

**DRAFT MINUTES**  
**211th Session of the**  
**Pacific Fishery Management Council**  
**November 2-7, 2011**  
Hilton Orange County/Costa Mesa Hotel  
3050 Bristol Street; Costa Mesa, CA 92626

**Table of Contents**

A.	Call to Order (November 2, 2011) .....	7
A.1	Opening Remarks .....	7
A.2	Roll Call .....	7
A.3	Executive Director’s Report.....	7
A.4	Agenda.....	8
A.4. a	Council Action: Approve Agenda .....	8
B.	Open Comment.....	8
B.1	Comments on Non-Agenda Items (11/2/2011; 9:39 a.m.) .....	8
B.1.a	Reports and Comments of Advisory Bodies and Management Entities.....	8
B.1.b	Public Comment .....	8
B.1.c	Council Discussion.....	9
C.	Salmon Management.....	9
C.1	2011 Salmon Methodology Review (11/2/2011; 10:35 a.m.).....	9
C.1.a	Agenda Item Overview .....	9
C.1.b	Reports and Comments of Advisory Bodies and Management Entities.....	9
C.1.c	Public Comment.....	12
C.1.d	Council Action: Adopt Final Methodology Changes for 2012 and Provide Recommendation to National Marine Fisheries Service on the Abundance Based Methodology for Tule Chinook (11/2/2011 1:58 p.m.) .....	12
C.2	Preseason Salmon Management for 2012 (11/2/2011; 2:29 p.m.).....	13
C.2.a	Agenda Item Overview .....	13
C.2.b	Reports and Comments of Advisory Bodies and Management Entities.....	13
C.2.c	Public Comment.....	13
C.2.d	Council Action: Adopt a 2012 Preseason Management Schedule. ....	13

D. Pacific Halibut Management .....	13
D.1 2012 Pacific Halibut Regulations (11/2/2011; 3:00 p.m.) .....	13
D.1.a Agenda Item Overview .....	13
D.1.b Reports and Comments of Advisory Bodies and Management Entities.....	13
D.1.c Public Comment.....	14
D.1.d Council Action: Adopt Final Proposed Changes to the 2012 Pacific Halibut Catch Sharing Plan and Annual Fishing Regulations.....	14
E. Groundfish Management.....	15
E.1 Stock Assessments for 2013-2014 Groundfish Fisheries (11/2/2011 4:14 p.m.) .....	15
E.1.a Agenda Item Overview .....	15
E.1.b Reports and Comments of Advisory Bodies and Management Entities.....	15
E.1.c Public Comment.....	15
E.1.d Council Action: Consider and Approve Stock Assessments for Bocaccio, Darkblotched, and Widow Rockfish; and Rebuilding Analyses for Overfished Species.....	15
E.2 National Marine Fisheries Report (11/3/2011; 8:03 a.m.) .....	16
E.2.a Agenda Item Overview .....	16
E.2.b Regulatory Activities .....	16
E.2.c Fisheries Science Center Activities.....	17
E.2.d Reports and Comments of Advisory Bodies and Management Entities.....	17
E.2.e Public Comment.....	17
E.2.f Council Discussion.....	17
E.3 Review of Exempted Fishing Permits (EFP) for 2013-2014 Groundfish Fisheries (11/3/2011; 8:49 a.m.) .....	17
E.3.a Agenda Item Overview .....	17
E.3.b Reports and Comments of Advisory Bodies and Management Entities.....	17
E.3.c Public Comment.....	17
E.3.d Council Action: Adopt Preliminary Recommendations for Public Review (11/3/2011; 10:56 a.m.).....	18
E.4 Biennial Management Process for 2013-2014 Groundfish Fisheries – Part 1 (11/3/2011; 1:18 p.m.) .....	21

E.4.a	Agenda Item Overview .....	21
E.4.b	Reports and Comments of Advisory Bodies and Management Entities.....	21
E.4.c	Public Comment.....	21
E.4.d	Council Action: Adopt Final Preferred Overfishing Limits and P*/Allowable Biological Catches, and a Preliminary Preferred Alternative Annual Catch Limit for each Stock and Stock Complex (11/3/2011; 4:14 p.m.) .....	22
E.5	Further Direction on Biennial Management Specifications for 2013-2014 Groundfish Fisheries – Part 1 (If Needed) (11/4/2011; 3:06 p.m.) .....	28
E.5.a	Agenda Item Overview .....	28
E.5.b	Reports and Comments of Advisory Bodies and Management Entities.....	28
E.5.c	Public Comment.....	28
E.5.d	Council Guidance and Direction .....	28
E.6	Status Reports on the Rationalized Trawl Fisheries (11/4/2011; 4:20 p.m.).....	29
E.6.a	Agenda Item Overview .....	29
E.6.b	NMFS Report.....	29
E.6.c	Whiting Mothership Cooperative Report .....	29
E.6.d	Enforcement Consultants Report .....	29
E.6.e	Reports and Comments of Advisory Bodies and Management Entities.....	29
E.6.f	Public Comment.....	29
E.6.g	Council Discussion:.....	30
E.7	Trawl Rationalization Trailing Actions (11/5/2011; 8:08 a.m.) .....	30
E.7.a	Agenda Item Overview .....	30
E.7.b	Reports and Comments of Advisory Bodies and Management Entities.....	30
E.7.c	Public Comment.....	31
E.7.d	Council Action: Provide Guidance on Further Refinements of Trailing Issues, including Stacking of Trawl Permits with Fixed Gear Permits (11/5/2011; 1:35 p.m.).....	32
E.8	Consideration of Inseason Adjustments for 2011 and 2012 Fisheries (11/5/2011; 3:43 p.m.) .....	35
E.8.a	Agenda Item Overview .....	35
E.8.b	Reports and Comments of Advisory Bodies and Management Entities.....	36

E.8.c	Public Comment.....	36
E.8.d	Council Action: Adopt Final Recommendations for Adjustments (11/5/2011; 4:17 p.m.) .....	36
E.9	Biennial Management Specifications for 2013-2014 Groundfish Fisheries – Part 2 (11/6/2011; 3:00 p.m.).....	37
E.9.a	Agenda Item Overview .....	37
E.9.b	Reports and Comments of Advisory Bodies and Management Entities.....	38
E.9.c	Public Comment (11/6/2011; 6:02 p.m.).....	39
E.9.d	Council Action: Adopt Any Remaining Harvest Specifications, Preliminary Two-Year Allocations, and Management Measures for More Detailed Analysis (11/7/2011; 8:24 a.m.) .....	39
F.	Coastal Pelagic Species Management.....	45
F.1	National Marine Fisheries Report (11/4/2011; 10:23 a.m.) .....	45
F.1.a	Agenda Item Overview .....	45
F.1.b	Regulatory Activities .....	45
F.1.c	Fisheries Science Center Activities.....	45
F.1.d	Reports and Comments of Advisory Bodies and Management Entities.....	46
F.1.e	Public Comment.....	46
F.1.f	Council Discussion:.....	46
F.2	Pacific Sardine Assessment and Coastal Pelagic Species (CPS) Management Measures for 2012 (11/4/2011 10:45 a.m.) .....	46
F.2.a	Agenda Item Overview .....	46
F.2.b	Survey and Assessment Report .....	46
F.2.c	Reports and Comments of Advisory Bodies and Management Entities.....	47
F.2.d	Public Comment.....	48
F.2.e	Council Action: Approve the Pacific Sardine Stock Assessment and Final 2012 Management Measures for CPS; and Consider Methodology Review Proposal .....	48
G.	Habitat .....	50
G.1	Current Habitat Issues (11/6/2011 8:11 a.m.).....	50
G.1.a	Agenda Item Overview .....	50
G.1.b	Report of the Habitat Committee.....	50

G.1.c	Reports and Comments of Advisory Bodies and Management Entities.....	51
G.1.d	Public Comments .....	51
G.1.e	Council Action: Consider Habitat Committee Recommendations .....	51
H.	Ecosystem Based Management.....	53
H.1	Northwest Fisheries Science Center (NWFSC) Integrated Ecosystem Assessment (IEA) Report (11/6/2011; 9:23 a.m.) .....	53
H.1.a	Agenda Item Overview .....	53
H.1.b	NWFSC Report.....	53
H.1.c	Reports and Comments of Advisory Bodies and Management Entities.....	53
H.1.d	Public Comment.....	54
H.1.e	Council Discussion.....	54
H.2	Development of a Council Fishery Ecosystem Plan (11/6/2011; 10:50 a.m.).....	55
H.2.a	Agenda Item Overview .....	55
H.2.b	Reports and Comments of Advisory Bodies and Management Entities.....	55
H.2.c	Public Comment.....	55
H.2.d	Council Action: Provide Guidance for Further Development (11/6/2011; 1:42 p.m.) .....	56
	Highly Migratory Species Management.....	58
I.1	Council Recommendations on International Highly Migratory Species Management (11/7/2011; 10:11 a.m.) .....	58
I.1.a	Agenda Item Overview .....	58
I.1.b	Reports and Comments of Advisory Bodies and Management Entities.....	58
I.1.c	Public Comment.....	58
I.1.d	Council Action: Consider a Recommendation on the status of the Canada-U.S. Albacore Treaty and Make Recommendations to the U.S. Delegation to the Eighth Regular Session of the Western and Central Pacific Fisheries Commission.....	58
I.2	Consideration of the Overfished Status of Bluefin Tuna (11/7/2011 12:57 p.m.) .....	60
I.2.a	Agenda Item Overview .....	60
I.2.b	Reports and Comments of Advisory Bodies and Management Entities.....	60
I.2.c	Public Comment.....	60

I.2.d	Council Action: Develop Preliminary Recommendations for Addressing the Overfished Status of Bluefin Tuna.....	60
J.	Administrative Matters.....	61
J.1	Approval of Council Meeting Minutes (11/7/2011; 1:15 p.m.) .....	61
J.1.a	Council Action: Approval of September 2011 Council Meeting Minutes.....	61
J.2	Fiscal Matters (11/7/2011; 1:19 p.m.) .....	62
J.2.a	Agenda Item Overview .....	62
J.2.b	Budget Committee Report.....	62
J.2.c	Reports and Comments of Advisory Bodies and Management Entities.....	62
J.2.d	Public Comment.....	62
J.2.e	Council Action: Consider Budget Committee Recommendations.....	62
J.3	Membership Appointments and Council Operating Procedures (11/7/2011; 1:28 p.m.) .....	62
J.3.a	Agenda Item Overview .....	62
J.3.b	Reports and Comments of Advisory Bodies and Management Entities.....	62
J.3.c	Public Comment.....	62
J.3.d	Council Action: Consider Changes to Council Operating Procedures and Appointments to Advisory Bodies.....	63
J.4	Future Council Meeting Agenda and Workload Planning (11/7/2011; 1:35 p.m.).....	63
J.4.a	Agenda Item Overview .....	63
J.4.b	Reports and Comments of Advisory Bodies and Management Entities.....	63
J.4.c	Public Comment.....	63
J.4.d	Council Discussion and Guidance on Future Meeting Agenda and Workload Planning.....	63
ADJOURN	(11/7/2011; 2:11 p.m.).....	64

## **A. Call to Order (November 2, 2011)**

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

Mr. Dan Wolford, Chairman, called the 211<sup>th</sup> meeting of the Pacific Fishery Management Council (Council) to order at 9:32 a.m. on Wednesday, November 2, 2011. It was noted that a closed session to discuss litigation and personnel matters would be held on the following day after the regular business was concluded.

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

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

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

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

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

Dr. Donald McIsaac provided information regarding the internet live streaming and filming by a reporter for a film festival. He also announced there will be an exempted fishing permit (EFP) presentation by the Environmental Defense Fund (EDF) on Friday, November 4, hosted by EDF.

## **A.4 Agenda**

Chairman Dan Wolford asked for approval of the Council Meeting agenda.

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

Mr. Ortmann moved and Mr. Steve Williams seconded a motion (Motion 1) to approve the agenda as shown in Agenda Item A.4. Proposed Council Meeting Agenda. Motion 1 passed unanimously.

## **B. Open Comment**

### **B.1 Comments on Non-Agenda Items (11/2/2011; 9:39 a.m.)**

Dr. McIsaac suggested the comments in response to the law enforcement letter in Open Comment 2 be suspended until November 7 to allow time for the advisory subpanels to develop comments. The Council agreed.

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

November 2:

Mr. Bob Turner presented information regarding Open Comment 1: A Bilateral Scientific Workshop Process to Evaluate Effects of Salmon Fisheries on Southern Resident Killer Whales.

Mr. Frank Lockhart introduced Open Comment 2: Letter to Dr. McIsaac from Bruce Buckson regarding NMFS Office of Law Enforcement (OLE) Seeking Comments on Setting Annual Enforcement Priorities. Comments need to be in writing and sent to Don Masters in the SWR and Vicki Nomura in the NWR, prior to December 12, 2011.

Mr. Butch Smith presented Open Comment 2, Supplemental SAS Report.  
Dr. John Coon read Open Comment 2, Enforcement Consultant Report into the record.

November 7 (9:42 a.m.):

Capt. Bob Farrell presented Agenda Item B. Open Comment 2, Supplemental EC Report 2.  
Dr. John Coon presented agenda Item B. Open Comment 2, Supplemental CPSAS Report and Agenda Item B Open Comment, Supplemental GMT Report.

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

Supplemental Open Comment 3: Letter from Oceana Regarding West Coast Swordfish Fishery.  
Supplemental Open Comment 4: Letter to Dan Basta from the Hoh Indian Tribe, Makah Tribe, Quileute Tribe, and the Quinault Indian Nation Regarding Initiatives under Development in at Least Two Sanctuaries.

Mr. Ralph Brown, fisherman, Brookings, Oregon and Mr. Pete Leipzig, fisherman, McKinleyville, California; provided industry comments on lingcod stock assessments.



Mr. Jeff Miles, Ocean Research Team, Port Orford, Oregon; presented a video “Dawn of a New Era for Ocean Management” regarding Ecosystem-Based Management.

Mr. Brad Pettinger, Oregon Trawl Commission, Brookings, Oregon; supported the comments of Mr. Brown and Mr. Leipzig.

Mr. Ben Enticknap, Oceana, Portland, Oregon; presented a report on “Forage Fish, Feeding the California current Large Marine Ecosystem.”

Mr. Chris Kubiak, Central Coast Sustainable Fishing Association, Los Osos, California; commented regarding transitional funding of the observer program for 2012.

### **B.1.c Council Discussion**

The Council suspended this agenda item and reconvened it on Monday, November 7, to provide opportunity for the advisory bodies to review and develop their reports on the NMFS OLE request for enforcement priorities.

[On November 2, Council took a ten minute break 10:19 a.m. to 10:35 a.m.]

November 7:

Mr. Williams spoke in support of forwarding the advisory body priorities to NMFS OLE request. His experience of the relationship between the state and Federal agencies is that it has always been a good working relationship and would like to keep it that way. He also suggested that on the third page, green sturgeon should be added as a responsibility of the agents.

Dr. McIsaac will incorporate this information and will transmit the letter.

[November 7, 2011; break at 10:00 a.m. and continued with Agenda Item I.1 at 10:10 a.m.]

## **C. Salmon Management**

### **C.1 2011 Salmon Methodology Review (11/2/2011; 10:35 a.m.)**

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

Mr. Chuck Tracy presented the Agenda Item Overview.

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

Mr. Ray Beamesderfer presented Agenda Item C.1.b, Supplemental TCW Report.

Mr. Steve Williams asked for a comparison between the linear abundance-based management approach (ABM) and stepped ABM approaches for lower Columbia River (LCR) tule Chinook. Mr. Beamesderfer replied that the linear approaches avoided the break points, but with an anchor point at a 30,000 abundance forecast, a greater percentage of forecast abundances were lower than the fixed 37 percent approach compared to the stepped approach.

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

Mr. Wolford asked if the Winter-run Harvest Model (WRHM) would be updated with new coded-wire-tag (CWT) recovery information in the future. Mr. Tracy replied that the model was similar to the Klamath Ocean Harvest Model in that new reconstruction data would be added to the parameter estimates annually.

Mr. Wolford asked if the catch and release mortality rate for mooching gear used in the WRHM was appropriate, given that barbless hooks were not required when the study upon which those rates were based was completed. Mr. Tracy replied that the study used a variety of gear types so appropriate rates could be selected.

Ms. Vojkovich asked if the Scientific and Statistical Committee (SSC) discussed the variance of the WRHM data and how that would influence implementation of the model. Mr. Conrad replied yes, the SSC requested the authors include estimates of variance in the model documentation; implementation would be similar to the other Council harvest models that have no variance estimates.

Mr. Steve Williams asked how precautionary buffers would be applied when bias was identified as very low. Mr. Conrad replied that stocks with exploitation rate constraints could exceed standards even with low bias.

Mr. Pattillo asked if only mark-selective fisheries had been landing less than their preseason quotas. Dr. Kope replied that it was all fisheries.

Mr. Pattillo asked if under-forecasting unmarked fish abundance was affecting both mark-selective and non-mark-selective fisheries. Dr. Kope replied that under-forecasting abundance may have affected quotas, but would not have resulted in greater catch.

Dr. Robert Kope presented Agenda Item C.1.b, STT Report.

Ms. Vojkovich asked if release mortality affected age-2 fish, which are not modeled in the WRHM. Dr. Kope replied that released fish are also predominately age-3, as age-2 fish are too small to be vulnerable to the fishing gear.

Mr. Wolford asked how the WRHM would be used in 2012. Dr. Kope replied that would depend on how NMFS SWR structured the Winter Chinook consultation standard; presumably it would be an exploitation rate limit rather than just opening and closing dates.

Mr. Roth asked if under-forecasting was a larger problem for any particular stocks. Dr. Kope replied that Puget Sound and Oregon Coast Natural coho were under-forecast most frequently. Under-accounting of natural returns was also a problem, one which contributes to under-forecasting.

Mr. Roth asked if accounting for unmarked hatchery stocks was a contributing factor. Dr. Kope replied no, that unmarked hatchery production was accurately accounted for.

Mr. Pattillo asked if the Visual Studio version of Fishery Regulation Assessment Model (FRAM) would be ready for 2012. Dr. Kope replied yes, the model algorithms have not been changed, just the operating platform.

[Council break from 12:02 until 1:15 p.m.]

Mr. Chuck Tracy summarized Agenda Item C.1.b, MEW Report.

Mr. Butch Smith and Ms. Irene Martin presented Agenda Item C.1.b, Supplemental SAS Report.

Mr. Feldner asked why the SAS did not recommend a sloped linear ABM approach for LCR tule Chinook. Mr. Smith replied that the alternatives presented resulted in too many years with allowable exploitation rates less than the current 37 percent fixed benchmark; given the proposed review process, that approach could be considered in the future.

Mr. Roth asked how the proposed review of the tule ABM approach would be incorporated into the Council process. Mr. Smith replied not specifically, but the three year interval was the critical element.

Mr. Feldner asked if changes in future LCR hatchery tule production levels would be incorporated in the model or would require revisiting the process. Mr. Turner replied that would likely result in reinitiating consultation and revisiting the process; however, there would be a three year lead time for the production changes to be reflected in returns, providing adequate time to complete the process.

Mr. Lincoln asked if new information regarding population risks to LCR tules would also precipitate a review or reconsultation. Ms. Martin replied yes.

Mr. Bob Turner presented Agenda Item C.1.b, Supplemental NMFS Report.

Mr. Steve Williams asked if the proposed ABM approach for LCR tules was consistent with the current recovery plans. Mr. Turner replied yes, although those plans have not been given final approval by NMFS yet.

Ms. Vojkovich asked when the population status thresholds and management objectives for Sacramento winter Chinook would be available. Mr. Dan Lawson replied the framework is being developed and will be ready for 2012 preseason process.

Ms. Vojkovich asked if the framework process was solely a NMFS endeavor. Mr. Lawson replied yes.

Ms. Vojkovich asked if NMFS was still committed to providing an opportunity for industry representatives to use the model prior to March to develop scenarios to meet ESA consultation standards. Mr. Lawson replied NMFS would try to meet that commitment.

Ms. Vojkovich asked if the annual NMFS guidance letter would be available in time to facilitate that opportunity. Mr. Turner replied that NMFS would try to get a draft of the letter out in February.

Mr. Tracy asked if NMFS was contemplating a variable exploitation rate consultation standard for Sacramento winter Chinook. Mr. Lawson replied yes, based on stock abundance and possibly other factors.

**C.1.c Public Comment**

None.

**C.1.d Council Action: Adopt Final Methodology Changes for 2012 and Provide Recommendation to National Marine Fisheries Service on the Abundance Based Methodology for Tule Chinook. (11/2/2011 1:58 p.m.)**

Mr. Pattillo moved (Motion 2) that the Council recommend NMFS consider the abundance-based management approach in the Endangered Species Act (ESA) consultation process for LCR tule Chinook beginning in 2012 specified as alternative 68h2 in table 23 of Agenda Item C.1.a Attachment 1, TCW Report, and incorporate the periodic process detailed in Agenda Item C.1.b, Supplemental NMFS Report. Mr. Myer seconded the motion.

Mr. Steve Williams asked if Motion 2 would require a three-year review schedule. Mr. Pattillo replied generally yes, unless new information indicated review should be expedited.

Motion 2 passed unanimously.

Ms. Vojkovich moved (Motion 3) to approve the Sacramento River Winter Chinook Cohort reconstruction (Agenda Item C.1.a, Attachment 2) and Winter Run Harvest model (Agenda Item C.1.a, Attachment 3), for modeling use. Mr. Wolford seconded the motion.

Motion 3 passed unanimously.

Ms. Vojkovich moved (Motion 4) that the Council ask NMFS to take into consideration data limitations, including the distribution of CWT recoveries and the timing of fishery closures relative to those recoveries, in the development of conservation objectives and thresholds for management for Sacramento River Run Chinook for 2012. Mr. Crabbe seconded the motion.

Mr. Steve Williams felt those recommendations would be more appropriate as guidance rather than a motion.

Ms. Vojkovich withdrew the motion and offered the recommendations as guidance to NMFS.

Mr. Williams recommended continued evaluation for the FRAM mark-selective fishery bias correction methods, natural coho forecast and accounting methods, and complete the process of converting FRAM from Visual Basic to Visual Studio.

**C.2 Preseason Salmon Management for 2012 (11/2/2011; 2:29 p.m.)**

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

Mr. Chuck Tracy presented the agenda item overview.

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

Mr. Chuck Tracy read Agenda Item C.2.a, Attachment 2: STT Report: Salmon Technical Team Statement on the Preseason Management Schedule for 2012 into the record.

**C.2.c Public Comment**

None.

**C.2.d Council Action: Adopt a 2012 Preseason Management Schedule.**

Mr. Williams moved (Motion 4) for adoption of the 2012 Preseason Management Schedule as shown in Agenda Item C.2.a, Attachment 1. Mr. Pattillo seconded the motion.

Motion 4 passed unanimously.

[Council break from 2:40 p.m. to 3:00 p.m.]

**D. Pacific Halibut Management**

**D.1 2012 Pacific Halibut Regulations (11/2/2011; 3:00 p.m.)**

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

Mr. Chuck Tracy presented the Agenda Item Overview and referred the Council to Agenda Item D.1.b, NMFS Report.

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

Mr. John Holloway presented Agenda Item D.1.b, Supplemental GAP Report. Ms. Michele Culver provided Agenda Item D.1.b, WDFW Report. Ms. Gway Kirchner presented Agenda Item D.1.b, ODFW Report and Agenda Item D.1.b, Supplemental ODFW Report.

[3:10 p.m.--Mr. Dan Wolford introduced Mr. Eric Schwaab, National Oceanic and Atmospheric Administration (NOAA) Assistant Administrator. Mr. Schwaab made additional remarks.]

Ms. Marci Yaremko presented Agenda Item D.1.b, Supplemental CDFG Report. Mr. Gregg Williams, IPHC, presented Agenda Item D.1.b, Supplemental IPHC Report.

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

Mr. Tom Marking, McKinleyville, California.

### **D.1.d Council Action: Adopt Final Proposed Changes to the 2012 Pacific Halibut Catch Sharing Plan and Annual Fishing Regulations**

Ms. Culver moved (Motion 5) the Council adopt changes to the catch sharing plan for 2012 for the south coast sub-area off of Washington to open the fishery on the first Sunday in May and the fishery to remain open for three consecutive Sundays and Tuesdays; and for the Columbia River Subarea—revise the amount of late season set asides to 20 percent of the sub-area allocation with 80 percent allocated to the early fishery as shown in Agenda Item D.1.b, WDFW Report. Mr. Myer seconded the motion.

Ms. Kirchner moved to amend Motion 5 (Amendment 1 to Motion 5) to include language that the Oregon contribution to the Columbia River subarea quota would be an amount equal to the contribution from the Washington sport allocation. Ms. Culver seconded the amendment.

Amendment 1 passed unanimously.

Motion 5 as amended passed unanimously.

Ms. Kirchner moved (Motion 6) the Council adopt changes to the catch sharing plan for 2012 for the Oregon Central Coast subarea as shown in Agenda Item D.1.b, Supplemental ODFW Report 2, increasing the allocation to the nearshore fishery from 8 percent to 12 percent and reducing the allocation to the spring all depth fishery by an equal amount, and providing language that allows flexibility for shifting additional quota from the spring fishery into either the summer fishery or the nearshore fishery. Mr. Feldner seconded the motion.

Motion 6 passed unanimously.

Ms. Yaremko moved (Motion 7) the Council approve status quo management for the recreational fishery for South of Humbug for 2012; that the States of Oregon and California work collaboratively with the IPHC and Council throughout early 2012 to examine the existing survey methodology and ascertain how to extend the survey data to waters off California or to use proxies to better inform the status of the Pacific halibut stock off California; and to examine the available recreational catch data in time for considering changes to South of Humbug Subarea management by fall of 2012. Mr. Brizendine seconded the motion.

Motion 7 passed unanimously.

## **E. Groundfish Management**

### **E.1 Stock Assessments for 2013-2014 Groundfish Fisheries (11/2/2011 4:14 p.m.)**

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

Mr. John DeVore presented the Agenda Item Overview.

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

Dr. David Sampson presented Agenda Item E.1.b, Supplemental SSC Report.

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

None.

#### **E.1.d Council Action: Consider and Approve Stock Assessments for Bocaccio, Darkblotched, and Widow Rockfish; and Rebuilding Analyses for Overfished Species.**

Ms. Culver noted the recommendation not to always change  $T_{TARGET}$  to the median time to rebuild since that implies there is a 50 percent chance of rebuilding or not rebuilding by that  $T_{TARGET}$ . This is especially true as we approach the  $T_{TARGET}$  year. She asked if the actions taken in the 2011-2012 specifications process to change  $T_{TARGET}$  to the median year to rebuild have already created a situation where we have diminished our chances of successfully rebuilding according to our rebuilding plans. Mr. DeVore explained that, in this new round of assessments, the most fundamental change was in our understanding of the status of Pacific ocean perch (POP). That change was a fundamental restructuring of the assessment which resulted in a larger estimated initial biomass and a consequent and significant delay in rebuilding the stock. The canary assessment result also indicates a need to change  $T_{TARGET}$  in that rebuilding plan, although the change is a minor delay in rebuilding. Mr. DeVore stated that, in his opinion, we have not reached a point of diminishing returns in rebuilding decisions made to date. However, it is a Council policy call whether revisions to rebuilding plans should be made.

Ms. Culver asked a question of NMFS regarding the expectations of the Council relative to the revisions of the  $T_{TARGET}$  and spawner per recruit (SPR) rates based on these new rebuilding analysis results. Mr. Lockhart agreed with the SSC that progress is greater for certain species and the  $T_{TARGET}$  could remain unchanged to continue management according to the rebuilding plan. However, if there is a fundamental revision to our understanding of stock status and rebuilding progress, then some consideration for changing the rebuilding plan may be warranted. He agreed with Mr. DeVore that this is a Council policy call whether to revise a rebuilding plan. The main concern is that there is a clear and established record of the reasons for revising a rebuilding plan.

Dr. McIsaac asked Mr. DeVore how far over a 50 percent probability of rebuilding to  $T_{TARGET}$  is reasonable for the four stocks that are rebuilding faster than expected. Mr. DeVore referred to the table in Agenda Item E.4, Attachment 4, which depicts the tradeoffs between rebuilding annual

catch limits (ACLs), rebuilding duration, and the probability of rebuilding by the  $T_{TARGET}$  across alternatives for each of the overfished stocks. For the four stocks rebuilding ahead of schedule, bocaccio has a 60 percent probability of rebuilding by  $T_{TARGET}$  under our current rebuilding plan, darkblotched is 8 years ahead of schedule and there is a 100 percent chance of rebuilding by the  $T_{TARGET}$ , petrale sole has a 100 percent probability of rebuilding by  $T_{TARGET}$ , and yelloweye rockfish has a 62.1 percent probability of rebuilding by  $T_{TARGET}$ .

Ms. Culver asked for clarification of the action for this agenda item for the six overfished stocks, and Mr. DeVore said the Council is tasked with adopting new assessments and rebuilding analyses recommended by the SSC. Decisions on harvest specifications and rebuilding plans are scheduled under other agenda items later in the week. The assessments and rebuilding analyses will inform those later decisions.

Ms. Culver moved and Ms. Vojkovich seconded a motion (Motion 8) to adopt the bocaccio, darkblotched, and widow rockfish assessments as endorsed by the SSC, as well as the six rebuilding analyses (Pacific ocean perch, petrale sole, canary rockfish, yelloweye rockfish, bocaccio, and darkblotched rockfish) endorsed by the SSC.

Ms. Culver explained there was substantial effort to conduct and review these assessments and rebuilding analyses. The SSC recommends these assessments and rebuilding analyses represent the best available science. The SSC is recommending full assessments for these three stocks (i.e., bocaccio, darkblotched, and widow) next time they are assessed.

Mr. Lockhart noted that there is considerable uncertainty in the assessment results. These uncertainties need to be considered when adopting harvest specifications for these species.

Ms. Vojkovich asked if the result of the widow rockfish assessment is that the stock is no longer under rebuilding and Mr. DeVore responded yes.

Motion 8 carried unanimously.

[The Council adjourned 5:24 p.m.]

## **E.2 National Marine Fisheries Report (11/3/2011; 8:03 a.m.)**

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

Ms. Kelly Ames provided the Agenda Item Overview.

### **E.2.b Regulatory Activities**

Mr. Frank Lockhart reported on regulatory activities by the NWR (Agenda Item E.2.b, Attachment 1). Mr. Lockhart updated the Council on the activities related to the Pacific whiting treaty process. He noted that the 2012 treaty tribal whiting allocation process would be similar to the past processes. The agency will publish a proposed rule with an amount or range of tribal allocations, based on discussions with the tribes, for public comment. This proposed rule will



also include a process for reappointment from the treaty tribes to the non-treaty sectors and vice versa.

### **E.2.c Fisheries Science Center Activities**

Mr. John Stein and Ms. Michelle McClure provided an update on the Fishery Science Centers activities (Agenda Item E.2.c, Supplemental Science Centers PowerPoint) and the Estimated Discard and Catch of Groundfish Species in the 2010 US West Coast Fisheries (Agenda Item E.2.c, NWFSC Report).

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

None

### **E.2.e Public Comment**

None.

### **E.2.f Council Discussion**

Ms. Michele Culver thanked the NWR for their work on the whiting reapportionment issue; it is an important matter for the state of Washington. Ms. Lowman thanked the Northwest Fisheries Science Center for continuing to improve the timing and availability of observer data for the rationalized fishery.

## **E.3 Review of Exempted Fishing Permits (EFP) for 2013-2014 Groundfish Fisheries (11/3/2011; 8:49 a.m.)**

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

Mr. John DeVore presented the Agenda Item Overview and listed the appropriate documents for this agenda item.

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

Ms. Heather Reed presented Agenda Item E.3.b, Supplemental GMT Report. Mr. Tommy Ancona presented Agenda Item E.3.b, Supplemental GAP Report.

[Council break from 9:30 to 9:51 a.m.]

Capt. Bob Farrell presented Agenda Item E.3.b, Supplemental EC Report. LT David Anderson also made comments and answered questions regarding this report.

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

Agenda Item E.3.b, NMS Letter in reference to the Platt/Emley EFP.  
Agenda Item E.3.c, Public Comments from Tim Calvert.

Agenda Item E.3.c, Supplemental Public Comment 2, Letter from Pacific Coast Federation of Fishermen's Association in support of the Fosmark EFP.

Mr. Chris Kubiak and Dr. Jono Wilson, Central Coast Sustainable Groundfish Association; Los Osos, California.

Ms. Kathy Fosmark, Moss Landing, California.

Mr. Dan Platt, Ft. Bragg, California and Ms. Barbara Emley, San Francisco Community Fishing Association, San Francisco, California; explained there are some minor changes to the EFP (e.g., bait usage, line type, fisherman location, etc.). Ms. Lynn Mattes provided additional information from the GMT.

Mr. John Holloway, Recreational Fishing Alliance, Portland, Oregon.

Mr. Tom Ghio, Santa Cruz, California.

#### **E.3.d Council Action: Adopt Preliminary Recommendations for Public Review (11/3/2011; 10:56 a.m.)**

Ms. Vojkovich asked NMFS if an EFP adoption includes a *Federal Register* (FR) notice and Mr. Lockhart said there is notice of intent to issue an EFP in the FR. Not all the regulatory language is in the FR notice, but is described in the EFP that is issued.

Ms. Vojkovich said there has been a lot of science center coordination with these EFPs. She asked if that makes EFP issuance easier, and Mr. Lockhart said these EFPs are simpler which makes it easier; however, there is some workload associated with issuing EFPs. NMFS cannot always anticipate all the issues ahead of time. The new process for considering these EFPs means the implementation may be delayed since we need to see the entire specifications package before working out the EFP.

Ms. Culver noted final specifications and EFP actions are scheduled for next June. She anticipated that the public review between now and June would allow NMFS to make a preliminary determination on the technical merits of the EFP before June. She asked if this review could be done before or after June and Mr. Lockhart said this is a new process. He envisions some preliminary analysis could be done before June. However, the EFP regulations cannot be developed until after June.

Mr. Crabbe asked about the flexibility in reconfiguring gears during the EFP and whether that flexibility has to be specified ahead of time. Mr. Lockhart said yes, the specific plan needs to be developed before the EFP is issued.

Mr. Feldner asked about higher caps in year 1 and lower set-asides in year 2 and whether that can be accommodated in the EFP process. Mr. DeVore explained that flexible management of set-asides is contemplated as tasked by the Council and conceivably can be accommodated depending on the final rule for managing set-asides.

Mr. Pollard expressed concern that the yellowtail EFP has a yellowtail cap that is 20 percent of the total species' caps while the Fosmark EFP has ~90 percent of the total cap reserved for the target species. Mr. DeVore explained that is a judgment call made by the Council.

Mr. Pollard moved and Mr. Lockhart seconded a motion to adopt all three EFPs for public review and comment.

Mr. Pollard said there is merit in these three EFPs. They have been reviewed and recommended by the GMT and GAP, and he would like to solicit public comments on these EFPs.

Ms. Vojkovich said there is an overarching interest in accessing the Rockfish Conservation Area (RCA) coastwide and she is not sure how these EFPs allow more RCA access coastwide. She would like to see more coastwide coordination. She is supportive of the midwater EFPs in concept but would like to better know how this helps coastwide fisheries. She would like to see a better articulated sampling design of these EFPs and formal SSC review. She supports EFPs but she has concerns about the lack of coastwide study designs.

Ms. Culver said she has similar concerns but believes there needs to be a way of refining the bounds of the current broadly-defined RCAs. She wants to better mitigate the risk to directed fisheries of a large magnitude catch beyond an EFP cap.

Ms. Culver moved and Mr. Lincoln seconded a motion to amend the main motion to forward the Central Coast Sustainable Groundfish EFP and have the SSC review the study design.

Mr. Lockhart asked if the motion serves to only forward that one EFP and to send that EFP study design to the SSC for review and Ms. Culver said yes.

Mr. Lincoln said his intent in seconding the motion does not preclude another motion to consider the other two EFPs.

Ms. Kirchner said she is not ready to forego the other two EFPs at this time. She would like the EFP sponsors to address concerns heard today, and is therefore not supporting the amendment.

Mr. Wolford said he would like to see an alternative to consider EFPs that endure longer than two years. He is also not supportive of the amendment.

Mr. Lockhart asked if the amendment has the effect of a substitute motion that would preclude considering the other two EFPs and Dr. Hansen said no. However, if the amendment fails, the main motion would preclude SSC review.

Mr. Pollard said the intent of the main motion was to include the SSC review.

The amendment and the main motion were withdrawn by agreement of the makers of the motions and the seconds.

Ms. Culver moved and Mr. Lincoln seconded a motion (Motion 9) to forward the Central Coast Sustainable Groundfish EFP and have the SSC review the study design.

Motion 9 carried unanimously.

Ms. Kirchner moved and Mr. Pollard seconded a motion (Motion 10) to forward the other two EFPs for public review and the sponsors should address the concerns raised by the Groundfish Management Team (GMT), Groundfish Advisory Subpanel (GAP), and the Enforcement Consultants (EC).

Ms. Kirchner said she wants further consideration of these EFPs before making a final decision.

Ms. Culver asked what EFP caps are included in the motion and Ms. Kirchner said she would like further discussion and evaluation before deciding EFP caps.

Mr. Lockhart asked if the effect of the motion is to forward a range of EFP caps as recommended by the GMT and GAP for public review and Ms. Kirchner said yes.

Mr. Myer thought the EC recommendations were not to go forward with these EFPs due to enforcement concerns. Ms. Kirchner interpreted the EC report that enforcement concerns need to be addressed before final approval of EFPs.

Mr. Lockhart moved and Mr. Crabbe seconded a motion to amend the main motion (Amendment 1 to Motion 10) to forward a range of EFP set-asides as recommended by the GMT and GAP, and to have the EFP sponsors address the EC concerns in their EFPs for public review.

Ms. Culver said the amendment was not clear to her. She thought we should leave with one set of EFP set-asides for public review. Mr. Lockhart said the Council will make a decision in June. Sending out a range of set-asides will likely result in comments that will aid that future decision. Mr. Wolford asked if the final decision on set-asides can be outside this range. Mr. DeVore said that there isn't anything in the Council process that would prohibit alternatives that are set outside of the range, and adjustments to set-asides outside the range should be borne out of the process and comments.

Amendment 1 to Motion 10 carried (Ms. Culver and Ms. Vojkovich voted no).

Mr. Wolford asked if the recommended GMT purpose for the EFP was included in the motion and Ms. Kirchner said yes.

Mr. Wolford moved and Mr. Crabbe seconded a motion to amend the main motion (Amendment 2 to Motion 10) to strike the GMT wording on the stated EFP purpose as follows: Recommendations on Page 1, last paragraph: "First, the goal and results of this EFP should be expressed in terms of the effectiveness of the longline gear to harvest chilipepper rockfish rather than the selectivity of the gear to avoid catching overfished species"; and Page 2, third paragraph: "First, clarify that the goal is to test the catchability and efficacy of the proposed fishing methods rather than evaluate species-selective properties of the tested gear."

Amendment 2 to Motion 10 carried (Ms. Vojkovich, Ms. Culver, Ms. Kirchner, and Mr. Lincoln voted no).

Ms. Culver stated that she supports EFPs in general. However, she is not supportive of the motion because there may be false expectations to EFP applications. She also wants to better understand the tradeoffs between EFPs and directed fisheries before deciding EFPs. She is also concerned that these activities will not translate into future directed fishing opportunities since they may require considerable enforcement restrictions to put these activities into regulation.

Mr. Myer said the crux of the problem is that the success of these EFP activities require skill of the fishermen and therefore may not work for the entire fleet.

Dr. McIsaac restated Motion 10 as amended.

Motion 10 carried as amended on a roll call vote (Ms. Culver, Mr. Lincoln, Ms. Vojkovich, Mr. Myer, and Mr. Brizendine voted no).

[Council break from 12:00 to 1:15 p.m.]

#### **E.4 Biennial Management Process for 2013-2014 Groundfish Fisheries – Part 1 (11/3/2011; 1:18 p.m.)**

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

Mr. John DeVore and Ms. Kelly Ames provided the Agenda Item Overview. Mr. DeVore provided a PowerPoint presentation entitled, “An Overview of Scientific Uncertainty Buffers (P\*) and Acceptable Biological Catch Specifications” to refresh the Council’s understanding.

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

Dr. Martin Dorn presented Agenda Item E.4.b, Supplemental SSC Report. Mr. Corey Niles presented Agenda Item E.4.b, GMT Report: The Groundfish Management Team Report on the Suggested Range of Annual Catch Limit and Annual Catch Target Alternatives for Rebuilding Stocks; Agenda Item E.4.b, Supplemental GMT Report 2; Agenda Item E.4.b, Supplemental GMT Report 3; and Agenda Item E.9, Supplemental GMT Report: (Attachment 1). Mr. Tommy Ancona presented Agenda Item E.4.b, Supplemental GAP Report. Mr. David Sones presented Agenda Item E.4.b, Supplemental Tribal Report 2. Mr. Frank Lockhart presented information regarding the deferral of the reconfiguration of the stock complexes and requested further input from Council staff regarding the higher vulnerability of China, copper, quillback, rougheye, shortraker, and aurora rockfishes to overfishing for potential Environmental Impact Statement (EIS) analysis.

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

Agenda Item E.4.c, Supplemental Public Comment Letter from Ben Enticknap, Oceana.  
Agenda Item E.4.c, Supplemental Public Comment 2 from National Resources Defense Council.  
Mr. Seth Atkinson, National Resources Defense Council (NRDC), San Francisco, California.  
Mr. Brad Pettinger, Oregon Trawl Commission, Brookings, Oregon.  
Mr. Geoff Shester, Oceana, Monterey, California.  
Mr. Rod Moore, West Coast Seafood Processors Association (WCSPA), Portland, Oregon.

**E.4.d Council Action: Adopt Final Preferred Overfishing Limits and P\*/Allowable Biological Catches, and a Preliminary Preferred Alternative Annual Catch Limit for each Stock and Stock Complex (11/3/2011; 4:14 p.m.)**

Ms. Vojkovich asked about Attachment 1 and the cowcod OFL and Mr. DeVore explained the basis for these OFLs.

Mr. Lockhart asked Dr. Dorn whether the NRDC assertion that widow rockfish steepness is too high and widow are one of the least productive rockfish is true. Further, he asked if the increased uncertainty in the estimated widow rockfish overfishing limit (OFL) is captured adequately in the estimated sigma value for the stock. Dr. Dorn replied that widow rockfish is not one of the least productive rockfish species. Other rockfish species, such as POP and yelloweye, are longer-lived and less productive. Widow rockfish is close to the median in relative productivity. The estimated sigma value for widow rockfish is an attempt to capture the relatively higher uncertainty in estimating the OFL for that stock.

Ms. Culver asked if Council staff could orient the Council better for deciding preliminary preferred ACLs for stocks and stock complexes after the break. Council then went on a break until 4:30 p.m.

Ms. Vojkovich moved and Ms. Culver seconded a motion (Motion 11) to adopt the 2013 and 2014 OFLs for bocaccio, darkblotched, widow, and canary in Agenda Item E.4.a, Attachment 1 as well as reaffirming the OFL values decided for the other stocks and complexes decided in September as the final preferred alternative.

Motion 11 carried unanimously.

Ms. Vojkovich moved and Ms. Kirchner seconded a motion (Motion 12) to adopt the 2013 and 2014 acceptable biological catches (ABCs) depicted in Agenda Item E.4.a, Attachment 3 for the stocks and complexes except for sablefish as the final preferred alternative.

Ms. Vojkovich said this affirms the preliminary P\* decisions made in September except for sablefish, and uses the stock categories and sigma values recommended by the SSC.

Ms. Culver spoke in favor of the motion. The inclusion of spiny dogfish in the Other Fish complex and using a P\* value of 0.3 is affirmed with this motion. The spiny dogfish assessment is highly uncertain and further work needs to be done to assess the status and appropriate management reference points for this stock, which is contemplated in the near future. The SSC has already said further meta-analysis in consideration for deciding proxy  $F_{MSY}$  harvest rates of all elasmobranchs will be done next year in time for the 2015-2016 process.

Motion 12 carried unanimously.

Ms. Culver moved and Mr. Myer seconded a motion (Motion 13) to adopt the preliminary 2013 and 2014 ABCs for sablefish as shown in Agenda Item E.4.a, Attachment 3.

Ms. Culver said sablefish is a stock where a precautionary approach is warranted. She believes taking precaution in deciding the ABC is appropriate. The proxy  $F_{MSY}$  harvest rate used for roundfish in general may not be appropriate for sablefish given their very relatively high longevity, late maturation, and different life history. The steepness used in the assessment is assumed and very uncertain. Likewise, there is high ageing uncertainty and a gap in the ages used in the assessment. A steep decline in abundance includes large fishery removals in the 1980s and below average recruitment. A high recruitment event was estimated in 1999. While this was an above-average recruitment event, it was less than previously estimated. There is another high recruitment estimated in 2008, although this is highly uncertain. The SSC and the Stock Assessment Team (STAT) are estimating there is a 25 percent chance the stock is currently overfished. The high uncertainty in estimating the OFL in this assessment is the reason for deciding a lower  $P^*/ABC$  for the sablefish stock. There is relatively low management uncertainty given that catch is tracked closely and inseason adjustments to fisheries are made at almost every Council meeting.

Mr. DeVore asked for clarification whether the motion adopts final preferred 2013 and 2014 ABCs for sablefish, and Ms. Culver said yes.

Ms. Vojkovich said the sablefish decline is due to a lack of recruitment and not necessarily scientific uncertainty with respect to estimating OFL. She does not believe this  $P^*/ABC$  decision applies consistent reasoning, since the assessment is relatively robust. Ms. Culver said the SSC was clear that variability between sablefish assessments is very low and is truly a category 1 stock. However, this does not really address the uncertainty in estimating OFL from this new assessment. She does not have faith the OFL value is correct.

Mr. Feldner wondered whether this uncertainty would be better addressed with a different sigma value and Mr. DeVore said the SSC's evaluation was that the category 1 sigma should apply for sablefish.

Ms. Kirchner thought the precaution should be considered with an ACL or an ACT decision rather than an ABC decision. This allows more management flexibility than specifying the limit with an ABC. Ms. Culver said the results of the 2011 sablefish assessment comport well with past assessments; however, there is a larger estimate of uncertainty in abundance estimates than in past assessments. Ms. Culver believes this is a good example of how to decide a  $P^*$ .

Mr. Lockhart thought the real question is whether it is best to accommodate sablefish concerns in the ABC decision rather than the ACL decision. He believes it is appropriate to do this with the ABC decision and is therefore supporting the motion.

Mr. Crabbe is struggling with this issue and thinks perhaps the sablefish assessment is flawed. Mr. DeVore explained that more of the uncertainty that has always been there was captured in the 2011 assessment relative to past assessments.

Mr. Sones said the tribes will be very disturbed by this decision if it passes. The message he would be relaying to the tribes is that overharvest has led to this result. He believes this may not be the case, but that is the perception and he therefore does not support the motion.

Motion 13 failed on a roll call vote (Mr. Sones, Mr. Feldner, Mr. Ortmann, Mr. Crabbe, Mr. Pollard, Ms. Kirchner, and Ms. Lowman voted no).

[11/4/11]

Mr. DeVore explained he produced a table of ACLs for stocks and stock complexes as requested by the Council and provided an overview of the tables in Agenda Item E.4.a, Supplemental Attachment 9.

Ms. Kirchner asked for the basis of the 25,000 mt Dover sole ACL and Mr. DeVore explained that was a GAP recommendation in the 2011-2012 specifications cycle to try to further develop markets for Dover sole. Forward projections then and now indicate the stock will remain healthy with a catch stream that high.

Mr. Lockhart asked if it was true that the highest widow rockfish constant catch strategy that would keep the stock from going below the minimum stock size threshold of 25 percent under the more pessimistic  $h = 0.41$  model was 1,500 mt. Mr. DeVore said that was correct. A 1,500 mt constant catch is predicted to reach a nadir in depletion of 25.6 percent in 2016 under the more pessimistic model before increasing after that point.

Ms. Vojkovich asked if it was possible to produce widow projections assuming a steepness of 0.54, and Mr. DeVore said the STAT could do that after the meeting.

Ms. Culver asked if the task is to adopt a range of ACL alternatives and Mr. DeVore said that we ideally need a specific range of ACL alternatives for detailed analysis and a decision on a preliminary preferred ACL alternative. The reason we need a preliminary preferred ACL alternative is that is the one used for non-overfished species in the analysis of integrated alternatives.

Dr. McIsaac asked if the base case model was adopted when the Council adopted the widow rockfish assessment and Mr. DeVore said the base case model was used for deciding the OFL as recommended by the SSC since this is the most likely case. The basis for any Council decision on ACLs should consider the uncertainty captured using the base case model as well as the alternative models used in decision tables.

Dr. McIsaac asked whether the status quo Dover sole ACL was based on precaution due to management uncertainty or socioeconomic considerations. Mr. DeVore said both reasons compelled the decision. While the ACL could have been set higher up to the ABC, precaution was used to not go that high. However, 25,000 mt was the highest optimum yield (OY)/ACL considered for the stock and was decided based on socioeconomic considerations.

Ms. Kirchner moved and Mr. Feldner seconded a motion (Motion 14) to adopt a final preferred sablefish ABC using a  $P^* = 0.45$  and a preliminary preferred ACL alternative based on a  $P^*$  of 0.4 with the 40-10 reduction.



Ms. Kirchner said this is the most comprehensive and robust stock assessment done for west coast sablefish and a  $P^*$  of 0.45 is therefore warranted. The operational definition of ACL in the FMP is that it is a harvest specification set equal to or below the ABC in consideration of conservation objectives, socioeconomic concerns, management uncertainty, ecological concerns, and other factors. Taking precaution using the ACL is a better fit than addressing these concerns using the  $P^*/ABC$  specification. Setting an ACL lower than the ABC to prevent overfishing is really the objective here. There is clearly a need to use a precautionary approach in setting the ACL given the importance of the sablefish stock to west coast fisheries.

Ms. Culver moved and Mr. Myer seconded a motion to substitute the main motion (Motion 15) to adopt a final preferred ABC for sablefish using a  $P^*$  of 0.40 and a preliminary preferred ACL alternative using a  $P^*$  of 0.40 with the 40-10 reduction.

Ms. Culver believes it prudent to adopt a  $P^*$  of 0.40 in setting the sablefish ABC. Using the highest  $P^*$  of 0.45 to set the ABC is not warranted given the stock's importance and the assessment uncertainty.

Mr. Lockhart said he supports the substitute motion and believes the place to add precaution is in the  $P^*$  decision.

Ms. Vojkovich said this is all a question of risk tolerance. She had heard that this has been the best sablefish stock assessment conducted on the west coast but there is great uncertainty on how to use the  $P^*$  decision. She is concerned with the precedent of using  $P^*$  this way.

Ms. Culver explained this is the best available science for sablefish; however, this does not reduce the uncertainty in the assessment, which is acknowledged in the assessment.

Substitute motion 15 carried (Mr. Crabbe, Ms. Kirchner, and Mr. Feldner voted no).

Ms. Culver referred to Agenda Item E.4.a, Attachment 4 and moved and Mr. Myer seconded a motion (Motion 16) to adopt the following ACL alternatives for the overfished stocks:

- bocaccio: maintain the current SPR of 77.7 percent for the preliminary preferred ACL (i.e., ACL Alternative 4) and maintain a  $T_{TARGET}$  of 2022;
- canary: analyze the range of ACL alternatives 1, 2, 4, and 7 with the understanding that  $T_{TARGET}$  will be adjusted. The preliminary preferred ACL is ACL Alternative 4, which uses the current SPR;
- cowcod: preliminary preferred ACL Alternative 3, maintain  $T_{TARGET}$ ;
- darkblotched: preliminary preferred ACL Alternative 2, maintain  $T_{TARGET}$ ;
- POP: analyze the range of ACL alternatives 1, 5, 11 (preliminary preferred), 18, and 19;  $T_{TARGET}$  will be adjusted
- petrale sole: maintain ACL Alternative 5 as the preliminary preferred alternative; maintain  $T_{TARGET}$ ; and
- yelloweye: preliminary preferred ACL Alternative 6; maintain  $T_{TARGET}$ .

Ms. Culver explained the SSC recommended no change to the bocaccio, cowcod, darkblotched, and yelloweye rebuilding plans; therefore, the SPR harvest rates and target years under these rebuilding plans are maintained.

Mr. Crabbe asked why the GAP-recommended canary ACL Alternative 5 was not included in the motion and Ms. Culver said the GAP's preferred alternative is within the range.

Ms. Kirchner asked what level of analysis/comment can we expect under Agenda Item E.5, and Mr. DeVore explained any comments under Agenda Item E.5 will undoubtedly be conceptual and general since that item is scheduled for later today. More thorough analysis and discussion can be expected under Agenda Item E.9.

Ms. Ames explained what to expect under Agenda Item E.9.

Mr. Lockhart said NMFS is very interested in canary ACL Alternative 3 since it provides ACLs close to the 2012 ACL and results in a median time to rebuild closest to  $T_{TARGET}$ .

Ms. Kirchner moved and Mr. Feldner seconded a motion to amend the main motion (Amendment 1 to Motion 16) to add canary ACL Alternative 5 to the analysis.

Ms. Kirchner said the GAP provided good rationale for ACL Alternative 5 for canary. It rebuilds in the same year as the No Action Alternative 4 and provides slightly more yield that can address some current fishery problems. She would like to see detailed analysis of this alternative to better understand these tradeoffs.

Mr. Lockhart moved and Ms. Culver seconded an amendment to the amendment to the main motion (Amendment 1a) to add canary ACL Alternative 3 to the range for detailed analysis.

Amendment 1a to Amendment 1 to Motion 16 carried unanimously.

Amendment 1 to Motion 16 carried unanimously.

Motion 16 as amended carried unanimously.

Ms. Vojkovich moved and Mr. Brizendine seconded a motion (Motion 17) to adopt the ACLs for non-overfished species and stock complexes as shown in Table 1 in Agenda Item E.4.a, Supplemental Attachment 9, except for sablefish and widow. Also, add a longnose skate ACL alternative of 2,000 mt to the analysis as recommended by the GMT. Set the ACL = ABC for the southern minor slope rockfish and Other Fish complexes.

Mr. Lockhart asked if the most vulnerable species identified in the Cope et al. 2011 analysis are in any of these two complexes, and Mr. DeVore explained that three of these species (i.e., shortraker, roughey, and aurora rockfish) are in the southern minor slope rockfish complex.

Ms. Culver moved and Mr. Lockhart seconded a motion to amend the main motion (Amendment 1 to Motion 17) to specify these as preliminary preferred alternatives and to solicit comments on this decision by the GMT and GAP under Agenda Item E.9.

Amendment 1 to Motion 17 carried unanimously.

Motion 17 as amended carried unanimously.

Ms. Vojkovich moved and Mr. Crabbe seconded a motion (Motion 18) to adopt preliminary preferred harvest guidelines (HGs) for the following species: specify HGs of 119 mt in 2013 and 122 mt in 2014 for blackgill rockfish south of 40°10' N lat.; allocate blackgill as 60 percent limited entry and 40 percent open access; and specify HGs for blue rockfish using status quo methodology.

Motion 18 carried unanimously.

Ms. Culver moved and Mr. Myer seconded a motion (Motion 19) to adopt a range of widow ACLs of 600 mt, 1,500 mt, 2,000 mt, and 2,500 mt for analysis with no preliminary preferred alternative identified at this time.

Motion 19 carried unanimously.

Mr. DeVore asked if there was anything else beside the allocation scenarios the Council would like to see under Agenda Item E.5. Mr. Lockhart asked the GMT to provide historical catches of the most vulnerable species. Also, he wanted the ability for the GMT and GAP to add alternatives as needed.

Ms. Culver wants to see a current (2012) scorecard for the non-Amendment 21 species. She also requested a table of status quo allocations (amounts and percentages) for each of these ACL alternatives.

[The Council was on break from 9:35 a.m. to 9:52 a.m. and then moved to Closed Session; Council resumed with Agenda Item E.5 on Friday, November 4, 2011 at 3:06 p.m.]

[Council was in Closed Session from 9:52 a.m. to 10:12 a.m.]

## **E.5 Further Direction on Biennial Management Specifications for 2013-2014 Groundfish Fisheries – Part 1 (If Needed) (11/4/2011; 3:06 p.m.)**

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

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

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

Ms. Heather Reed presented Agenda Item E.5.b, Supplemental GMT Report 1. Ms. Lynn Mattes presented Agenda Item E.5.b, Supplemental GMT Report 2. Mr. Corey Niles presented Agenda Item E.5.b, Supplemental GMT Report 3.

### **E.5.c Public Comment**

Mr. Ralph Brown, Trawl Fisherman, Brookings, Oregon.  
Mr. Brad Pettinger, Oregon Trawl Commission, Brookings, Oregon.

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

Mr. Lockhart wanted to give the GMT the flexibility to add items to the stock complex question beyond what has been contemplated so far. We need to be able to track these species and explore management measures that can address overfishing concerns. Ms. Culver said if there is not further guidance on what the GMT needs to provide under Agenda Item E.9, it may be hard for the GMT to finish their Agenda Item E.9 report. She would prefer prioritizing the issues the GMT should address under Agenda Item E.9. After some discussion, it was decided that no further analysis on stock complexes is necessarily needed by the GMT for Agenda Item E.9.

Ms. Ames asked if the GMT needed to consider the need for a POP ACT in 2013-14 and the Council said no.

Mr. Feldner asked for some additional analysis for higher darkblotched ACL alternatives by adding ACL alternatives 3, 4, 5, and 6 to the analysis. Also, he wanted to add a 3,500 mt widow ACL alternative to the analysis. Ms. Culver objected to this guidance.

Mr. Feldner moved and Ms. Kirchner seconded a motion (Motion 24) to give guidance to the GMT to include information on the higher darkblotched and widow ACL alternatives spoken to by Mr. Brown and Mr. Pettinger in their report under Agenda Item E.9 (i.e., analyze darkblotched ACL alternatives 3, 4, 5, and 6 from Agenda Item E.4.a, Attachment 4 and a 3,500 mt widow rockfish ACL alternative).

Mr. Feldner said he does not necessarily prefer these higher ACLs but he would like to see more information before deciding which alternatives are decided for detailed analysis.

Ms. Vojkovich said she was not necessarily comfortable with the darkblotched decision made under Agenda Item E.4 and would like to see more information. Ms. Kirchner agreed. Mr. Crabbe asked whether the Council members believed the range of ACL alternatives decided

under Agenda Item E.4 was final. Mr. Feldner believed the Agenda Item E.4 ACL decision was flexible. Mr. Lockhart believed the range of ACLs was final under Agenda Item E.4 but the preliminary preferred alternative could be changed under Agenda Item E.9.

Motion 24 carried on a roll call vote (Mr. Myer, Ms. Vojkovich, Mr. Lincoln, Ms. Culver, and Mr. Lockhart voted no).

## **E.6 Status Reports on the Rationalized Trawl Fisheries (11/4/2011; 4:20 p.m.)**

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

Mr. Jim Seger provided the Agenda Item Overview.

### **E.6.b NMFS Report**

Mr. Frank Lockhart referenced but did not review Agenda Item E.6.b, NMFS Report 1: Current IFQ Catch Data Snapshot. With respect to the carryover issue, Mr. Lockhart stated that the analyses of the carryover provision impacts continued to be very positive and he was optimistic that the provision could be implemented with only a few weeks delay (in April). NMFS will report back on the issue at the next Council meeting. Mr. Lockhart also provided a demonstration of the internet interfaces that will allow review of the holdings in quota shares (QS) and vessel accounts.

### **E.6.c Whiting Mothership Cooperative Report**

Mr. Dave Fraser and Mr. Joe Bersch presented the Whiting Mothership Cooperative – Preliminary Report to the PFMC dated November 5, 2011 (PowerPoint), at which time they addressed the additional agenda item materials (Agenda Item E.6.c, Supplemental Mothership Co-op Report 1 & 2 and Agenda Item E.6.c, Catcher-Processor Co-op Report).

### **E.6.d Enforcement Consultants Report**

Mr. Dayna Matthews presented a PowerPoint that showed the information contained in Agenda Item E.6.d, Enforcement Consultants Report and Agenda Item E.6.d, Supplemental Revised EC Report.

### **E.6.e Reports and Comments of Advisory Bodies and Management Entities**

None.

### **E.6.f Public Comment**

Ms. Leesa Cobb, Port Orford Ocean Resource Team, Port Orford, Oregon.  
Mr. Brad Pettinger, Oregon Trawl Commission, Brookings, Oregon.  
Mr. Michael Lake, Alaskan Observers, Inc. Seattle, Washington.

**E.6.g Council Discussion:**

None.

[Council adjourned 5:38 p.m.]

**E.7 Trawl Rationalization Trailing Actions (11/5/2011; 8:08 a.m.)**

**E.7.a Agenda Item Overview**

Mr. Jim Seger provided the Agenda Item Overview.

Agenda Item E.7.a, Attachment 1: Trailing Actions Priorities and Status.

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

Mr. Jim Seger read into the record Agenda Item E.7.b, Supplemental TRREC Report: Trawl Rationalization Regulatory Evaluation Committee Report on Trailing Actions; and Dr. Dave Hanson provided additional comments and answered questions.

Mr. Tommy Ancona presented Agenda Item E.7.b, Supplemental GAP Report. In response to a question from Mr. Lockhart on moving the gear issues into a separate process, Mr. Ancona expressed concern that progress continue on the issues.

Capt. Bob Farrell presented Agenda Item E.7.b, Supplemental EC Report; Mr. Dayna Matthews provided additional comments in response to questions about penalty structures and viability of using cameras for enforcement.

Mr. Lockhart presented Agenda Item E.7.b, Supplemental NFMS Report: NMFS' Preliminary Determinations on the Appropriate Level of NEPA for Trailing Actions. Additionally, Mr. Lockhart reported that NMFS staff is working to implement Program Improvements and Enhancements (PIE) 1 for 2012 and had not yet had time to review the Council's list of trawl rationalization priorities to provide further input beyond the preliminary National Environmental Policy Act (NEPA) determinations. Workload issues will need to be continually readdressed as the process progresses. He noted that some of the issues under this agenda item affect more than just the trawl sector. This may have implications as to whether they can remain a trawl rulemaking or a broader rulemaking.

With respect to the NMFS report under Agenda Item E.9, Mr. Lockhart noted a number of items which NMFS is recommending not be included as part of the biennial specifications process. These may be appropriate for a future PIE rule once analysis and Council action is completed. A determination on their inclusion in a PIE rule can be made at that time. With respect to the issue of set-aside flexibility, Mr. Lockhart noted the need for an EA and that NMFS would be working with the Council staff to develop the needed alternatives. Further Council action is still needed on process.

Mr. Lockhart noted that there was discussion at the September Council meeting of the sablefish-lingcod discard mortality issue, but that the Council did not adopt it as a priority trawl rationalization action. NMFS has begun developing a report but has not completed it. One of the challenges was locating the survival rate estimates. The GMT's assistance on this would be helpful. If the Council wants to further consider discard mortality for sablefish and lingcod, there are four possible approaches in order of increasing difficulty: (1) continue to require all discarded catch to be covered by quota pounds by applying the 100 percent discard mortality rate to all discards (status quo), (2) apply discard mortality rates currently used in management and stock assessments to inseason individual fishing quota (IFQ) accounting, (3) determine and apply appropriate discard mortality rates based on data from the scientific literature, and (4) conduct species-specific scientific tagging studies to determine mortality rates using condition-based viability estimates. At this point NMFS is not in a position of moving forward on either Option 3 or 4 due to workload, budget, and other research priorities.

Mr. Lockhart also noted that NMFS has made a determination that the following information will no longer be considered confidential: Quota share (QS) and quota pound (QP) account balances, vessel account balances, and catch history assignment amounts. The names of account owners and permit owners have already been released. Their target for making this information available online is December 1.

NMFS is recommending that the limits on processing at-sea for the limited entry fixed gear and open access sectors be removed from the Council's list of priorities for trailing actions (E.7.a, Attachment 1, #26). It affects sectors other than trawl and should be addressed through a general groundfish action rather than trawl rationalization. Given the guidance for a narrow scope for the 2013-2014 specifications, it is also not a priority issue for that process. If the Council wants to address this in the future it would need to be brought back before the Council.

NMFS will be developing the PIE 2 rule to be effective for January 2013. Any items for PIE 2 should be addressed at the Council's March and April meeting. Preliminary analysis needed for PIE 2 should be ready for the March Council meeting.

With respect to the issue of moving the lingcod management line, this would be an appropriate issue of Council comment. On the basis of those comments and the record, there is a possibility that it could change implementation of the split in 2012.

### **E.7.c Public Comment**

Agenda Item E.7.c, Public Comment from Ms. Phoebe Higgins, California Fisheries Fund.

Agenda Item E.7.c, Supplemental Public Comment 2 from Mr. Scott Hartzell, Captain F/V Ossian.

Agenda Item E.7.c, Supplemental Public Comment 3, Letters.

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

Ms. Donna Parker, Arctic Storm, Seattle, Washington.

[Council break from 10:57 to 11:10 a.m.]

Mr. Steve Rienecke (The Nature Conservancy) and Mr. Chris Kubiak (Central Coast Sustainable Groundfish Association), Los Osos, California.  
Mr. Rod Moore, WCSPA, Portland, Oregon.

[Council break from 11:49 a.m. to 1:04 p.m.]

Ms. Phoebe Higgins, California Fisheries Fund (CFF), San Francisco, California.  
Ralph Brown, Pete Leipzig and Brad Pettinger, Trawl Fisherman, Brookings, Oregon.

**E.7.d Council Action: Provide Guidance on Further Refinements of Trailing Issues, including Stacking of Trawl Permits with Fixed Gear Permits (11/5/2011; 1:35 p.m.).**

Mr. Seger noted that in Agenda Item E.7.a, Supplemental Power Point, the items listed as 27, 28 and 29 should be renumbered as 28, 29, and 30, in order match up with the numbering in Agenda Item E.7.a, Attachment 1.

Mr. Myer moved and Ms. Culver seconded Motion 25 to provide guidance to the priority and timing of the trailing amendments by moving all of the items listed above [on the screen, the first 12 items from Attachment 1 plus 28, 29, and 30], except to remove number 7; to keep the timing as ordered; and to incorporate into the guidance the recommendations from the GAP on Items 2c, 3, 4, 5, 9 and the newly renumbered 28, 29, 30 and recommendations from the TRREC committee on 5, 7, 28, and 30. And, recommend the items 28, 29, 30 to go forward as a gear package on which we can further have discussions later. And further, to be incorporated into Item 6, the alternative from Attachment 1 (which is also in agreement with the Item E.7.b, Supplemental EC Report).

At a later point in the discussion, Mr. Myer clarified that since he had not explicitly removed Item 8, double filing of co-op reports, it should be considered to be included in the workload list, even though it had not been addressed. Similarly, Items 10 (observer costs), 11 (AMP quota) and 12 (widow rockfish reallocation) should also be moved forward retaining the timing indicated.

Mr. Myer commented that because there are currently four active processing companies, Item 7 (mothership processing limits) does not warrant the priority that other items do. Items 28, 29 and 30 were lumped. He stated that he had not included the Trawl Rationalization Regulatory Evaluation Committee (TRREC) recommendations on Item 29 because the TRREC had numerous recommendations that would muddle the water too much for this motion. In response to a question, Mr. Myer indicated that he had not included items 10, 11 and 12 because NMFS had not yet made a determination on these items with respect to process.

Mr. Lockhart responded to the discussion indicating his understanding that if this motion is approved, NMFS would work with Council staff to determine which vehicle should be used to develop each issue. In March, NMFS would spell out in detail how each of these issues would go forward. Mr. Myer concurred. Mr. Steve Williams indicated his understanding that in one



form or another, the Council would revisit each of these items in more detail. Mr. Lockhart concurred.

Ms. Lowman asked if his motion reflected the order of priority. Mr. Myer responded that it is his intent to keep the timing rather than setting the priority. In response to a question, Mr. Myer indicated that he wanted the recommendations of the TRREC to go forward, but that the timing desired by the TRREC might not be possible. Therefore he is using the timing from the workload Powerpoint, which in some cases leaves the timing to be determined. Ms. Culver indicated her understanding that we would be trying to get the three gear-related items done for 2013-2014 and that there were multiple vehicles for doing so.

With respect to the alternatives that would be analyzed, Mr. Myer noted the reference in the motion to the alternative for Item 6 and the GAP and TRREC recommendations on alternatives in their reports.

Motion 25 passed (Mr. Myer recused).

[Council break from 2:14 to 2:29 p.m.]

Ms. Culver moved and Ms. Vojkovich seconded Motion 26 that the Council consider amending the Amendment 21 language on widow rockfish allocation under the 2013-2014 biennial specifications process to specify the amount of widow rockfish to be allocated to the trawl whiting sectors; and until changed, the QS allocation would remain as specified in Amendment 20.

Motion 26 passed unanimously.

Ms. Culver moved and Mr. Williams seconded Motion 27, that the Council revise the whiting start date for all whiting sectors to be May 15 beginning in 2012, and this would be the first of a two meeting process to make that regulatory change.

Ms. Culver spoke to her motion referencing the discussions of the TRREC and GAP. The effect of the motion would be to revise the start date for the shoreside whiting fishery from June 15 to May 15, and would revise the California whiting start dates from April to May as well, so that everyone would have the same start date.

Mr. Lockhart noted that, if this motion were to pass, it would require NMFS to consider whether the ESA consultation would need to be revisited because of the existing biological opinion, and they would need to make sure that the NEPA analysis is consistent. If the Council were to move forward with this, in order to be implemented in 2012 it would need to be included in the January 2012 proposed rule on whiting.

Dr. Hanson asked what would slip if this moves forward. Mr. Lockhart was uncertain. If the discussion with the consulting biologist leads to the conclusion that a reconsultation is not required and if existing analysis in some NEPA document already covers this, then only a date change would be required in the regulations, a relatively small action. Ms. McCall added that in

order to do this, the proposed rule would have to go out before the final Council action which, as a strict legal matter, is not too troubling because it would be framed appropriately. It may give the Council some pause about its own procedures and the Council should not be surprised to see a proposed rule that presupposes what the Council would be doing at its second meeting.

Mr. Crabbe agreed with the date change but felt that this might undermine the flexibility for moving forward provided by Mr. Myer's motion and might jam up the workload process. Mr. Lockhart indicated his understanding of the Council discussion was that if the motion passes, NMFS would not move forward if it meant sacrifices to the other priority items. Mr. Myer opposed the motion, stating he did not view getting the change in place before 2013 to be that urgent. Mr. Williams felt Mr. Lockhart's comment provided opportunity for the Council to take action without needing to be concerned with impact on other priorities. Mr. Lincoln spoke in opposition to the motion, indicating the need for more measured time in terms of the sequence of the proposed regulatory actions and the Council's action itself.

Motion 27 failed. (Mr. Pollard, Ms. Vojkovich, Mr. Lincoln, Mr. Crabbe, Mr. Myer, Mr. Brizendine, and Mr. Ortmann voted no, and Mr. Lockhart abstained).

Ms. Vojkovich moved and Mr. Brizendine seconded Motion 28 (later withdrawn), that the Council draft a comment letter to NMFS relative to the geographic division of the lingcod ACL and trawl fishery and ask them to consider a number of solutions, including the combination of the lingcod ACL into a single coast-wide ACL.

Ms. Culver spoke in support of the motion and stated that the limitation of trawl fishermen's activities to north and south of 42 degrees as a result of the lingcod management line was an unintended consequence. However, she was concerned about establishing a coastwide ACL. Mr. Lockhart responded that combining the ACLs would be a more complicated analysis. Ms. Vojkovich indicated her intent was not to be proscriptive but to offer possible solutions for consideration. In response to a question, Dr. Hanson noted that ACLs were considered under a different agenda item.

Motion 28 was withdrawn with concurrence of the second.

Mr. Steve Williams moved and Ms. Vojkovich seconded Motion 29, that the Council submit public comment on the proposed 2012 specifications rule regarding the issues we heard today involving the subarea allocation of lingcod north and south of 42 degrees. This letter would consider all of the testimony, input, and discussion that has occurred around the table here regarding this item, and would reflect the general hope of the Council to have NMFS address this issue and resolve it for 2012.

Motion 29 passed (Mr. Lockhart abstained).

In response to a question from Dr. McIsaac, Mr. Seger indicated that with respect to the need for alternatives for analysis, most issues are covered by Mr. Myer's motion that included the GAP and TRREC guidance. He said the main issue in question was the observer cost issue.

In response, Ms. Culver noted that the observer issue would need considerable discussion, that the Council sees this as very important, and that hopefully there would be some further progress on it. She liked the idea from the Central Coast Association with respect to exploring the use of electronic monitoring systems for their longline fishery. This is important and we want to get observer costs reduced as much as possible, whether that is retraining observers and reducing how much that costs, or looking at lesser skilled, less costly positions for the shoreside compliance monitors. At this point, this needs further discussion and exploration by the TRREC, GAP, EC, and NMFS. Hopefully through those discussions we will identify some concrete solutions to develop in the future.

Dr. Hanson added that we need to see what costs really are for video monitoring. The Canadian system uses 10 percent sampling of video. If there are very rare events, subsampling can either grossly overestimate or underestimate. Therefore, for our program, 100 percent review of films would be needed for the program to be effective. Chain of evidence is another cost issue to be addressed. Mr. Lockhart noted that the Northwest Fisheries Science Center (NWFSC) will be holding outreach meetings in communities on cost issues. This is an issue that has attention at high levels within NMFS. NMFS will have more information for the Council the next time it is brought up. Ms. Lowman noted the nationwide interest and ongoing work on this issue. If we could think about these issues and get the data needed for our fishery in an organized fashion for March, that would help the Council move forward. In response to the Council chair, Mr. Seger summarized that based on this discussion, doing something for 2013 that would require final action in April was probably out of the picture. For the purposes of documents in the future, we will change that date to 2014 so no one has expectations that something will be changing by 2013, unless the Council has another viewpoint.

Dr. McIsaac stated that unless the Council wants to get more specific on these priorities, staff would move down through this list, taking into account the Council discussion. Ms. Vojkovich wanted to make sure that the GAP and TRREC priorities are only with respect to the specific measures listed in the Council motion.

Mr. Seger asked about the set-aside issue and where that would be agendaized for future meetings, noting that it could come up under E.9 or long-term agenda planning. Mr. Lockhart suggested that NMFS and Council staff work together on options and bring that information back in March.

[Council break from 3:27 to 3:43 p.m.]

## **E.8 Consideration of Inseason Adjustments for 2011 and 2012 Fisheries (11/5/2011; 3:43 p.m.)**

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

Ms. Kelly Ames provided the Agenda Item Overview.

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

Dr. Sean Matson presented Agenda Item E.8.b, Supplemental Groundfish Management Team (GMT) Report. Mr. Tom Ancona presented Agenda Item E.8.b, Supplemental Groundfish Advisory Subpanel (GAP) Report. Mr. David Sones presented Agenda Item E.4.b, Supplemental Tribal Report. Ms. Michele Culver presented Agenda Item E.8.b, Washington Department of Fish and Wildlife (WDFW) Report.

## **E.8.c Public Comment**

Mr. Kevin Dunn, F/V Iron Lady; Astoria, Oregon.

## **E.8.d Council Action: Adopt Final Recommendations for Adjustments (11/5/2011; 4:17 p.m.)**

Ms. Marija Vojkovich offered perspective on the 2011 sablefish projections north of 36° N. latitude. There is a timing issue with the November Council meeting; this late in the year, the only options are fishery closure, and based on past experience, closure has little impact on total mortality. Ms. Vojkovich said that based on our past performance relative to harvest guidelines and annual catch limits, she is comfortable with letting the fishery continue for the remainder of the year.

Ms. Michele Culver responded that when a closure is announced for the second month of a two-month period, participants will attain their limit in the first month. Our actions tend to accelerate catch and make matters worse. Ms. Culver said that we need to address the underlying tracking issue of apportioning landings between the primary sablefish fishery and the daily trip limit fishery. The states need to work with the Pacific Fisheries Information Network (PacFin) to resolve this issue.

Mr. Steve Williams agreed with Ms. Vojkovich and Ms. Culver. Based on our past experience, making adjustments now is not worthwhile. The GMT worked very hard to resolve the data issue for 2011. The GAP report notes that state infrastructure needs to be resolved to fix this data issue. Oregon has infrastructure problems that need to be addressed to include a permit number data field. However, he noted, the data field alone will not ensure the permit numbers are accurate. We need to continue looking for solutions.

Ms. Lowman noted that Council discussion supports the no action alternative for the sablefish fishery north of 36° N. latitude for 2011.

Ms. Culver moved and Mr. Steve Williams seconded a motion (Motion 30) to adopt conforming regulations to restrict recreational lingcod fisheries in Washington, as outlined in Agenda Item E.8.b, WDFW Report, such that regulations are in place for the opening date of March 17, 2012.

Mr. Frank Lockhart said he does not see a problem meeting the deadline.

Motion 30 passed unanimously.

Ms. Vojkovich moved and Mr. Brizendine seconded a motion (Motion 31) to adopt recommendation #3, outlined in Agenda Item E.8.b, Supplemental GMT Report, for revised minor nearshore rockfish and black rockfish trip limits between 42° and 40°10' N. latitude for limited entry and open access fixed gears. The revised limits for Period 1 would be “8,500 lb/2 months of which no more than 1,200 lb may be species other than black rockfish.”

Ms. Vojkovich said that due to workload issues, this trip limit structure, which was recommended in 2011-2012, was never implemented for Period 1. This motion would modify the trip limit to make it consistent with the Council’s intent.

Motion 31 passed unanimously.

Ms. Culver moved and Mr. Steve Williams seconded a motion (Motion 32) to adopt the daily trip limit fishery sablefish trip limits outlined in Alternative 1 and the modifications to the trawl Rockfish Conservation Area (RCA) from 200 to 150 fathoms (fm) between Cape Falcon and Cape Alava in Period 2 (Agenda Item E.8.b, Supplemental GMT Report).

Ms. Culver said the sablefish alternative was recommended by the GMT and GAP and projected impacts are below the harvest guideline and sablefish annual catch limits for 2012. Relative to the RCA, the boundary has been 150 fm for most of the year, except in Period 1 when it is at 200 fm. Data from the arrowtooth exempted fishing permit, which operated in this area, indicated very low bycatch of canary rockfish and no bycatch of slope species. Further, under individual fishing quota management, fishermen are accountable for their bycatch.

Mr. Steve Williams supports the motion. He noted that in the past there was some reluctance to review inseason data at the March Council meeting. He would like the Council to review data in March, and make adjustments if necessary.

Ms. Vojkovich asked Mr. Williams to clarify his comments. Mr. Williams responded that he was focused on the daily trip limit sablefish fisheries. However, he has the same feeling about the other fisheries.

Ms. Vojkovich is supporting the motion and believes that by smoothing out the sablefish trip limits over the entire year, it will reduce the need for Council action at every meeting.

Motion 32 passed unanimously.

[Council adjourned at 4:31 p.m. and reconvened on 11/6/2011 at 8:07 a.m. with G.1. Habitat]

## **E.9 Biennial Management Specifications for 2013-2014 Groundfish Fisheries – Part 2 (11/6/2011; 3:00 p.m.)**

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

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

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

Ms. Marija Vojkovich presented Agenda Item E.9.b, CDFG Report: Preliminary Range of Management Measures for California's 2013-2014 Commercial and Recreational Groundfish Fisheries; and Agenda Item E.9.b, Supplemental CDFG Report 2. Ms. Gway Kirchner presented Agenda Item E.9.b, Supplemental Joint ODFW/CDFG Report on the black rockfish sharing agreement between Oregon and California. Ms. Michele Culver reported there is no written report from WDFW as they have recommended no new management measures for analysis.

Mr. David Sones presented Agenda Item E.9.b, Supplemental Tribal Report, noting the measures were very similar to those in 2011-12, except the references to the bi-monthly limits are different now that the non-tribal fisheries are under IFQ management.

Mr. Frank Lockhart presented Agenda Item E.9.b, NMFS Report: NMFS Advice on the Preliminary List of Management Measures for 2013-14 Groundfish Fisheries. He stated this report contains advice on the preliminary list of management measures for 2013-2014. Many of the points in the report have already been made. However, Mr. Lockhart wanted to highlight item number 9, which references fishing opportunities in the Cowcod Conservation Areas (CCAs). The report notes that NMFS will work with CDFG to develop an EFP, however due to timing constraints, an EFP was not developed for 2013-2014. Mr. Lockhart noted the Council can further discuss the items in the reports, as they arise under this agenda item.

Capt. Bob Farrell presented Agenda Item E.9.b, Supplemental EC Report.

Ms. Joanna Grebel, Ms. Lynn Mattes, Mr. Dan Erickson, and Mr. Corey Niles presented Agenda Item E.9.b, Supplemental GMT Reports 3 and 4. Ms. Kelly Ames provided updates on the GMT reports for use in the Council Meeting (Agenda Item E.9.b, GMT Report: GMT Report on Off the Top Deductions (Set-Asides) for 2013-2014; Agenda Item E.9.b, GMT Report 2: GMT Report on Preliminary Management Measures for 2013-14; and Agenda Item E.9.b, Supplemental GMT Report 4. (Additional GMT Statements for this agenda item are Agenda Item E.5.b, Supplemental GMT Report 2; Agenda Item E.5.b, Supplemental GMT Report 1; and Agenda Item E.4.a, Attachment 4). Ms. Joanna Grebel and Mr. Dan Erickson answered the questions of the Council.

Mr. Gerry Richter, Ms. Susan Chambers and Mr. Tom Libby presented Agenda Item E.9.b, Supplemental GAP Report.

Ms. Vojkovich asked a clarifying question of Mr. Lockhart regarding the retention of the shelf rockfish in the CCA within the 20 fathom contour. The NMFS report proposes to separate this item from the 2013-2014 specifications process and rulemaking. Mr. Lockhart said that comment was with regard to the proposed EFP, the agency is not opposed to having this go through the harvest specifications and management measures process now.

[Council break from 4:37 to 5:12 p.m.]

Ms. Joanna Grebel, Ms. Lynn Mattes and Mr. Dan Erickson presented Agenda Item E.9.b, Supplemental GMT Report 3.

**E.9.c Public Comment (11/6/2011; 6:02 p.m.)**

Mr. Dan Platt, Fisherman, Fort Bragg, California.

Mr. Jeff Miles, Commercial Fisherman, Port Orford, Oregon; presented information from Agenda Item E.9.c, Supplemental Public Comment 2.

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

Ms. Leesa Cobb, Port Orford Ocean Resource Team, Port Orford, Oregon.

**E.9.d Council Action: Adopt Any Remaining Harvest Specifications, Preliminary Two-Year Allocations, and Management Measures for More Detailed Analysis (11/7/2011; 8:24 a.m.)**

Mr. Sones moved and Ms. Culver seconded a motion (Motion 36) that the Council adopt the preliminary treaty management measures and seasons for 2013-2014 included in the supplemental Tribal report under this agenda item, for analysis.

Motion 36 passed unanimously.

Ms. Culver moved and Ms. Kirchner seconded a motion in writing (Motion 37) as follows:

“In an effort to reduce the analytical workload, ensure that the 2013 regulations are implemented on January 1, 2013, and provide sufficient time for the Council and its advisory bodies to effectively consider major changes to the groundfish harvest specifications, rebuilding plans, stock complexes, and management process, the Council reiterate its intent to keep the harvest specifications and management measures for 2013 and 2014 as close to the 2012 harvest specifications and management measures (i.e., status quo) as much as possible with minimal exceptions.

Harvest Specifications

The Council re-confirm the range of annual catch limits (ACLs) and preliminary preferred alternatives (PPAs) for ACLs adopted under Agenda Item E.4, except:

1. For widow rockfish, reduce the range of alternatives to remove the 2,500 mt alternative, and select a PPA of 1,500 mt.
2. For longnose skate, select a PPA of 2,000 mt.
3. For stock complexes, select a PPA consistent with a continuation of managing species at the complex level, and provide guidance to the GMT to analyze the process and implications of implementing a sorting requirement for minor slope rockfish, specifically aurora, shortraker, and rougheye rockfish north of 40°10' N. latitude.

4. For lingcod, shift the division between ACLs north and south from 42° N. latitude to 40°10' N. latitude and analyze the associated management considerations.

Ms. Culver spoke to her motion. She noted the Council first stated its intent to have a narrow scope for 2013-2014 in June of this year, again in September, and now in November. There are a lot of major changes that we would like to consider, including changes to the process itself, considerations for P\*, rebuilding plans, and stock complexes. This will take a significant amount of time, effort, and consideration. We said we would delay consideration of those items until the 2015-2016 cycle. For the 2013-2014 cycle, in order to meet the January 1 implementation date for the regulations, the Council would implement harvest specifications and management measures as close to status quo as possible. The preliminary preferred ACLs the Council adopted under Agenda Item E.4 represent prudent measures and annual catch limits. Widow rockfish, as we have seen from the revised stock assessment, is rebuilt. However, the Council needs to seriously consider providing additional opportunity for widow rockfish, such as mid-water trawl targeting, because of the canary rockfish bycatch interactions. The PPA ACL for canary is very similar to the levels seen in recent years; therefore the fleet will need to work hard to avoid canary while re-starting this fishery. For longnose skate, the GMT recommended analyzing an ACL alternative of 2,000 mt, given the growth of this fishery in recent years. The 2,000 mt ACL is still below the ABC for the stock. For the stock complexes, the GMT and GAP discussed the concerns with aurora, shorttraker, and rougheye rockfish. Given our intent of trying to keep status quo management measures as much as possible, we plan to continue to manage these stocks within the complex but have the GMT analyze the process and implications of implementing a sorting requirement. The analysis includes the benefits and costs of the sorting requirement, not only the process and workload on the part of the states, but also the implications of the sorting requirement and necessary management measures so we can solicit feedback from the GAP and public. The recommendation to change the management unit for the lingcod ACL is to resolve the unintended consequence of the trawl rationalization program which currently requires fisherman to fish within a small box between 42° N. latitude and 40°10' N. latitude. Implementing the line at 40°10' N. latitude, which is the line used for almost all of the remaining IFQ species, would promote consistency and reduce complexity in the regulations.

Mr. Lockhart expressed support for this incremental step on the stock complex issue, in light of the Council's desire to stay as close to status quo as possible for 2013-2014. He asked if the analysis should include aurora rockfish coastwide and not just north of 40°10' N. latitude. Mr. John DeVore noted that aurora rockfish has a coastwide distribution. He referenced Table 3 in GMT Report 3, which indicates that in earlier years (2002-2007) most of the aurora mortality was in the south, however in recent years (2008- 2010) mortality has largely been in the north. Ms. Culver said catch has steadily declined in the south, going from 32.61 mt in 2007 to 4.06 mt in 2010. She said in light of our general approach to have status quo harvest specifications and management measures for 2013-2014, and since catch in the south has declined dramatically, she did not think it was crucial to include the south.

Mr. Feldner moved and Ms. Lowman seconded an amendment (Amendment 1) to Motion 37 to change Item 1 as follows: replace "remove the 2,500 mt alternative" with "remove the 2,000 mt alternative" while maintaining the PPA of 1,500 mt.



Mr. Feldner said the upper range for the analysis would be 2,500 mt, which would be more informative since 2,000 mt is too close to the preferred option of 1,500 mt. This value may more appropriately meet the needs of the advisors and industry and should be forwarded for analysis and public review before final action.

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

Mr. Feldner asked if an additional alternative of 40,000 mt for Dover sole would impact workload. Mr. DeVore responded that the detailed analysis of the integrated alternatives including the biological impacts and socio-economic analysis would be focused on the PPA. We would analyze the biological impacts and qualitatively discuss the socio-economic impacts of any other alternatives. Mr. DeVore said the additional alternative should not impact the schedule and the January 1 fishery start date.

Mr. Feldner moved and Ms. Lowman seconded an amendment (Amendment 2) to add an ACL alternative for analysis of 40,000 mt for Dover sole.

Mr. Feldner spoke to his motion, noting that the 40,000 mt ACL is still under the ABC and should be sent out for analysis and public review.

Ms. Culver said she is not looking at these two amendments from a purely workload standpoint. She is trying to ensure that Council members hold to the commitment to maintain status quo harvest specifications and management measures for the 2013-2014 cycle. She noted that the states and several Council members have said no to various requests from industry based on this commitment. She said it is very difficult to consider modifications for one sector when we have not considered requests from all the other sectors. For widow rockfish and Dover sole, she does not want to give false expectations. Relative to Dover sole, the fishery leaves thousands of metric tons unharvested every year. There are limits to finding new markets. There are also interactions with sablefish that we likely cannot accommodate, given the lower anticipated sablefish ACL for 2013-2014.

Amendment 2 failed under roll call vote (Mr. Lincoln, Ms. Vojkovich, Ms. Culver, Mr. Lockhart, Mr. Myer, Mr. Ortmann and Ms. Kirchner voted no).

Motion 37 as amended passed unanimously.

Ms. Culver moved and Ms. Vojkovich seconded a motion (Motion 38) that the Council adopt the following for Management Measures:

1. Using Agenda Item E.5.b, Supplemental GMT Report 1, adopt set-asides:
  - a. For the at-sea whiting fishery as recommended by the GMT in Table 1.
  - b. In Attachment 1, adopt the set-asides listed consistent with the GAP recommendations, except for sablefish, reduce the total EFP set-aside to 10 mt.

2. For two-year allocations for bocaccio, canary, cowcod, and yelloweye, maintain the 2012 allocations for 2013 and 2014 (as described in Agenda Item E.9 Supplemental GMT Report 3, Attachment 3), except:
  - a. For yelloweye, reduce the non-nearshore allocation to 1.1 mt, and increase the shorebased trawl allocation to 1.0 mt.
3. For dogfish and longnose skate trip limit purposes, adopt a preliminary sharing alternative consistent with the average trawl and non-trawl recent harvest levels (Agenda Item E.9 GMT Report 3, Tables 12 and 13), which would be 75 percent trawl, 25 percent non-trawl (dogfish) and 90 percent trawl, 10 percent non-trawl (longnose skate). Shares would be expressed as harvest guidelines, not allocations, and should be viewed as management targets for trip limit-setting purposes.
4. For widow rockfish, maintain the status quo trawl/non-trawl allocation of 91 percent trawl and 9 percent to non-trawl (as adopted under Amendment 21) and the trawl IFQ quota share allocations (as adopted under Amendment 20). For the within trawl allocation, adopt the status quo approach to sharing:
  - a. Analyze a range of at-sea allocations to include the status quo 2012 level (147.9 mt) up to 300 mt; this would be allocated between the mothership and catcher-processor sector pro-rata.
  - b. Allocate the remainder of the trawl allocation to the shoreside sector.

Ms. Culver said, relative to the set-asides, the Council had considerable discussions about the EFP set-asides under Agenda Item E.3. The GAP did a great job coming up with the EFP set-aside recommendations for public review. Relative to the sablefish set-aside north of 36° N. latitude, the initial proposal was for 12 mt in 2013 and 16 mt in 2014. She felt this set-aside was too high, given the reduction in the sablefish ACL, therefore she has reduced the set-aside to 10 mt for the two years. The two-year allocations for the overfished species are in line with status quo, with one modification to the non-nearshore allocation. The current projected impacts for this fishery are 0.9 mt. For 2013-2014, the non-nearshore fishery allocation would be 1.4 mt and we anticipate the same management measures. She is proposing to reduce the non-nearshore allocation to 1.1 mt and shift the remaining 0.3 mt to the shorebased IFQ fishery. In 2011-2012, the IFQ fishery has a 0.6 mt yelloweye allocation, and under the original 2013-2014 allocation they would have 0.7 mt. Her motion would increase that allocation to 1.0 mt. The Council has received considerable testimony about the yelloweye rockfish allocation to the IFQ fishery; some individuals received less than one fish and could not go fishing. Hopefully, this will allow all individuals to receive one fish.

For dogfish and longnose skate, the Council needs to develop a new allocation scheme over the long-term, this would involve a Groundfish Allocation Committee (GAC) meeting. In the interim, the motion proposes to maintain the status quo allocations between sectors. Relative to widow rockfish, she reviewed Agenda Item E.7.a, Supplemental Attachment 2, which outlines the Amendment 21 allocation language. Ms. Culver noted that the automatic allocation scheme that will be implemented since the stock is rebuilt is 10 percent of the limited entry trawl allocation or 500 mt of the trawl allocation to the whiting sectors, whichever is greater. At the

time the Council developed this allocation scheme, we thought that there would potentially be four trawl sectors with shoreside divided between whiting and non-whiting. We now have three sectors, with the shorebased sector including both whiting and non-whiting. The rebuilt allocation scheme no longer works for us. She proposes to analyze a range of widow rockfish allocations to the at-sea sectors (mothership and catcher-processors) from 147.9 mt (status quo) up to 300 mt. The allocations to the mothership and catcher-processors would be pro-rata and the remaining amount would go to the shorebased fishery. For example, under the PPA widow ACL of 1,500 mt, 91 percent would be allocated to trawl and then a range of 150-300 mt would be set-aside for the at-sea sectors and the remainder would go to shoreside trawl fishery.

Ms. Lowman asked for confirmation that this would be a plan amendment. Mr. DeVore said the team would analyze the range of allocation alternatives based on the motion. If the Council chooses an allocation scheme different than the Amendment 21 allocation, then it would require an FMP amendment. Dr. McIsaac concurred that changing the language, which results in different values, would require an FMP amendment.

Ms. Kirchner asked if an FMP amendment would jeopardize the January 1 fishery start date. Mr. Lockhart recommended conducting the analysis, which would not jeopardize the January 1 date, and then consider the results in March and April 2012. At that time, if the Council is interested in an option that would require an FMP amendment, we can further review the process and schedule.

Ms. Culver asked for further clarification on the FMP amendment process relative to modifying the rebuilding plans. Mr. Lockhart said at this time the agency does not believe there needs to be a plan amendment since updating the rebuilding plans only requires a regulatory amendment. There is a timing issue under the Magnuson-Stevens Act (MSA) with regards to FMP amendments. Final Council action is scheduled for June 2012. The Council would need to submit the draft EIS and transmit their recommendations which would start the 95-day MSA clock. Mr. Lockhart noted, however, that the agency has not had a chance to go through all of the items on the list to determine if any other items require a plan amendment.

Mr. DeVore concurred with Mr. Lockhart, noting that Amendment 16-1 allows the rebuilding plans to be included as an appendix to the FMP, and updates require only a regulatory amendment. He noted that changing the pro-rata distribution of widow rockfish within the whiting sectors would require amending the FMP. Under Amendment 21 and the range of alternatives for analysis, 500 mt would go to the whiting sectors, with 42 percent going to the shorebased whiting sector, 34 percent to the catcher-processors, and 24 percent to the mothership sector. If that allocation scheme is modified it would require an FMP amendment.

Ms. Culver said she is adding an approach for the analysis, in addition to the Amendment 21 allocation. Under the Amendment 21 allocation and the PPA, the total for the at-sea sectors is about 300 mt but under the proposed option they would get 150 mt. The goal is to provide additional widow to get to the shoreside sector.

Motion 38 passed unanimously.

Ms. Vojkovich moved and Mr. Crabbe seconded a motion (Motion 39) to reconsider Motion 38. Ms. Vojkovich spoke to her motion and noted that she specifically was asking for reconsideration of set-asides for EFPs under Item 1.b.

Motion 39 passed unanimously.

Ms. Vojkovich moved and Mr. Brizendine seconded a motion to amend Motion 38, Item 1.b of the motion and confirm we are adopting the GAP recommendations for EFP's except for the following changes for 2013-2014:

- Bocaccio 2.6 mt
- Canary 0.8 mt
- Cowcod 0.02 mt (was rounded in GMT table)
- Widow 18 mt
- Yelloweye 0.02 mt (was rounded in GMT table)
- Black rockfish south of 46 (OR/CA) 0 mt
- Pacific whiting 0.2 mt
- Minor slope rockfish south of 40' 10 5.2 mt
- Minor shelf rockfish south of 40' 10 30.2 mt
- Splitnose south of 40' 10 0.5 mt

Ms. Vojkovich said under Agenda Item E.3 the Council noted there was quite a difference between the amounts requested by the applicants and the GAP. Two of the EFPs aim to access mid-water species, yellowtail and chilipepper. It seems very odd that the two EFPs would have such different EFP set-asides. To allow the EFPs to be successful, the motion, in some cases, slightly increases the amounts recommended by the GAP, and in some cases slightly decreases some of the overfished species. In addition, several of the species requested for set-asides do not seem appropriate. Ms. Vojkovich wants to ensure that the focus of the EFPs is on mid-water species and she does not want to promote targeting of other species. For example, yellowtail is part of the minor shelf rockfish complex. When we provide the 30 mt minor shelf rockfish set-aside, we need to ensure that EFP rules stipulate that yellowtail is the intended target, and not other species in the complex. Ms. Vojkovich noted that the GMT may find errors in the proposed set-asides and the Council can fix those errors in the future.

Amendment 1 to Motion 38 passed unanimously. Main Motion 38 as amended passed unanimously.

Ms. Vojkovich asked staff if there were other items for Council action.

Mr. DeVore said he has most of what he needs with regard to harvest specifications. He said that the Council has not specified the preferred  $T_{TARGETS}$  for canary and Pacific ocean perch. Mr. DeVore asked if, for the sake of the analysis, we could presume the median time to rebuild under the associated preliminary preferred ACLs would be the preliminary preferred  $T_{TARGETS}$ . The Council concurred. Ms. Ames noted that if questions arise with regard to management measures, the Project Team will consider the basis for the decisions that were made in 2012, which is the status quo, and apply those rules in the analysis. Any questions will be brought forward in March

2012 during the informational briefing and then in April 2012 when the Council is scheduled to take action.

Ms. Vojkovich said she wanted to make it very clear that she supports the agreement that the Council made with regard to keeping things as close to status quo as possible. In the CDFG report there were several words that could be misinterpreted and could give people the idea that the agency would be doing more than the agreement. She wants to ensure the Council members that CDFG is not looking to establish depth lines or expanding depth opportunities. They are not looking at changing RCA lines. The agency is simply using analyses that we have done in the past EIS to keep this as close to status quo as possible.

Ms. Culver appreciated the information from Ms. Vojkovich. She hoped that through the analysis that the GMT is preparing and the guidance provided here that the team will use the range of alternatives that was used in the 2011-2012 harvest specifications and management measures to develop their analysis for 2013-2014. Our intent was not to create new work or new analysis. If the GMT can glean what they have already done from past analysis, that would be captured in the new EIS.

Ms. Kirchner also appreciated the thoughts. Oregon turned many people away, people who had ideas about targeting underutilized species while staying within the overfished species constraints. She noted that all three states have quite a list of items that are building for 2015-16. She appreciates everyone's commitment for 2013-2014, but the Council does need to take a hard look at the process for 2015-2016.

[Council returned to Agenda Item B, Open Public Comment at 11/7/2011; 9:41 a.m.]

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

### **F.1 National Marine Fisheries Report (11/4/2011; 10:23 a.m.)**

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

Mr. Kerry Griffin provided the Agenda Item Overview.

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

Mr. Mark Helvey provided information on the Regulatory Activities. He said that the 2011 sardine fishing season ended September 21, 2011, upon attainment of the 2011 harvest guideline of 43,700 mt. There were 63 days of fishing in the first period, 11 days in the second, and 6 days in the third. He also stated that NMFS will be convening a second workshop in the May timeframe, to continue discussion of a rights-based catch share workshop, with international experts and other stakeholders.

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

Dr. Russ Vetter provided information on the NMFS Southwest Fisheries Science Center (SWFSC) Activities. He discussed the upcoming West Coast Vancouver Island trawl survey and  
DRAFT Council Meeting Minutes  
November 2011 (211<sup>th</sup> Meeting)

its potential for inclusion in the U.S. stock assessment. Dr. Vetter said that many of the SWFSC stock assessment scientists think that the WCVI survey could benefit the U.S. assessment.

Dr. Vetter also discussed the potential for a coast-wide survey, including Canadian, U.S. and Mexican survey efforts. Although there are financial challenges, he is optimistic of accomplishing the coast-wide survey.

Dr. Vetter also noted the integrated ecosystem assessment (IEA) process, the recent requirements to develop annual catch limits, and other requirements that lead to a need for multi-species assessments and ecosystem-based management. He also discussed the issue of natural mortality, and the somewhat reciprocal state of population fluxes between species within the Coastal Pelagic Species (CPS) FMP. Finally, he discussed an internal document put together by Dr. Paul Crone that outlines a plan for multi-species adaptive assessments.

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

None.

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

None.

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

There being no discussion, the Council moved to the next agenda item.

### **F.2 Pacific Sardine Assessment and Coastal Pelagic Species (CPS) Management Measures for 2012 (11/4/2011 10:45 a.m.)**

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

Mr. Kerry Griffin provided the Agenda Item Overview. Mr. Griffin noted that only Pacific sardine management measures are up for discussion and Council action, not other CPS management measures. He also noted the request by the Quinault Indian Nation for a sardine allocation.

Mr. Griffin also noted that the report by the Council of Independent Experts (CIE) on the recent sardine Stock Assessment Review (STAR) panel review is not yet available.

#### **F.2.b Survey and Assessment Report**

Dr. Kevin Hill (SWFSC) presented a 2011 Stock Assessment PowerPoint (Assessment of the Pacific Sardine Resource in 2011 for U.S. Management in 2012). In addition to reviewing the assessment, the surveys, and various parameters, Dr. Hill discussed his alternative treatment of  $F_{msy}$ , removing the environmental covariate. The result was a change in  $F_{msy}$  from 19.8 percent to 18 percent. The effect on the stock assessment was minimal, affecting the benchmarks of OFL, and resultant ABC, but having no effect on the calculated HG.

Ms. Culver asked about characterizing the level of risk, relative to a P\* choice, and referenced Figure 1 on page 16. The STAR panel recommended using that figure to characterize uncertainty. Dr. Hill noted that the lower two time series in the plot are the time series for different weighting approaches where the Q was fixed at one, but not for all surveys. Dr. Hill noted that the DEPM estimates have never been used as absolute estimates, and that Qs of three to five are not realistic. Dr. Hill expressed confidence in this year's assessment, akin to or better than previous years.

Ms. Yaremko noted that for the exploitation status, he used the 0+ biomass, rather than the 1+ biomass. Dr. Hill said that he uses that because there are 0+ fish being removed from the fishery.

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

Dr. Martin Dorn presented Agenda Item F.2.c, Supplemental SSC Report. The SSC report endorsed the alternative  $F_{msy}$ , and associated benchmarks including an OFL of 154,781 mt. The SSC also recommended a full management strategy evaluation for the northern subpopulation of Pacific sardine as soon as time permits. The SSC also recommends a workshop within the next year to design a simulation analysis similar to the Amendment 8 analysis, to provide estimates of  $F_{msy}$  and updated parameters for the harvest control rule (HCR).

Ms. Yaremko asked whether the full management strategy evaluation (MSE) would be different from a workshop to look at  $F_{msy}$  and other parameters. Dr. Dorn said yes, they are separate workshops.

Ms. Culver asked what is entailed by a full MSE. Dr. Dorn said that it would be a modeling approach that would include modeling the assessment process and components of the ecosystem (e.g., predation). It would be a larger exercise. There are some working on it now, but it is a larger project, on the order of a number of years before there would be anything to look at.

Dr. McIsaac asked how this  $F_{msy}$  compares with that in other similar fisheries around the world. Dr. Dorn said that generally it would be considered a fairly conservative harvest parameter. The general rule of thumb is that F equals M, but the  $F_{msy}$  of 18 percent compares with a M of 40 percent, which gives us an idea of where we stand.

Dr. Robert Emmett presented Agenda Item F.2.c, Supplemental CPSMT Report. The Coastal Pelagic Species Management Team (CPSMT) report endorsed the updated/alternative  $F_{msy}$  and associated benchmarks.

[Council broke for lunch from 11:44 a.m. to 1:06 p.m.]

Ms. Diane Pleschner-Steele presented Agenda Item F.2.c, Supplemental CPSAS Report, and Mr. Mike Okoniewski provided additional comments. The Coastal Pelagic Species Advisory Subpanel (CPSAS) supported an EFP set-aside of 3,000 mt. The CPSAS discussed a potential change to the sardine start date, but did not come to consensus, and therefore does not have a recommendation or a consensus statement.

Ms. Michele Culver summarized Agenda Item F.2.c, Supplemental WDFW Report. Mr. Steve Williams presented Agenda Item F.2.c, Supplemental ODFW Report. Mr. Mark Helvey gave a verbal NMFS report regarding the Quinault allocation request. He said that NMFS has had several consultations with the Quinaults, but have not yet determined what the harvestable surplus is. The best advice is to use the number “up to” 9,000 mt, and take that off that top. He said that’s exactly what the CPSMT did in their report.

Mr. Crabbe asked Mr. Helvey whether there had been discussions about a rollover option. Mr. Helvey said that they haven’t used that term, but that the issue had come up in discussion with the Quinaults.

#### **F.2.d Public Comment**

Mr. Steve Marx, PEW Environmental Group; introduced Agenda Item F.2.d, Supplemental Public Comment from Mr. Steve Marx, PEW Environmental Group.

Dr. Geoff Shester, Oceana, Monterey, California; introduced Agenda Item F.2.d, Public Comment from Dr. Geoffrey Shester, Oceana.

Mr. Ryan Kapp, Bellingham, Washington; introduced a letter (Agenda Item F.2.d, Supplemental Public Comment 2), and made a request to change the Pacific sardine start date.

Ms. Diane Pleschner-Steele, California Wetfish Producers Association (CWPA), Buelton, California; introduced Agenda Item F.2.d, Supplemental Public Comment 3: Letter from CWPA.

Ms. Pam Lyons-Gromen, National Coalition for Marine Conservation, Leesburg, Virginia.

[Council break from 2:21 to 2:35 p.m.]

#### **F.2.e Council Action: Approve the Pacific Sardine Stock Assessment and Final 2012 Management Measures for CPS; and Consider Methodology Review Proposal**

Ms. Yaremko moved and Mr. Crabbe seconded a motion (Motion 20) for the Council to adopt for management the stock assessment and OFL of 154,781 mt as recommended by the team (Agenda Item F.2.c, Supplemental CPSMT Report).

Ms. Yaremko noted the excellent work and time spent on the assessment. She also commended the STAT team and STAR panel, and said that the science has come a long way in recent years. She noted the desire (from Kevin Hill) to simplify the model, noting that the model has been described as “over-parameterized.” She concluded that this is the best available science.

Motion 20 passed unanimously.

Ms. Yaremko moved and Mr. Brizendine seconded a motion (Motion 21) for the Council to adopt the recommendation of the team in Table 1 of Agenda Item F.2.c, Supplemental CPSMT Report for a P\* value of 0.40; an ACL set equal to the ABC of 141,289 mt; and the harvest guideline/ACT equal to 109,409 mt.



Ms. Yaremko stated that the P\* of 0.40 was used the previous year, and is probably a good one for this assessment, recognizing that it's the best available science, and there have been considerable improvements in the science. However, public comment and statements from Dr. Vetter bring up the need to examine the consistency and the patchiness in the data. She also noted the need to bring new data into the assessment, e.g., the Canadian swept area trawl survey. A P\* of 0.40 adequately buffers against the risk of overfishing, and for setting the harvest guideline for 2012.

Mr. Steve Williams spoke in support of the motion, but noted that there are pieces of information that may help us in the future. This P\* plays a different role than in some of our other management, but is appropriate here. In this case, we are being considerably conservative, in his viewpoint.

Ms. Culver spoke in favor of the motion, and in support of Mr. Williams' and Ms. Yaremko's statements. She supports the P\* value.

Motion 21 passed unanimously.

Ms. Yaremko moved and Mr. Crabbe seconded a motion (Motion 22) for the Council to adopt the preliminary allocation scheme for 2012 as shown in Table 2 of Agenda Item F.2.c, Supplemental CPSMT Report, with the following caveat: the tribal allocation is to be "up to" 9,000 mt and consequently the numbers inside the table will need to be determined by the final tribal number and follow the recommendations for the incidental set-asides on Page 2 of Agenda Item F.2.c, Supplemental CPSAS Report.

Mr. Wolford asked whether the EFP set-aside is the same as the incidental set-aside. Ms. Yaremko said no, they are separate. She stated that the numbers inside the table would not be adjusted, the only adjustment would be for the directed fishery allocations, and the Advisory Panel rational would be workable.

Ms. Culver spoke in favor of the motion. She then moved and Mr. Myer seconded a motion to amend Motion 22 (Amendment 1) to revise the language to clarify that this is a preliminary "harvest scheme" and note that the tribal portion is to be established as a tribal "set-aside" and not an "allocation."

Ms. Culver said she spoke with the tribal representatives during the break. The 9,000 mt is their best guess for the needs of the fishery and is not intended to set a precedent and not to quantify their treaty right.

Amendment 1 to Motion 22 passed unanimously.

Mr. Griffin spoke to clarify the motion for the set-asides in the table and for the rollover provisions as in past years. Ms. Yaremko, in referring to the advisory body report, said that the set asides and rollover provisions would be as in previous years and are part of the motion.

Motion 22 passed unanimously.

Ms. Yaremko moved and Mr. Wolford seconded a motion (Motion 23) that the Council support a methodology review of the Canadian West Coast Vancouver Island Swept Area Trawl Survey as an index of abundance, and that following that methodology review, consideration be given to scheduling a review of the existing harvest guideline and the parameters contained within.

Ms. Yaremko said she thinks the SWFSC has committed to conducting a methodology review in May, in anticipation of the coast-wide survey where we will be combining the efforts of all nations to expand our knowledge. There's benefit to holding the methodology workshop first, before this survey is conducted. While I think the focus of the review is to be scientific and applicable to the U.S. stock assessment, this is a welcome advancement and should give us more information about the population, not only with the volume of the population off of Canada, but also with future deliberation regarding the distribution, referring to the distribution term of 87 percent. She said that the report with preliminary numbers from the Canadian survey will need some additional work. It will be treated as an index of abundance, but recognize that our information is incomplete about that part of the world, and we will work toward some international discussion on management that can help us move forward. Getting the science done is the first step. Therefore, she supports the two workshops, in that order--WCVI methodology followed by the harvest parameters workshop.

Mr. Wolford said that he would like to address the second part of this. He said we heard through Dr. Vetter and from the stock assessment author and others in both sides of the issue, that there are a number of things still in question and need to be vetted carefully, and a follow along workshop would be good opportunity to address those. He hopes that NMFS and the Council can sponsor the workshops to get them done.

Motion 23 passed unanimously.

Mr. Steve Williams wanted clarification of the CPSMT report for incidental harvest planning. Is that already in rules and is there a need to do anything? Mr. Griffin stated it is identical to past years and Ms. Yaremko noted that it is also part of the advisory subpanel report in the motion.

[Council break from 2:55 p.m. to 3:06 p.m. and then moved to Agenda Item E.5]

## **G. Habitat**

### **G.1 Current Habitat Issues (11/6/2011; 8:11 a.m.)**

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

Ms. Jennifer Gilden presented the Agenda Item Overview.

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

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

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

Ms. Jennifer Gilden read Agenda Item G.1.c, Supplemental SAS Report into the record.

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

None.

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

Mr. Tim Roth commented on the process of developing the Columbia River stakeholder letter. He noted that the letter was challenging to develop. He also noted that the USFWS supports cooperative and collaborative efforts, especially when dealing with landscape-scale actions.

Mr. Steve Williams moved and Mr. Feldner seconded a motion (Motion 33) that the Council transmit the letter as identified in Agenda Item G.1.a, Supplemental Revised Attachment 2, to NOAA.

Mr. Williams said he appreciated the revisions made to the letter by the Habitat Committee (HC). While the issues around the Columbia River Biological Opinion (BiOp) will not be solved by a letter from the Council, it is appropriate for the Council to look at this and to provide a recommendation to NOAA to develop a stakeholder process. Additional stakeholder involvement is important.

Mr. Ortmann said he wasn't sure the letter provided enough recognition of the many other forums available in the Columbia basin, such as the Northwest Power and Conservation Council (NWPCC). He said the Montana connection was unclear; noted that state funding seemed unlikely, and said that at the end, "we stand ready to assist in any way" is overstated.

Ms. Culver had similar edits regarding state funding. She felt the second sentence in the second to last paragraph went too far and there are also some redundancies. She offered an amendment to the motion. Ms. Culver moved and Mr. Lincoln seconded an amendment to Motion 33 (Amendment 1) to strike the following portions from the letter:

- On page one, strike the reference to Montana
- Page two in the third paragraph, strike the last two sentences so the paragraph ends with "...priorities of affected communities."
- Page two in the fourth paragraph, strike "Previous tiered approaches that have not included regional stakeholders in crucial discussions and decisions have so far failed to yield a plan judged sufficient to meet ESA legal requirements, creating more uncertainty for the region."
- Page two in the fifth paragraph, strike "we stand ready to assist in any way."

Ms. Culver said that with these changes, she supported the letter.

Mr. Pollard noted that the Lower Columbia River Basin Recovery Plan is very collaborative, with much stakeholder involvement. Also, the NWPC has had 30 years of funding and salmon management planning which has involved stakeholders. The NMFS Habitat Conservation staff has been involved. Perhaps a report from Bob Turner on what NOAA has done regarding public involvement in the Columbia would be helpful.

Mr. Steve Williams said he could support the suggested edits to the letter. There are folks in Oregon who feel that adjustments to the process need to be made.

Mr. Sones said he wouldn't support the letter; he said he felt uncomfortable making adjustments to the letter on the Council floor. The Columbia River tribes are concerned about creating another process; they are already over-taxed. They haven't seen the revised letter and he wasn't sure they would be comfortable with him supporting it.

Amendment 1 (a motion to make edits to the letter) passed. Mr. Sones and Mr. Pollard voted no; Mr. Helvey abstained.

Mr. Helvey explained why he abstained. NOAA has discussed the letter. It may be helpful to the Council for NOAA to come back in March to provide more detail about what the remand process entails, and explain our habitat programs in more detail. This might open the door to having a more constructive dialogue with the Council.

Mr. Steve Williams welcomed the opportunity for a presentation, but said he believed the letter should not be delayed. The timeframe is short.

Mr. Ortmann said that although earlier he supported the motion, he didn't want to create another public process. He felt this needed more thought regarding how to be effective in guiding what goes on in the Columbia basin.

Mr. Lincoln noted that we are not adopting a stakeholder process, but are just suggesting to NOAA that they look at the stakeholder processes that have occurred to see if there's any way to improve them. Some comments of the SAS and Tribes have not been addressed; all of us would fully expect NOAA to consult with the tribes. He said he supported the motion.

Ms. Culver asked Mr. Williams about the urgency he felt in terms of getting the letter out now. Mr. Williams said that the next version of the BiOp is due in the next two years. If we wait until March, we've lost a number of months for NOAA to evaluate its stakeholder processes.

Ms. Culver said she didn't think anything would occur between now and March to move the stakeholder process forward. She said she felt the Council should wait until March, for a presentation from Bob Turner.

Mr. Ortmann noted the stakeholders would include energy, irrigation, agriculture, etc. – not all of whom are advocates for the fishery.

Mr. Wolford said he was interested in hearing from NOAA about their plans. NOAA is responsible for generating the BiOp. He said he would rather wait to hear from NOAA before sending a letter with an aggressive tone.

Mr. Myer moved and Ms. Culver seconded a motion (Motion 34 as a substitute motion to Motion 33) to postpone this decision until March 2012.

Substitute Motion 34 passed (Mr. Lincoln, Mr. Feldner and Mr. Williams voted no).

Mr. Williams said he hoped the NOAA presentation would provide a clear picture of NOAA's stakeholder process, and how NOAA plans to move forward to gather additional public input.

Ms. Yaremko moved and Mr. Brizendine seconded a motion (Motion 35) that the Council forward the Klamath letter (Agenda Item G.1.a Attachment 1) to the Bureau of Reclamation, with a small amendment that the Council acknowledges that there is controversy associated with implementing the Klamath Basin Restoration agreement (KBRA).

Motion 35 passed (Mr. Sones voted no).

[Council break from 9:10 to 9:23 a.m.]

## **H. Ecosystem Based Management**

### **H.1 Northwest Fisheries Science Center (NWFSC) Integrated Ecosystem Assessment (IEA) Report (11/6/2011; 9:23 a.m.)**

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

Mr. Michael Burner provided the Agenda Item Overview.

#### **H.1.b NWFSC Report**

Dr. John Stein, Dr. Cisco Werner and Dr. Brian Wells presented a PowerPoint based on Agenda Item H.1.b, Attachment 1: Discussion Document: Development of an Annual Report on Conditions in the California Current Ecosystem.

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

Ms. Yvonne deReynier presented Agenda Item H.1.c, Supplemental EPDT Report. Mr. Don Maruska presented Agenda Item H.1.c, Supplemental EAS Report. Dr. Martin Dorn presented Agenda Item H.1.c, Supplemental SSC Report. Mr. Joel Kawahara presented Agenda Item H.1.c, Supplemental HC Report. Mr. Mike Burner read Agenda Item H.1.c, Supplemental CPSMT Report into the record. Mr. Mike Okoniewski presented Agenda Item H.1.c, Supplemental CPSAS Report.

#### **H.1.d Public Comment**

None.

#### **H.1.e Council Discussion**

Mr. Feldner noted that the NMFS SWFSC and others have been collecting and processing genetic stock identification (GSI) data since 2007 and have been comparing distribution patterns with environmental trends. He recommended that these analyses be considered for inclusion in the IEA process.

Mr. Wolford strongly recommended that the IEA effort follow up on advisory body comments relating to coordination among State, Federal, and Council entities. This would go a long way towards identifying priority management needs and potential IEA application.

Ms. Culver noted that the existing document is focused on ecosystem effects on species, but some of the advisory bodies, as well as the Council, are also interested in what effects fishing practices have on the ecosystem or even on particular species. She asked Mr. Lockhart if the IEA intends to include these types of considerations and if the IEA is envisioned to have both a hind-casting utility as well as a predictive capability for use in future planning purposes.

Mr. Lockhart responded that the IEA's development is flexible and he identified three topics he would like to see the IEA address: 1) an overview of key California Current ecosystem interactions and functions, 2) an understanding of fishery effects on the ecosystem, and 3) an understanding of how ecological processes and influences outside of the Council's purview affect fisheries. From there, he sees the development of predictive tools in support of management as a logical progression. The IEA will likely be both an information tool and a management tool, and the indices developed may end up formally applied to management decisions and may also be used informally by fisherman and others to plan future operations.

Mr. Steve Williams and Mr. Roth expressed support of the work, and encouraged the expansion of the assessment to include a variety of indicator species and to assess trends over extended time periods to improve our understand of ecological and climate effects.

Mr. Wolford would like to see the IEA applied to CPS management through a broader understanding of the overall food web and forage base. Building from the krill example in the presentation, he felt there is potential for expanding our salmon predictive abilities to include jacks and improved multi-year projections.

Mr. Lockhart highlighted the document's current omission of socioeconomic indicators and noted that fisherman, first receivers, and the general public all have a role and a stake in ecosystem health and services, and he would like to see the IEA expanded to include socioeconomic considerations. He also spoke in support of the Ecosystem Plan Development Team's (EPDT) recommendations to develop an outline of an annual conditions report.

Dr. Stein stated that work to incorporate economic model outputs into the IEA to assess impact at the fisherman and the community levels is underway, but was not available for this pilot effort.

Ms. Yaremko supported the SSC's recommendation that IEA information and hypotheses be considered for use in stock assessments and to include ecosystem scientists into the stock assessment process.

Mr. Burner thanked the Science Center Directors for meeting with advisory bodies during the November Council meeting. He also noted that the workshops discussed under this agenda item will be included in an SSC statement on the full complement of proposed 2012 workshops under Agenda Item J.4, Future Council Meeting Planning.

[Council break from 10:39 to 10:50 a.m.]

## **H.2 Development of a Council Fishery Ecosystem Plan (11/6/2011; 10:50 a.m.)**

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

Mr. Michael Burner provided the Agenda Item Overview.

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

Ms. Yvonne deReynier presented Agenda Item H.2.b, Supplemental EPDT Report and a PowerPoint overview in Agenda Item H.2.a, Attachment 1: Draft Pacific Coast Fishery Ecosystem Plan. Mr. Don Maruska presented Agenda Item H.2.b, Supplemental EAS Report. Dr. Martin Dorn presented Agenda Item H.2.b, Supplemental SSC Report. Mr. Michael Burner read Agenda Item H.2.b, Supplemental SAS Report; and Agenda Item H.2.b, Supplemental CPSMT Report into the record. Mr. Mike Okoniewski presented Agenda Item H.2.b, Supplemental CPSAS Report. Mr. Rob Jones presented Agenda Item H.2.b, Supplemental GMT Report. Mr. Joel Kawahara presented Agenda Item H.2.b, Supplemental HC Report.

[Council break from 11:54 a.m. to 1:12 p.m.]

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

Written Public Comments were identified in Agenda Item H.2.c, Public Comment, Agenda Item H.2.c, Supplemental Public Comment 2 (Letters) and Agenda Item H.2.c, Supplemental Public Comment 3 (Little Fish Big Deal postcards).

Ms. Barbara Emley, Pacific Coast Federation of Fishermen's Association (PCFFA), read the letter from PCFFA (part of Agenda Item H.2.c, Supplemental Public Comment 2) into the record.

Ms. Pam Lyons-Gromen, National Coalition for Marine Conservation, Leesburg, Virginia.

Mr. Ben Enticknap, Oceana, Portland, Oregon; gave a PowerPoint presentation.

Mr. Steve Marx, PEW Environmental Group, Portland, Oregon.

Ms. Kathy Fosmark, Fisherman's Association of Moss Landing, Moss Landing, California.

**H.2.d Council Action: Provide Guidance for Further Development (11/6/2011; 1:42 p.m.)**

Mr. Steve Williams requested clarification on the Federal List of Fisheries function and requirements.

Mr. Feder responded that the List of Fisheries provisions in the MSA require a list of existing gear types approved by NMFS. If a gear type is not listed, a request has to be made in writing to NMFS and the appropriate regional fishery management council. A 90-day review period is then required before the fishery begins. Upon review of the proposal, NMFS could implement a rule-making process (including emergency rules) in response to stop or manage the fishery, but the fishery could commence after 90 days.

Ms. Culver noted public comments regarding forage protection in the NPFMC and asked about broad prohibitions that would prevent new fisheries unless otherwise permitted through the Council process.

Mr. Lockhart clarified that species would need to be listed in an FMP, and supporting analyses would need to demonstrate why those species and those species alone require such protections.

Ms. Yaremko noted that the List of Fisheries process has been portrayed differently under this agenda item and, although the EPDT and NMFS have provided a good initial description of the provision, she felt there was some uncertainty and recommended deferring a decision on its use until NMFS has an opportunity to respond in greater detail.

Mr. Lockhart reiterated that the List of Fisheries could be updated upon the request of the Council at which time the 90-day review provision would be invoked. An emergency rule could be implemented, but would only have a six to twelve month lifespan. The emergency rule process often anticipates that the Council would pursue additional measures during the six to twelve month period and may ultimately implement a more permanent measure. This measure could ban harvest of a species or species group for everyone, not just the original requesting entity.

Ms. Culver responded in favor of first having a deliberative Council discussion of the Council's goal or intention for unmanaged stocks before getting too far into a discussion of the mechanism for achieving that goal. She suggested that a way forward from her perspective was to get Council consensus on a direction to go regarding unmanaged lower trophic level species and then follow Ms. Yaremko's recommendation and task NMFS and advisory bodies with a more detailed consideration of the best mechanism.

Mr. Wolford stated that he would prefer it if the provision required not only notification, but also subsequent approval before the activity could commence. It was not clear to him whether this change would be feasible.

Mr. Lockhart felt that there seemed to be adequate support without a formal motion for tasking the EPDT to further explore this issue. In particular, address the process questions and



requirements under the various options that have been discussed today. This matter is currently next scheduled for the June 2012 meeting where we could take this up further.

Mr. Pollard noted that the Council has not yet commented on the draft Fishery Ecosystem Plan (FEP) outline (Agenda Item H.2.a, Attachment 1) and stated that the draft outline, including Appendix A, goes a long way towards mapping out the intent of the plan and the potential species that may be included in the plan at some time. The Council could focus on that document and task the EPDT with its further development. He felt the discussion has moved into details that will be further treated through the ongoing process and the EPDT work that is underway.

Regarding the tasks for the Council, Ms. Lowman stated that she is hearing Council support for the existing outline and she is interested in Council input on the other issues listed under the Situation Summary.

Mr. Feldner suggested that the SSC recommendation to identify many species and species groupings by ecological function, not only lower trophic level species, be included in Council guidance.

Mr. Wolford added that it would be useful to task the EPDT with reviewing the list of species in Appendix A of Agenda Item H.2.a, Attachment 1 as well as the list included in Oceana's testimony and consider ways to consolidate them.

Ms. Culver referred to the proposed schedule and asked Ms. deReynier why the EPDT is recommending a relatively intensive plan that addresses the FEP twice a year.

Ms. deReynier stated that the EPDT felt that because an FEP can be updated or amended with greater flexibility than an FMP, because the plan is in its early phases, and because new concepts and science are frequently emerging, the FEP would require frequent revisions in the next few years. The schedule could be relaxed after March of 2013, assuming the Council has adopted the initial base plan.

Ms. Culver was supportive of the schedule as laid out for the next few years and felt that it was premature to develop a detailed schedule beyond then. Mr. Steve Williams and Mr. Wolford concurred but clarified that it represents a goal and will be workload-dependent.

Mr. Lockhart noted that there were good comments from the EPDT, the Ecosystem Advisory Subpanel (EAS), the SSC and others regarding an annual report to the Council. To complete the list of requested guidance, he recommended that the EPDT move forward with the proposed schedule and take the advisory body comments into account when developing the first report. He also challenged the EPDT to develop an annual report that was both comprehensive and concise (15-20 pages) so that it can be quickly and easily digested and used. Mr. Steve Williams and Ms. Yaremko concurred that the report should be concise.

Dr. McIsaac summarized Council guidance. The Council: 1) is generally supportive of the draft FEP outline and recommends its continued development, perhaps with a focus on the plan's goals; 2) requests additional analyses of unmanaged species and the potential processes and

mechanisms for their potential management; 3) would like to see an expanded review of species to include as in the SSC-recommended analysis of species groupings in the Supplement SSC Report; and 4) agrees with the proposed short-term schedules for FEP and Annual Report development as a good place to start.

[Council break from 2:29 to 3:00 p.m.]

## **I. Highly Migratory Species Management**

### **I.1 Council Recommendations on International Highly Migratory Species Management (11/7/2011; 10:11 a.m.)**

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

Dr. Kit Dahl presented the Agenda Item Overview.

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

Mr. Mark Helvey reported on the bi-lateral meeting outcomes for a data group for the albacore treaty trawl fishery. Dr. Steven Stohs presented Agenda Item I.1.b, Supplemental HMSMT Report. Mr. Doug Fricke presented Agenda Item I.1.b, Supplemental HMSAS Report (with corrections on the record).

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

Written public comment was contained in Agenda Item I.1.c, Public Comment: Letter from the Western Fishboat Owners Association; and Agenda Item I.1.c, Supplemental Public Comment: Letter from Sean Holt, F/V Kathleen.

Mr. Wayne Heikkila, WFOA, Redding, California.

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

Mr. Chip Bissell, American Albacore Fisherman Association.

Mr. Rod Moore, WCSPA, Portland, Oregon.

#### **I.1.d Council Action: Consider a Recommendation on the status of the Canada-U.S. Albacore Treaty and Make Recommendations to the U.S. Delegation to the Eighth Regular Session of the Western and Central Pacific Fisheries Commission**

LCDR Brian Chambers briefed the Council on Coast Guard boarding and inspection activities in the west coast albacore fishery.

Dr. McIsaac asked Mr. Hogan about the requirement for Canadian vessels to post bond if they wish to land fish in U.S. ports (as allowed under the U.S.-Canada albacore treaty) and its impact on the economic benefits of the treaty. Mr. Hogan noted that this requirement is separate from the treaty, and discussed efforts by the Departments of Commerce and State to increase the

economic benefits from Canadian vessels fishing in the U.S. Exclusive Economic Zone (EEZ) and associated impediments.

Ms. Vojkovich asked Mr. Hogan if Canadian vessels are charged a fee for access to the U.S. EEZ. He responded that no such fees are assessed, nor is there currently any regulatory authority to do so. He noted that U.S. processors assess a fee per ton of albacore landed to support the American Albacore Research Foundation, which Canadian vessels landing in U.S. ports would pay. He also discussed the provisions of the treaty that grant reciprocal privileges for U.S. and Canadian vessels.

Ms. Vojkovich followed up by noting that it is clear that U.S. west coast albacore fishermen are unhappy with the current situation. She wondered what practical measures could be pursued to address this perceived imbalance in benefits. Mr. Hogan agreed with this assessment and enumerated the various factors contributing to this perception. Measures such as shortening the time period for seasonal access or limiting the number of Canadian vessels permitted could be pursued. If no satisfactory measures can be agreed to between the U.S. and Canada, then the Fishing Regime or the Treaty itself may be suspended or terminated. The State Department is consulting with stakeholders with respect to this possible outcome.

Ms. Culver moved and Ms. Vojkovich seconded a motion (Motion 40) to recommend that the U.S. delegation attempt to reach agreement on reciprocal access with Canada under the U.S.-Canada albacore treaty.

Relative to the motion, Ms. Culver said she understands stakeholders' concerns about the treaty but feels that it provides economic benefits to coastal communities that cannot be overlooked. Withdrawing from the treaty is not a desirable solution to these problems and would have implications with respect to other fishery agreements with Canada, including the salmon, halibut and Pacific whiting treaties and potential future agreements. Nonetheless, it is important for the U.S. to communicate the concerns that have been expressed by stakeholders.

Mr. Steve Williams spoke in support of Ms. Culver's motion. He also noted the need for more information on the costs and benefits of Canadian vessels' access to the U.S. EEZ.

Ms. Vojkovich advocated for the U.S. to negotiate aggressively with Canada by laying on the table the complete list of issues that have been articulated before the Council and potential solutions. Like Mr. Williams, she thinks it important that the U.S. delegation hear the concerns raised by stakeholders.

Mr. Helvey said that NMFS will try to pull together the kinds of information outlined in the Highly Migratory Species Advisory Subpanel (HMSAS) and Highly Migratory Species Management Team (HMSMT) reports.

Motion 40 passed unanimously.

Ms. Vojkovich moved and Mr. Brizendine seconded a motion (Motion 41) to forward to the U.S. delegation to the next annual meeting of the Western and Central Pacific Fisheries Commission

(WCPFC8) the recommendations contained in Agenda Item I.1.b, Supplemental HMSMT Report and Supplemental HMSAS Report.

Ms. Vojkovich noted that recommendations in both reports are similar.

Motion 41 passed unanimously.

Mr. Helvey recommended that the Council identify a representative to participate in the U.S. delegation to the U.S.-Canada albacore treaty negotiations. Mr. Brizendine volunteered for this task and Dr. McIsaac said the Council Chair would make the appointment. In response to a question, Mr. McIsaac said the costs for participation would be covered from Council funds. Mr. Williams noted that this first-hand representation justified the expense.

[Council break from 11:46 a.m. to 12:51 p.m.]

## **I.2 Consideration of the Overfished Status of Bluefin Tuna (11/7/2011; 12:57 p.m.)**

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

Dr. Kit Dahl presented the Agenda Item Overview.

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

Dr. Steven Stohs presented Agenda Item I.2.b, Supplemental HMSMT Report. Mr. Doug Fricke presented Agenda Item I.2.b, Supplemental HMSAS Report.

### **I.2.c Public Comment**

None.

### **I.2.d Council Action: Develop Preliminary Recommendations for Addressing the Overfished Status of Bluefin Tuna**

Ms. Vojkovich asked if the response to the overfishing notification requires a formal response from the Council. Mr. Helvey said it should be documented in the administrative record.

Dr. Dahl noted that according to the schedule, the Council is taking preliminary action at this meeting to identify recommendations for public review, and the specific form of the response could be determined at the March 2012 Council meeting upon final action. Dr. McIsaac concurred and emphasized the need for formal action.

Mr. Wolford asked if the response could be as simple as outlining the measures the Council has already taken. Dr. McIsaac responded affirmatively. Dr. Dahl said he viewed Attachment 1 as a draft of an eventual report that would incorporate the Council's recommendations and be attached to letters to the Department of State and Commerce, and Congress, as required by the MSA Section 304(i).

Ms. Vojkovich moved and Mr. Brizendine seconded Motion 42 to send the letters as described in the previous statement by Dr. Dahl.

Motion 42 passed unanimously.

Dr. McIsaac asked Mr. Helvey if this action requires a two meeting process or could the current motion suffice as the Council response. Mr. Helvey said this action would suffice.

In response to a clarifying question from Dr. Dahl, Ms. Vojkovich said her motion referenced the material in Attachment 1 along with information in the Agenda Item I.2.b, Supplemental HMSMT Report and Supplemental HMSAS Report.

Ms. Vojkovich said the report and recommendations should also be communicated to the U.S. delegations to upcoming WCPFC and Inter-American Tropical Tuna Commission (IATTC) meetings. Mr. Helvey noted some discrepancies between the two advisory body reports and Ms. Vojkovich responded that the areas of agreement should form the substance of what is forwarded.

Mr. Steve Williams clarified that Ms. Vojkovich also referred to the U.S. relationship with Mexico with respect to access to their EEZ by U.S. recreational vessels; any U.S. position should not jeopardize this access. Mr. Helvey concurred.

Dr. Dahl asked for confirmation that the motion represented Council final action on this item and Mr. Wolford, seeing nods of assent around the table, averred that that was the consensus of the Council.

## **J. Administrative Matters**

### **J.1 Approval of Council Meeting Minutes (11/7/2011; 1:15 p.m.)**

#### **J.1.a Council Action: Approval of September 2011 Council Meeting Minutes**

The following corrections to the September 2011 Council meeting minutes were identified: Mr. Myer noted on page 29 the misspelling of Michelle Norvell's last name (misspelled as Norville); Mr. Roth corrected the item on page 46 regarding the number of spring Creek Hatcher stock as being 2.8 million, not 2.5 million; Ms. Culver corrected information on page 24 regarding the recruitment of sablefish which was in 2008, not 2010.

Mr. Ortmann moved and Mr. Pollard seconded a motion (Motion 43) to adopt the draft minutes of the 210<sup>th</sup> Session of the Pacific Fishery Management Council (September 2011) in Agenda Item J.1.a, Supplemental Attachment 1, with the corrections noted by Mr. Myer, Mr. Roth and Ms. Culver.

Motion 43 passed unanimously.

## **J.2 Fiscal Matters (11/7/2011; 1:19 p.m.)**

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

Dr. John Coon presented the Agenda Item Overview.

### **J.2.b Budget Committee Report**

Dr. Coon presented Agenda item J.2.b, Supplemental Budget Committee Report.

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

None.

### **J.2.d Public Comment**

None.

### **J.2.e Council Action: Consider Budget Committee Recommendations**

Mr. Ortmann said he believes the Executive Director has done a good job of managing the budget and has laid out a good budget plan for 2012 given the uncertainty of the budget situation. Mr. Ortmann moved and Mr. Myer seconded a motion (Motion 44) for Council's adoption of the provisional budget as presented in Agenda Item J.2.b, Supplemental Budget Committee Report.

Ms. Vojkovich asked if the plan is to continue to manage Council meetings for less than six full days. Dr. McIsaac responded affirmatively. Ms. Culver reported that the Budget Committee discussed having five and one-half days at most and less if possible.

Motion 44 passed unanimously.

## **J.3 Membership Appointments and Council Operating Procedures (11/7/2011; 1:28 p.m.)**

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

Dr. John Coon presented the Agenda Item Overview.

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

None.

### **J.3.c Public Comment**

None.

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

Ms. Vojkovich moved and Mr. Crabbe seconded Motion 45 that the Council appoint Mr. Kirk Lynn to a CDFG position on the Coastal Pelagic Species Management Team.

Motion 45 passed unanimously.

Ms. Culver moved and Mr. Myer seconded Motion 46 that the Council appoint Mr. Paul Dye, Dr. Terrie Klinger and Mr. Nate Stone to the three vacant Washington At-large positions on the Ecosystem Advisory Subpanel.

Motion 46 passed unanimously.

Mr. Wolford appointed Ms. Gway Kirchner to be the Council's representative to the IPHC, in view of the need for Ms. Culver to step down as our representative.

## **J.4 Future Council Meeting Agenda and Workload Planning (11/7/2011; 1:35 p.m.)**

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

Dr. Donald McIsaac presented the Agenda Item Overview, briefing the Council on the supplemental attachments concerning the agenda topics for the next year and for the March Council meeting. He noted that there would be no need for an agenda item on bluefin tuna in March, as the Council has already taken the action needed for that. New items in March would be approval of rebuilding plans for salmon stocks, if needed, and alternatives for set-asides in the groundfish fishery. He also called the Council's attention to Supplemental Attachment 5 which has a long list of proposed workshops for 2012.

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

Mr. Mike Burner presented Agenda Item J.4.b, Supplemental SSC Report: Future Council Meeting Agenda and Workload Planning which was in response to Agenda Item J.4.b, GMT Report: Suggested Issues and Questions on Rebuilding for the Scientific and Statistical Committee. Dr. Coon read Agenda Item J.4.b, Supplemental GMT Report 2: Report on SSC Suggested Approach for addressing issues and Questions on Rebuilding.

### **J.4.c Public Comment**

Mr. Sean Watson, PEW Environment Group, Santa Monica, California; provided remarks in support of the Council's ecosystem planning.

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

The Council discussed the workshop schedule, year-at-a-glance schedule, and the proposed agenda for March 2012. Dr. McIsaac stated that the Council did not need to decide about the

proposed workshops at this time, but just to be aware of them and start getting some initial thoughts for later decisions and prioritization. The Council provided some initial reaction to the workshops and agenda planning for the staff to roll into future planning.

**ADJOURN (11/7/2011; 2:11 p.m.)**

The Council adjourned November 7, 2011 at 2:11 p.m.

---

Dan Woford  
Council Chairman

---

Date



DRAFT VOTING LOG  
Pacific Fishery Management Council  
211<sup>th</sup> Meeting  
November 2011

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

Moved by: Dave Ortmann  
Motion 1 carried unanimously.

Seconded by: Steve Williams

**Motion 2:** Recommend NMFS consider the abundance-based management approach in the ESA consultation process for Lower Columbia River tule Chinook beginning in 2012 specified as alternative 68h2 in table 23 of Agenda Item C.1.a Attachment 1, TCW Report, and incorporate the periodic process detailed in Agenda Item C.1.b, Supplemental NMFS Report.

Moved by: Pat Pattillo  
Motion 2 passed unanimously.

Seconded by: Dale Myer

**Motion 3:** Approve the Sacramento River Winter Chinook Cohort reconstruction (Agenda Item C.1.a, Attachment 2) and Winter Run Harvest model (Agenda Item C.1.a, Attachment 3), for modeling use.

Moved by: Marija Vojkovich  
Motion 3 passed unanimously.

Seconded by: Dan Wolford

**Motion 4:** Adopt the 2012 Preseason Management Schedule as shown in Agenda Item C.2.a Attachment 1, (Pacific Fishery Management Council Schedule and Process for Developing 2012 Ocean Salmon Fishery Management Measures).

Moved by: Steve Williams  
Motion 4 passed unanimously.

Seconded by: Pat Pattillo

**Motion 5:** Adopt changes to the catch sharing plan for 2012 for the south coast sub-area off of Washington to open the fishery on the first Sunday in May and the fishery to remain open for three consecutive Sundays and Tuesdays; and for the Columbia River Subarea—revise the amount of late season set asides to 20 percent of the sub-area allocation with 80 percent allocated to the early fishery as shown in Agenda Item D.1.b, WDFW Report.

Moved by: Michele Culver

Seconded by: Dale Myer

**Amndmnt 1:** Include language that the Oregon contribution to the Columbia River subarea quota would be an amount equal to the contribution from the Washington sport allocation.

Moved by: Gway Kirchner  
Amendment 1 passed unanimously.  
Motion 5 passed unanimously.

Seconded by: Michele Culver

**Motion 6:** Adopt changes to the catch sharing plan for 2012 for the Oregon Central Coast subarea as shown in Agenda Item D.1.b, Supplemental ODFW Report 2, increasing the allocation to the nearshore fishery from 8 percent to 12 percent and reducing the allocation to the spring all depth fishery by an equal amount, and providing language that allows flexibility for shifting additional quota from the spring fishery into either the summer fishery or the nearshore fishery.

Moved by: Gway Kirchner  
Motion 6 passed unanimously.

Seconded by: Jeff Feldner

**Motion 7:** Approve status quo management for the recreational fishery for South of Humbug for 2012; that the States of Oregon and California work collaboratively with the IPHC and Council throughout early 2012 to examine the existing survey methodology and ascertain how to extend the survey data to waters off California or to use proxies to better inform the status of the Pacific halibut stock off California; and to examine the available recreational catch data in time for considering changes to South of Humbug Subarea management by fall of 2012.

Moved by: Marci Yaremko  
Motion 7 passed unanimously.

Seconded by: Buzz Brizendine

**Motion 8:** Adopt the updated assessments for bocaccio, darkblotched, and widow, and the rebuilding analysis for the six species (Pacific ocean perch, petrale sole, canary rockfish, yelloweye rockfish, bocaccio and darkblotched rockfish).

Moved by: Michele Culver  
Motion 8 passed unanimously.

Seconded by: Marija Vojkovich

**Motion 9:** Forward the Central Coast Sustainable Groundfish EFP and have the SSC review the study design.

Moved by: Michele Culver  
Motion 9 passed unanimously.

Seconded by: Rich Lincoln

**Motion 10:** Forward the other two EFPs for public review and the sponsors should address the concerns raised by the GMT, GAP, and the EC.

Moved by: Gway Kirchner

Seconded by: Herb Pollard

**Amndmnt 1:** Forward a range of EFP set-asides as recommended by the GMT and GAP, and to have the EFP sponsors address the EC concerns in their EFPs for public review.

Moved By: Frank Lockhart

Seconded by: David Crabbe

Amendment 1 passed (Ms. Culver and Ms. Vojkovich voted no).

**Amndmnt 2:** Moved to strike the following statements from the GMT Statement: Page 1, last paragraph: “First, the goal and results of this EFP should be expressed in terms of the effectiveness of the longline gear to harvest chilipepper rockfish rather than the selectivity of the gear to avoid catching overfished species” and Page 2, Third paragraph: “First, clarify that the goal is to test the catchabilty and efficacy of the proposed fishing methods rather than evaluate species-selective properties of the tested gear.”

Moved by: Dan Wolford

Seconded by David Crabbe

Amendment 2 passed (Ms. Vojkovich, Ms. Culver, Mr. Lincoln, and Ms. Kirchner all voted no.)

Motion 10 (as amended) passed (Mr. Lincoln, Ms. Vojkovich, Mr. Brizendine, Ms. Culver, and Mr. Myer voted no.).

**Motion 11:** Adopt the 2013 and 2014 OFLs for bocaccio, darkblotched, widow, and canary in Agenda Item E.4.a, Attachment 1 as well as reaffirming the OFL values decided for the other stocks and complexes decided in September as the final preferred alternative.

Moved by: Marija Vojkovich

Seconded by: Michele Culver

Motion 11 passed unanimously.

**Motion 12:** Adopt the 2013 and 2014 ABCs depicted in Agenda Item E.4.a, Attachment 3 for the stocks and complexes except for sablefish as the final preferred alternative.

Moved by: Marija Vojkovich

Seconded by: Gway Kirchner

Motion 12 passed unanimously.

**Motion 13:** Adopt the preliminary 2013 and 2014 ABCs for sablefish as shown in Agenda Item E.4.a, Attachment 3.

Moved by: Michele Culver

Seconded by: Dale Myer

Motion 13 Failed under roll call vote (Mr. Feldner, Ms. Lowman, Mr. Sones, Mr. Pollard, Mr. Crabbe, Ms. Kirchner and Mr. Ortmann voted no).

**Motion 14:** Adopt a final preferred sablefish ABC using a  $P^* = 0.45$  and a preliminary preferred ACL alternative based on a  $P^*$  of 0.40 with the 40-10 reduction.

Moved by: Gway Kirchner

Seconded by: Jeff Feldner

Motion replaced by a substitute motion and was not voted on.

**Motion 15:** Adopt a final preferred ABC for sablefish using a  $P^*$  of 0.40 and a preliminary preferred ACL alternative using a  $P^*$  of 0.40 with the 40-10 reduction.

Moved by: Michele Culver

Seconded by: Dale Myer

Motion 15 passed (Mr. Crabbe, Mr. Feldner and Ms. Kirchner voted no).

- Motion 16:** Adopt the following ACL alternatives for the overfished stocks (attachment 4):
- bocaccio: maintain the current SPR of 77.7 percent for the preliminary preferred ACL (i.e., ACL Alternative 4) and maintain a  $T_{TARGET}$  of 2022;
  - canary: analyze the range of ACL alternatives 1, 2, 4, and 7 with the understanding that  $T_{TARGET}$  will be adjusted. The preliminary preferred ACL is ACL Alternative 4, which uses the current SPR;
  - cowcod: preliminary preferred ACL Alternative 3, maintain  $T_{TARGET}$ ;
  - darkblotched: preliminary preferred ACL Alternative 2, maintain  $T_{TARGET}$ ;
  - POP: analyze the range of ACL alternatives 1, 5, 11 (preliminary preferred), 18, and 19;  $T_{TARGET}$  will be adjusted
  - petrale sole: maintain ACL Alternative 5 as the preliminary preferred alternative; maintain  $T_{TARGET}$ ; and
  - yelloweye: preliminary preferred ACL Alternative 6; maintain  $T_{TARGET}$ .

Moved by: Michele Culver

Seconded by: Dale Myer

- Amndmnt 1:** Add Alternative 5 for consideration to the range for Canary.

Moved By: Gway Kirchner

Seconded by: Jeff Feldner

- Amndnt 1a:** Add consideration of Alternative 3 for canary.

Moved By: Frank Lockhart

Seconded by: Michele Culver

Amendment 1a passed unanimously.

Amendment 1 passed unanimously.

Motion 16 as amended passed unanimously.

- Motion 17:** Adopt the ACLs for non-overfished species and stock complexes as shown in Table 1 in Agenda Item E.4.a, Supplemental Attachment 9, except for sablefish and widow. Also, add a longnose skate ACL alternative of 2,000 mt to the analysis as recommended by the GMT. Set the ACL = ABC for the southern minor slope rockfish and Other Fish complexes.

Moved by: Marija Vojkovich

Seconded by: Buzz Brizendine

- Amndmnt 1:** Specify the alternatives in Motion 17 as preliminary preferred alternatives and solicit comments on this decision by the GMT and GAP under Agenda Item E.9.

Moved By: Michele Culver

Seconded by: Frank Lockhart

Amendment 1 passed unanimously.

Motion 17 passed unanimously.

- Motion 18:** Adopt preliminary preferred harvest guidelines (HGs) for the following species: specify HGs of 119 mt in 2013 and 122 mt in 2014 for blackgill rockfish south of



Moved by: Marci Yaremko  
Motion 23 passed unanimously.

Seconded by: Dan Wolford

**Motion 24:** Provide guidance to the GMT to include information on the higher darkblotched and widow ACL alternatives spoken to by Mr. Brown and Mr. Pettinger in their report under Agenda Item E.9 (i.e., analyze darkblotched ACL alternatives 3, 4, 5, and 6 from Agenda Item E.4.a, Attachment 4 and a 3,500 mt widow rockfish ACL alternative).

Moved by: Jeff Feldner

Seconded by: Gway Kirchner

Motion 24 passed (Mr. Lincoln, Ms. Vojkovich, Mr. Myer, Ms. Culver and Mr. Lockhart voted no (roll call vote)).

**Motion 25:** Provide guidance to the priority and timing of the trailing amendments by moving all of the items listed above [on the screen, the first 12 items from Attachment 1 plus 28, 29, and 30], except to remove number 7; to keep the timing as ordered; and to incorporate into the guidance the recommendations from the GAP on Items 2c, 3, 4, 5, 9 and the newly renumbered 28, 29, 30 and recommendations from the TRREC committee on 5, 7, 28, and 30. And, recommend the items 28, 29, 30 to go forward as a gear package on which we can further have discussions later. And further, to be incorporated into Item 6, the alternative from Attachment 1 (which is also in agreement with the Item E.7.b, Supplemental EC Report).

Moved by: Dale Myer

Seconded by: Michele Culver

Motion 25 passed. (Mr. Myer recused).

**Motion 26:** Consider amending the Amendment 21 language on widow rockfish allocation under the 2013-2014 biennial specifications process to specify the amount of widow rockfish to be allocated to the trawl whiting sectors; and until changed, the QS allocation would remain as specified in Amendment 20.

Moved by: Michele Culver

Seconded by: Marija Vojkovich

Motion 26 passed unanimously.

**Motion 27:** Revise the whiting start date for all whiting sectors to be May 15 beginning in 2012, and this would be the first of a two meeting process to make that regulatory change.

Moved by: Michele Culver

Seconded by: Steve Williams

Motion 27 failed (Mr. Pollard, Ms. Vojkovich, Mr. Lincoln, Mr. Crabbe, Mr. Myer, Mr. Brizendine, and Mr. Ortmann voted no; Mr. Lockhart abstained).

**Motion 28:** Draft a comment letter to NMFS relative to the geographic division of the lingcod ACL and trawl fishery and ask them to consider a number of solutions, including the combination of the lingcod ACL into a single coastwide ACL.

Moved by: Marija Vojkovich

Seconded by: Buzz Brizendine

Motion 28 was withdrawn.

**Motion 29:** Submit public comment on the proposed 2012 specifications rule regarding the issues we heard today involving the subarea allocation of lingcod north and south of 42 degrees. This letter would consider all of the testimony, input, and discussion that has occurred around the table here regarding this item, and would reflect the general hope of the Council to have NMFS address this issue and resolve it for 2012.

Moved by: Steve Williams                      Seconded by: Marija Vojkovich  
Motion 29 passed (Mr. Lockhart abstained).

**Motion 30:** Adopt conforming regulations to restrict recreational lingcod fisheries in Washington, as outlined in Agenda Item E.8.b, WDFW Report, such that regulations are in place for the opening date of March 17, 2012.

Moved by: Michele Culver                      Seconded by: Steve Williams  
Motion 30 passed unanimously.

**Motion 31:** Adopt recommendation #3, outlined in Agenda Item E.8.b, Supplemental GMT Report, for revised minor nearshore rockfish and black rockfish trip limits between 42° and 40°10' N. latitude for limited entry and open access fixed gears. The revised limits for Period 1 would be "8,500 lb/2 months of which no more than 1,200 lb may be species other than black rockfish."

Moved by: Marija Vojkovich                      Seconded by: Buzz Brizendine  
Motion 31 passed unanimously.

**Motion 32:** Adopt the daily trip limit fishery sablefish trip limits outlined in Alternative 1 and the modifications to the trawl Rockfish Conservation Area (RCA) from 200 to 150 fathoms (fm) between Cape Falcon and Cape Alava in Period 2 (Agenda Item E.8.b, Supplemental GMT Report).

Moved by: Michele Culver                      Seconded by: Steve Williams  
Motion 32 passed unanimously.

**Motion 33:** Transmit the letter as identified in Agenda Item G.1.a, Supplemental Revised Attachment 2, to NOAA for the Biological Opinion issues as found in the Briefing Book.

Moved by: Steve Williams                      Seconded by: Jeff Feldner

**Amndmnt 1:** Strike the following portions from the letter:

- On page one in the first paragraph, strike "and Montana."
- Page two in the third paragraph, strike the last two sentences which read "A collaborative process for the Columbia Basin, like similar efforts elsewhere, would likely be funded by a blend of state and federal support. This type of

process could produce a regional plan that is beneficial to both fish and affected communities.”

- Page two in the fourth paragraph, strike “Previous tiered approaches that have not included regional stakeholders in crucial discussions and decisions have so far failed to yield a plan judged sufficient to meet ESA legal requirements, creating more uncertainty for the region.”
- Page two in the fifth paragraph, strike “we stand ready to assist in any way.”

Moved by: Michele Culver

Seconded by: Rich Lincoln

Amendment 1 passed (Mr. Sones and Mr. Pollard voted no; Mr. Helvey abstained).

Motion 33 was not voted on.

**Motion 34:** As a substitute to Motion 33: postpone this decision until March 2012.

Moved by: Dale Myer

Seconded by: Michele Culver

Motion 34 passed (Mr. Lincoln, Mr. Feldner and Mr. Williams voted no).

**Motion 35:** Forward the Klamath letter as identified in Agenda Item G.1.a to the Bureau of Reclamation, with a small amendment that the Council acknowledges there is controversy associated with implementation of the Klamath Basin Restoration Agreement (KRBA).

Moved by: Marci Yaremko

Seconded by: Buzz Brizendine

Motion 35 passed (Mr. Sones voted no).

**Motion 36:** Adopt the preliminary treaty management measures and seasons for 2013-2014 included in the supplemental Tribal report under this agenda item, for analysis.

Moved by: David Sones

Seconded by: Michele Culver

Motion 36 passed unanimously.

**Motion 37:** In an effort to reduce the analytical workload, ensure that the 2013 regulations are implemented on January 1, 2013, and provide sufficient time for the Council and its advisory bodies to effectively consider major changes to the groundfish harvest specifications, rebuilding plans, stock complexes, and management process, the Council reiterate its intent to keep the harvest specifications and management measures for 2013 and 2014 as close to the 2012 harvest specifications and management measures (i.e., status quo) as much as possible with minimal exceptions.

#### Harvest Specifications

The Council re-confirm the range of Annual Catch Limits (ACLs) and Preliminary Preferred Alternatives (PPAs) for ACLs adopted under Agenda Item E.4, except:



1. For widow rockfish, reduce the range of alternatives to remove the 2,500 mt alternative, and select a PPA of 1,500 mt.
2. For longnose skate, select a PPA of 2,000 mt.
3. For stock complexes, select a PPA consistent with a continuation of managing species at the complex level, and provide guidance to the GMT to analyze the process and implications of implementing a sorting requirement for minor slope rockfish (aurora, shortraker, rougheye) N of 40°10' N. latitude.
4. For lingcod, shift the division between ACLs north and south from 42° N. latitude, to 40°10' N. latitude and analyze the associated management considerations.

Moved by: Michele Culver

Seconded by: Gway Kirchner

**Amndmnt 1:** Change Item 1 as follows: replace “remove the 2,500 mt alternative” with “remove the 2,000 mt alternative” while maintaining the PPA of 1,500 mt.

Moved by: Jeff Feldner

Seconded by: Dorothy Lowman

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

**Amndmnt 2:** Add an ACL alternative for analysis of 40,000 mt for Dover sole.

Moved by: Jeff Feldner

Seconded by: Dorothy Lowman

Amendment 2 failed under roll call vote (Mr. Lincoln, Ms. Vojkovich, Ms. Culver, Mr. Lockhart, Mr. Myer, Mr. Ortmann, and Ms. Kirchner voted no).  
Motion 37 as amended (Amendment 1) passed unanimously.

**Motion 38:** Adopt for Management Measures:

1. Using Agenda Item E.5.b, Supplemental GMT Report 1, adopt set-asides:
  - a. For the at-sea whiting fishery as recommended by the GMT in Table 1.
  - b. In Attachment 1, adopt the set-asides listed consistent with the GAP recommendations, except for sablefish, reduce the total EFP set aside to 10 mt.
2. For two-year allocations for bocaccio, canary, cowcod, and yelloweye, maintain the 2012 allocations for 2013 and 2014 (as described in Agenda Item E.9 Supplemental GMT Report 3, Attachment 3), except:
  - a. For yelloweye, reduce the non-nearshore allocation to 1.1 mt, and increase the shorebased trawl allocation to 1.0 mt.
3. For dogfish and longnose skate trip limit purposes, adopt a preliminary sharing alternative consistent with the average trawl and non-trawl recent harvest levels (Agenda Item E.9 GMT Report 3, Tables 12 and

13), which would be 75 percent trawl, 25 percent non-trawl (dogfish) and 90 percent trawl, 10 percent non-trawl (longnose skate). Shares would be expressed as harvest guidelines, not allocations, and should be viewed as management targets for trip limit-setting purposes.

4. For widow rockfish, maintain the status quo trawl/non-trawl allocation of 91 percent trawl and 9 percent to non-trawl (as adopted under Amendment 21) and the trawl IFQ quota share allocations (as adopted under Amendment 20). For the within trawl allocation, adopt the status quo approach to sharing:
  - a. Analyze a range of at-sea allocations to include the status quo 2012 level (147.9 mt) up to 300 mt; this would be allocated between the mothership and catcher-processor sector pro-rata.
  - b. Allocate the remainder of the trawl allocation to the shoreside sector.

Moved by: Michele Culver  
Motion 38 passed unanimously.

Seconded by: Maria Vojkovich

**Motion 39:** Reconsider Motion 38.

Moved by: Marija Vojkovich  
Motion 39 passed unanimously.

Seconded by: David Crabbe

**Amndmnt 1:** Amend Item 1.b of Motion 38 and confirm we are adopting the GAP recommendations for EFP's except for the following changes for 2013-2014:

- Bocaccio 2.6 mt
- Canary 0.8 mt
- Cowcod 0.02 mt (was rounded in GMT table)
- Widow 18 mt
- Yelloweye 0.02 mt (was rounded in GMT table)
- Black rockfish south of 46 (OR/CA) 0 mt
- Pacific whiting 0.2 mt
- Minor slope rockfish south of 40' 10 5.2 mt
- Minor shelf rockfish south of 40' 10 30.2 mt
- Splitnose south of 40' 10 0.5 mt

Moved by: Marija Vojkovich  
Amendment 1 passed unanimously.  
Motion 38 as amended passed unanimously

Seconded by: Buzz Brizendine

**Motion 40:** Recommend that the U.S. delegation attempt to reach agreement on reciprocal access with Canada under the U.S.-Canada albacore treaty.

Moved by: Michele Culver  
Motion 40 passed unanimously.

Seconded by: Marija Vojkovich

**Motion 41:** Forward to the U.S. delegation to the next annual meeting of the WCPFC (WCPFC8) the recommendations contained in Agenda Item I.1.b, Supplemental HMSMT Report and Supplemental HMSAS Report.

Moved by: Marija Vojkovich                      Seconded by: Buzz Brizendine  
Motion 41 passed unanimously.

**Motion 42:** Send the letters as described in the previous statement of Dr. Dahl (“Attachment 1 as a draft of an eventual report that would incorporate the Council’s recommendations and be attached to letters to the Department of State and Commerce, and Congress, as required by the MSA Section 304(i).”)

Moved by: Marija Vojkovich                      Seconded by: Buzz Brizendine  
Motion 42 passed unanimously.

**Motion 43:** Adopt the draft minutes of the 210<sup>th</sup> Session of the Pacific Fishery Management Council (September 2011) in Agenda Item J.1.a, Supplemental Attachment 1 with the corrections noted by Mr. Myer, Mr. Roth and Ms. Culver.

Moved by: Dave Ortmann                      Seconded by: Herb Pollard  
Motion 43 passed unanimously.

**Motion 44:** Adopt the provisional budget as presented in Agenda Item J.2.b, Supplemental Budget Committee Report.

Moved by: Dave Ortmann                      Seconded by: Dale Myer  
Motion 44 passed unanimously.

**Motion 45:** Appoint Mr. Kirk Lynn to a CDFG position on the Coastal Pelagic Species Management Team.

Moved by: Marija Vojkovich                      Seconded by: David Crabbe  
Motion 45 passed unanimously.

**Motion 46:** Appoint Mr. Paul Dye, Dr. Terrie Klinger and Mr. Nate Stone to the three vacant Washington At-large positions on the Ecosystem Advisory Subpanel.

Moved by: Michele Culver                      Seconded by: Dale Myer  
Motion 46 passed unanimously.