essentially percentages. We do need numbers for analysis of the impacts; however, the percentages are the policy application which is related to the current status of the stock. As a matter of policy, our P\* selection for the next ten years is going to be within that P\* range of 0.25-0.45. However, depending on the status of the stock at a particular time, that could be a huge range in terms of values or numbers. For example, suppose five years from now we have a new sablefish assessment with a significantly higher biomass than at present. If we apply a P\* of 0.45 at that time, in today’s world that might have a resulting number of a P\* of 0.6 or 0.75. In each management cycle, we would apply the percentage to the latest stock assessment. Given the different states of nature in the decision table, there could be a much broader range of numbers than what we would have today. The action alternatives would be based on an analysis of the policy application of 0.25-0.45 in any given year, and you would analyze the effects of the environmental impacts of removing that percentage of the stock by fishing. Separately, she would like the analytical team to provide a reasonable range of values that would result from the low and high states of nature coming out of the stock assessments that could be outside the range of P\* values in any given year. That range of numbers would drive the management measures and socio-economic analysis. In conclusion, the action alternatives’ range of P\* values from 0.25-0.45 would be the Council policy decision and the analytical team would analyze a range of numbers that encompasses the low and high states of nature, which could be outside those bounds.

In response to a question from Mr. Lockhart, Ms. Culver confirmed that the baseline years of 2003-2012 was just a suggestion and was not meant to limit the analytical team.

Mr. Wolford asked if the range of P\* values was broad enough.

Ms. Culver responded that she did not exceed 0.45 because the Council had a deliberative process to arrive at that number and to go higher would require a plan amendment. She also clarified that she was not specifying that all of the P\* values from 0.25 to 0.45 would need to be analyzed, she was only specifying the range.

In response to questions from several Council members, Ms. Culver stated that her motion was intended to take everything in the Supplemental GMT Report and use that as the basis for the analysis. The Supplemental GMT Report notes that the SSC is working on the rebuilding revision rules and those would be applied in the analysis. Her motion would include moving forward with the default HCR approach; however, the Council would still retain the flexibility to choose something different if it was within the range of what had been analyzed. She noted that her motion only included the approach for addressing the alternatives, which ends at the top of page 5 of the Supplemental GMT Report. The motion does not include an alternative of no fishing. That would be a significant policy change from what the Council has been doing and what would occur in the next ten years. Later, she would like a discussion about the need for any additional alternatives.

Dr. Dahl noted that the annotated outline has a heading for the ecosystem impacts of managing to the maximum sustainable yield (MSY). Within that heading, they could contrast managing at MSY to what things would be like in an un-fished environment (a quasi no-fishing alternative). Several Council members expressed support for that approach.

Motion 14 carried unanimously.

The Council then moved to consideration of the projection models used to evaluate the harvest specifications and management measures. In response to a question, Mr. DeVore clarified that the sablefish daily-trip-limit (DTL) models are not used for projections. They are more for inseason actions and do not need to be part of the motion to approve the models which project the impacts for the harvest specifications and management measures.

Ms. Kirchner moved and Mr. Lincoln seconded Motion 15 that the Council approve the use of the three recreational models (for California, Oregon and Washington recreational fisheries developed by the three states and used by the GMT), the nearshore and non-nearshore models (for fixed gear fisheries used by the GMT), the updated regional economic impact model (IO-PAC) (developed by NWFSC economists), and the economic data collection (EDC) model as the best available science and appropriate for use in the 2015-2016 specification process and beyond.

Ms. Kirchner stated her motion was based on Agenda Item F.7.b, Supplemental SSC Report, in which the SSC reviewed the models, noted some improvements were possible, but recognized them as the best available science that we can use.

Motion 15 carried unanimously.

Following a side discussion with staff and advisory body chairs in response to a GMT recommendation, Dr. McIsaac suggested that various advisory body members from the GAP, GMT, and SSC meet in a workshop the day before the November Council meeting. This workshop would take a look at our ecosystem modeling capabilities and how it might be integrated into the impact analysis in the draft EIS for the Council to see in March or April.

Council members and staff discussed several issues about the timing and schedule for the analysis and EIS effort to ensure timely implementation of the 2015-2016 seasons and how the

Tier 1 process would need to be melded into it to prevent problems or delays. Staff indicated they would do their best to provide a preliminary draft EIS for review in March as a check-in point. If, at that time, it appeared that the Tier 1 process would hold up the 2015 season implementation, it might be necessary to delay the Tier 1 to a later time. There is also the issue of internal review by NOAA General Counsel that may play an important role in timing. Council staff will prioritize the 2015-2016 analysis. Dr. McIsaac added that the intent is to manage the work so that a separation of the 2015-2016 analysis and Tier 1 process is unnecessary.

Council members and staff discussed additional issues with how the long-term impacts would be portrayed in the Tier 1 analysis and timing of any Groundfish Allocation Committee meetings.

Ms. Grebel moved and Mr. Brizendine seconded Motion 16 that the Council adopt the proposed schedule for developing the 2015-2016 and beyond groundfish harvest specifications and management measures process as shown in Agenda Item F.7.a, Attachment 3.

Ms. Grebel emphasized the need to prioritize the 2015-2016 process for implementation by the January 1 deadline and also receiving the necessary information at the March meeting.

Motion 16 carried unanimously.

After confirming it would cause no delay in the specifications and management process, the Council delayed consideration of changes to Council Operating Procedure (COP) 9 to the September meeting to give the GMT time to review it.

## **F.8 Adopt Preliminary Stock Complex Aggregations (6/23/2013; 2:03 p.m.)**

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

Mr. John DeVore presented the Agenda Item Overview, including the following attachments:

- Agenda Item F.8.a, Attachment 1: Considerations for Restructuring West Coast Groundfish Stock Complexes: Preliminary Alternatives and Analysis; and
- Agenda Item F.8.a, Supplemental Attachment 2: Figures and Tables Depicting At-Sea Hake and Recreational Fishery Catch and Effort Data for Slope Rockfish, Cartilaginous Fishes and Roundfishes.

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

Agenda Item F.8.b, ODFW Report: Oregon Department of Fish and Wildlife Report on the Oregon Commercial Sampling Program and Potential Changes to Species Complexes.

Dr. Owen Hamel presented Agenda Item F.8.b, Supplemental SSC Report.

Mr. Dan Erickson presented Agenda Item F.8.b, GMT Report: Groundfish Management Team Report on Methods and Results that May Be Used to Evaluate Alternatives for Stock Complex Reorganization; and  
Agenda Item F.8.b, Supplemental GMT Report 2.

Mr. Rod Moore presented Agenda Item F.8.b, Supplemental GAP Report.

### **F.8.c Public Comment**

None.

### **F.8.d Council Action: Adopt Preliminary Stock Complex Aggregations for Public Review (6/23/2013; 3:31 p.m.)**

Ms. Culver commented on how the alternatives and analyses are presented in Attachment 1. She thought it would be helpful to structure the alternatives by starting broadly and then becoming more narrow to help prevent inconsistencies in the way you select species. She liked the way the GMT has structured the alternatives for the slope rockfish and other fish complexes. She agreed that they are the highest priority for reorganization. She thought the nearshore rockfish cannot be addressed at this time and we could be responsive with another conservation approach after we get the assessment results. She has heard there is a concern for vermilion rockfish that is worth looking at. While there may not be a concern for flatfish complexes, there may be a more logical way to manage the flatfish complex. She has heard that exploring these issues could happen rather quickly. She would like to go with the GMT approach for slope and other fish, and ask them to bring those other items into consideration for September.

Mr. Lockhart supported Ms. Culver's approach.

Ms. Grebel stated she was puzzled by the comments about shelf and vermilion rockfish and the suggestion for a more logical approach to the flatfish complex. She did not see that in the GMT statement. She ask if it were possible to have the GMT respond.

Mr. Niles stated that the team had not been able to look at the other fish complex and had seen a possible problem with overfishing vermilion. With more time they might be able to confirm any of the issues. The GMT is dealing with two things, the risk of catch exceeding the ABCs and OFLs, and more logical ways of grouping things. They will have more to provide in September.

Ms. Culver moved and Mr. Lincoln seconded Motion 17 that the Council replace the approach and alternatives for restructuring the slope rockfish and "other fish" complexes (in Agenda Item F.8.a, Attachment 1) with the approach as presented in Agenda Item F.8.b, Supplemental GMT Report 2; and provide guidance to the GMT to explore applying the same approach and analysis to the shelf rockfish complex; and, as a lower priority, to the "other flatfish complex," and prepare the alternatives and analyses for Council consideration at the September 2013 Council Meeting.

Ms. Culver stated that she appreciated the work of the GMT and Council staff to reach consensus on this approach and the highest priority of the other fish and slope rockfish complexes. While it was a lower priority, she thought if they had had the time, the GMT would have included the shelf rockfish and other flatfish complexes. She thought it was worth exploring the shelf rockfish complex, and that is something they should do. She believes that the other flatfish complex is something that is fairly straightforward, and if there are impacts to state samplers or fisherman from those proposed alternatives, we can consider them in September.

Ms. Kirchner moved and Mr. Feldner seconded Amendment 1 (to Motion 17) to add “for public review” after supplemental GMT Report 2 and strike out (beginning in the second sentence) “applying the same approach and analysis to the shelf rockfish complex; and, as a lower priority, the “Other flatfish complex,” and replace it (after “explore”) with “the need to reconfigure the shelf rockfish complex. If the GMT determines there is a need to develop alternatives for reconfiguring the shelf rockfish complex, apply the same approach and analysis.”

Ms. Kirchner stated that if there is a need to reconfigure the shelf rockfish complex, the GMT should address it. Rather than just going ahead and developing alternatives, she would like for them to determine if the need is there and, if so, apply the same approach as for slope rockfish. She thinks the other flatfish complex is a “nice to do,” “not a must do,” and she is concerned about workload. She thought the GAP statement had some rationale for why it is alright to wait.

Ms. Culver clarified that her motion used the four-step process referenced by the GMT and would require a determination of the need before using the same approach for shelf rockfish and, as a lower priority, other flatfish. She does not support the amendment.

Amendment 1 carried (8 yes, 6 no). Mr. Myer, Ms. Culver, Mr. Ortmann, Mr. Lincoln, Mr. Pollard, and Mr. Lockhart voted no. (Chairman Wolford voted yes)

In response to a clarifying question from Dr. McIsaac, Ms. Culver confirmed that her motion called for replacing the approach and the alternatives as the GMT had a completely different way of addressing the issue.

Motion 17, as amended, carried unanimously.

## **F.9. Consideration of Inseason Adjustments (6/24/2013; 8:05 a.m.)**

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

Ms. Kelly Ames presented the Agenda Item Overview.

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

Mr. Frank Lockhart presented Agenda Item F.9.b, NMFS Letter 1: Surplus Carryover Decision; Agenda Item F.9.b, NMFS Report: Lingcod Surplus Carryover Option; and Agenda Item F.9.b, NMFS Letter 2: RCA Recommendations for April 15-April 30.

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

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

### **F.9.c Public Comment**

Agenda Item F.9.c, Supplemental Public Comment from Bill James.

Mr. Seth Atkinson, NRDC, San Francisco, California.

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

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

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

**F.9.d Council Action: Adopt Updates to 2013 Groundfish Fisheries, Including Carryover (6/24/2013; 10:08 a.m.)**

Mr. Lockhart provided some clarifying comments concerning requested changes in the rockfish conservation area (RCA). He stated that in March 2013 there was an inseason request for just a shoreward movement of the RCA, and that is what the NMFS Letter 2 responds to. At the April Council meeting there was a request before the Council for both shoreward and seaward adjustments to the RCA for 2014. The Council transmittal letter (in April) referred to both seaward and shoreward changes, and that is what we are dealing with now. At the time of the request for a shoreward change for 2013, NMFS responded that it was unlikely to approve such a change and recommended the Council go through a rulemaking process for 2013 and 2014.

Ms. Kirchner made a correction to Agenda Item F.9.b, Supplemental GMT Report. Under Recommendation 1 on page 9 that speaks to limited entry shortspine thornyhead trip limits, the area notation should be “north” of 34°27', not “south.”

Ms. Grebel moved and Mr. Brizendine seconded Motion 18 to adopt the recommendations (1 through 4) of the GMT as shown in Agenda Item F.9.b, Supplemental GMT Report, with a modification of Recommendation 1. Those recommendations now read:

1. Increase the limited entry shortspine thornyhead trip limit north of 34°27' N. latitude from 2,000 lb/2 months to 2,500 lb/2 months for periods 4, 5, and 6.
2. Increase the limited entry shelf rockfish trip limit south of 34° 27' N. latitude from “3,000 lb/2 months” to 4,000 lb/2 months as soon as possible, through the end of the year.
3. Increase the limited entry fixed gear trip limits for bocaccio south of 34°27' N. latitude from “300 lb/2 months” to 500 lb/2 months as soon as possible, through the end of the year.
4. Increase the open access fixed gear trip limits for bocaccio south of 34°27' N. latitude from “100 lb/2 months” to 200 lb/2 months as soon as possible, through the end of the year.

Ms. Grebel stated that the GAP and GMT statements have lined out some clear rationale for the increased trip limits in her motion. She noted in particular that the change in the shelf rockfish trip limits in #2 would allow us to maintain the trip limits that we had intended to have earlier that were not incorporated in the specifications. The change in the bocaccio trip limits will help reduce discard and take advantage of some very strong year classes. For the shortspine thornyheads, the increase is allowable and we can always reduce it later if needed.

Ms. Ames and Council members clarified that when new trip limits are adopted, they remain in place in the periods for which they have been adopted until they are modified. For example, if these trip limits are adopted, they will also be in effect in 2014 for the same periods, unless they are modified. The trip limits that were in place for period 1 in January 2013 will be in place on January 1 for 2014.

Ms. Kirchner moved and Mr. Feldner seconded Amendment 1 to Motion 18 to add “adopt Alternative 1 in Table 7 for limited entry and open access sablefish daily-trip-limit fisheries north of 36° with a 300 lb daily trip limit for the open access fishery.”

Ms. Kirchner stated that this alternative has a projected attainment of 94 percent for both limited entry and open access. We heard public testimony and saw in the GAP statement that with the sablefish market in its current condition, combined with the potential for other good opportunities, that there may not be the effort in this fishery that we have seen in the past. She noted that we will have other opportunities to slow this fishery down, if needed. She is comfortable with the change at this point and we can make adjustments in September.

Amendment 1 carried unanimously. Motion 18, as amended, carried unanimously.

Ms. Culver opened the discussion of surplus carryover and a method for carrying over lingcod. She noted that Council inseason action in March, confirmed in April, recommended issuing the maximum amount of carryover for all species except Pacific whiting. The Council did not focus on lingcod and the shift in the management line. She thinks it is valid that NMFS propose an adjustment for lingcod. However, she thinks that the Council should have an opportunity to be part of the decision relative to the level of risk that’s acceptable for petrale. She believes the risk for 2013 of exceeding the OY attainment, with or without carryover moving from 96.7 percent up to 97.5 percent, is an acceptable level of risk. She understands that NMFS has a separate policy in looking at the attainment in the previous year. The IFQ attainment, listed at 103 percent in the NMFS letter, would indicate about a 3 mt overage on a sector-wide basis. However, on an individual basis, there would be about 20 mt available for carryover. Given the increase in the petrale ACL and that 20 mt is not a significantly high number, the Council should be able to have a discussion on the analysis and our acceptable level of risk. It appears the GMT did not have time to discuss this or provide any recommendations. The guidance from the SSC is that the rebuilding projections are based on an average catch, and that small overages will not change the expected rebuilding times. She would view a 3 mt sector overage as being relatively small and should not affect the rebuilding time for petrale. She would request that the GMT look into this further and give us information on where the overage came from and the amount of carryover that could be expected. If NMFS were to issue carryover based on a Council decision at the September meeting, she would like to hear from the GAP if they would be able to access and use the carryover for the remainder of the year.

Ms. Culver moved and Mr. Lincoln seconded Motion 19 to ask the GMT to analyze the risk associated with issuing petrale carryover in 2013 and receive comments from the GAP & GMT on the issuance of carryover, and that they report back to the Council at the September Council meeting.

Motion 19 carried unanimously.

Ms. Kirchner moved and Ms. Lowman seconded Motion 20 that the Council recommend NMFS move forward with the methodology contained in Agenda Item F.9.b, NMFS Report, for lingcod surplus carryover.

Ms. Kirchner stated that the GAP and GMT reviewed the methodology in the NMFS Report and did not have any issues with it. Therefore, she would like to see NMFS move forward with this.

Motion 20 carried unanimously.

Ms. Culver opened the discussion concerning the trawl RCA adjustments. She noted that it was a bit confusing as to what the Council action was in March and April, and appreciated Mr. Lockhart's earlier explanation. In reviewing the information that was prepared and submitted to the Council in March and April, she didn't see anything regarding a seaward boundary adjustment, only the shoreward adjustment. She would like an opportunity to review the NMFS analysis of the seaward boundary adjustment. Given the potential timing of the proposed adjustment, it would seem workable to review such an analysis in September.

Ms. Culver moved and Mr. Lincoln seconded Motion 21 for the Council to review the analysis prepared by NMFS relative to the seaward RCA boundary adjustment at the September 2013 meeting, and to make final Council recommendations to NMFS on that boundary change in September.

Ms. Culver stated that she was not opposed to the seaward boundary adjustment. However, she would like Council and advisory body review of the analysis to see what the impacts were before communicating that as the Council's final decision.

Mr. Lockhart clarified that NMFS plans to complete an EA that would include an analysis of the seaward boundary proposal. This effort can be completed in time for the September meeting and is compatible with this motion. It would not jeopardize the timing of the action for period 6. If the motion fails, NMFS would go forward with the EA and it is still likely that the Council could comment on the rule. This motion helps to focus the EA on the seaward boundary issue; however, even without the motion, the EA would cover an alternative for no change to the seaward boundary.

Motion 21 carried unanimously.

## **G. Habitat**

### **G.1 Current Habitat Issues (6/22/2013; 8:41 a.m.)**

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

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

- Agenda Item G.1.a, Supplemental Attachment 1: Draft letter to the Northwest Power and Conservation Council;
- Agenda Item G.1.a, Attachment 2: Final Letter to the Department of the Interior;
- Agenda item G.1.a, Attachment 3: Bureau of Ocean Energy Management Request for Information;

- Agenda Item G.1.a, Supplemental Attachment 4: Letter from the BOR in Response to PFMC's April 24, 2013 Letter Recommending the DOI provide Supplementary Flows to Prevent a Fish Die-Off in the Lower Klamath River; and
- Agenda Item G.1.a, Supplemental Attachment 5: Oregon's Comments Regarding Researching the Environmental Effects of Offshore Wind at the First U.S. Facilities.

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

Ms. Gilden presented Agenda Item G.1.b, Supplemental HC Report.

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

Ms. Susan Chambers presented Agenda Item G.1.c, Supplemental GAP Report.

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

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

### **G.1.e Council Action: Consider Habitat Committee Recommendations (6/22/2013; 9:45 a.m.)**

Mr. Steve Williams stated that Council participation in the Fish and Wildlife Plan of the Northwest Power and Conservation Council (NPCC) is important, given the potential impacts on the salmon resource. ODFW believes the HC letter is well-drafted and supports transmittal of the letter. Other Council members agreed.

Mr. Steve Williams moved and Mr. Feldner seconded Motion 9 for the Council to forward the letter to NPCC as shown in Agenda Item G.1.a, Attachment 1.

Motion 9 carried unanimously.

Mr. Myer opened a discussion on the offshore wind energy proposals identified in the HC and GAP statements, and by Mr. Bodnar under public comment. Mr. Myer supports getting a representative of the fishing industry and the Council on the wind energy task force established by the Bureau of Ocean Energy. The whiting industry and co-ops could map out the landings that have come from the areas for the proposed wind sites and come back with that information to the Council.

Ms. Culver provided comments on Washington's effort and perspective with regard to marine spatial planning (MSP) for wind energy developments. She reported that there is a Washington Governor's task group with fishery and other stakeholder input that meets five or six times a year to provide advice on the proposed projects. Mr. Feldner reported that Oregon has a similar effort. Mr. Steve Williams provide additional information for Oregon. Mr. Farrell reported similar information for California.

Mr. Sones expressed concern about ensuring that we look at the whole impact of the proposed projects to our ecosystem.

Council members expressed a need for more time to consider if and how a Council representative would interact with the ocean energy planning and agreed that it would likely come at a regional planning body level. They concurred in having the HC draft a letter, for review at the September meeting, to the Bureau of Ocean Energy Management (BOEM) responding to their request for information on the environmental effect of offshore wind energy development.

Mr. Pollard asked for follow-up on Mr. Myer's offer for landing information from the whiting fishery. He thought that such information might be included in the draft HC letter. Mr. Myer responded that he thought the information could be available for public comment under the HC agenda item for next September.

Ms. Culver advised the Council that Mr. Bill Tweit was prepared to brief the HC on the Columbia River Treaty issues at the September HC meeting. He would try to coordinate with ODFW to add a staff member from Oregon to that briefing as well. Mr. Williams agreed.

Mr. Roth noted the rather quick and positive response of the Bureau of Reclamation to the Council's letter requesting actions be taken to ensure adequate flow to protect Klamath River fall Chinook.

## **H. Ecosystem Based Management**

### **H.1 Update List of Fisheries (6/24/2013; 11:19 a.m.)**

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

Ms. Jennifer Gilden presented the Agenda Item Overview.

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

Ms. Yvonne DeReynier presented Agenda Item H.1.b, Supplemental EPDT Report, Agenda Item H.1.b, Supplemental EPDT Report 2 (with corrections) and Agenda Item H.1.b, Supplemental EPDT PowerPoint.

Ms. Jennifer Gilden read Agenda Item H.1.b, Supplemental EAS Report, into the record.

Ms. Heather Reed presented a verbal summary of the discussion from the GMT.

Ms. Susan Chambers presented Agenda Item H.1.b, Supplemental GAP Report.

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

Ms. Sarah McTee presented Agenda Item H.1.b, Supplemental CPSAS Report.

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

Agenda Item H.1.c, Public Comment.

Agenda Item H.1.c, Supplemental Public Comment 2 (Includes Signatories to PEW Petition).

Agenda Item H.1.c, Supplemental Public Comment 3: Email with attachments from Mr. Steve Marx, Pew Charitable Trusts.

Mr. Casson Trenor, Tatari Sushi Bar, San Francisco, California.

Mr. Bob Kurz, International Game Fish Association, Laguna Niguel, California.

Mr. Jin Yang, Bamboo Sushi, Portland, Oregon.

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

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Mr. Norman Ritchie, Association of Northwest Steelheaders, Portland, Oregon.  
Ms. Anna Weinstein, National Audubon Society, San Francisco, California.  
Mr. Victor Leipzig, Sea & Sage - National Audubon Society, Huntington Beach, California.  
Mr. Ben Enticknap, Oceana, Portland, Oregon.

**H.1.d Council Action: Adopt Updates to the List of Fisheries (6/24/2013; 1:50 p.m.)**

Mr. Williams moved and Mr. Feldner seconded Motion 22 that the Council adopt, for public review, the Federal List of Authorized West Coast Exclusive Economic Zone (EEZ) Fisheries and Gear as shown in Table 2 [corrected] in Agenda Item H.1.b, Supplemental EPDT Report 2, and task the Ecosystem Plan Development Team (EPDT) to consider the recommendations in Agenda Item H.1.b, Supplemental CPSAS Report, as well as incorporate the following changes as soon as possible:

- 7D – Correct misspelling of “crab loop;”
- 8B – No area delineation;
- 8C – Change category to “Commercial Pink Shrimp...;” and
- 8 – Add a new category indicating coonstripe shrimp is allowed in Oregon using pot/trap gear only.

Mr. Williams noted that the testimony today was mostly in support of moving forward with this list. This is an important first step. With the differences in the states’ approaches, it may not be perfect in describing existing fisheries, but with the minor corrections in the motion for Oregon, the list reflects the fisheries as close as possible. It ensures that any new fisheries would have to be addressed by the Council. The added corrections are mostly specific to the shrimp fisheries in Oregon. With these corrections, the list is reflective of the current fisheries in Oregon. His intent is that the EPDT would address the motion as soon as possible so that the public could review the modified list prior to the September meeting.

Mr. Bonham expressed concurrence with the motion. However, he also felt it was important to be as specific as possible before public review, and intended to offer an amendment by adding three specific California clarifications.

Mr. Bonham moved and Mr. Brizendine seconded Amendment 1 (to Motion 22) to include the following:

- Line 8 - Keep pot/trap on list;
- Line 15 – for white seabass and California halibut commercial fisheries – have the EPDT revisit this section (and subsections) to better distinguish and identify the individual fisheries; and
- Add lobster and rock crab pot/trap fishery category to the list (covers fishing activity in Cortez Bank).

Mr. Crabbe moved and Mr. Bonham seconded Amendment 1a to edit Amendment 1 to read “Line 8D.”

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

Ms. Culver moved and Mr. Lincoln seconded Amendment 2 (to Motion 22) that under item 3 of the CPS fisheries, add a category “B” for recreational; and the recreational authorized gear types listed under 18B would be copied and pasted under item 3B; and revise item 18A for commercial to apply south of 46°15’ N. latitude (Columbia River).

Ms. Culver stated that her proposal under item 3 is for clarity. The CPS FMP does not authorize specific gears, that is done by the states. The gears that are authorized by the states are listed under 18B. By copying them to 3B, it provides clarity that there are recreational fisheries for CPS species. With regard to the commercial fishery, as noted in the EPDT Report, there is a difference in management approach among the three states as to how fisheries are authorized or prohibited. Her motion would make it explicit that those commercial gears would be authorized off of Oregon and California, but not off Washington, consistent with state regulations.

Mr. Williams ask for clarification. He was under the impression that the latitude listings were specific as to where fish caught with an authorized gear could be landed, not as to where fishing might occur with the authorized gear. Ms. Culver’s understanding was that the table laid out the latitudes in which the gear was authorized for fishing.

Mr. Feder responded that this is a list of fishing allowed in the EEZ and is not attributed to landings.

Amendment 2 to Motion 22 carried unanimously. Motion 22, as amended, carried unanimously.

Mr. Lockhart urged the EPDT to look at some of the questions raised by the public, especially in regard to impacts on neon flying squid.

## **I. Coastal Pelagic Species Management**

### **I.1 National Marine Fisheries Report (6/24/2013; 3:31 p.m.)**

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

Mr. Kerry Griffin presented the Agenda Item Overview.

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

Mr. Mark Helvey presented Agenda Item I.1.b, Supplemental NMFS Report: Northern Anchovy MSY Letter.

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

Mr. Russ Vetter presented Agenda Item I.1.c, Supplemental Fisheries Science Center PowerPoint (Vetter).

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

Ms. Lorna Wargo presented Agenda Item I.1.d, Supplemental CPSMT Report.

Mr. Mike Okoniewski presented Agenda Item I.1.d, Supplemental CPSAS Report.

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

Mr. Ben Enticknap, Oceana, Portland, Oregon; presented Agenda Item I.1.e, Supplemental Public Comment PowerPoint (Oceana).

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

None.

## **I.2 Pacific Mackerel Management Status and Management Measures (6/24/2013; 4:08 p.m.)**

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

Mr. Kerry Griffin presented the Agenda Item Overview.

### **I.2.b Pacific Mackerel Biomass Projection**

Mr. Kevin Hill presented Agenda item I.2.b, Supplemental SWFSC PowerPoint which included references to Agenda Item I.2.b, Attachment1: 2011 Pacific Mackerel Assessment and Agenda Item I.2.b, Attachment 2: Pacific Mackerel Biomass Projection Estimate.

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

Dr. Owen Hamel presented Agenda Item I.2.c, Supplemental SSC Report.  
Dr. Bob Emmett presented Agenda Item I.2.c, Supplemental CPSMT Report.  
Ms. Diane Pleschner-Steele presented Agenda Item I.2.c, Supplemental CPSAS Report.

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

Dr. Geoff Shester, Oceana, Monterey, California.  
Ms. Diana Pleschner-Steele, California Wetfish Producers Association, Buellton, California.

### **I.2.e Council Action: Adopt Change in Management Status and Management Measures for Pacific Mackerel (6/24/2013; 5:06 p.m.)**

Ms. Culver and others had some questions with regard to the need to change the management category for Pacific mackerel (an actively managed species) and the procedure for changing the assessment schedule. Mr. Griffin clarified that the FMP categorizes the management for species as active, monitored, ecosystem component, and prohibited harvest. Those species categorized under active and monitored management are both in the fishery, though the active category requires more intensive management with more regular assessments. You could leave a species in the active category and use a COP or TOR to lay out a different sort of assessment strategy. However, it might not address the underlying reason for the categories, which is to address workload issues of the agency and staff, and also conservation concerns (section 1.3 of the FMP). If you didn't change the category of management from active to monitored status, you would still have to go through an annual management process. While that might not be a major burden, it isn't an insignificant use of time. There would be a workload in the near term to complete the regulatory requirements of the change in categories, but it would save work in the long term. If the status of Pacific mackerel changed, it could be moved back into the active category in a one or two-meeting process under the FMP framework flexibility.

Ms. Culver moved and Mr. Crabbe seconded Motion 23 that the Council revise the TOR such that Pacific mackerel would be assessed in 2015 and then every 4 years thereafter; and that a catch-only projection estimate be used for the off-science years, unless there is an indication that we need a more recent assessment for management.

Ms. Culver stated that her motion would be the most efficient way to achieve the common goal that everyone seems to have. This action would ensure that we would keep our science coming in on a regular basis and that we have something for the off-science years. She hopes the SSC could approve the catch-only projection model, and then it would be a very routine item each year. If we were to change the status, we may get requests to change the status back on a hunch that a boom may be coming. It would be difficult in the off-science years to determine a harvest target to use in the absence of an assessment. We could be criticized by industry that the target was too low and likewise by the conservation component that the target was too high.

Ms. Grebel moved and Mr. Brizendine seconded Motion 24 (substitute for Motion 23) that the Council move Pacific Mackerel from active to monitored status for the 2014-2015 season; that the Stock Assessment Team not do a full stock assessment in the spring of 2014 as scheduled; and that the Council request that the CPSMT consider options for setting HCR levels for the monitored stock and report back to the Council at a future meeting.

Ms. Grebel stated that her reason for moving the stock from active to monitored status was her concern for the workload burden of rather intensive management for a stock that did not need such, and that the effort could be transferred to other stocks that need to be assessed. She chose 2014-2015 because if it went to monitored at this time, there aren't any harvest control rules in place and she wanted the CPSMT to have time to work on those and bring them back to the Council at a later date. Changing management categories is a flexible process that doesn't require a plan amendment and could be fairly easy to change later. She is really concerned about the workload and expending effort to assess a stock that isn't being harvested, rather than using that effort on other stocks that do need to be assessed.

Ms. Culver referenced a conversation with the WDFW CPSMT representative which gave her the impression that the CPSMT had not been aware of the option of using changes in the TOR and COP to achieve the same end as the regulatory change from active to monitored status. She has a couple of concerns with the substitute motion. One is that it says to not do the assessment in 2014 as scheduled, and doesn't say that it would ever be assessed again. By moving it to a monitored status, it wouldn't necessarily be on the same assessment schedule. In addition, she is concerned with the request for the CPSMT to come up with HCR levels, in that a HCR is going to be something of a constant catch scenario for a few years and we will not have had any stock assessment data to help set the appropriate level. That will make the choice of harvest levels difficult and controversial.

Mr. Crabbe shared Ms. Grebel's concern for workload. However, he thought that using the TOR to relieve workload is a good option. He noted that the monitored category works for anchovies in which there are large fluctuations in abundance, but the market demand is low. Mackerel is different. For mackerel there is a demand and world market. To be able to respond quickly to a

large change in abundance is important to the fleet. That is why he supports leaving mackerel as an actively managed species and would oppose the substitute motion.

Ms. Grebel stated that she did not believe the original motion would reduce the workload. The CPSMT and Council would still have to go through the annual process of setting harvest specifications and management measures. Also, the original motion did not give the SWFSC or CPSMT any flexibility to assess the other stocks that have not been previously assessed or assessed as often. She also noted that her information indicated the CPSMT had discussed using the COP and TOR to achieve the management change, and chose to go with the regulatory change to monitored status.

Substitute Motion 24 failed, 8 no, 5 yes. Mr. Ortmann, Mr. Feldner, Mr. Helvey, Mr. Crabbe, Mr. Lincoln, Mr. Myer, Ms. Culver and Mr. Wolford voted no.

In response to questions, Mr. Griffin confirmed that the assessment schedule is addressed in both the COP and TOR.

Mr. Helvey moved and Ms. Culver seconded Amendment 1 to Motion 23 to add to the end of the original motion: “The Council will set two annual specifications every two years based on the most recent stock assessments.”

Mr. Helvey stated that this action is in the interest of saving some workload. The harvest guidelines for the last several years seem to be fairly steady and allow for some projection. In that context, we have a full assessment every four years and you can break up your specifications within that timeframe. He confirmed that the specifications would be set on a biennial basis.

Amendment 1 carried unanimously.

Mr. Wolford moved and Mr. Crabbe seconded Amendment 2 to strike “TOR” and replace it with “COP and TORs”.

Mr. Wolford stated that his purpose was to make the motion clear as to what would need to be revised.

Amendment 2 carried unanimously.

Ms. Culver confirmed that under the amended motion there would be a full assessment every four years and a catch projection every two years.

Motion 23, as amended, carried unanimously.

Ms. Grebel moved and Mr. Crabbe seconded Motion 25 that, for 2013-2014, the Council adopt the following specifications outlined in Table 1 of Agenda Item I.2.c, Supplemental CPSMT Report:

- OFL of 57,316 mt;
- P\* value of 0.45;

- ABC/ACL equal to 52,358 mt; and
- ACT of 39,269 mt.

In addition, adopt an incidental set-aside of 13,089 mt, with the provision in April 2014 that the Council can consider the possibility of re-allocating some of the incidental set-aside to the directed fishery. In the event the directed fishery closes, any remaining incidental catch may be used as follows:

- a. A 45 percent incidental catch is allowed when Pacific mackerel are landed with other coastal pelagic species; and
- b. Up to 1 mt of Pacific mackerel could be landed without landing any other CPS.

Ms. Grebel confirmed that the set-aside value in the motion (13,089 mt) was correct and that there had been an error in the CPSMT statement. Her approach in this motion is essentially status quo and consistent with Council actions in 2011 and 2012. It captures the recommendations in the CPSMT and CPSAS reports, and takes into account the SSC recommendation of a higher sigma value based on greater uncertainty. She also confirmed that this motion is just for the upcoming annual period from July 1, 2013 through June 30, 2014.

Motion 25 carried unanimously.

### **I.3 Sardine Fishery Start Date and Management Schedule (6/25/2013; 8:13 a.m.)**

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

Mr. Kerry Griffin presented the Agenda Item Overview.

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

Ms. Lorna Wargo presented Agenda Item I.3.b, CPSMT Report and Agenda Item I.3.b, Supplemental CPSMT Report 2.

Mr. Owen Hamel presented Agenda Item I.3.b, Supplemental SSC Report.

Mr. Mike Okoniewski presented Agenda Item I.3.b, Supplemental CPSAS Report.

#### **I.3.c Public Comment**

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

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

#### **I.3.d Council Action: Adopt Changes to Sardine Fishery Start Date for 2014 and Annual Management Schedule**

Mr. Steve Williams moved and Ms. Culver seconded Motion 26 that the Council adopt the fishing year start date of July 1 for the Pacific sardine fishery, consistent with the approach in Agenda Item I.3.b, Supplemental SSC Report (June 2013).

Mr. Williams stated that there is consistent consensus among our advisors that changing to the July 1 start date is the appropriate approach, and it is bolstered by the fact that the major reason for the change is to improve the science that is available to us to help make the biomass decision.

Motion 26 carried unanimously.

Dr. McIsaac noted that the SSC request for information from some different groups can be handled under Agenda Item C.7, as it has some meeting planning implications.

#### **I.4 Adjustments to Sardine Harvest Parameters (6/25/2013; 8:44 a.m.)**

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

Mr. Kerry Griffin presented the Agenda Item Overview. He noted that in just the past few days an error has been discovered with regard to the data used for the temperature recruit relationship from the California Cooperative Oceanic Fisheries Investigations (CalCOFI) temperature index. The index may be fine, but the error might have come as a result of the way the data was extracted from the data base. The SSC was not aware of this error when they completed their report. However, the CPSMT and CPSAS were.

Due to the problem with the data, Ms. Culver indicated her preference would be to not follow through with the advisory body reports on this agenda item and just focus on Council guidance to the scientists for what we wish to see in the next iteration for additional model runs and analysis.

Mr. Wolford said he would be interested in hearing the reports and getting information about the data that went into them. It would be hard to give guidance without hearing the reports.

After further discussion, the Council agreed to postpone action on this agenda item. They agreed to hear from Mr. Hurtado to get insight into the issues and to provide guidance for the next time this is on the agenda. They also agreed to take public comment. However, the advisory body reports would not be presented and would not be made part of the meeting record.

##### **I.4.b Analyses Related to Sardine Harvest Parameters**

Mr. Felipe Hurtado-Ferro presented Agenda Item I.4.b, Revised Analyses Related to Pacific Sardine Harvest Parameters.

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

Ms. Kristen Koch presented Agenda Item I.4.c, Supplemental SWFSC Report. [Council determined that the advisory body reports would need correction based on the CalCOFI update and would not be presented or included in the meeting record.]

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

Agenda Item I.4.c, Public Comment.

Agenda Item I.4.c, Supplemental Public Comment 3: Letter from Ryan Kapp.

Agenda Item I.4.c, Supplemental Public Comment 4: Letter from Diane Pleschner-Steele, California Wetfish Producers Association.

Mr. Mike Okoniewski, Pacific Seafood, Woodland, Washington.

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

Ms. Anna Weinstein, Audubon California, San Francisco, California; presented Agenda Item I.4.c, Supplemental Public Comment 2: Letter from Anna Weinstein, Audubon California.

Dr. Geoff Shester, Oceana, Monterey, California; presented Agenda Item I.4.d, Supplemental Public Comment PowerPoint (Oceana).

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

#### **I.4.e Council Action: Adopt Harvest Parameter Changes for Pacific Sardine**

Dr. McIsaac provided some comments regarding the rescheduling of action on this agenda item. He noted that September was likely too soon. The next time CPS is scheduled for a Council meeting is the November meeting. With regards to the CalCOFI information, now is the time to identify what you would like for further analysis before making a decision. It appears that this will result in a major policy decision, including an economic analysis, impacts from reductions in the fishery, and a variety of things. With regards to the part that is not related to the temperature issue, the Council heard some public testimony on tri-national management efforts that would be eligible for discussion and guidance.

Mr. Wolford stated that, given the magnitude of this issue, he would certainly like to see some impact and economic analysis before further Council action. He would also like to see some risk assessments about whatever comes forward. For instance, if we wanted to maintain the same degree of risk, what would the limitations be on parameters; and, if we wanted to change the risk, then what might that be? He would like to postpone action on both of the issues in this agenda item rather than taking action on one part today.

Ms. Culver thought that the only thing we were considering was the change in the sea surface temperature index, which was a scientific issue. She did not think that would require an economic analysis or risk assessment.

Mr. Wolford said he thought that at first as well. However, he noticed that not only did the data source change, but that seemed to have implications on the curve between the temperature and the SPR. If we change that curve, then we are changing more than just the data source. If we are changing the relationship between the temperature and SPR, then that could bring the 5 to 15 percent harvest rate into question and make changes in the impact on the fishing fleet. An economic analysis and risk assessment would help us understand the implications of the change.

Ms. Culver responded that the change to the index was one of using the best science to estimate what was really going on with the resource. She did not see that the economic impacts would come into play. Based on Mr. Hurtado's presentation and public testimony, she thinks that the distribution is something we should look at. It appears the model is highly sensitive to Canadian and Mexican catches, but not so much so to selectivity, natural mortality, and other natural parameter changes in the model. For the November meeting, she would support looking at the distribution and a tri-national approach to management.

Mr. Crabbe responded that, in addition to the change to the sea surface temperature index, the model was also updated which caused the change in the curve for SPR. He believes this updating gives us a reason to consider the socio-economic impacts of the change. He agrees with regard to the need for international management and would support a letter from the Council to the State Department to encourage a relationship among the three nations.

Mr. Lincoln suggested that at some point the Council may want to look at some of its HCRs to provide a better balance between conservation and fishing benefits. This should play a part in deciding what and when the Council next wants to consider these issues.

Mr. Williams agreed that the issues of distribution and international management should be looked at. He understood Ms. Culver's point about making a scientific decision and would support looking at the science. However, he believes it is important for the Council to always look at and know the ramifications of any decisions it makes for changes with regard to the economic impacts.

Following up on Mr. Crabbe's recommendation for a letter to the State Department, Mr. Helvey suggested the letter should include the new Director of International Affairs for NMFS, Mr. Rod McInnis, to help carry weight on this. The Council concurred in sending a letter and including Mr. McInnis.

Mr. Griffin asked for clarity on the information that the Council would like for the November Council Meeting. He understood that there would be a revised report based on the correct temperature data and wondered about what further information might be desired on distribution and economic impacts.

Dr. McIsaac noted that there would be some analysis for the Council to look at in November, at least enough to determine if the model changes are just a scientific question or if there are policy implications to be considered.

**ADJOURN**

The Council adjourned June 25, 2013 at 2:09 p.m.

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Dorothy Lowman  
Council Chair

Date





Moved by: Michele Culver                      Seconded by: Rich Lincoln  
Amendment 3 carried. Mr. Wolford and Mr. Ortmann voted no.  
Motion 7, as amended, carried unanimously.

**Motion 8:** Approve the alternatives in Agenda Item F.4.b, Preliminary Draft EA, and the addition of a third alternative proposed in Agenda Item F.4.b, Supplemental GMT Report, for public review.

Moved by: Michele Culver                      Seconded by: Gway Kirchner  
Motion 8 carried unanimously.

**Motion 9:** Forward the letter to NPCC as shown in Agenda Item G.1.a, Attachment 1.

Moved by: Steve Williams                      Seconded by: Jeff Feldner  
Motion 9 carried unanimously.

**Motion 10:** Adopt the stock assessments (data-moderate, full, and updated assessments) except for brown rockfish, China rockfish, and copper rockfish, and the catch reports recommended by the SSC for use in management in 2015-2016.

Moved by: Joanna Grebel                      Seconded by: Gway Kirchner

**Amndmnt 1:** Add the words “and also adopt” in front of “the catch reports.”

Moved by: Dan Wolford                      Seconded by: Buzz Brizendine  
Amendment 1 carried unanimously. Motion 10, as amended, carried unanimously.

**Motion 11:** The China rockfish, copper rockfish, and brown rockfish data-moderate assessments go to the mop-up panel for evaluation of an alternative model that has an area stratification north and south of 42° N. latitude.

Moved by: Joanna Grebel                      Seconded by: David Crabbe  
Motion 11 carried unanimously.

**Motion 12:** Approve the form of an ad hoc advisory body for EM comprised of the following positions: PSMFC (Chair), an at-sea whiting trawl, a shoreside midwater trawl, two shoreside bottom trawl, an IFQ fixed gear, an EM provider, and a conservation representative. The charge would be to focus development on alternatives for EM consideration consistent with the objectives described in Agenda Item F.6.a, Attachment 1.

Moved by: Michele Culver                      Seconded by: Dale Myer  
Motion 12 carried unanimously.

**Motion 13:** Establish a technical advisory committee as shown in Table 1, Agenda Item F.6.a, Attachment 1, page 3, on the right hand side; which includes: PSMFC, NMFS

West Coast, NMFS NWFSC, NMFS OLE, NOAA GC, and the states of Washington, Oregon, and California.

Moved by: Dorothy Lowman                      Seconded by: Gway Kirchner  
Motion 13 carried unanimously.

**Motion 14:** Replace the approach in the draft annotated outline in Agenda Item F.7 a, Attachment 1, with the approach described in Agenda Item F.7.b, Supplemental GMT Report; such that the no action alternative would have a baseline window period (one suggestion is 2003-2012 as an example). The action alternatives would be based on a range of P\* of 0.25 to 0.45; and to provide direction to the analytical team to do “their best” to come up with a reasonable range of values that would result in applying these P\* values over the next ten years as the potential outcomes.

Moved by: Michele Culver                      Seconded by: Rich Lincoln  
Motion 14 carried unanimously.

**Motion 15:** Approve the use of the three recreational models, nearshore and non-nearshore, updated IO-PAC model, and the EDC as the best available science and appropriate for use in the 2015-2016 specification process and beyond.

Moved by: Gway Kirchner                      Seconded by: Rich Lincoln  
Motion 15 carried unanimously.

**Motion 16:** Adopt the proposed schedule for developing the 2015-2016 and beyond groundfish harvest specifications and management measures process as shown in Agenda Item F.7.a, Attachment 3.

Moved by: Joanna Grebel                      Seconded by: Buzz Brizendine  
Motion 16 carried unanimously.

**Motion 17:** Council:  
(1) Replace the approach and alternatives for restructuring the slope rockfish and “other fish” complexes (to be) as it was presented in Agenda Item F.8.b, Supplemental GMT Report 2; and  
(2) Provide guidance to the GMT to explore applying the same approach and analysis to the shelf rockfish complex; and, as a lower priority, the “other flatfish complex,” and prepare the alternatives and analyses for Council consideration at the September 2013 Council Meeting.

Moved by: Michele Culver                      Seconded by: Rich Lincoln

**Amndmnt 1:** Add “for public review” after supplemental GMT Report 2 and strike out “applying the same approach and analysis to the shelf rockfish complex. And as a lower priority the “other flatfish complex”, and replace with “the need to reconfigure the shelf rockfish complex. If the GMT determines there is a need to

develop alternatives for reconfiguring the shelf rockfish complex, apply the same approach and analysis.”

Moved by: Gway Kirchner

Seconded by: Jeff Feldner

Amendment 1 carried (8 yes, 6 no). Mr. Myer, Ms. Culver, Mr. Ortmann, Mr. Lincoln, Mr. Pollard and Mr. Lockhart voted no. Chairman Wolford voted yes. Motion 17, as amended, carried unanimously.

**Motion 18:** Adopt the recommendations (1 through 4) of the GMT as shown in Agenda Item F.9.b, Supplemental GMT Report with a modification in Recommendation 1.

Those recommendations are:

1. Increase the limited entry shortspine thornyhead trip limit north of 34°27' N. latitude from 2,000 lb/2 months to 2,500 lb/2 months for periods 4, 5, and 6.
2. Increase the limited entry shelf rockfish trip limit south of 34° 27' N. latitude from “3,000 lb/2 months” to 4,000 lb/2 months as soon as possible, through the end of the year.
3. Increase the limited entry fixed gear trip limits for bocaccio south of 34°27' N. latitude from “300 lb/2 months” to 500 lb/2 months as soon as possible, through the end of the year.
4. Increase the open access fixed gear trip limits for bocaccio south of 34°27' N. lat. from “100 lb/2 months” to 200 lb/2 months as soon as possible, through the end of the year.

Moved by: Joanna Grebel

Seconded by: Buzz Brizendine

**Amndmnt 1:** Add “adopt Alternative 1 in Table 7 for limited entry and open access sablefish daily-trip-limit fisheries north of 36° with a 300 lb daily trip limit for the open access fishery.”

Moved by: Gway Kirchner

Seconded by: Jeff Feldner

Amendment 1 carried unanimously. Motion 18, as amended, carried unanimously.

**Motion 19:** Ask the GMT to analyze the risk associated with issuing petrale carryover in 2013 and receive comments from the GAP & GMT on the issuance of carryover, and that they report back to the Council at the September Council meeting.

Moved by: Michele Culver

Seconded by: Rich Lincoln

Motion 19 carried unanimously.

**Motion 20:** Council recommends that NMFS move forward with the methodology contained in Agenda Item F.9.b, NMFS Report, for lingcod surplus carryover.

Moved by: Gway Kirchner

Seconded by: Dorothy Lowman

Motion 20 carried unanimously.



Moved by: Michele Culver

Seconded by: David Crabbe

**Amndmnt 1:** Add to the end of the original motion: “The Council will set two annual specifications every two years based on the most recent stock assessment.”

Moved by: Mark Helvey

Seconded by: Michele Culver

Amendment 1 carried unanimously.

**Amndmnt 2:** Strike “TOR” and replace with “COP and TORs”.

Moved by: Dan Wolford

Seconded by: David Crabbe

Amendment 2 carried unanimously. Motion 23, as amended, carried unanimously.

**Motion 24:** [Offered as substitute to Motion 23] - Move Pacific mackerel from active to monitored status for the 2014/2015 season; the Stock Assessment Team not do a full stock assessment in the spring of 2014 as scheduled; and request that the CPSMT consider options for setting HCR levels for the monitored stock and report back to the Council at a future meeting.

Moved by: Joanna Grebel

Seconded by: Buzz Brizendine

Motion 24 failed; 8 no, 5 yes. Mr. Ortmann, Mr. Feldner, Mr. Helvey, Mr. Crabbe, Mr. Lincoln, Mr. Myer, Ms. Culver, and Mr. Wolford voted no.

**Motion 25:** For 2013-2014, adopt the following specifications outlined in Table 1 of Agenda Item I.2.c, Supplemental CPMST Report:

- OFL of 57,316 mt;
- P\* value of 0.45;
- ABC/ACL equal to 52,358 mt; and
- ACT of 39,269 mt.

In addition, adopt an incidental set-aside of 13,089 mt, with the provision in April 2014 that the Council can consider the possibility of re-allocating some of the incidental set-aside to the directed fishery. In the event the directed fishery closes, any remaining incidental catch may be used as follows:

- a. A 45 percent incidental catch is allowed when Pacific mackerel are landed with other coastal pelagic species; and
- b. Up to 1 mt of Pacific mackerel could be landed without landing any other CPS.

Moved by: Joanna Grebel

Seconded by: David Crabbe

Motion 25 carried unanimously.

**Motion 26:** Adopt the fishing year start date of July 1 for the Pacific sardine fishery, consistent with the approach in Agenda Item I.3.b, Supplemental SSC Report (June 2013).

Moved by: Steve Williams

Seconded by: Michele Culver

Motion 26 carried unanimously.



**Motion 35:** [Modify COP 3 to] Establish the Groundfish Endangered Species Workgroup and terms of reference as shown in Agenda Item C.6.a, Attachment 3.

Moved by: Mark Helvey

Seconded by: Buzz Brizendine

**Amndmnt 1:** Include a tribal seat in the membership of the workgroup.

Moved by: David Sones

Seconded by: Mark Helvey

Amendment 1 carried unanimously. Motion 35, as amended, carried unanimously.

**Motion 36:** Update the language on Agenda Item C.6.a, Attachment 2 (Draft COP 3) on the bottom of page 5, under the section “Agency or Organization Policy Position Advocates,” at the end of the sentence beginning with “Team members will not act . . .”: add the language “*which is not intended to preclude Council members or their designees from serving on the Endangered Species Workgroup.*”

Moved by: Rich Lincoln

Seconded by: Herb Pollard

**Amndmnt 1:** Insert “Groundfish” before Endangered Species Workgroup.

Moved by: Steve Williams

Seconded by: Jeff Feldner

Amendment 1 carried unanimously. Motion 36, as amended, carried unanimously.

## FISCAL MATTERS

The Council's Budget Committee will meet on Thursday, October 31, 2013, at 1:00 PM to consider budget issues as outlined in the Budget Committee Agenda.

The Budget Committee's Report is scheduled for Council review and approval on Wednesday, November 6.

### **Council Action:**

**Consider the report and recommendations of the Budget Committee.**

### **Reference Materials:**

1. Agenda Item I.4.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  
10/08 /13

**PROPOSED AGENDA**  
**Pacific Fishery Management Council**

Red Lion Hotel Sacramento  
1401 Arden Way  
Sacramento CA 95815  
(916) 922-8041  
November 1-5, 1999

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***Notice to Public***

The actual order and timing of agenda items may vary somewhat from the proposed agenda. Items not completed on the scheduled day will be carried over to the next day. Items may be moved to an earlier time. If you are interested in providing oral testimony, please complete a registration card and specify the agenda item on which you wish to speak. After public comment begins on each agenda item, additional cards will not be accepted on that item. Public comments on items not on the agenda will be accepted at 4 p.m. on Tuesday. Oral testimony is limited to five minutes for individuals and ten minutes for groups or individuals representing organizations.

All written information submitted to the Council by an interested person shall include a statement of the source and date of such information. Any oral or written statement shall include a brief description of the background and interests of the person in the subject of the oral or written statement.

Although other issues not contained in this agenda may come before this Council for discussion, in accordance with the Magnuson-Stevens Fishery Conservation and Management Act, those issues may not be the subject of formal Council action during this meeting. Council action will be restricted to those issues specifically identified in the agenda.

Financial interest statements for the appointed Council members are available for inspection at the staff table.

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EVENING PRESENTATION

7 P.M.

*Martinique Room*

“Developing the Theory of Marine Reserves” by researchers from the National Center for Ecosystem Analysis and Synthesis.

MONDAY, NOVEMBER 1, 1999

TUESDAY, NOVEMBER 2, 1999

GENERAL SESSION  
8 A.M.  
*Martinique Room*

**A. Call to Order**

1. Opening Remarks, Introductions, Roll Call Jim Lone, Chair
2. Approve Agenda - **ACTION**
3. Approve June and September Meeting Minutes - **ACTION**

**B. Pacific Halibut Management**

1. Summary of 1999 Fisheries Yvonne deReynier
2. Estimate of Bycatch in 1998 Cyreis Schmitt
3. Changes to Catch Sharing Plan and Regulations for 2000
  - a. Summary of Public Meetings WDFW, ODFW
  - b. Summary of Written Comments John Coon
  - c. Tribal Comments Jim Harp, et al.
  - d. Public Comments
  - e. Adopt Final Measures - **ACTION**

**C. Salmon Management**

1. Sequence of Events and Status of Fisheries in 1999 Robert Kope, J. Coon
2. Potential Revisions to Methodologies, Including Hook-and-Release Mortality Estimates for Recreational Fisheries
  - a. Report of the STT R. Kope
  - b. Report of the SSC Pete Lawson
  - c. Comments of Advisory Entities and Public
  - d. Council - **ACTION**
3. Revisions to the Preseason Process
  - a. Staff Summary J. Coon
  - b. Comments of Advisory Entities and Public
  - c. Council - **ACTION**
4. Changes to 2000 Management Measures to Protect Central Valley Spring Chinook
  - a. NMFS Report NMFS
  - b. Report of the STT R. Kope
  - c. Comments of Advisory Entities and Public
  - d. Council - **ACTION**
5. Test Fishery Protocol
  - a. Staff Report J. Coon
  - b. Comments of Advisory Entities and Public
  - c. Council - **ACTION**
6. Report on Selective Fishery Off Oregon in 1999
  - a. ODFW Report Sam Sharr
  - b. Comments of Advisory Entities and Public
  - c. Council Comments
7. Process for Reviewing Oregon Coastal Natural Coho Salmon Management Program in 2000
  - a. ODFW Report ODFW
  - b. Comments of Advisory Entities and Public
  - c. Council - **ACTION**

**D. Habitat Issues**

1. Report of the Habitat Steering Group Paul Heikkila
2. Comments of Advisory Entities and Public
3. Council - **ACTION**

4 P.M.  
Public comments on fishery issues not on the agenda are accepted at this time.

WEDNESDAY, NOVEMBER 3, 1999

GENERAL SESSION  
8 A.M.  
*Martinique Room*

**E. Coastal Pelagic Species Management**

- |  |             |
|--|-------------|
| 1. Update on Implementation of Limited Entry | Jim Morgan  |
| 2. Pacific Mackerel Harvest Guideline        |             |
| a. Biomass Estimate and Harvest Guideline    | Doyle Hanan |
| b. Comments of Advisory Entities and Public  |             |
| c. Council - <b>ACTION</b>                   |             |

**F. Highly Migratory Species Management**

- |   |                       |
|---|-----------------------|
| 1. Guidance to Plan Development Team        |                       |
| a. Summary of Scoping Sessions              | Svein Fougner, States |
| b. Comments of Advisory Entities and Public |                       |
| c. Council Direction - <b>ACTION</b>        |                       |

**G. Groundfish Management**

- |   |                 |
|---|-----------------|
| 1. Status of Regulations, Exempted Fishing Permit Applications, Research Programs, and Other Activities                                   |                 |
| a. NMFS Report  | Bill Robinson   |
| b. Comments of Advisory Entities and Public   |                 |
| c. Council - <b>ACTION</b>  |                 |
| 2. Fishery Management Plan Amendment for Stock Rebuilding and Specific Rebuilding Programs for Lingcod, Bocaccio, and Pacific Ocean Perch |                 |
| a. <b>PUBLIC HEARING ON PLAN AMENDMENT</b>  |                 |
| b. Summary of Written Comments  | Jim Glock       |
| c. Comments of Advisory Entities and Public   |                 |
| d. Adopt Final Amendment and Programs - <b>ACTION</b>   |                 |
| 3. Final Harvest Levels for 2000  |                 |
| a. Summary of Written Comments  | J. Glock        |
| b. GMT Recommendations and Impact Analysis  | Jim Hastie      |
| c. Treaty Indian Harvest Guidelines   | J. Harp, et al. |
| d. Other Specifications   | NMFS            |
| e. Comments of Advisory Entities and Public   |                 |
| f. Council - <b>ACTION</b>  |                 |

THURSDAY, NOVEMBER 4, 1999

CLOSED SESSION  
8 A.M.  
(Closed to all except Council members, their designees, and others designated by the Chairman to discuss litigation and personnel matters.)

GENERAL SESSION  
9 A.M.  
*Martinique Room*

**G. Groundfish Management, (continued)**

4. Regulatory Amendment to Establish an Observer Program
  - a. Summary of Proposed Amendment NMFS
  - b. Comments of Advisory Entities and Public
  - c. Adopt Proposed Amendment for Public Review - **ACTION**
5. Review of Stock Assessment Process and Stocks to be Assessed in 2000
  - a. Report of the Stock Assessment Coordinator C. Schmitt
  - b. Comments of Advisory Entities and Public
  - c. Council - **ACTION**
6. Terms of Reference for Harvest Policy Workshop
  - a. Report of the SSC P. Lawson
  - b. Comments of Advisory Entities and Public
  - c. Council - **ACTION**
7. Management Measures for 2000
  - a. Staff and GMT Reports J. Glock, J. Hastie
  - b. Comments of Advisory Entities and Public
  - c. Adopt Final Measures - **ACTION**

FRIDAY, NOVEMBER 5, 1999

GENERAL SESSION  
8 A.M.  
*Martinique Room*

**G. Groundfish Management, (continued)**

8. Status of Fisheries and Inseason Adjustments (If Necessary)
  - a. GMT Report J. Hastie
  - b. Comments of Advisory Entities and Public
  - c. Council - **ACTION**
9. Control Date for Groundfish Limited Entry
  - a. Staff Report Jim Seger
  - b. Comments of Advisory Entities and Public
  - c. Council - **ACTION**
10. Strategic Plan for Groundfish
  - a. Report on Proposed Framework Dave Hanson, Debra Nudelman
  - b. Comments of Advisory Entities and Public
  - c. Council Guidance - **ACTION**
11. Groundfish Priorities and Schedules
  - a. Staff Review J. Glock
  - b. Comments of Advisory Entities and Public
  - c. Council - **ACTION**

**H. Administrative and Other Matters**

1. Report of the Budget Committee - **ACTION** J. Harp
2. Status of Legislation Dave Hanson
3. Appointments - **ACTION** J. Lone
4. Draft Agenda for March 2000 - **ACTION** Larry Six

ADJOURN

SCHEDULE OF MEETINGS

SUNDAY, OCTOBER 31, 1999

Groundfish Management Team	1 p.m.	Shasta Room
Secretarial Center	7 p.m.	California Room

MONDAY, NOVEMBER 1, 1999

Secretarial Center	7 a.m.	California Room
Groundfish Management Team	8 a.m.	Shasta Room
Salmon Technical Team	8 a.m.	Comstock I Room
Scientific and Statistical Committee	8:30 a.m.	Sierra B Room
Habitat Steering Group	9:30 a.m.	Oroville Room
Groundfish Advisory Subpanel	10 a.m.	Sierra A Room
Work Group on Gear Impacts	noon to 1 p.m.	Sierra A Room
Budget Committee	1 p.m.	Almanor Room
Salmon Advisory Subpanel	1 p.m.	Klamath Room

TUESDAY, NOVEMBER 2, 1999

Secretarial Center	7 a.m.	California Room
California Delegation	7 a.m.	Sierra B Room
Oregon Delegation	7 a.m.	Klamath Room
Washington Delegation	7 a.m.	Sierra A Room
Groundfish Advisory Subpanel	8 a.m.	Sierra A Room
Scientific and Statistical Committee	8 a.m.	Sierra B Room
Salmon Technical Team	8 a.m.	Comstock I Room
Groundfish Management Team	As necessary	Shasta Room
SSC, GMT, GAP (Stock Assessment Process)	10 a.m. to noon	Sierra A Room
Enforcement Consultants	5:30 p.m.	Almanor Room

SCHEDULE OF MEETINGS (CONTINUED)

WEDNESDAY, NOVEMBER 3, 1999

Secretarial Center	7 a.m.	California Room
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California Delegation	7 a.m.	Sierra B Room
Oregon Delegation	7 a.m.	Klamath Room
Washington Delegation	7 a.m.	Sierra A Room
Groundfish Advisory Subpanel	8 a.m.	Sierra A Room
Groundfish Management Team	As necessary	Shasta Room
Enforcement Consultants	As necessary	Almanor Room

THURSDAY, NOVEMBER 4, 1999

Secretarial Center	7 a.m.	California Room
California Delegation	7 a.m.	Sierra B Room
Oregon Delegation	7 a.m.	Klamath Room
Washington Delegation	7 a.m.	Sierra A Room
Groundfish Advisory Subpanel	8 a.m.	Sierra A Room
Groundfish Management Team	As necessary	Shasta Room
Enforcement Consultants	As necessary	Almanor Room

FRIDAY, NOVEMBER 5, 1999

Secretarial Center	7 a.m.	California Room
California Delegation	7 a.m.	Sierra B Room
Oregon Delegation	7 a.m.	Klamath Room
Washington Delegation	7 a.m.	Sierra A Room
Groundfish Management Team	As necessary	Shasta Room
Enforcement Consultants	As necessary	Almanor Room

PFMC  
10/18/99

## REPORT OF THE BUDGET COMMITTEE

The Budget Committee (BC) met on Thursday, October 31, 2013 with the following in attendance:

Members Present: Mr. Dave Ortmann, Chairman; Dr. Dave Hanson, Ms. Dorothy Lowman, Mr. Dale Myer, and Mr. Dan Wolford

Members Absent: Ms. Michele Culver, Mr. Mark Helvey, and Mr. Frank Lockhart

Non-members Present: Mr. Bob Turner, Mr. Herb Pollard, Mr. Phil Anderson, Ms. Gway Kirchner, Ms. Marcie Yaremko, Mr. David Crabbe, Mr. Steve Bodner, Mr. Gerry Richter, Mr. Chris Kubiak, Mr. Rod Moore, Dr. Donald McIsaac, Mr. Chuck Tracy, Ms. Patricia Crouse, Mr. Donald Hansen, and Ms. Carolyn Porter.

After approving the meeting agenda, the BC received the Executive Director's budget report which follows below.

### **Status of Calendar Year (CY) 2013 Operating Budget and Expenditures**

Dr. McIsaac reviewed the CY 2013 budget and expenditures by major category as of September 30, 2013, including a current projection of expected year-end balances. The projection indicates a positive balance at year's end of about 5 percent of the total budget. Dr. McIsaac noted that, any positive year-end balance would be held in reserve for future use, as has been the case in previous years.

### **Provisional CY 2014 Operating Budget**

Dr. McIsaac presented information to the BC indicating considerable uncertainty around the prospect of reasonable funding possibilities for 2014 and the next few years. While fully adequate funding is a possibility, and will be vigorously argued for, the current state of speculation about the Federal budget process outcome is primarily negative, and Dr. McIsaac felt it was prudent at this time to plan for an additional 10 percent reduced funding level, as received in 2013, and consider contingencies for additional reductions, in future years.

Towards a goal of keeping the Council operations relatively stable over the next few years while factoring in a presumption for inflationary expenses and other adjustments during that time, Dr. McIsaac proposed a provisional total operating budget for CY 2014 of a little less than \$4.3 million, along with certain contingent responses in the event that the actual income would be more or less than planned for.

### **Budget Committee Recommendations**

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

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

PFMC  
11/5/13



UNITED STATES DEPARTMENT OF COMMERCE  
**National Oceanic and Atmospheric Administration**  
NATIONAL MARINE FISHERIES SERVICE  
West Coast Region  
650 Capitol Mall, Suite 5-100  
Sacramento, CA 95814-4700

OCT 22 2013

Ms. Dorothy Lowman, Chair  
Pacific Fisheries Management Council  
7700 NE Ambassador Place  
Portland, Oregon 97220-1384

Dear Dorothy:

I want to acknowledge and respond to Council Executive Director Don McIssac's October 17 e-mail urging that the West Coast Region (WCR) and the Northwest and Southwest Science Centers of NOAA Fisheries prioritize various Council-related tasks in advance of the upcoming Council meeting in Costa Mesa. I particularly want to thank you, Don, and Council staff for recognizing the challenge presented by the confluence of multiple complexities, including:

- the partial shutdown of government (including the near-total shutdown of the WCR and Science Centers);
- the start of the new federal fiscal year;
- the disruption of efforts to smoothly transition the former regions into our now-merged operations at the beginning of the fiscal year;
- the late passage of a short-term continuing resolution; and
- the yet-to-be-determined spending limits under continued application of sequester reductions.

As of this writing, our leadership of the WCR is in the third day of managing the restart of government operations, and the dust has by no means settled. At a minimum, it is clear that caution must be taken in committing to travel of federal employees because of the uncertain funding circumstances, both immediately and over the near-term. It is also clear that for the next week or so, travel-related contractual services for the federal government are exceeding their capacities due to the shut-down and we are directed to minimize our contribution to this problem and reduce travel significantly.

Our first priority at this time is to re-start NOAA Fisheries operations, and to do so with fiscal discipline. We quickly will pick-up our programmatic responsibilities and fulfill them, but we are not at this time prepared to endorse or commit to a comprehensive programmatic agenda without regard to these very real constraints. We therefore intend to evaluate existing capacities and projected budgets, and then work in full partnership with the Council to establish top priorities in an orderly fashion.

It is obvious that the WCR is not the only entity faced with the workload-related issues. The funding level for the Council itself is subject to many of the same uncertainties as is that of the WCR - and that funding level will have workload implications. In my opinion, reductions can be anticipated and should be accounted for in setting our shared priorities. I urge you and the



Council to engage in a robust discussion related to budget and workload planning so that members can properly identify and anticipate measures that may be necessary to meet budget constraints.

Again, I appreciate Don's timely e-mail and look forward to strengthening the relationship with the Council as we solidify the operations of the new West Coast Region.

Sincerely,



William W. Stelle, Jr.  
Regional Administrator

cc: Don McIsaac, Executive Director

cc via e-mail:

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## ADVISORY BODY POSITION 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).

### Council Members and Designees

Mr. Roy Elicker, Director of the Oregon Department of Fish and Wildlife, has notified the Council that his designees will be Ms. Gway Kirchner (first designee), Mr. Troy Buell (second designee), and Dr. Caren Braby (third designee).

### Standing Council Member Committee Appointments

No new resignations, nominations, or other changes were identified by the Briefing Book deadline.

### Council Advisory Body Appointments

No new resignations, nominations, or other changes were identified by the Briefing Book deadline.

### Changes to Council Operating Procedures

COP 9 should be updated to reflect the groundfish management cycle changes discussed under Agenda Item H.6 (see Agenda Item H.6, Attachment 1).

In June, 2013, the Council changed the management schedule for Pacific mackerel and Pacific Sardine. A draft of COP 9 reflecting those changes is provided in Agenda Item I.5.a, Attachment 1.

Several other housekeeping changes for COP 9 are included in Agenda Item I.5.a, Attachment 1 for Council consideration.

The Council should also consider housekeeping changes for COP 10, which deals with the Preseason Salmon Management Process (Agenda Item I.5.a, Attachment 2).

### **Council Action:**

- 1. Consider any appointment and membership issues.**
- 2. Consider modifications to the groundfish management cycle in COP 9.**
- 3. Confirm modifications to the CPS management cycle in COP 9.**
- 4. Consider housekeeping modifications to COP 9 and COP10.**

Reference Materials:

1. Agenda Item H.6.a, Attachment 2: Proposed Revisions to COP 9.
2. Agenda Item I.5.a, Attachment 1: DRAFT: Council Operating Procedure 9 - Management and Activity Cycles.
3. Agenda Item I.5.a, Attachment 2: DRAFT: Council Operating Procedure 10 - Preseason Salmon Management Process.
4. Closed Session A.1.a, Attachment 1: Letter from Mr. Elicker updating official ODFW Council member designees.

Agenda Order:

- a. Agenda Item Overview Chuck Tracy
- b. Reports and Comments of Advisory Bodies and Management Entities
- c. Public Comment
- d. **Council Action:** Consider Appointments to Advisory Bodies Including Changes and Nominees for the 2013-2015 Term; Adopt Changes to Council Operating Procedures

PFMC  
10/11/13

**DRAFT: COUNCIL OPERATING PROCEDURE**  
**Management and Activity Cycles**

9

Approved by Council: 07/10/85  
Revised: 09/16/87, 04/06/95, 11/03/99, 03/11/05, **10/10/13**

PURPOSE

To establish management and activity cycles conducted by the Pacific Fishery Management Council (Council), its advisory entities, staff for the groundfish, salmon, coastal pelagic species, halibut, and highly migratory species fisheries, and administrative matters.

MANAGEMENT AND ACTIVITY CYCLES

- Schedule 1 Biennial management cycle and activities related to groundfish management.
- Schedule 2 Annual management cycle and activities related to salmon management.
- Schedule 3 Annual management cycle and activities related to coastal pelagic species management.
- Schedule 4 Annual management cycle and activities related to halibut management.
- Schedule 5 Biennial management cycle and activities related to highly migratory species management.
- Schedule 6 Annual administrative management cycle and activities.

**SCHEDULE 1. Biennial management cycle and activities related to groundfish management.**

(See Agenda Item H.6, Attachment 2)

**SCHEDULE 2. Annual management cycle and activities related to salmon management.**<sup>1</sup>

Month	Entity and Management Activity
January	<i>Salmon Technical Team (STT)</i> meets to draft annual fishery review for the previous season.
February	<i>STT</i> meets to draft the report providing projected stock abundances and potential management measure impacts.
March	<i>Council</i> meets to adopt no more than three annual salmon fishery management <del>options</del> alternatives and conducts public hearings (hearings may extend into April).

*Salmon Advisory Subpanel (SAS)* meets with the Council to develop initial annual management ~~option~~-[alternative](#) recommendations.

*STT* meets to develop impact analyses of the Council's proposed annual management ~~options~~[alternatives](#), identifies management concerns, and participates in public hearings.

April *Council* meets to adopt final annual salmon fishery management measures.

*STT and SAS* meet with Council to assist in selection and analysis of final annual management measures.

*SSC* meets to identify methodology issues which merit review, informs the Council of methodologies selected for review, and establishes a review schedule.

*U.S. Department of Commerce* reviews and implements the Council's recommendations in time for May 1 season opening.

May through October *Council, STT, and National Marine Fisheries Service (NMFS)* monitor fisheries to implement inseason management provisions, as necessary.

October or November *SSC, STT, and SAS* meet with Council to provide direction as needed, especially with regard to the review of prediction and harvest impact modeling procedures, [conservation objectives](#), and the annual management measure process.

<sup>1</sup> For additional detail, see operating procedure for "Annual Salmon Management Process."

**SCHEDULE 3. Annual management cycle and activities related to coastal pelagic species management.**

Month	Entity and Management Activity
<b>PACIFIC MACKEREL <del>AND MONITORED SPECIES</del></b>	
<a href="#">Pacific mackerel assessments will be conducted on a rotating cycle. Every four years, a full assessment is conducted, and in the intervening four years an update assessment is conducted. Annual specifications are set on a biennial basis. In assessment years (either full or update), the following schedule will be followed:</a>	
April	<i>Assessment authors</i> prepare draft assessment documents.
May	<i>Coastal Pelagic Species Management Team (CPSMT), Coastal Pelagic Species Advisory Subpanel (CPSAS), and public</i> review draft assessments, executive summaries, and recommended harvest guidelines.
June	<i>Assessment authors</i> submit final assessments, executive summaries, and recommended harvest guidelines to Council staff for inclusion in June

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Council meeting briefing book.

*SSC* reviews assessments, executive summaries, and recommended harvest guidelines.

*Council* adopts annual harvest level specifications and management measures.

*U.S. Department of Commerce* implements annual harvest level specifications and management measures. Pacific mackerel season opens July 1.

### PACIFIC SARDINE

~~September~~[February](#) *Assessment authors* prepare draft assessment documents.

~~October~~[March](#) *CPSMT, CPSAS, and public* review draft assessment, executive summary, and recommended harvest guideline.

~~November~~[April](#) *SSC* reviews assessment, executive summary, and recommended harvest guideline.

*Council* adopts annual harvest level specification and management measures.

*U.S. Department of Commerce* implements annual harvest level specification and management measures. Pacific sardine season opens ~~January~~[July](#) 1.

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### MONITORED SPECIES

The CPS FMP characterizes monitored stock management as tracking trends in landings, and qualitative comparison to available abundance data, but without periodic stock assessments or periodic adjustments to target harvest levels. After harvest specifications have been established, they will remain in place until the Council takes action to adjust the harvest specifications, or to move a monitored species to active management. If the Council wishes to adjust harvest level specifications or management measures, the process will follow that for Pacific mackerel and Pacific sardine. Assessment authors will present a draft stock assessment in advance of a review by the CPSMT, CPSAS, and the public. Final assessments and recommended harvest specifications and management measures will be included in the appropriate briefing book, for review by the SSC. The Council adopts final specifications, and the U.S. Department of Commerce implements the harvest specifications and management measures.

NOTE: The ~~Council decided the~~ Stock Assessment and Fishery Evaluation (SAFE) document for coastal pelagic species will be prepared and presented in two sections. The main section will be submitted at the June Council meeting. This portion of the SAFE will include the annual Pacific mackerel and Pacific sardine assessments, evaluation of the fisheries based on the calendar year, and the status of monitored species. The second (supplemental) section will include any relevant information regarding the~~the Pacific sardine assessment and~~ status of the

~~sardine~~ CPS fisheries. The supplemental section, when compiled, will be presented at the November Council meeting.

The coastal pelagic species management cycle does not provide for inseason changes to management specifications that are specified at the beginning of the season and/or in the fishery management plan except through emergency action.

**SCHEDULE 4. Annual management cycle and activities related to halibut management.**

Year	Month	Entity and Management Activity
Year 1	September	<i>Council</i> receives a report on the status of the current Pacific halibut fishery. With regard to next year's season (Year 2), the <i>Council</i> hears management recommendations from the states and public; and, if necessary, adopts for public review proposed changes to recreational season structuring, <u>Federal regulations</u> , and minor changes to the Pacific halibut catch sharing plan for fisheries in Year 2 (e.g., opening dates, days per week, early season/late season ratios, and port/area sharing).  <i>SSC</i> reviews halibut stock assessment, proposed halibut bycatch estimates or other halibut estimation methodologies as necessary prior to NMFS submission to the International Pacific Halibut Commission (IPHC).
	September or October	<i>States</i> conduct public workshops on the proposed changes to the catch sharing plan or sport fishery measures, as appropriate.
	October or November	<i>Council</i> receives a report on the status of the current Pacific halibut fishery. Within the scope of the proposed changes formulated at the September meeting and with further public input, the <i>Council</i> adopts recommendations for management changes to be implemented by IPHC regulations and NMFS in the catch sharing plan <u>and Federal regulations</u> governing Pacific halibut fisheries in the coming season (Year 2).
	November through January	<i>IPHC</i> staff distributes draft documents that impact Area 2A to the Council office and NMFS.
Year 2	January	<i>IPHC</i> meets to establish quotas for each management area.
	November	<i>NMFS</i> publishes proposed rule to implement catch sharing plan and prepares appropriate NEPA documents.
	March	<i>Council</i> adopts, for public review, a range of landing restrictions for incidental halibut harvest in the non-Indian troll salmon fishery and, if necessary, for the commercial longline sablefish fishery north of Point Chehalis, Washington.
	March	<i>Council</i> holds public hearings to receive input on salmon fishing

(cont) ~~options~~ alternatives and incidental halibut landing limit options in the non-Indian salmon troll fishery and, if appropriate, the directed fixed gear sablefish fishery north of Point Chehalis.

April *NMFS* publishes final rule to implement catch sharing plan.

*Council* adopts final recommendations for incidental harvest in the non-Indian troll salmon fishery and, if necessary, for the commercial longline sablefish fishery north of Point Chehalis, Washington.

May Non-Indian Pacific halibut fisheries open in Area 2A under *IPHC* regulations.

May though September *NMFS* regional director makes inseason adjustments to sport seasons, the non-Indian commercial troll salmon fishery, and the directed fixed gear sablefish fishery north of Point Chehalis, as necessary. The *IPHC* closes the non-Indian directed commercial halibut fisheries when quotas are projected to be met.

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**SCHEDULE 5. Biennial management cycle and activities related to highly migratory species management.**

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Year	Month	Entity and Management Activity
Year 1	June	<i>Highly Migratory Species Management Team (HMSMT)</i> provides update to the Council on status of the HMS fisheries <u>and, as appropriate, proposed adjustments to the numerical estimates of MSY, OY, and SDC in a;</u> preliminary SAFE report. If necessary, Council directs HMSMT to prepare draft regulatory analysis to implement <u>revised estimates of reference point values, ACLs or other harvest objectives</u> <del>levels</del> and/or management measures.
	September	<i>HMSMT</i> presents annual SAFE document to Council. If necessary, Council directs HMSMT to prepare a draft regulatory analysis to implement <u>revised estimates of reference point values, ACLs or other new</u> harvest <del>levels</del> <u>objectives</u> and/or management measures. Council adopts for public review proposed actions addressing concerns from current and previous SAFE reports.
	<u>November</u>	<u>Council adopts final action and submits to NMFS for approval</u>
Year 2	April	If approved by <i>NMFS</i> , measures become effective, and stay in effect for at least two years.

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As detailed above the HMS FMP established a biennial management cycle with the regulatory/statistical year April 1 to March 31, which provides sufficient time for data analysis, provides for timely response to fishery problems, and allows most fishers adequate access to the management process, as scheduled.

The cycle is repeated biennially, with new actions considered in September and becoming effective in April every other year. The Council would schedule HMS for the June, September, and November Council meetings.

Under this biennial cycle, the HMSMT would conduct ongoing reviews of HMS fisheries and stock status. The HMSMT would prepare an annual SAFE document for the Council's September meeting.

This management cycle may be altered to a different annual or multi-year management cycle by majority vote of the Council without necessity of an FMP amendment, provided the Council gives six-month advance notice to the public of any intent to alter the management cycle.

**SCHEDULE 6. Annual administrative management cycle and activities.**

Month	Management Activity
Year-Round	Review any needed changes in the Council's policies and procedures for revisions to the Statement of Organizations, Practices, and Procedures. Fill vacancies in advisory body positions as necessary. Plan staff workload and Council meeting agendas.
<u>June</u>	<u>Elect Council Chair and Vice Chair., effective August 11.</u>
September	Every third year, review composition of the SSC and advisory subpanels and request nominations to fill the next three-year term. Provide guidance on administrative and programmatic budget issues.
<del>October or</del> November	<del>Elect Council Chair and Vice Chair, and appoint parliamentarian and standing committees for the next calendar year.</del> Every third year, appoint membership of the SSC and advisory subpanels for three-year terms beginning January 1. <del>Approve the Council meeting schedule for three years hence and</del> <u>Annually</u> provide guidance on administrative and programmatic budget issues.

**DRAFT: COUNCIL OPERATING PROCEDURE**  
**Preseason Salmon Management Process**

Approved by Council: 09/22/88

Revised: 03/06/90, 04/06/95, 03/11/05, **10/10/13**

PURPOSE

To establish a schedule and procedures governing the annual salmon management process beginning in January and ending in April. The process is limited by available time, as stock abundance forecasts are not available until early February and regulations must be in place by May 1. Therefore, the process must be as efficient as possible while maximizing the opportunity for public involvement. The principal features of the process are; 1) a March meeting to adopt realistic preliminary ocean salmon fishery management ~~options~~alternatives, 2) public hearings, ~~and~~ 3) an April meeting to adopt final management recommendations, and 4) publication of Preseason Reports I, II, and III that combined serve as an Environmental Assessment of the alternatives as required by the National Environmental Policy Act. Several non-Council meetings are also complementary to this process including; ~~1)~~ meetings held prior to the March Council meeting in which state/federal managers review Salmon Technical Team preseason forecast reports with Salmon Advisory Subpanel members and members of the general public, ~~2) meetings of the Klamath Fishery Management Council, and 3) and~~ meetings of the North of Cape Falcon Forum occurring between the March and April Council meetings.

For this process to be effective, the Council should adopt allowable ocean harvest levels as early as possible, and ~~options~~alternatives developed in March should be consistent with the management objectives defined in the fishery management plan (FMP). The April meeting should focus on how to structure ocean fishing seasons which meet, to the maximum practicable extent, the social and economic objectives of the Council.

PROCEDURE

January Notice published in the *Federal Register* announcing the availability of Salmon Technical Team and Council documents, the dates and locations of the two Council meetings, the dates and locations of the public hearings, and publishing the complete schedule for determining proposed and final modifications to the management measures.

*Salmon Technical Team (STT)* meets to draft the review of ocean salmon fisheries for the previous year.

February through Early March *STT* meets in February to draft preseason report providing stock abundance forecasts and harvest and escapement estimates when recent regulatory regimes are projected on current year abundance.

State and Tribal management ~~and Klamath Fishery Management Council~~

## PROCEDURE

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meetings occur in February or early March to assess expected stock abundances and possible season options. The STT reports, which summarize the previous salmon season and project the expected salmon stock abundance for the coming season, are available to the public from the Council office.

First or second full week of March<sup>a/</sup>

The Council and advisory entities meet to adopt not more than three ~~alternative~~ regulatory ~~options~~alternatives for formal public hearings, which are expected to meet FMP management objectives. Prior to adoption of alternatives, the Pacific Salmon Commission (PSC) will be asked to document and articulate to the Council any agreements reached that impact Council management.

The ~~options~~alternatives will represent a range of anticipated total allowable harvest and stock impacts in Council fisheries. Proposed options are initially developed by the Salmon Advisory Subpanel and further refined after analysis by the Salmon Technical Team, public comment, and consideration by the Council.

The Council will consider any potential emergency changes to fishery management objectives or other provisions of the FMP. Any request for an emergency change must meet the attached criteria.

Week following March Council meeting

The Council public hearing announcement and Preseason Report II are released which outline Council-adopted ~~options~~alternatives.

Prior to April Council Meeting

Agencies, tribes, and public meet to agree on allowable ocean and inside waters harvest levels north of Cape Falcon. The Council's ocean fishery options are refined to meet allowable ocean harvests based on conservation and allocation objectives.

Last week of March and first week of April

General time frame for formal public hearings on the proposed salmon management ~~options~~alternatives.

First or second full week of April<sup>a/</sup>

The Council and advisory entities meet to adopt final regulatory measure recommendations for implementation by the Secretary of Commerce. Agreements reached in other forums are presented in writing on Tuesday of the April meeting. New options or analyses presented at the April meeting must be reviewed by the Salmon Technical Team and public prior to action.

First week of May

Final notice of Secretary of Commerce decision and final management measures published in *Federal Register*.

~~May 15~~

~~Close of NMFS public comment period.~~

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a/ The March Council meeting is set as late as possible while ensuring no less than three to four weeks between the end of the March meeting and the beginning of the April meeting. Working backward from the May 1 implementation date, the April Council meeting is generally set as late as possible while not extending past April ~~12~~15 for approval of final salmon management recommendations.

## CRITERIA FOR REQUESTING EMERGENCY CHANGES TO THE SALMON FMP

Section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act allows the Secretary of Commerce to implement emergency regulations independently or in response to a Council recommendation of an emergency if one is found to exist. The Secretary has not published criteria for determining when an emergency exists. A Council FMP may be altered by emergency regulations, which are treated as an amendment to the FMP for a limited period of 180 days and which can be extended for an additional 180 days.

Council FMPs can be changed by the amendment process which takes at least one to two years, or modified temporarily by emergency regulations, which can be implemented in a few weeks. Framework plans, like the Council's salmon FMP, have been developed to allow flexibility in modifying management measures between seasons and during the season.

Some measures, like most conservation objectives and allocation schemes, are deliberately fixed in the plan and can be changed only by amendment or temporarily modified by emergency regulation. (Certain conservation objectives also may be changed by court order or without an amendment if, in the view of the Salmon Technical Team, Scientific and Statistical Committee, and Council, a comprehensive review justifies a change.) They are fixed because of their importance and because the Council wanted to require a rigorous analysis, including extensive public review, to change them. Such an analysis and review were conducted when these management measures were originally adopted. It is the Council's intent to incorporate any desired flexibility of conservation objectives into the framework plan, making emergency changes prior to the season unnecessary. The Oregon coastal natural coho conservation objective is an example of a flexible objective, which is more conservative when stock abundance is low.

The use of the emergency process essentially "short circuits" the plan amendment process and reduces public participation, thus there needs to be sufficient rationale for using it. Moreover, experience demonstrates that if there is disagreement or controversy over a council's request for emergency regulations, the Secretary is unlikely to approve it. An exception would be an extreme resource emergency.

To avoid protracted, last-minute debates each year over whether or not the Council should request an emergency deviation from the salmon FMP, criteria have been developed and adopted by the Council to screen proposals for emergency changes. The intent is to limit requests to those which are justified and have a reasonable chance of approval, so that the time spent in developing the case is not wasted and expectations are not unnecessarily raised.

### Criteria

The following criteria will be used to evaluate requests for emergency action by the Secretary:

1. The issue was not anticipated or addressed in the salmon plan, or an error was made.
2. Waiting for a plan amendment to be implemented would have substantial adverse biological or economic consequences.
3. In the case of allocation issues, the affected user representatives support the proposed emergency action.
4. The action is necessary to meet FMP objectives.
5. If the action is taken, long-term yield from the stock complex will not be decreased.

### Process

The Council will consider proposals for emergency changes at the March meeting and decide whether or not a specific issue appears to meet all the applicable criteria. If the Council decides to pursue any proposal, it will direct the Salmon Technical Team to prepare an impact assessment for review by the Council at the April meeting, prior to final action. Any proposals for emergency change will be presented at the public hearings between the March and April meetings. It is the clear intent of the Council that any proposals for emergency change be considered no later than the March meeting in order that appropriate attention be devoted at the April meeting to developing management recommendations, which maximize the social and economic benefits of the harvestable portion of the stocks.

The Council may consider other proposals for emergency change at the April meeting if suggested during the public review process, but such proposals must clearly satisfy all of the applicable criteria and are subject to the requirements for an impact assessment by the Salmon Technical Team.

PROPOSED REVISIONS TO COP 9

The following is an excerpt related to the biennial management cycle and activities for groundfish management (Schedule 1) from Council Operating Procedure 9. Tracked changes indicate text which was modified in response to Council action under Agenda Item H.6. The original text can be found here <http://tinyurl.com/lbu2q7v>.

**COUNCIL OPERATING PROCEDURE**  
**Management and Activity Cycles**

9

Approved by Council: 07/10/85

Revised: 09/16/87, 04/06/95, 11/03/99, **03/11/05**

PURPOSE

To establish management and activity cycles conducted by the Pacific Fishery Management Council (Council), its advisory entities, staff for the groundfish, salmon, coastal pelagic species, halibut, and highly migratory species fisheries, and administrative matters.

MANAGEMENT AND ACTIVITY CYCLES

Schedule 1 Biennial management cycle and activities related to groundfish management.

**SCHEDULE 1. Biennial management cycle and activities related to groundfish management.**

Year	Month	Entity and Management Activity
Year 1	September	To begin development of specifications for the next biennial management period (Years 3 and 4), the <i>Groundfish Management Team (GMT) and Scientific and Statistical Committee (SSC)</i> review and incorporate new impact assessment methodologies, including new observer data from January through December of the previous year, approve stock assessments completed in Year 1, and recommend appropriate harvest specifications.  <i>GMT and Groundfish Advisory Subpanel (GAP)</i> meet to review current fishery status <u>to inform Council action on and develop routine inseason management recommendations<sup>1</sup>, as necessary for Year 1.</u>  <i>GMT and GAP</i> provide recommendations to inform <i>Council</i> action on harvest specifications and management measures for Years 3 and 4.

<sup>1</sup> Routine management measures have been previously analyzed and are defined in regulation and include adjustments to rockfish conservation area boundaries and most trip limits, bag limits and size limits. Routine measures may be changed after a single Council meeting.

**SCHEDULE 1. Biennial management cycle and activities related to groundfish management.**

Year	Month	Entity and Management Activity
<u>Year 1</u> <u>(cont)</u>		<p><i>Council</i> adopts final modeling methodologies, stock assessments for the next biennial period <u>for</u> <del>(Years 3 and 4)</del>, final preferred overfishing limits (OFLs) and sigmas, as recommended by the SSC.<sup>2</sup> The Council will also adopt a range of P*/acceptable biological catches (ABCs), if applicable, including preliminary preferred values.</p> <p><i>Council</i> will provide initial fishery management guidance, including a preliminary range of <del>new</del> management measures necessary to keep catch within <u>or attain a specification</u> <del>the annual catch limits (ACL)</del> or to address a habitat or protected resources concern <u>for analysis and implementation in Years 3 and 4.</u></p>
	<del>September</del> <u>October</u>	<p><i>SSC Groundfish Subcommittee</i> meets to review overfished species rebuilding analyses as well as any stock assessments approved for further review by the Council at the “mop-up” stock assessment review panel <u>for Years 3 and 4.</u></p>
	<del>October</del>	<p><i>GMT</i> meets to review new stock assessments and rebuilding analyses. <i>GMT</i> drafts a recommended range of ACLs and preliminary management measures for consideration at the November Council meeting <u>for Years 3 and 4.</u></p>
	November	<p><u><i>Coastal treaty tribes</i> initiate allocations and/or regulations specific to the tribes by written request to the Council and NOAA’s Regional Administrator prior to the November Council meeting for Years 3 and 4.</u></p> <p><i>GMT and GAP</i> meet to review current fishery status and develop <u>routine</u> inseason management recommendations <u>to inform Council action</u>, as necessary <u>for Years 1 and 2.</u></p> <p><i>GMT and GAP</i> provide recommendations to inform <i>Council</i> action on harvest specifications and management measures for Years 3 and 4.</p> <p><i>Council</i> adopts rebuilding analyses and any assessments sent to the SSC Groundfish Subcommittee for review <u>as recommended by the SSC.</u> <i>Council</i> adopts final preferred P*/ABCs; preliminary preferred non-overfished species ACLs, and, if necessary; a range of overfished species ACLs and preliminary preferred ACLs for overfished species <u>for Years 3 and 4.</u></p>

<sup>2</sup> Council action could be postponed from September to November for any stock assessments recommended for further review by the SSC.

**SCHEDULE 1. Biennial management cycle and activities related to groundfish management.**

Year	Month	Entity and Management Activity
<u>Year 1 (cont)</u>		<i>Council</i> selects a range of 2-year allocations, final range of <del>new</del> management measures <u>for detailed analysis necessary</u> to keep catch within <u>or attain the ACLa specification</u> or to address a habitat or protected resources concern, and preliminary exempted fishing permit (EFP) applications for Years 3 and 4.
Year 2	January	<i>GMT</i> meets to review and analyze Council actions relative to harvest specifications and management measures provided in Year 1, if necessary, <u>for Years 3 and 4</u> .
	March	<i>GMT and GAP</i> meet to review current fishery status and <u>routine</u> inseason management recommendations <u>to inform Council action</u> , as necessary <u>for Year 2</u> .  <i>GMT and GAP</i> provide recommendations to inform <i>Council</i> action on harvest specifications and management measures for Years 3 and 4, <u>if necessary</u> .  <i>Council</i> receives an informational briefing on selected results of the harvest specifications and management measures analysis <u>for Years 3 and 4, if requested</u> . The <i>Council</i> may be asked to provide guidance or take action on emerging issues, as necessary.
	April	<i>GMT and GAP</i> meet to review Pacific whiting harvest specifications and management measures as well as current fishery status and <u>routine</u> inseason management recommendations <u>for Year 2</u> .  <i>GMT and GAP</i> provide recommendations to inform Council action on harvest specifications and management measures for Years 3 and 4.  <i>Council</i> recommends <u>routine</u> inseason management adjustments as necessary <u>for Year 2</u> .  Consistent with the U.S./Canada agreement, the <i>Council</i> considers the harvest specifications recommended by the Joint Management Committee and confirms or recommends a lower U.S. TAC. The <i>Council</i> recommends set-asides and any adjustments to management measures for the Pacific Whiting fishery in Year 2.  <i>Council</i> adopts preliminary management measures for public review and final harvest specifications for Years 3 and 4.
	June	<u><i>Coastal treaty tribes</i> refine requests for allocations and/or regulations</u>

**SCHEDULE 1. Biennial management cycle and activities related to groundfish management.**

Year	Month	Entity and Management Activity
<u>Year 2 (cont)</u>		<u>specific to the tribes by written notice to the Council and NOAA’s Regional Administrator prior to the June Council meeting for Years 3 and 4.</u>
		<i>GMT and GAP</i> meet to review current fishery status and <u>routine</u> inseason management recommendations, as necessary <u>for Year 2.</u>
		<i>GMT</i> and <i>GAP</i> provide recommendations to inform Council action on harvest specifications and management measures for Years 3 and 4.
		<i>Council</i> recommends <u>routine</u> inseason management adjustments, as necessary <u>for Year 2.</u>
		<i>Council</i> adopts final EFP applications and management measures as well as any corrections to harvest specifications for implementation by NMFS for Years 3 and 4.
		<i>Council</i> <del>recommends</del> <u>adopts a draft calendar and a</u> prioritized list of new management measures <sup>3</sup> to be analyzed outside of the harvest specifications and management measures process. <u>This process occurs biennially.</u>
	July	Council staff and <i>GMT</i> complete analyses and NEPA documents, as necessary, for biennial management specifications and submit them to NOAA <u>Years 3 and 4.</u>
	September	<i>GMT, GAP, and Council</i> participate in <u>routine</u> inseason management activities and off-year activities, as appropriate <u>for Year 2.</u>
	November	<i>GMT, GAP, and Council</i> participate in <u>routine</u> inseason management activities and off-year activities, as appropriate <u>for Years 2 and 3.</u>
Year 3 <sup>1</sup>	January	<i>U.S. Department of Commerce</i> implements harvest level specifications and management measures for next biennial management period (Years 3 and 4).
	March	<i>GMT, GAP, and Council</i> participate in <u>routine</u> inseason management activities and off-year activities, as appropriate <u>for Year 3.</u>
	April	<i>GMT and GAP</i> meet to review Pacific whiting harvest specifications and management measures as well as current fishery status and <u>routine</u> inseason management recommendations <u>for Council action,</u>

<sup>3</sup> New management measures are those not previously analyzed and implemented in regulation.

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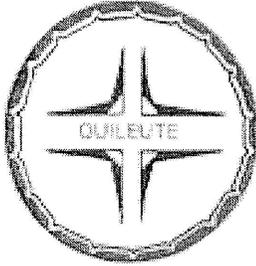
**SCHEDULE 1. Biennial management cycle and activities related to groundfish management.**

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Year	Month	Entity and Management Activity
<u>Year 3</u> <u>(cont)</u>		as necessary <u>for Year 3</u> .
		Consistent with the U.S./Canada agreement, the <i>Council</i> considers the harvest specifications recommended by the Joint Management Committee and confirms or recommends a lower U.S. TAC. The <i>Council</i> recommends set-asides and any adjustments to management measures for the Pacific Whiting fishery in Year 3.
	June <del>and</del> <del>September</del>	<i>GMT, GAP, and Council</i> participate in <u>routine</u> inseason management activities and off-year activities, as appropriate <u>for Year 3</u> .
	<del>November</del> <del>September</del>	Repeat management activities of <del>November-September</del> in Year 1 to begin development of next biennial cycle.

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<sup>1</sup> GMT generally meets in January, July, and October to review and discuss groundfish management issues, including stock assessments and STAR Panel reviews.



Quileute Natural Resources  
QUILEUTE INDIAN TRIBE

401 Main Street, P.O. Box 187  
La Push, WA 98350  
(360) 374-5695, Fax (360) 374-9250



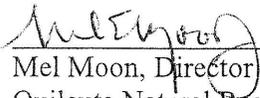
November 2, 2013

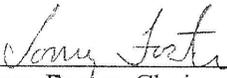
Dr. Don McIsaac  
Executive Director of PFMC  
Pacific Fisheries Management Council  
NE Ambassador Place, Suite 101  
Portland, OR 97220-1384

RE: Additional Tribal Seat to the HMS Management Team

Dear Dr. McIsaac:

The Quileute Tribe would like to request that a tribal seat be created and added to the HMS Management Team.

  
\_\_\_\_\_  
Mel Moon, Director  
Quileute Natural Resources

  
\_\_\_\_\_  
Tony Foster, Chairman  
Quileute Tribal Council

## 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 agendas for the March and April 2014 Council Meetings. 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 March 2014 Council meeting agenda (Attachment 2).
3. A preliminary proposed April 2014 Council meeting agenda (Attachment 3).

In order to facilitate schedule planning and to stabilize expectations for the March and April meetings, draft proposed March and April agendas are presented together at this meeting. While changes to the April meeting agenda will be possible at the conclusion of the March meeting, there are many advantages to reaching an advanced state of expectation at this time. The March and April agendas as displayed in Attachment 1 are both near the objective of 5.5 days of Council session.

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 November 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 March Council meeting.**
- 3. Provide preliminary guidance on a proposed agenda for the April Council meeting.**
- 4. Identify priorities for advisory body considerations at the next Council meeting.**

### **Reference Materials:**

1. Agenda Item I.6.a, Attachment 1: Pacific Council Workload Planning: Preliminary Year-at-a-Glance Summary.
2. Agenda Item I.6.a, Attachment 2: Preliminary Proposed Council Meeting Agenda, March 8-13, 2014 in Sacramento, California.
3. Agenda Item I.6.a, Attachment 3: Preliminary Proposed Council Meeting Agenda, April 5-10, 2014 in Vancouver, WA

### **Agenda Order:**

- a. Agenda Item Overview
- b. Reports and Comments of Advisory Bodies and Management Entities
- c. Public Comment
- d. **Council Action:** Discussion and Guidance on Future Meeting Agenda and Workload Planning

Don McIsaac

## Workload Planning: Preliminary Year-at-a-Glance Summary

(Parenthetical numbers mean multiple items per topic; deletions = ~~strikeout~~; underline = new; shaded items may be rescheduled pending workload priorities )

10/15/13 11:23

	<b>March 8-13, 2014</b> (Sacramento)	<b>April 5-10, 2014</b> (Vancouver)	<b>June 20-25, 2014</b> (Garden Grove)	<b>September 12-17, 2014</b> (Spokane)	<b>November 14-19, 2014</b> (Costa Mesa)	<b>Acronyms</b>
<b>CPS</b>	<u>EFPs: Final Recommendations</u> Sardine Harvest Parameter Review	Sardine Asmnt & Mgmt Meas.	NMFS Rpt  Pacific Mackerel Spex Sardine Methodology Review		NMFS Rpt EFP Notice of Intent for 2015  Method Rev.--Identify Topics	ACL: Annual Catch Limits AMP: Adaptive Management Program BO: Biological Opinion CPS: Coastal Pelagic Species CSP: Catch Sharing Plan DGN: Drift Gillnet EFH: Essential Fish Habitat EFP: Exempted Fishing Permit FPA: Final Preferred Alternative GF: Groundfish HMS: Highly Migratory Species IEA: Integrated Ecosystem Assessment IPHC: International Pacific Halibut Commission PIE: Program Improvements and Enhancements PPA: Preliminary Preferred Alternative ROA: Range of Alternatives SDC: Status Determination Criteria TOR: Terms of Reference VMS: Vessel Monitoring System
<b>Groundfish</b>	NMFS Report Inseason Mgmt <del>Meth Rev Process Discussion</del>  Fisheries in 15-16 & Beyond Biennial Spex & Mgmt Measures Document Review  <i>Info Report: Rationalized Fishery Report to Congress</i> Trawl Trailing Actions AMP, Pass-through Mid-Water Sport Fishry ROA Barotrauma Mortality Rates Initiate EFH Amendment As Necessary	NMFS Report Inseason Mgmt <u>Meth Rev Process Discussion</u>  Fisheries in 15-16 & Beyond Preliminary EFP Approval Biennial Spex Adopt FPA Mgmt Measures PPA Sablefish Catch Share Prog. Rev. Continue Phase 1 Pac Whiting Spex & Meas.	NMFS Report Inseason Mgmt Initial Stk Assmnt Pln & TORs  Fisheries in 15-16 & Beyond Final EFP Approval Mgmt Measures Adop FPA Sablefish Catch Share Prog. Rev. Conclude Phase 1  Trawl Trailing Actions:	NMFS Report Inseason Mgmt Adopt Final Stk Assmnt Plan Including Data Mod. Species  Sablefish Catch Share Prog. Initiate Phase 2  Trawl Trailing Actions:	NMFS Report Inseason Mgmt  Sablefish Catch Share Prog. Rev. Continue Phase 2  Trawl Trailing Actions:	
<b>HMS</b>	NMFS Report US-Canada Albacore Update Update on International Issues <u>VMS for HMS</u> DGN Monitoring, Mgmt & Alt Gear Rpt		NMFS Report US-Canada Albacore Update Update on International Issues Preliminary EFP Approval Scope Routine Mgmt Measure Changes, SDC, & Ref. Pts.		NMFS Report  Update on International Issues  Routine Mgmt Measures ROA	
<b>Salmon</b>	NMFS Rpt Approve Review, Forecasts, SDC, and ACLs Winter Chinook BO Comments <u>Approve Rebuilding Plans</u> <del>(if necessary)</del> 2014 Season Setting (4)	Method Rev.--Identify Topics  Calif Coastal Chinook Update Cormorant Mgmt Plan Comments 2014 Season Setting (3)		Method Rev: Adopt Priorities	NMFS Rpt Method Rev.--Final  2015 Preseason Mgmt Schd	
	Routine Admin (9) Habitat Issues  P. Halibut: Prelim Incidntl Regs P. Halibut: IPHC Meeting 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 Unmanaged Forage Fish Protection initiative	Routine Admin (11) Habitat Issues NMFS Enforcement Report  CMSP Update	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	
<b>Apx. Floor Time</b>	<b>5.5 days</b>	<b>5.6 days</b>	<b>4.8 days</b>	<b>4.1 days</b>	<b>3.3 days</b>	

Agenda Item I.6.a  
Attachment 1  
November 2013

**DRAFT: PROPOSED PACIFIC COUNCIL MEETING AGENDA, MARCH 7-13, 2014 IN SACRAMENTO, CALIFORNIA**

Acronyms	Sat, Mar 8	Sun, Mar 9	Mon, Mar 10	Tue, Mar 11	Wed, Mar 12	Thu, Mar 13
<p><i>AMP: Adaptive Management Program</i>  <i>COP: Council Operating Procedures</i>  <i>CPS: Coastal Pelagic Species</i>  <i>CPSAS/MT: CPS Advisory Subpanel/Mgmt Team</i>  <i>CSP: Catch Sharing Plan</i>  <i>EC: Enforcement Consultants</i>  <i>ED: Executive Director</i>  <i>EFH: Essential Fish Habitat</i>  <i>EFP: Exempted Fishing Permit</i>  <i>GAP/MT: Groundfish Advisory Subpanel / Mgmt Team</i>  <i>HC: Habitat Committee</i>  <i>HMS: Highly Migratory Species</i>  <i>HMSAS/MT: HMS Advisory Subpanel /Mgmt Team</i>  <i>IPHC: International Pacific Halibut Commission</i>  <i>RFMO: Regional Fishery Management Org.</i>  <i>ROA: Range of Alternatives</i>  <i>SAS/STT: Salmon Advisory Subpanel /Technical Team</i>  <i>VMS: Vessel Monitoring System</i></p>	<p><b>CLOSED EXECUTIVE SESSION</b>  <b>8 AM</b>                      Litigation &amp; Personnel Matters (1 hr)</p> <p><b>A. CALL TO ORDER 9 AM</b>                      1-4. Opening Remarks, Roll Call, ED Report, Approve Agenda (1 hr)</p> <p><b>B. OPEN COMMENT</b>                      1. Comments on Non-Agenda Items (45 min)</p> <p><b>C. PACIFIC HALIBUT</b>                      1. Rpt on the Annual IPHC Mtg (45 min)                      2. Adopt Incidental Catch Regs for Public Review (30 min)</p> <p><b>D. GROUND FISH</b>                      1. NMFS Report (1 hr)                      2. Barotrauma Mortality Rates (1 hr)</p> <p><b>E. ECOSYSTEM</b>                      1. Calif. Current Ecosystem Rpt (1 hr)                      2. Integrated Ecosystem Initiative Rpt (1 hr)</p>	<p><b>F. SALMON</b>                      1. Approve Review of 2013 Fisheries &amp; Preseason Report I on 2014 Stock Abundance Forecasts &amp; Status Determinations (1 hr 30 min)                      2. Identify 2014 Mgmt Objectives &amp; Initial Mgmt Alternatives (3 hr 30 min)</p> <p><b>D. GROUND FISH</b>                      3. Trawl Trailing Actions: AMP, Pass Through (3 hr 30 min)</p>	<p><b>F. SALMON</b>                      3. Recommend 2014 Mgmt Alternatives for Analysis (2 hr)</p> <p><b>D. GROUND FISH</b>                      4. Initiate EFH Amendment (2 hr)                      5. 2015-2016 Biennial Spex and Mgmt Measures Document Review (2 hr)                      6. Inseason Adjustments Incl. Carryover (1 hr)                      7. Mid-water Sport Fishery Adopt ROA (1 hr)</p>	<p><b>F. SALMON</b>                      4. NMFS Report (1 hr)                      5. Appoint Salmon Hearing Officers (15 min)</p> <p><b>G. HABITAT</b>                      1. Current Habitat Issues (45 min)</p> <p><b>H. COASTAL PELAGIC SPECIES MANAGEMENT</b>                      1. EFP for 2014: Approve Final (30 min)                      2. Sardine Harvest Parameter Review (3 hr)</p> <p><b>I. HIGHLY MIGRATORY SPECIES MANAGEMENT</b>                      1. NMFS Report (1 hr)                      2. VMS for HMS (1 hr)</p>	<p><b>F. SALMON</b>                      6. Further Direction on 2014 Mgmt Alternatives as needed (1 hr)</p> <p><b>I. HIGHLY MIGRATORY SPECIES MANAGEMENT</b>                      3. International RFMO Update (2 hr)                      4. US/Canada Albacore Treaty Update (1 hr)                      5. Drift Gillnet Monitoring, Management, and Alternative Gear Report (3 hr 30 min)</p> <p><b>J. ADMINISTRATIVE</b>                      1. Approve Council Minutes (15 min)                      2. Membership Appointments &amp; COPs (15 min)</p>	<p><b>F. SALMON</b>                      7. Sacramento Winter Chinook Biological Opinion Comments (1 hr 30 min)                      8. Adopt 2014 Mgmt Alternatives for Public Review (1 hr 30 min)</p> <p><b>J. ADMINISTRATIVE</b>                      3. Future Mtg Agenda &amp; Workload Planning (1 hr)</p>
<b>Fri, Mar 7</b>	8 hr	8.5 hr	8 hr	7.5 hr	8 hr	4 hr
11 am Secretariat 8 am SSC  8 am GAP & GMT 8 am EAS 4 pm Chair's Briefing 4:30 pm EC	7 am State Delegations 7 am Secretariat 8 am SSC 8 am SAS & STT 8 am GAP & GMT 8 am EAS 6 pm Chair's Reception As needed EC	7 am State Delegations 7 am Secretariat 8 am SSC 8 am SAS & STT 8 am GAP & GMT  As needed EC	7 am State Delegations 7 am Secretariat 8 am CPSAS & CPSMT 8 am SAS & STT 8 am GAP & GMT 8 am HMSAS & HMSMT 8:30 am HC As needed EC	7 am State Delegations 7 am Secretariat 8 am CPSAS & CPSMT 8 am SAS & STT  8 am HMSAS & HMSMT As needed EC	7 am State Delegations 7 am Secretariat  8 am SAS & STT  8 am HMSAS & HMSMT As needed EC	7 am State Delegations 7 am Secretariat  As needed EC

Agenda Item I.6.a  
 Attachment 2  
 November 2013

**DRAFT: PROPOSED PACIFIC COUNCIL MEETING AGENDA, APRIL 4-10, 2014 IN VANCOUVER, WASHINGTON**

Acronyms	Mon, Apr 5	Tue, Apr 6	Wed, Apr 7	Thu, Apr 8	Fri, Apr 9	Sat, Apr 10
<p><i>ED: Executive Director</i>  <i>COP: Council Operating Procedures</i>  <i>CPS: Coastal Pelagic Species</i>  <i>CPSAS/MT: CPS Advisory Subpanel /Management Team</i>  <i>EAS: Ecosystem Advisory Subpanel</i>  <i>EC: Enforcement Consultants</i>  <i>ED: Executive Director</i>  <i>EFP: Exempted Fishing Permit</i>  <i>EWG: Ecosystem Work Group (ad hoc)</i>  <i>FPA: Final Preferred Alternatives</i>  <i>GAP/GMT: Groundfish Advisory Subpanel / Management Team</i>  <i>HC: Habitat Committee</i>  <i>LC: Legislative Committee</i>  <i>MEW: Model Evaluation Workgroup (salmon)</i>  <i>PPA: Preliminary Preferred Alternatives</i>  <i>SAS/STT: Salmon Advisory Subpanel /Technical Team</i>  <i>SSC: Scientific and Statistical Committee</i>  <i>USCG: United States Coast Guard</i></p>	<p><b>CLOSED EXECUTIVE SESSION</b>                      Discuss litigation &amp; personnel matters (1 hr)</p> <hr/> <p><b>A. CALL TO ORDER</b>                      1-4. Opening Remarks, Roll Call, ED Report, Approve Agenda (30 min)</p> <hr/> <p><b>B. OPEN COMMENT</b>                      1. Comments on Non-Agenda Items (30 min)</p> <hr/> <p><b>C. ADMINISTRATIVE</b>                      1. Approve Council Minutes (15 min)</p> <hr/> <p><b>D. HABITAT</b>                      1. Current Habitat Issues (45 min)</p> <hr/> <p><b>E. ENFORCEMENT</b>                      1. Annual USCG Fishery Enforcement Report (1 hr)</p> <hr/> <p><b>F. SALMON</b>                      1. Tentative Adoption of 2014 Management Measures for Analysis (2 hr 30 min)                      2. Methodology Review Preliminary Topic Selection (1 hr)</p>	<p><b>G. PACIFIC HALIBUT</b>                      1. Final Incidental Catch for 2014 Salmon Troll &amp; Fixed Gear Sablefish Fisheries (30 min)</p> <hr/> <p><b>H. GROUND FISH</b>                      1. NMFS Report (1 hr)                      2. Implement 2014 Pacific Whiting Fishery under U.S.-Canada Agreement (1 hr)                      3. Mid-water Sport Fishery FPA(1 hr)                      4. Electronic Monitoring Program Development (3 hr 30 min)</p> <hr/> <p><b>F. SALMON</b>                      3. Clarify Council Direction on 2014 Management Measures (1 hr)</p>	<p><b>H. GROUND FISH</b>                      5. Sablefish Catch Share Program Review (2 hr)                      6. Preliminary EFP Approval (2 hr)                      7. Methodology Review Process Discussion (1 hr 30 min)</p> <hr/> <p><b>F. SALMON</b>                      4. Cormorant Management Plan Comments (1 hr 30 min)                      5. California Coastal Chinook Update (1 hr)</p>	<p><b>H. GROUND FISH</b>                      8. Fisheries in 2015-2016 &amp; Beyond: Adopt Biennial Spex FPA (4 hr)                      9. Consideration of Inseason Adjustments (2 hr)</p> <hr/> <p><b>F. SALMON</b>                      6. Final Action on 2014 Management Measures (2 hr)</p>	<p><b>H. GROUND FISH</b>                      10. Fisheries in 2015-2016 &amp; Beyond: Adopt Management Measures PPA (4 hr)</p> <hr/> <p><b>I. ECOSYSTEM</b>                      1. Unmanaged Forage Fish Initiative (3 hr)                      2. Ocean Observation Initiative Report (1 hr)</p>	<p><b>J. COASTAL PELAGIC SPECIES</b>                      1. Sardine Assessment, Spex, and Management Measures (3 hr)</p> <hr/> <p><b>C. ADMINISTRATIVE</b>                      2. Legislative Matters (1 hr)                      3. Membership Appointments &amp; COPs(15 min)                      4. Future Council Meeting Agenda &amp; Workload Planning (1 hr)</p>
<b>Sun, Apr 4</b>	7.5 hr	8 hr	8 hr	8 hr	8 hr	5.25 hr
7 am Secretariat 8 am SSC 8 am SAS & STT 8:30 am HC 11 am MEW 2 pm LC 4 pm Chair's Briefing 4:30 pm EC	7 am State Delegations 7 am Secretariat 8 am SSC 8 am SAS & STT 8 am GAP & GMT  6 pm Chair's Reception As Necessary EC	7 am State Delegations 7 am Secretariat 8 am SAS & STT 8 am GAP & GMT  As Necessary EC	7 am State Delegations 7 am Secretariat 8 am SAS & STT 8 am GAP & GMT  As Necessary EC	7 am State Delegations 7 am Secretariat 8 am SAS & STT 8 am GAP & GMT  10 am EAS & EWG As Necessary EC	7 am State Delegations 7 am Secretariat 8 am CPSAS & CPSMT 8 am STT 8 am GAP & GMT  8 am EAS & EWG As Necessary EC	7 am State Delegations 7 am Secretariat 7 am Secretariat 8 am SAS & STT 8 am GAP & GMT  As Necessary EC

Agenda Item I.6.a  
 Attachment 3  
 November 2013

## Workload Planning: Preliminary Year-at-a-Glance Summary

(Parenthetical numbers mean multiple items per topic; deletions = <del>strikeout</del> ; underline = new; shaded items may be rescheduled pending workload priorities )						11/6/13 13:22
	<u>March 8-13, 2014</u> (Sacramento)	<u>April 5-10, 2014</u> (Vancouver)	<u>June 20-25, 2014</u> (Garden Grove)	<u>September 12-17, 2014</u> (Spokane)	<u>November 14-19, 2014</u> (Costa Mesa)	<u>Acronyms</u>
<b>CPS</b>	<del>EFPs: Final Recommendations</del> <del>Sardine Harvest Temperature</del> <del>Parameter Review</del>	<u>EFPs: Final Recommendations</u> Sardine Asmnt & Mgmt Meas.	NMFS Rpt  Pacific Mackerel Spex <u>Sardine Methodology Review</u>		NMFS Rpt EFP Notice of Intent for 2015  Method Rev.--Identify Topics	<b>ACL</b> : Annual Catch Limits <b>AMP</b> : Adaptive Management Program <b>BO</b> : Biological Opinion <b>CPS</b> : Coastal Pelagic Species <b>CSP</b> : Catch Sharing Plan <b>DGN</b> : Drift Gillnet <b>EFH</b> : Essential Fish Habitat <b>EFP</b> : Exempted Fishing Permit <b>FPA</b> : Final Preferred Alternative <b>GF</b> : Groundfish <b>HMS</b> : Highly Migratory Species <b>IEA</b> : Integrated Ecosystem Assessment <b>IPHC</b> : International Pacific Halibut Commission <b>LCN</b> : Lower Columbia Natural <b>PPA</b> : Preliminary Preferred Alternative <b>ROA</b> : Range of Alternatives <b>SDC</b> : Status Determination Criteria <b>TOR</b> : Terms of Reference <b>VMS</b> : Vessel Monitoring System
<b>Groundfish</b>	NMFS Report Inseason Mgmt <u>Incl. Carryover</u>  Fisheries in 15-16 & Beyond Biennial Spex & Mgmt Measures Document Review  <i>Info Report: Rationalized Fishery Report to Congress</i> Trawl Trailing Actions <u>Implementation Guidance</u> and AMP pass-through, Mid-Water Sport Fishery ROA Barotrauma Mortality Rates EFH: Finalize Phase 2 Report; Guidance on A-19 Eval. Criteria	NMFS Report Inseason Mgmt Meth Rev Process Discussion <u>Stock Cmplx FPA</u>  Fisheries in 15-16 & Beyond <del>—Preliminary EFP Approval</del> Biennial Spex Adopt FPA Mgmt Measures PPA Sablefish Catch Share Prog. Rev. <u>Adopt Continue Phase 1 PPA</u> Whiting Spex & Mgmt Meas.  Mid-Water Sport Fishery FPA Elec Monitoring Check-in & <u>EFP</u> and <u>Preliminary EFP Approval</u>	NMFS Report Inseason Mgmt Initial Stk Assmnt Plan & TORs  Fisheries in 15-16 & Beyond Final EFP Approval Adopt FPA Mgmt Measures  Sablefish Catch Share Prog. Rev. <u>Adopt Phase 1 FPA; Scope</u> <u>Phase 2 Issues as Necessary</u> Trawl Trailing Actions:	NMFS Report Inseason Mgmt Adopt Final Stk Assmnt Plan Including Data Mod. Species  Sablefish Catch Share Prog Rev <del>Initiate</del> Phase 2 ROA Trawl Trailing Actions:	NMFS Report Inseason Mgmt  Sablefish Catch Share Prog. Rev. <del>Continue</del> Phase 2 Check-in Trawl Trailing Actions:	
<b>HMS</b>	NMFS Report US-Canada Albacore Update Update on International Issues VMS for HMS DGN Monitoring, Mgmt & Alt Gear Rpt		NMFS Report US-Canada Albacore Update Update on International Issues Preliminary EFP Approval Scope Routine Mgmt Measure Changes, SDC, & Ref. Pts.	Routine Mgmt Measures ROA	NMFS Report  Update on International Issues	
<b>Salmon</b>	NMFS Rpt Approve Review (SAFE), Forecasts, SDC, and ACLs 2014 Season Setting (5) Winter Chinook BO Comments <u>Calif Coastal Chinook Update</u>	Method Rev: Identify Topics  2014 Season Setting (3) <u>LCN Coho Update</u> <u>Calif Coastal Chinook Update</u> <u>Cormorant Mgmt Plan Comments</u>	<u>Cormorant Mgmt Plan Comments</u>	Method Rev: Adopt Priorities	NMFS Rpt Method Rev: Final Approval  2015 Preseason Mgmt Schd	
<b>Other</b>	Routine Admin (910) Habitat Issues <u>VMS Ping Rate</u> P. Halibut: Prelim Incidntl Regs P. Halibut: IPHC Meeting CA Current Ecosystem Rpt Incl. IEA Rpt	Routine Admin (499) Habitat Issues Annual USCG Fishery Enf. Rpt P. Halibut: Final Incidental Regs <del>Ocean Observation Initiative Rpt</del> Unmanaged Forage Fish Protection initiative	Routine Admin (11) Habitat Issues NMFS Enforcement Report  CMSP Update	Routine Admin (11) Habitat Issues Tri-State Enforcement Rpt P. Halibut: CSP Change Alts P. Halibut Bycatch Estimate Unmanaged Forage Fish Protection initiative <u>Atlantis Review Report</u>	Routine Admin (11) Habitat Issues <del>Federal Enforcement Priorities</del> P. Halibut: Final CSP Changes	
<b>Apx. Floor Time</b>	<b>5.7 days</b>	<b>5.3 days</b>	<b>5.0 days</b>	<b>4.3 days</b>	<b>3.2 days</b>	

Agenda Item 1.6.a  
 Supplemental Attachment 4  
 November 2013

**DRAFT: PROPOSED PACIFIC COUNCIL MEETING AGENDA, MARCH 7-13, 2014 IN SACRAMENTO, CALIFORNIA**

Acronyms	Sat, Mar 8	Sun, Mar 9	Mon, Mar 10	Tue, Mar 11	Wed, Mar 12	Thu, Mar 13
<p><i>AMP: Adaptive Management Program</i>  <i>COP: Council Operating Procedures</i>  <i>CPS: Coastal Pelagic Species</i>  <i>CPSAS/MT: CPS Advisory Subpanel/Mgmt Team</i>  <i>EC: Enforcement Consultants</i>  <i>ED: Executive Director</i>  <i>EFH: Essential Fish Habitat</i>  <i>EFP: Exempted Fishing Permit</i>  <i>GAP/MT: Groundfish Advisory Subpanel / Mgmt Team</i>  <i>HC: Habitat Committee</i>  <i>HMS: Highly Migratory Species</i>  <i>HMSAS/MT: HMS Advisory Subpanel /Mgmt Team</i>  <i>IEA: Integrated Ecosystem Assessment</i>  <i>IPHC: International Pacific Halibut Commission</i>  <i>LC: Legislative Committee</i>  <i>MSA: Magnuson-Stevens Act</i>  <i>RFMO: Regional Fishery Management Org.</i>  <i>ROA: Range of Alts</i>  <i>SAS/STT: Salmon Advisory Subpanel /Technical Team</i>  <i>VMS: Vessel Monitoring System</i></p>	<p><b>CLOSED EXECUTIVE SESSION</b></p> <p>Discuss Litigation &amp; Personnel Matters (1 hr)</p> <p><b>A. CALL TO ORDER 9 AM</b></p> <p><b>1-4.</b> Opening Remarks, Roll Call, ED Report, Approve Agenda (30 min <del>1 hr</del>)</p> <p><b>B. OPEN COMMENT</b></p> <p><b>1.</b> Comments on Non-Agenda Items (30 min)</p> <p><b>C. PACIFIC HALIBUT</b></p> <p><b>1.</b> Rpt on the Annual IPHC Mtg (45 min)</p> <p><b>2.</b> Adopt Incidental Catch Regs for Public Review (30 min)</p> <p><b>D. GROUND FISH</b></p> <p><b>1.</b> NMFS Report (1 hr)</p> <p><b>2.</b> Barotrauma Mortality Rates (1 hr)</p> <p><b>3.</b> Mid-water Sport Fishery Adopt ROA (1 hr)</p> <p><b>E. ECOSYSTEM</b></p> <p><b>1.</b> Calif. Current Ecosystem Rpt <u>Including</u> IEA Rpt (2 hr)</p>	<p><b>F. SALMON</b></p> <p><b>1.</b> Approve Review of 2013 Fisheries &amp; Preseason Report I on 2014 Stock Abundance Forecasts &amp; Status Determinations (1 hr 30 min)</p> <p><b>2.</b> Identify 2014 Mgmt Objectives &amp; Initial Mgmt Alternatives (3 hr 30 min)</p> <p><b>3.</b> NMFS Report (1 hr)</p> <p><b>D. GROUND FISH</b></p> <p><b>4.</b> Inseason Adjustments <u>Incl. Carryover</u> (1 hr)</p> <p><b>G. HABITAT</b></p> <p><b>1.</b> Current Habitat Issues (45 min)</p>	<p><b>F. SALMON</b></p> <p><b>4.</b> Recommend 2014 Mgmt Alternatives for Analysis (2 hr)</p> <p><b>D. GROUND FISH</b></p> <p><b>5.</b> Finalize EFH Phase 2 Report and Guidance on A-19 Evaluation Criteria (2 hr) <del>Initiate EFH Amendment (2 hr)</del></p> <p><b>6.</b> 2015-2016 Biennial Spex and Mgmt Measures Document Review (2 hr)</p> <p><b>7.</b> Trawl Trailing Actions: <u>Implementation Guidance and AMP Pass Through</u> (32 hr 30 min)</p>	<p><b>H. ENFORCEMENT</b></p> <p><b>1.</b> VMS Ping Rate (45 min)</p> <p><b>I. ADMINISTRATIVE</b></p> <p><b>1.</b> Approve Council Minutes (15 min)</p> <p><b>2.</b> MSA Reauthorization and Other Legislative Matters (2 hr)</p> <p><b>J. HIGHLY MIGRATORY SPECIES MANAGEMENT</b></p> <p><b>1.</b> NMFS Report (1 hr)</p> <p><b>2.</b> VMS for HMS (1 hr)</p> <p><b>3.</b> International RFMO Update (2 hr)</p> <p><b>4.</b> US/Canada Albacore Treaty Update (1 hr)</p>	<p><b>F. SALMON</b></p> <p><b>5.</b> Further Direction on 2014 Mgmt Alternatives as needed (1 hr)</p> <p><b>J. HIGHLY MIGRATORY SPECIES MANAGEMENT</b></p> <p><b>5.</b> Drift Gillnet Monitoring, Management, and Alternative Gear Report (3 hr 30 min)</p> <p><b>K. COASTAL PELAGIC SPECIES MANAGEMENT</b></p> <p><del>1. EFP for 2014: Approve Final (30 min)</del></p> <p><b>1.</b> Sardine Harvest Temperature Parameter Review (3 hr)</p>	<p><b>F. SALMON</b></p> <p><b>6.</b> Adopt 2014 Mgmt Alternatives for Public Review (1 hr 30 min)</p> <p><b>7.</b> Appoint Salmon Hearing Officers (15 min)</p> <p><b>8.</b> Sacramento Winter Chinook Biological Opinion Comments (1 hr 30 min)</p> <p><b>9.</b> California Coastal Chinook Update (1 hr)</p> <p><b>I. ADMINISTRATIVE</b></p> <p><b>3.</b> Membership Appointments &amp; COPs (15 min)</p> <p><b>4.</b> Future Mtg Agenda &amp; Workload Planning (1 hr)</p>
<b>Fri, Mar 7</b>	8.25 hr	7.75 hr	8.5 hr	8.25 hr	7.75 hr	5 hr
<p>11 am Secretariat              8 am SSC              8 am GAP &amp; GMT              8 am EAS  <u>1 pm LC</u>              4 pm Chair's Briefing              4:30 pm EC</p>	<p>7 am State Delegations              7 am Secretariat              8 am SSC              8 am GAP &amp; GMT              8 am EAS              8 am SAS &amp; STT              8:30 am HC              6 pm Chair's Reception              As needed EC</p>	<p>7 am State Delegations              7 am Secretariat              8 am SSC              8 am GAP &amp; GMT              8 am SAS &amp; STT              As needed EC</p>	<p>7 am State Delegations              7 am Secretariat              8 am GAP &amp; GMT              8 am HMSAS &amp; HMSMT              8 am SAS &amp; STT              As needed EC</p>	<p>7 am State Delegations              7 am Secretariat              8 am CPSAS              8 am HMSAS &amp; HMSMT              8 am SAS &amp; STT              As needed EC</p>	<p>7 am State Delegations              7 am Secretariat              8 am CPSAS              8 am HMSAS &amp; HMSMT              8 am SAS &amp; STT              As needed EC</p>	<p>7 am Secretariat              7 am State Delegations              November 2013              Agenda Item I.6.a</p>

**DRAFT: PROPOSED PACIFIC COUNCIL MEETING AGENDA, MARCH 7-13, 2014 IN SACRAMENTO, CALIFORNIA**

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DRAFT

**DRAFT: PROPOSED PACIFIC COUNCIL MEETING AGENDA, APRIL 4-10, 2014 IN VANCOUVER, WASHINGTON**

Acronyms	Sat, Apr 5	Sun, Apr 6	Mon, Apr 7	Tue, Apr 8	Wed, Apr 9	Thu, Apr 10
<p><i>ED: Executive Director</i>  <i>COP: Council Operating Procedures</i>  <i>CPS: Coastal Pelagic Species</i>  <i>CPSAS/MT: CPS Advisory Subpanel /Management Team</i>  <i>EAS: Ecosystem Advisory Subpanel</i>  <i>EC: Enforcement Consultants</i>  <i>ED: Executive Director</i>  <i>EFP: Exempted Fishing Permit</i>  <i>EWG: Ecosystem Work Group (ad hoc)</i>  <i>FPA: Final Preferred Alternatives</i>  <i>GAP/GMT: Groundfish Advisory Subpanel / Management Team</i>  <i>HC: Habitat Committee</i>  <i>LC: Legislative Committee</i>  <i>LCN: Lower Columbia Natural (coho)</i>  <i>MEW: Model Evaluation Workgroup (salmon)</i>  <i>PPA: Preliminary Preferred Alternatives</i>  <i>SAS/STT: Salmon Advisory Subpanel /Technical Team</i>  <i>SSC: Scientific and Statistical Committee</i>  <i>USCG: United States Coast Guard</i></p>	<p><b>CLOSED EXECUTIVE SESSION 8 AM</b>                      Discuss litigation &amp; personnel matters (1 hr)</p> <p><b>A. CALL TO ORDER 9 AM</b>  <b>1-4.</b> Opening Remarks, Roll Call, ED Report, Approve Agenda (30 min)</p> <p><b>B. OPEN COMMENT</b>  <b>1.</b> Comments on Non-Agenda Items (30 min)</p> <p><b>C. ADMINISTRATIVE</b>  <b>1.</b> Approve Council Minutes (15 min)</p> <p><b>D. HABITAT</b>  <b>1.</b> Current Habitat Issues (45 min)</p> <p><b>E. ENFORCEMENT</b>  <b>1.</b> Annual USCG Fishery Enforcement Report (1 hr)</p> <p><b>F. SALMON</b>  <b>1.</b> Tentative Adoption of 2014 Management Measures for Analysis (2 hr 30 min)</p>	<p><b>G. PACIFIC HALIBUT</b>  <b>1.</b> Final Incidental Catch for 2014 Salmon Troll &amp; Fixed Gear Sablefish Fisheries (30 min)</p> <p><b>H. GROUND FISH</b>  <b>1.</b> NMFS Report (1 hr)  <b>2.</b> Electronic Monitoring Program Development Including Prelim EFP Approval (3 hr 30 min)  <b>3.</b> Implement 2014 Pacific Whiting Fishery under U.S.-Canada Agreement (1 hr)  <b>4.</b> Mid-water Sport Fishery FPA(1 hr)</p> <p><b>F. SALMON</b>  <b>2.</b> Clarify Council Direction on 2014 Management Measures (1 hr)</p>	<p><b>H. GROUND FISH</b>  <b>5.</b> Sablefish Catch Share Program Review: <u>Phase 1 PPA</u> (2 hr)  <del><b>6.</b> Preliminary EFP Approval (2 hr)</del>  <b>6.</b> Methodology Review Process Discussion (1 hr 30 min)  <b>7.</b> <u>Stock Complex Restructuring Final Action</u> (2 hr 30 min)</p> <p><b>F. SALMON</b>  <b>3.</b> Methodology Review Preliminary Topic Selection (1 hr)  <b>4.</b> <u>LCN Coho Update</u> (1 hr) <del>Cormorant Management Plan Comments (1 hr 30 min)</del>  <del><b>5.</b> California Coastal Chinook Update(1 hr)</del></p>	<p><b>H. GROUND FISH</b>  <b>8.</b> Fisheries in 2015-2016 &amp; Beyond: Adopt Biennial Spex FPA (4 hr)  <b>9.</b> Consideration of Inseason Adjustments (2 hr)  <b>10.</b> Fisheries in 2015-2016 &amp; Beyond: Adopt Management Measures PPA (2 hr) [Continues Wed]</p> <p><b>F. SALMON</b>  <b>5.</b> Final Action on 2014 Management Measures (2 hr)</p> <p><b>I. COASTAL PELAGIC SPECIES</b>  <b>1.</b> EFP for 2014: <u>Approve Final</u> (45 min)  <b>2.</b> Sardine Assessment, Spex, and Management Measures (3 hr)</p>	<p><b>H. GROUND FISH</b>  <b>10.</b> [Continued] Fisheries in 2015-2016 &amp; Beyond: Adopt Management Measures PPA (2 hr)</p> <p><b>F. SALMON</b>  <b>5.</b> Final Action on 2014 Management Measures (2 hr)</p> <p><b>I. COASTAL PELAGIC SPECIES</b>  <b>1.</b> EFP for 2014: <u>Approve Final</u> (45 min)  <b>2.</b> Sardine Assessment, Spex, and Management Measures (3 hr)</p>	<p><b>J. ECOSYSTEM</b>  <b>1.</b> Unmanaged Forage Fish Initiative (3 hr)  <del><b>2.</b> Ocean Observation Initiative Report (1 hr)</del></p> <p><b>C. ADMINISTRATIVE</b>  <del><b>2.</b> Legislative Matters (1 hr)</del>  <b>2.</b> Membership Appointments &amp; COPs(15 min)  <b>3.</b> Future Council Meeting Agenda &amp; Workload Planning (1 hr)</p>
<b>Fri Apr 4</b>	6.5 hr	8 hr	8 hr	8 hr	7.75 hr	4.25 hr
<p>7 am Secretariat                      8 am SSC                      8 am SAS &amp; STT                      8:30 am HC                      11 am MEW  <del>2 pm LC</del>                      4 pm Chair's Briefing</p>	<p>7 am State Delegations                      7 am Secretariat                      8 am SSC                      8 am SAS &amp; STT                      8 am GAP &amp; GMT                      3 pm EC                      6 pm Chair's Reception</p>	<p>7 am State Delegations                      7 am Secretariat                      8 am SAS &amp; STT                      8 am GAP &amp; GMT                      As Necessary EC</p>	<p>7 am State Delegations                      7 am Secretariat                      8 am SAS &amp; STT                      8 am GAP &amp; GMT                      As Necessary EC</p>	<p>7 am State Delegations                      7 am Secretariat                      8 am CPSAS &amp; CPSMT                      8 am SAS &amp; STT                      8 am GAP &amp; GMT                      As Necessary EC</p>	<p>7 am State Delegations                      7 am Secretariat                      8 am CPSAS &amp; CPSMT                      8 am STT                      8 am GAP &amp; GMT                      1 pm EAS &amp; EWG                      As Necessary EC</p>	<p>7 am Secretariat                      7 am State Delegations                      8 am EAS &amp; EWG</p>

Supplemental Attachment 6  
November 2013  
Agenda Item I.6.a

COASTAL PELAGIC SPECIES MANAGEMENT TEAM REPORT ON  
FUTURE MEETING PLANNING

The Coastal Pelagic Species Management Team (CPSMT) is expecting to convene in January 2014 to review the harvest parameters work completed by Felipe Hurtado and Dr. Andre Punt. This review is necessary to prepare for the March 2014 Council meeting, and the CPSMT intends to develop a report for inclusion the advanced March briefing book.

Additionally, the CPSMT will have a representative present at a methodology review, likely to be scheduled for late April 2014, and considered by the Council at its June 2014 meeting. This review will be for the Northwest Sardine Survey and/or the Southern California Bight Aerial Survey of Pacific Sardine, as appropriate.

Finally, the CPSMT will send a representative to the Sardine Stock Assessment Review panel meeting preceding the March 2014 Council meeting.

PFMC  
11/03/13

**ENFORCEMENT CONSULTANTS REPORT ON  
 FUTURE COUNCIL MEETING AGENDA AND WORKLOAD PLANNING**

The Enforcement Consultants (EC) appreciates the Council’s interest in addressing Vessel Monitoring System (VMS) ping rate requirements following an adverse ruling by Chief Administrative Law Judge, Susan L. Biro, in the case of the F/V Risa Lynn. In that ruling, Judge Biro ruled that the one-hour VMS ping rate was not adequate for enforcing the Rockfish Conservation Area continuous transit rule. When briefed at the September Council meeting, Office of Law Enforcement (OLE) requested the Council consider increasing the ping rate from (one hour to fifteen minutes as a short-term fix to this situation while a long-term strategy could be developed. The EC recognizes that increasing the ping rate will increase the transmission cost for vessels required to carry VMS. Those cost increases are summarized in Table 1: VMS Cost Summary.

**Table 1: VMS Cost Summary (1 hour rates are minimums package rates, 15 minute rates assume 30 fishing days a month).**

Ping Rate Cost	Skymate	CLS America (Argos)	GIMPCS Thran & Thran	Boatrac	Faria
1 hour	\$21.99	\$45	\$43	\$34.95	\$44.95
15 minutes	\$85.19	\$90	\$172	\$59.95	\$69.95

Considering this issue in the long-term offers a number of potentially viable alternatives to increasing the ping rate. These alternatives could be evaluated and developed in concert with the Council’s ongoing alternative to human observers / Electronic Monitoring Program development process.

**Table 2: Electronic Monitoring Matrix**

EM Type	TRat with Camera	TRat with Observer	Open Access	Limited Entry Tier
VMS	Yes/ 1 hr <sup>2</sup>	Yes / 15m <sup>1</sup> /1hr <sup>2</sup>	Yes / 15m <sup>1</sup> /1hr <sup>2</sup>	Yes / 15m <sup>1</sup> / 1hr <sup>2</sup>
Data Logger	No <sup>3</sup>	No <sup>1</sup> / Yes <sup>2</sup>	No <sup>1</sup> / Yes <sup>2</sup>	No <sup>1</sup> / Yes <sup>2</sup>
Camera	Yes	No	No	No
E logbook	Yes <sup>4</sup>	No <sup>1</sup> /Yes <sup>4</sup>	No <sup>1</sup> / Yes <sup>2</sup>	No <sup>1</sup> / Yes <sup>2</sup>

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<sup>1</sup> 15 minute ping rate / No E Logbook / No Data Logger / No Camera

<sup>2</sup>EM data logger capabilities / 1 hr ping rate

<sup>3</sup> Camera has data logger capabilities

<sup>4</sup> Preferred: E Logbook has data logger capabilities / quicker discard turnaround / better science / better enforcement

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## SCIENTIFIC AND STATISTICAL COMMITTEE REPORT ON FUTURE COUNCIL MEETING AGENDA AND WORKLOAD PLANNING

The Scientific and Statistical Committee (SSC) discussed the meeting schedule for 2014. The SSC suggests that the meeting dates of two currently scheduled meetings for 2014 be adjusted slightly. The SSC suggests that its March meeting be expanded from two days to three days (March 7 to 9) with the first day devoted to a review of the Integrated Ecosystem Assessment (IEA) State of the Ecosystem Report. This would necessitate that the Pacific sardine Stock Assessment Review (STAR) Panel be shifted one day earlier and occur from March 3 to 6.

The Economic Subcommittee will be meeting with the GMT to discuss the socioeconomic models to be used in future specification processes. The plan is to schedule this meeting in association with one of the 2014 Council meetings.

The groundfish historical catch reconstruction workshop will likely occur sometime in late 2014. Timing of this workshop will depend on the progress made by Washington.

The SSC recommends a Council-sponsored full review of the Atlantis model. This would allow involvement of the public as well as Council Advisory Bodies, and would facilitate a better understanding of the appropriate use of ecosystem models in the Council process. Review of the Atlantis model would likely occur in June 2014 at the earliest.

The NWFSC will take the lead on the workshop for methods of data reweighting. Dr. Chris Francis will possibly be in the country during the first half of 2014 and, as a leading expert on this topic, his participation in this workshop would be extremely beneficial.

A potential CPS survey methodology review was discussed but the schedule for this review cannot be set at this time as it requires input from the two proponents of the surveys (Pacific Northwest and California aerial). The SSC recommends this be a Council-sponsored review.

A Groundfish Subcommittee conference call to finalize overfishing limits (OFLs) and harvest specifications for 2014 will be scheduled for some time in December. This would also include the evaluation of the completed cowcod rebuilding analysis. The exact dates will be set after a poll of potential participants is conducted.

The following tables are provided to assist the Scientific and Statistical Committee to plan meetings and workshops that involve SSC participation. The meetings and workshops are based on the Council's 2014 meeting schedule and off-year science improvements decided by the Council in September 2013.

## DRAFT Tentative Council and SSC Meeting Dates for 2014

Council Meeting Dates	Location	Likely SSC Mtg Dates	Major Topics
<p><b>March 8-13, 2014</b> Advisory Bodies may begin Fri, March 7 Council Session begins Sat, March 8</p>	<p><a href="#">DoubleTree by Hilton Hotel Sacramento</a> 2001 Point West Way Sacramento, CA 95815 Phone: 916-929-8855</p>	<p>Three Day SSC Session <b>Fri, March 7 – Sun, March 9</b></p>	<p>IEA annual report Final CPS EFP Sardine harvest param. Review Groundfish methodology review Groundfish 2015-16 spex Rockfish barotrauma mort. rates Salmon review/Pre I CA current &amp; IEA reports</p>
<p><b>April 5-10, 2014</b> Advisory Bodies may begin Fri, Apr 4 Council Session begins Sat, Apr 5</p>	<p><a href="#">Hilton Vancouver Washington</a> 301 W. Sixth Street Vancouver, WA 98660 USA Phone: 360-993-4500</p>	<p>Two Day SSC Session <b>Fri, April 4 – Sat, April 5</b></p>	<p>Pacific sardine assess. Groundfish 2015-16 spex Groundfish electronic monitoring Salmon methodology topic selection</p>
<p><b>June 20-25, 2014</b> Advisory Bodies may begin Thu, June 19 Council Session begins Fri, June 20</p>	<p><a href="#">Hyatt Regency Orange County</a> 11999 Harbor Blvd. Garden Grove, CA 92840 Phone: 714-750-1234</p>	<p>Two Day SSC Session <b>Thu, June 19 – Fri, June 20</b></p>	<p>Mackerel HG &amp; mgt. measures Pacific sardine methodology review Groundfish 2015-16 spex Prelim. groundfish stock assess. plan &amp; ToRs Groundfish electronic monitoring HMS mgt. measures, SDC, and ref. pts.</p>
<p><b>September 12-17, 2014</b> Advisory Bodies may begin Thu, Sept 11 Council Session begins Fri, Sept 12</p>	<p><a href="#">DoubleTree by Hilton Spokane City Center</a> 322 N. Spokane Falls Court Spokane, WA 99201 Phone: 509-455-9600</p>	<p>Two Day SSC Session <b>Thu, Sept 11 – Fri Sept 12</b></p>	<p>Plan science improvements Salmon methodology topic priorities Final groundfish stock assess. plan &amp; ToRs Groundfish EFH amendment Halibut bycatch estimate</p>
<p><b>November 14-19, 2014</b> Advisory Bodies may begin Thu, Nov 13 Council Session begins Fri, Nov 14</p>	<p><a href="#">Hilton Orange County/Costa Mesa</a> 3050 Bristol Street Costa Mesa, CA 92626 Phone: 714-540-7000</p>	<p>Two Day SSC Session <b>Thu, Nov 13 – Fri, Nov 14</b></p>	<p>Prelim. CPS EFP Salmon methodology review</p>

SSC meeting dates and durations are tentative and are subject to change in response to Council meeting dates, agendas, workload, etc.

**Proposed Workshops and SSC Subcommittee Meetings for 2014**

Tentative – Depended on funding, dates subject to change

□ – Prep. Work Underway, Scheduled to Occur; ▒ – Status of Supporting Analyses Uncertain, Remains a Priority;

▨ – Setbacks exist, Questionable; ■ – Funding or Prep. Not Avail, likely to be canceled or postponed

	<b>Workshop/Meeting</b>	<b>Potential Dates</b>	<b>Sponsor/ Tentative Location</b>	<b>SSC Reps.</b>	<b>Additional Reviewers</b>	<b>AB Reps.</b>	<b>Council Staff</b>
1	Pacific Sardine STAR Panel	March 3-6	Council La Jolla	Punt, Key	2 CIE	CPSMT/ CPSAS	Griffin
2	CPS Survey Methodology Review	TBD	Council TBD	CPS Subcm	TBD	CPSMT/ CPSAS	Griffin
3	Groundfish Historical Catch Reconstructions	Late 2014	TBD	GF Subcm	None	GMT GAP	DeVore
4	Methods for Data Reweighting	TBD	NWFSC/ TBD	GF & CPS Subcms	TBD	GMT GAP	DeVore
5	Reference Points (Bzero) Workshop II	TBD	TBD	GF Subcm	CIE/External 1-3:	GMT GAP	DeVore
6	Evaluation of Stock Productivity Methodological Approaches	TBD	TBD	GF Subcm	TBD	GMT GAP	DeVore
7	Review Atlantis model	TBD June-Dec.	NWFSC/ TBD	EBM Subcm	TBD	EAS	Burner
8	Improving Socioeconomic Analysis	TBD	Council/ TBD	Econ Subcm	TBD	GMT GAP	DeVore, Dahl

**Proposed Workshops and SSC Subcommittee Meetings for 2014**

Tentative – Depended on funding, dates subject to change

☐ – Prep. Work Underway, Scheduled to Occur; ◻ – Status of Supporting Analyses Uncertain, Remains a Priority;

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	<b>Workshop/Meeting</b>	<b>Potential Dates</b>	<b>Sponsor/ Tentative Location</b>	<b>SSC Reps.</b>	<b>Additional Reviewers</b>	<b>AB Reps.</b>	<b>Council Staff</b>
9	Salmon Methodology Review	Oct.	Council	Salmon Subcm	None	STT SAS	Burner
10	Transboundary Groundfish Stocks	?	Council	2 TBD?	?	GMT GAP	DeVore

As Brad Pettinger mentioned in his testimony this past September, the Oregon Trawl Commission (OTC) is in the final stages of the Marine Stewardship Council (MSC) certification of the west coast trawl groundfish fishery (WCGFTF). A careful review of the fishery by the assessment team showed that the fishery is very well managed.

However, the assessment team did find a few areas that were identified as deficient and 5 conditions have been placed on the fishery. These deficiencies were highlighted by the SSC in their report on the flatfish harvest policy (need for an MSE) and the Cope, et al paper on Productivity–susceptibility analysis (PSA) (more info needed).

As some of you know, all fisheries certified to the MSC standard to date have areas that need improvement and action plans have been implemented to get them up to the MSC standard in a timely manner. Now, an action plan has been identified and accepted by both the client (OTC) and the assessment team and it has been forwarded to Council staff. Fortunately, some of the work has already been completed, as the Aurora and Rougheye Rockfish assessments satisfies the 2/3 of condition 4 and the Sharpchin Rockfish assessment satisfied 1/3 of Condition 5.

With that, the MSC requires that the relevant agencies acknowledge the action plan and indicate their support for the activities spelled out in it. The proposed activities include a Management Strategy Evaluation (MSE) of the Council's flatfish harvest policy and additional information to better inform the Council about the status of Shortraker rockfish, Silvergrey Rockfish and California Skate.

If the Council process does not move forward with activities that satisfy these conditions, then the client (OTC) will provide funding to hire a qualified individual(s) to do the work. That information will then be presented for inclusion into Council process. All of these activities will inform and add value to the Council decision making process.

What the OTC needs today is a commitment for a letter from the Council acknowledging your support, in that any information that is generated (MSE for example) from the action plan would be considered for action through the Council process.

SSC Future Agenda Planning  
November 2013

The following tables are provided to assist the Scientific and Statistical Committee (SSC) to plan meetings and workshops that involve SSC participation. The meetings and workshops are based on the Council's 2014 meeting schedule and off-year science improvements decided by the Council in September 2013.

## DRAFT Tentative Council and SSC Meeting Dates for 2014

Council Meeting Dates	Location	Likely SSC Mtg Dates	Major Topics
<p><b>March 8-13, 2014</b> Advisory Bodies may begin Fri, March 7 Council Session begins Sat, March 8</p>	<p><a href="#">DoubleTree by Hilton Hotel Sacramento</a> 2001 Point West Way Sacramento, CA 95815 Phone: 916-929-8855</p>	<p>Two Day SSC Session <b>Fri, March 7 – Sat, March 8</b></p>	<p>Final CPS EFP Sardine harvest param. Review Groundfish methodology review Groundfish 2015-16 spex Rockfish barotrauma mort. rates Salmon review/Pre I CA current &amp; IEA reports</p>
<p><b>April 5-10, 2014</b> Advisory Bodies may begin Fri, Apr 4 Council Session begins Sat, Apr 5</p>	<p><a href="#">Hilton Vancouver Washington</a> 301 W. Sixth Street Vancouver, WA 98660 USA Phone: 360-993-4500</p>	<p>Two Day SSC Session <b>Fri, April 4 – Sat, April 5</b></p>	<p>Pacific sardine assess. Groundfish 2015-16 spex Groundfish electronic monitoring Salmon methodology topic selection</p>
<p><b>June 20-25, 2014</b> Advisory Bodies may begin Thu, June 19 Council Session begins Fri, June 20</p>	<p><a href="#">Hyatt Regency Orange County</a> 11999 Harbor Blvd. Garden Grove, CA 92840 Phone: 714-750-1234</p>	<p>Two Day SSC Session <b>Thu, June 19 – Fri, June 20</b></p>	<p>Mackerel HG &amp; mgt. measures Pacific sardine methodology review Groundfish 2015-16 spex Prelim. groundfish stock assess. plan &amp; ToRs Groundfish electronic monitoring HMS mgt. measures, SDC, and ref. pts.</p>
<p><b>September 12-17, 2014</b> Advisory Bodies may begin Thu, Sept 11 Council Session begins Fri, Sept 12</p>	<p><a href="#">DoubleTree by Hilton Spokane City Center</a> 322 N. Spokane Falls Court Spokane, WA 99201 Phone: 509-455-9600</p>	<p>Two Day SSC Session <b>Thu, Sept 11 – Fri Sept 12</b></p>	<p>Plan science improvements Salmon methodology topic priorities Final groundfish stock assess. plan &amp; ToRs Groundfish EFH amendment Halibut bycatch estimate</p>
<p><b>November 14-19, 2014</b> Advisory Bodies may begin Thu, Nov 13 Council Session begins Fri, Nov 14</p>	<p><a href="#">Hilton Orange County/Costa Mesa</a> 3050 Bristol Street Costa Mesa, CA 92626 Phone: 714-540-7000</p>	<p>Two Day SSC Session <b>Thu, Nov 13 – Fri, Nov 14</b></p>	<p>Prelim. CPS EFP Salmon methodology review</p>

**SSC meeting dates and durations are tentative and are subject to change in response to Council meeting dates, agendas, workload, etc.**

## Proposed Workshops and SSC Subcommittee Meetings for 2014

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1	Pacific Sardine STAR Panel	March 4-7	Council La Jolla	Punt, +1 TBD	2 CIE	CPSMT/ CPSAS	Griffin
2	Integrated Ecosystem Assessment – Annual Report and Application to Stock Assessments	TBD	NWFSC/ SWFSC TBD	EBM Subcm	TBD	EAS	Burner
3	Groundfish Historic Catch Reconstructions	TBD	TBD	2-3 TBD	None	GMT GAP	DeVore
4	Methods for Data Reweighting	TBD	TBD	GF & CPS Subcms	TBD	GMT GAP	DeVore
5	Reference Points (Bzero) Workshop II	TBD	TBD	GF Subcm	CIE/External 1-3:	GMT GAP	DeVore
6	Evaluation of Stock Productivity Methodological Approaches	TBD	TBD	GF Subcm	TBD	GMT GAP	DeVore
7	Improving Socioeconomic Analysis	TBD	Council/ TBD	Econ Subcm	TBD	GMT GAP	DeVore, Dahl

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