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A. Call to Order

A.1. Opening Remarks, Introductions

Chairman Jim Lone opened the 154th meeting of the Pacific Fishery Management Council in Portland, Oregon. He invited all Council members, standing committees, and interested public to attend the groundfish strategic plan briefing being held that evening.

A.2. Roll Call

Dr. Don McIsaac called the roll.

Voting Members

Mr. Bob Alverson  
Mr. Phil Anderson  
Mr. Jack Barraclough  
Mr. Burnell Bohn  
Mr. LB Boydstun  
Mr. Ralph Brown  
Mr. Jim Caiolo  
Mr. Robert Fletcher  
Mr. Jim Harp  
Mr. Jim Lone  
Mr. Jerry Mallet  
Dr. Hans Radtke  
Mr. William Robinson  
Mr. Roger Thomas

Non-Voting Members

Mr. Dave Gaudet  
Dr. Dave Hanson  
Mr. Tim Roth  
CDR Ted Lindstrom

Members Absent

Mr. Stetson Tinkham

A.3. Executive Director's Report

Dr. McIsaac introduced Ms. Carolyn Porter who is the new Executive Assistant. Dr. McIsaac then noted that Council staff has launched a new procedure to track the supplemental handouts. He also informed the Council and public that daily Council actions/decisions will be posted in the back of the room.

A.4. Status of Federal Regulation Implementation

Mr. Bill Robinson, National Marine Fisheries Service, reported that the National Marine Fisheries Service (NMFS) formally transmitted Amendment 14 to the Salmon Fishery Management Plan to NMFS D.C. staff, with a notice of availability published today. The comment period will end August 28. The date for the decision regarding approval will be September 27. The observer program draft Federal Register (FR) notice was not filed due to heavy workload. There will be a FR notice to approve the rebuilding plans for Pacific Ocean perch (POP), Lingcod and bocaccio.

On May 19, NMFS published proposed rule for state regulations of setnet gear in Huntington Flats area. That comment period has been extended to early August. On May 31, a control date for the highly migratory species fisheries was filed in the FR (March 9, 2000 was the control date published).

He also added that on June 19, NMFS published the final 4(d) rule under the Endangered species Act (ESA) for both steelhead and chinook. The final rule for steelhead is effective 60 days from publication. Chinook final rule is effective 145 days after published.

A.5. Council Action: Approve Agenda

The agenda was approved with the following changes: Agenda items H.1. through H.4. will be moved to Tuesday, June 27, 2000 after Agenda Item C.1. Agenda Items G.1. and G.2. will be moved to Tuesday after
H.1. through H.4. On Wednesday, after Agenda Items D.16., D.10., and D.14. will be addressed after Agenda item D.8. The GAP requested that D.2. be moved after agenda item D.5. in order to allow more time for them to draft their comments. Mr. Ralph Brown asked that after D.13., a short discussion be added to talk about next year's groundfish management strategies. He would like to ask the GMT to put together a brief report after that discussion and present it to the Council at their September meeting. Mr. Boydstun noted that where it says "squid" permit transferability, it should be changed to "finfish" permit transferability. (Motion 1)


The Council approved the March 2000 minutes with the following clarification, on Page 14, the California Department of Fish and Game (CDFG ) representative be identified as "Mr. Harvey Reading". (Motion 2)

B. Salmon Management

B.1. Salmon Management Agenda Overview

Dr. John Coon provided the Council with a brief overview of the salmon agenda.

B.2. Sequence of Events and Status of Fisheries

Mr. Doug Milward, Salmon Technical Team (STT) chairman, reported on ocean salmon landings for the early part of the season (Supplemental STT Report B.2.). In response to questions from the Council, he noted that 1,000 chinook of the May/June guideline for the non-Indian commercial fishery north of Cape Falcon would be transferred into the late, all-salmon season. During the preseason process, the impacts for these 1,000 fish were modeled as if they were caught in the late season and then transferred to the early fishery. Transferring the remainder of the May/June chinook guideline (now estimated at less than 1,000 fish) to the late season would require a complex remodeling of impacts for these fish (originally modeled in the May/June season) which would significantly reduce the number transferred. Since the quota for the late, all-salmon season of 2,500 chinook is likely to be more than enough to access the coho quota, Mr. Milward indicated he would not request the Washington Department of Fish and Wildlife (WDFW) staff to calculate any additional transfer of chinook from the early season to the late season unless it becomes necessary.

Mr. Dave Gaudet, Alaska representative, reported the Chinook Technical Committee of the Pacific Salmon Commission has completed a revised calibration for the northern fisheries which resulted in increased abundance indexes and an increase in the allowable harvest for the abundance-based Alaska fisheries.

B.2.a. Public Comment

Mr. Don Stevens, troller, Newberg, Oregon

B.2.b. Council Discussion

Mr. Roger Thomas commented that there have been healthy salmon recreational fisheries in the Monterey and San Francisco Bay areas which have been helped by great weather conditions this year. Mr. Jim Cato noted that the commercial fishery north of Point San Pedro had only opened on May 29 and that most of the landings reported by the STT were likely to have come from south of Point San Pedro.

B.3. Salmon Methodology Reviews

B.3.a. Agendum Overview

Mr. Jim Seger highlighted the actions expected of the Council to guide the methodology review as outlined in Exhibit B.3.
B.3.b. Scientific and Statistical Committee (SSC) Clarification of Methodological Bias

Dr. Gary Stauffer presented SSC Report B.3.

At the Council’s April meeting, the Scientific and Statistical Committee (SSC) informed the Council it had received comment on possible biases in the new chinook Fishery Regulation Assessment Model. During comment, three specific areas of concern were identified, and the SSC noted these areas in its report to the Council. The purpose of noting the specific areas of concern was to ensure that when the model is reviewed the concerns are evaluated. To this point, the SSC has not received enough information to evaluate whether or not the concerns are warranted. In its comments to the Council, the SSC noted a review of the new model should include, but not be limited to, these items. The SSC is aware the Council deals regularly with issues of both the actual performance of scientific models and the public perception of the performance of the models. The SSC’s comments were intended to ensure both these aspects of model performance are addressed.

B.3.c. Agency and Tribal Response to Abundance Forecast Request

States

Mr. Anderson presented a letter to the Council (Supplemental WDFW Report B.3.) in which WDFW proposes that the Puget Sound and Washington coastal coho stocks have the highest priority for a review of abundance estimators. WDFW and the tribes will provide the necessary documentation for the SSC to review the Strait of Juan de Fuca and Hood Canal coho stock abundance estimators well in advance of the next SSC scheduled review of methodologies beginning in October 2001. Mr. Anderson stated the tribes and WDFW are also in the middle of developing a comprehensive coho plan (related to item one in Exhibit B.3.) which would implement new management regimes for Puget Sound coho. This should be completed by December 31, 2000 and will provide something for the SSC to review, but not in time to complete in the current review cycle.

With regard to item two of Exhibit B.3., Mr. Boydstun confirmed that CDFG and NMFS staff are working to revise the Klamath Ocean Harvest Model (KOHM) and are reviewing and updating the model’s database. It should be a more accurate model for analyzing ocean fisheries. The revision may require some changes in abundance estimation methods. CDFG and NMFS are working to meet the documentation deadline of September 29, 2000. Mr. Boydstun also noted that the winter chinook model has been unchanged since the beginning of its existence and should eventually be put on the list of models to review.

Mr. Bohn stated that the Oregon Department of Fish and Wildlife (ODFW) is not prepared to provide more documentation relative to OCN predictions. The most recent changes have been incorporated into Preseason Report I and are reviewed annually.

Tribes

Mr. Harp concurred with the WDFW letter. He also commented that he appreciated the letter mailed out from Dr. McIsaac in early June. Mr. Harp said he would encourage the tribal staff to send the Council a written response. He then presented the following testimony:

The tribes believe that substantial reviews by the SSC of the Coho Cohort Analysis Project and the Chinook FRAM model, revised to model Selective Fisheries, are necessary steps and ones that should be undertaken in a thorough manner. We support the SSC beginning this work as soon as possible this year. However, we do not believe the information necessary to undertake this review will be available to the SSC by the September meeting and it is unlikely that the SSC will be able to complete these reviews in time for the 2001 regulation cycle. The SSC should be instructed to begin these reviews as soon as possible but should be provided sufficient time to do an adequate job.

Review of forecast methodologies by the SSC is a good idea, and an assignment which can begin immediately and have an impact for the 2001 season planning. In Western Washington the highest priority for review would be for coho salmon forecast methods. These forecasts have a significant
impact on the Council's annual decision making. Puget Sound and Washington coastal chinook do not contribute significantly to Council fisheries and these forecasts are not of great concern to the Council.

NMFS

Mr. Robinson referred the Council to a NMFS letter (Supplemental NMFS Report B.3.) which contained suggestions for prioritizing the SSC review of estimation methods with regard to the following five stocks: lower Columbia River wild chinook, Klamath River fall chinook, lower Columbia River and Spring Creek Hatchery chinook stocks, Oregon coastal natural (OCN) coho, and Washington coastal coho stocks. NMFS suggested that the stocks chosen should be those most critical to ocean management decisions and those stocks for which recent forecasts are believed to be the least accurate or reliable. NMFS also suggested that the SSC do thorough reviews of a limited number of methodologies rather than spread themselves too thinly.

B.3.d. SSC Update on Proposed Review Schedule

Dr. Stauffer presented Supplemental SSC Report B.3.(1).

During the April 2000 Council meeting, the Scientific and Statistical Committee (SSC) identified a list of harvest and abundance predictor models for potential review. The SSC is prepared to begin reviewing models this fall, as prioritized by the Council. The documentation of the models selected for initial review should be received by September 29, 2000 to ensure the results of the review are available to the Council at the November 2000 meeting.

The Council sent a letter on June 2, 2000 to tribal, state, and federal agencies asking them to prioritize the preseason salmon abundance forecast methodologies for SSC review. The SSC encourages agencies to respond to this letter. The response from Mr. William Robinson, National Marine Fisheries Service, contained the type of information requested by the Council.

B.3.e. Comments of Advisory Bodies

SAS

Mr. Mark Cedergreen noted that the SAS agreed with Mr. Robinson's letter regarding the choice of forecast methodologies to review. It makes a lot of sense to direct the most time and effort to the most critical stocks.

B.3.f. Public Comment

Public

Mr. Don Stevens, troller, Newberg, Oregon
Mr. Paul Englemeyer, National Audubon Society, Yachats, Oregon

B.3.g. Council Guidance

Based on the statements of the pertinent agencies and tribes, the Council anticipates that the SSC will be provided the necessary documentation by September 29, 2000 to begin review of the new KOHM and some portion of the Coho Cohort Analysis Project. Complete documentation of changes resulting from completion of the comprehensive coho plan by WDFW and the tribes will not be available until 2001. Documentation for the Selective Chinook Fishery Regulation Assessment Model will not be available for review this year. This model will be implemented no earlier than the 2002 salmon season. Priorities and scheduling for future reviews of abundance forecast methodologies should be discussed at a joint meeting of the SSC and STT in September. Documentation of abundance forecasts for Hood Canal and Strait of Juan de Fuca coho should be available in ample time for the next review cycle beginning October 2001.
B.4. Status of Amendment 14 and Implications for 2001 Overfishing Concerns

B.4.a. Agendum Overview

Dr. Coon noted that, in April, the Council had identified that wild Queets coho did not trigger an overfishing review under the current salmon fishery management plan (FMP), but could when Amendment 14 is implemented. Council staff advised that an overfishing concern is triggered under Amendment 14 if the Queets coho stock fails to meet its maximum sustainable yield (MSY) spawner escapement in three consecutive years. Under the current FMP, an overfishing concern would not be triggered for Queets coho unless the stock failed to meet the annual target agreed to by WDFW and the tribes for three consecutive years. The annual target has been below the MSY objective for the past three years.

It now appears Amendment 14 will be implemented about the end of September 2000. If Queets coho trigger an overfishing concern at that time, the Council would have a maximum of one year in which to develop and submit a stock rebuilding program. The Council needs to confirm its April position that Queets coho will trigger an overfishing concern under Amendment 14. Given that finding, the Council may wish to get an early start on the review process rather than waiting until notification from NMFS in September.

Dr. Coon reviewed Supplemental Attachments B.4.a. and B.4.b. which provide the criteria in Amendment 14 that trigger an overfishing review and also the recent spawner escapements for Queets coho. He noted that the Quinault Indian Nation contends Amendment 14 does not clearly identify the MSY objective as the basis for initiating an overfishing concern for Washington coastal coho (see Supplemental Tribal Comment B.4.). Dr. Coon stated that Council staff have analyzed Amendment 14 impacts on the basis of an overfishing concern being triggered by a failure to meet the MSY objectives. In response to questions, Dr. Coon reported the Council had made it clear that Washington salmon stocks managed under U.S. District Court orders were granted an exception from the MSY objectives under the conservation alert procedures. However, no such exception was specified for the overfishing concern.

B.4.b. Comments of Tribes and Agencies

NMFS

Mr. Robinson stated that at this late date in the final review of Amendment 14, it would be a mistake to interpret the amendment differently than it has been characterized by staff. Council and NMFS staff have made a strong point that the overfishing criteria of Amendment 14, while somewhat different than those proposed under the National Standard Guidelines (NSGs), are actually more conservative. Amendment 14 has minimum stock size thresholds that are equivalent to the MSY ranges. This conservatism would be in question if WDFW and the tribes could agree on a "separate, lower threshold" for certain stocks. There is opportunity between now and September 2001 for the Council, WDFW, and the tribes to use the existing information and regimes available to not only comply with the overfishing review, but to complete a more comprehensive review of the critical coho stocks driving management north of Cape Falcon.

WDFW

Mr. Anderson, requested further clarification on the Council’s decision for establishing the conservation alert and overfishing criteria. In addition, he questioned how much of a chore the overfishing concern would entail, given the detail of management data already available from WDFW and the tribes. Dr. Coon provided additional details of the requirements of the Sustainable Fisheries Act with regard to managing for MSY and reminded the Council of the early drafts of Amendment 14 which rejected using a criteria of 50% of MSY in any one year as proposed by the NSGs. In regard to the second question, he noted that there was already significant management criteria and data utilized by WDFW and the tribes in their co-management of coastal coho. Making the existing long-term management objectives more visible may already provide much of the basis for a satisfactory rebuilding plan.

Mr. Anderson commented that, particularly in view of Mr. Robinson’s comments, we need to stay the course. He believes Queets does meet the criteria for triggering an overfishing concern under Amendment 14.
Recognizing that there is a lot of information about the Queets stock, this information can be used to explain the stock dynamics and clarify the management plan aimed at the stock recovery.

Tribes

Mr. Harp noted the comments of the Quinault Indian Nation in Supplemental Tribal Comment B.4. and read the additional comments of Supplemental Tribal Comment B.4.(1) as provided below.

Even though Amendment 14 has been transmitted to the Secretary of Commerce, there are still some ambiguities in the proposed language pertaining to overfishing and the relationship between two columns in Table 3-1. The column entitled "conservation objective" is referenced in section 3.2.3.1 as the criteria that the Council is to use to judge if a stock is overfished. However, in some instances, these criteria are inconsistent with the information contained in the column entitled "subject to Council Actions to Prevent Overfishing" (e.g., Washington coastal coho stocks). There are obviously different interpretations of these conflicts and the Council needs to clarify its intentions. In addition to these inconsistencies, the Council needs to clarify its intentions as to when and how to apply the proposed changes in overfishing procedures. Does the Council wish to assess management actions and subsequent spawning escapements from this time forward or immediately utilize the new criteria to assess past spawning escapements and associated management actions?

The tribes question the appropriateness of the latter choice. It is unfair to assess past management decisions based, in part, on the Council's previous standards and overfishing guidelines by newly modified criteria. In essence, this is changing the rules in the middle of the game. Such an assessment would unfairly shift focus onto past management decisions, away from other, perhaps more significant, contributing factors to the low stock abundance.

The tribal preference is to utilize the new overfishing criteria to assess management actions and associated spawning escapement from this time forward.

In the transition period to the new assessment procedure, the spirit and intent of the revamped overfishing criteria still could be maintained with a Council letter. Notification should be sent to the management entities with jurisdiction over stocks that would trigger a review with the immediate application of the new overfishing criteria. The letter should clarify change in criteria and encourage the entities to begin evaluating the relevant factors surrounding the stocks in question. This may involve re-evaluating a stock's conservation objective, a task that would represent a major undertaking. Consequently, early notification by the Council would be appropriate.

Perhaps a good example of this is Queets River coho. The existing conservation objective was originally established in 1981. Recently, production of this stock has been depressed and escapements have fallen below the lower end of the current spawning escapement range even with minimal ocean and in-river fishery impacts. Re-evaluation of the existing conservation objective against current environmental conditions and stock productivity parameters would be a major undertaking by the co-managers. Similar re-evaluation of the conservation objective for Oregon Coastal natural coho stocks (OCN) took several years.

CDFG

Mr. Boydstun noted that the overfishing review conducted for Klamath River fall chinook had identified inadequate flows below Iron Gate Dam as one of the major problems reducing salmon abundance. That problem is still unresolved. He requested NMFS use the habitat consultation process of Amendment 14 to become more involved in resolving the inadequate flow problem.
B.4.c. Comments of Advisory Bodies

SAS

Mr. Mark Cedergreen commented that the Queets coho stock may trigger an overfishing review. This stock is stringently managed every year and is probably managed more rigorously than any other stock along the coast. Impacts on Queets stock by the ocean fisheries has only been 5% in recent years while there are major negative habitat impacts.

B.4.d. Public Comment

Mr. Paul Englemeyer, National Audubon Society, Yachats, Oregon

B.4.e. Council Action: Address Any 2001 Overfishing Concerns Resulting from Implementation of Amendment 14

Recognizing that Queets wild coho will trigger an overfishing concern under Amendment 14, Mr. Anderson moved (Motion 3) the Council request the Quinault Indian Nation and WDFW to begin assembling data to assist the STT in completing an overfishing review for the Queets wild coho stock by September 1, 2001. Motion 3, seconded by Mr. Alverson, passed.

Mr. Boydston also requested that NMFS provide an update at the September meeting on the essential fish habitat consultation process with regard to adequate flows for Klamath River salmon stocks. Mr. Robinson agreed.

B.5. Update on Review of Oregon Coastal Natural Coho Management Criteria

B.5.a. Agendum Overview

Dr. Coon briefly reviewed the formation and purpose of the OCN Review Work Group as outlined in Exhibit B.5.

B.5.b. Report by Review Team Leader

Mr. Sam Sharr summarized the status of the OCN coho management review and preliminary recommendations of the work group as presented in Supplemental OCN Work Group Report B.5. In particular, Table 4 of the report displays concepts for some structural changes to the fishery impact matrix that the work group is considering. These changes are aimed primarily at providing better biological guidance to the Council in establishing the annual maximum allowable fishery impact rates when dealing with very low population sizes and extremely low marine survival. This area of the matrix in Amendment 13 generally prescribes an allowable impact rate of 10 to 13% or less with the final impact level dependent on the Council's balancing of biological and socio-economic impacts. The work group's review is limited to biological criteria and will not include assessing the socio-economic aspects of the fishery at these low levels. Mr. Sharr agreed with a suggestion from Dr. Hans Radtke to insert "short-term economic concerns" in the footnote to Table 4. Responding to a question by Mr. Alverson, Mr. Sharr stated that the work group has not examined the effect of habitat changes. However, ODFW has a habitat monitoring program which will allow this assessment over the long-term.

Mr. Robinson noted that he supports the committee's work. The direction of the review matches the concerns expressed by NMFS (Supplemental Attachment B.5.b.), the Independent Multidisciplinary Science Team, and the SSC.

B.5.c. Comments of Advisory Bodies

None.
B.5.d. Public Comment

Mr. Paul Englemeyer, National Audubon Society, Yachats, Oregon

B.5.e. Council Guidance

Council members complimented the work group on their progress to date and expressed support for the proposed approach to the review. Mr. Bohn encouraged the committee to include a sensitivity analysis of the changes in the final work group recommendations.

C. Marine Reserves

C.1. Staff Report on Phase I Considerations of Marine Reserves as a Management Measure

C.1.a. Agenda Overview and Analysis Summary

Mr. Jim Seger walked the Council through the documents and talked about the options.

C.1.b. Ad-Hoc Marine Reserve Committee Report

Mr. Seger summarized the MRC Report (MRC Report C.1.). Dr. Hanson noted that point six of the MRC report was a very contentious issue that needed to be thoroughly discussed.

Mr. Anderson asked if, given the high cost and stated importance of the baseline information, thought had been given to obtaining the needed funds. Mr. Seger identified the related discussion beginning on page 26 of the draft document and commented that exact costs would have to wait until more specific siting options had been developed. Additionally, one of the things that will be struggled with is that the level of aggregation of the fisheries information is too large compared to the probable scale of the marine reserves. Dr. Richard Parrish noted the more important question may be whether the funding will be reallocated from other programs within NMFS (such as NERP) or from the surveys. With smaller reserve areas, site intensive surveys would be required while with larger areas some existing surveys might be usable (e.g. triennial survey).

In response to Dr. Radtke, Mr. Seger noted that the Executive Order (EO) on marine reserves could help facilitate bringing together the overlapping of agencies jurisdiction, an effort that prior to the order looked to be very difficult.

Mr. Boydston, noted that marine reserves would be very difficult to implement without the concurrence and support with other agencies. The CDFG commission needs to be brought into the process. If state managed species are not part of the plan enforcement will be nearly impossible.

C.1.c. Comments of Advisory Bodies

SSC

Dr. Susan Hanna read the report of the SSC.

The Scientific and Statistical Committee (SSC) was briefed by Mr. Jim Seger of Council staff and Dr. Richard Parrish of the National Marine Fisheries Service on the Draft Phase I Technical Analysis Report “Marine Reserves to Supplement Management of West Coast Groundfish Resources” (Attachment C.1. a.).

The technical report is a conceptual evaluation of the potential role for marine reserves in West Coast fishery management. The authors have responded to many of the review comments and questions raised by the SSC in its September 1999 statement and have developed a comprehensive treatment of the issues surrounding marine reserves.
The report raises several important points about marine reserves and fishery management:

- There is a great deal of uncertainty about how marine reserves will contribute to West Coast fishery management.
- Because of this uncertainty, monitoring and evaluating the impact of marine reserves will be an important component of their use.
- The Council has authority to establish marine reserves for only those species managed under an FMP.
- The Council has direct control over fishing, but will have limited consultative authority over nonfishing factors that will affect the performance of marine reserves.

COUNCIL ACTION

- The SSC finds the objectives and options contained in the Phase I report, although very broad, are sufficient for a conceptual review. We recommend the Council adopt the report for public review. We also recommend the Council proceed to Phase II to analyze options.

PHASE II CONSIDERATIONS

- The SSC identified a number of additional issues that will be important to consider if the Council decides to proceed to Phase II. These issues pertain to the objectives and options for marine reserves and are presented as guidance to the authors of the analysis documents.

1. Objectives

- The objectives for marine reserves will determine their scale and the choice of regulations controlling their use. For example, reserves established to preserve unique areas of habitat will be smaller than those established to achieve stock rebuilding or broad ecosystem benefits for multiple species.
- To track progress toward meeting objectives, marine reserves will have to be monitored under controlled experimental conditions. Because marine reserves will not produce fishery-dependent data (catch and catch-at-age), fishery-independent surveys will have to be conducted in closed areas. If marine reserves are a significant component of a stock rebuilding plan, evaluation may be required at two-year intervals.
- Monitoring and evaluation will require enhanced data collection and additional staff time. The cost of funding these activities should be explicitly considered in the evaluation of management options. The environment of limited funding means that there will be tradeoffs between alternative actions, for example monitoring marine reserves versus enhanced data collection to support "status quo" activities such as stock assessments. The issue is where the biggest payoff is likely to be.

2. Development of Options

- Allocation issues need to be addressed explicitly when various options are developed and analyzed. The scale, siting, and rules governing marine reserves allocate fish and fishing opportunities among recreational and commercial fisheries, gear types, and fishing communities.
- The impact of marine reserves will not be measurable in the short term. The relatively rapid recovery rates observed for haddock and cod in New England should not be expected for West Coast rockfish, because the species have very different life histories. Marine reserves will require a long-term commitment of management, enforcement, and research.
• It is important to acknowledge marine reserves will not substitute for fishery regulations outside the reserve area. Additional fishing restrictions may be required outside the reserve area to prevent concentrations of fishing effort that could lead to localized depletions, habitat damage, and conflicts.

• Defining more specific objectives for marine reserves will help analysts conduct a comprehensive comparison of alternative designs, locations, and regulations. The analysis of options should specifically address the objectives and should include a comparison of the cost effectiveness of marine reserves versus alternative methods (including combinations of marine reserves and alternative methods) of achieving the objectives. Alternatives include other management tools as well as doing a better job at the "status quo."

SAS

Mr. Cedergreen presented the SAS Report.

The SAS position on the concept and development of Marine Reserves is restricted to potential impacts on salmon fishing. From the inception of the committee, our position has been that recreational and commercial salmon fishing should not be banned from any such reserves as may be established to protect non-salmon species. It is our belief that, other than possible enforcement issues, the present regulations promulgated under the Salmon FMP are sufficient to manage salmon. In addition, we also believe that salmon fishing has minimal impact, if any, on the benthic environmental and on species other than salmon.

Therefore, the SAS recommends that any proposals advanced beyond the Council meeting do not contain provisions that would further restrict salmon fishing and/or travel to and from salmon grounds.

GAP

Mr. Rod Moore read the report of the GAP.

The Groundfish Advisory Subpanel (GAP) received a briefing on the Staff Report on Marine Reserves - Phase I and has the following comments.

The GAP believes establishing marine reserves is one of many tools that should be available to the Council. However, the GAP will withhold comment on establishing reserves in any particular area until Phase II is begun.

The GAP disagrees with presenting various approaches as "options", which lead to the assumption that other variations have been considered and rejected. The GAP agrees potential percentages of protected areas or biomass should be identified (such as the 5%, 20%, 35%, and 50% presented in the report) in order to give the public some idea of the degree of protection that is contemplated. However, the GAP believes these concepts should be presented in the form of descriptive paragraphs and not identified as options.

The GAP notes the Ad-Hoc Marine Reserve Committee and the Ad-Hoc Groundfish Strategic Plan Development Committee are operating on parallel tracks, with both committees discussing marine reserves. The GAP recommends action on marine reserves be taken in the context of the Council's strategic plan, and not as a stand-alone management measure.

Finally, the GAP recommends the entire staff report be made available for public review, so the public has the benefit of the full range of discussion.
HSG

Ms. Michele Robinson read the report of the Habitat Steering Group (HSG).

The Habitat Steering Group (HSG) reviewed the Ad-Hoc Marine Reserve Committee’s report and the Phase I Technical Analysis and supports both documents to be adopted for public review. Further, the HSG strongly supports the Ad-Hoc Marine Reserve Committee’s recommendations and recommends the Council proceed with Phase II.

TRIBAL

Mr. Harp provided the following testimony:

The draft Phase I report provides considerable background on the goals and objectives for marine reserves, and provides some analysis of the costs and benefits of establishing marine reserves, including the socio/economic costs and benefits. Yet, nowhere in the draft report is there any assessment or even a mention of the effect on Treaty Indian fishing rights, nor is meeting those rights recognized as a goal or an objective in establishing reserves. This is a major oversight in this report and must be corrected. Several tribes in western Washington have Usual and Accustomed fishing areas that substantially overlap with the Council’s jurisdiction. By Treaty, the tribes may fish throughout their Usual and Accustomed areas without any additional geographic limitations. Any attempt to establish marine reserves that would prohibit all fishing within the reserves would be an infringement upon those Treaty rights. This is an issue that the Council and NMFS must address before proceeding, and which ought to be recognized as a major consideration in this Phase I report. This is ultimately an issue which must be addressed with each of the affected tribal governments.

C.1.d. Public Comment

Mr. Richard Charter, Environmental Defense Fund, Bodega Bay, California
Ms. Karen Reyna, Pacific Ocean Conservation Network, San Francisco, California
Mr. Mark Cedergreen, Westport Charter Boat Association, Westport, Washington

C.1.e. Council Action: Adopt Phase I Report for Public Review

Mr. Boydstun asked whether the marine reserves issue also pertained to salmon or was it groundfish only. Mr. Seger answered that while the Council’s main focus of consideration had been the creation of marine reserves for groundfish, it’s authority to restrict fishing in marine reserve areas extended to all Council FMPs.

Mr. Brown asked how the presidential executive order might affect the need for Council action on marine reserves. Ms. Cooney responded that the executive order did not mandate marine reserves. Mr. Robinson stated that sending the document out was not inconsistent with the executive order and that at a later date the processes encouraged by the executive order might merge with Council processes. Dr. Radtke expressed hope that by the next meeting the Council will be provided information on what the marine protected area center mandated in the executive order on marine reserves will do, who will take the lead, and what the Council role will be.

The Council adopted the recommendations of HSG Report C.1. with the exception of the language pertaining to proceeding to Phase II (moved by Bob Alverson, seconded by Jerry Mallet, Motion 4). Through this motion and friendly amendments the Council approved the revised objectives for marine reserves and agreed to send the phase one technical analysis out for public review. In the executive summary and elsewhere, the note that it is “desirable” to coordinate with other agencies will be changed to say that it is “critical” to do so. Also, the report will be revised to cover Treaty Tribe rights. The MRC Report C.1 will be revised and sent out as a part of the cover letter and the attachment to the MRC Report will be attachment to the cover letter. The issue will be taken up next at the September 2000 Council meeting. Motion 4 passed.
D. Groundfish Management

D.1. Groundfish Management Agenda Overview

Mr. Glock gave the agenda overview.

D.2. Status of Federal Groundfish Activities

D.2.a. NMFS Report

Ms. Kate King gave a brief overview of the whiting fishery. She spoke to Supplemental NMFS Report D.5. and D.5.(1), noting the fleets were having trouble avoiding yellowtail and salmon. Mr. Boydstun reported the incidental catch rate of salmon, in the California whiting fishery doubled or tripled from recent years. Vessels moved and kept after avoidance measures, but they still encountered salmon. Dr. Radtke asked about the observer program.

Ms. Cyreis Schmit gave an update on research activities on West Coast groundfish. In particular, she informed the Council that the draft West Coast groundfish research plan is available. There have been a series of hearings on the document in California, a new draft will be completed to encompass those comments.

D.2.b. Comments of Advisory Bodies

There were no comments of the advisory bodies or public. No Council action or discussion took place on this agenda item.

D.3. Strategic Plan

D.3.a. Comprehensive Plan Review

Ms. Debra Nudelman gave a brief report of the presentation last night, proposed steps over the summer, and the proposed implementations of the plan.

D.3.b. Comments of Advisory Bodies

SSC

Mr. Alan Byrne read the report of the SSC.

Ms. Debra Nudelman briefed the Scientific and Statistical Committee (SSC) on the draft groundfish strategic plan. SSC members also attended the Ad-Hoc Groundfish Strategic Plan Development Committee’s public briefing on Tuesday evening.

In the evening session, Ms. Nudelman indicated “the purpose of the strategic plan is to guide the future management of the groundfish fishery, including the development of plan amendments, regulations and other actions as needed.” The SSC recommends this critical point appear in both the Executive Summary and the introductory section of the plan. In addition, to highlight the importance of maintaining this explicit linkage between the strategic plan and future groundfish management actions, the SSC recommends an additional bullet be added to the section of the plan entitled “Strategic Plan Goals for Council Process” (page 16 of the Executive Summary and page 66 of the Draft Strategic Plan), as follows:

“To ensure all plan amendments, regulations, and other management actions considered by the Council are routinely evaluated in terms of progress toward achieving the Strategic Plan.”
The draft strategic plan is a thoughtful and well-written document. It provides explicit goals and includes a comprehensive range of issues and strategies for groundfish management. In terms of scope and general content, the SSC considers the document to be ready for public review. The Ad-Hoc Groundfish Strategic Plan Development Committee indicated in the evening session it will be soliciting additional input regarding the plan from Council advisory committees, as well as the public, this summer. The SSC intends to provide more detailed comments regarding the plan within that time frame.

GMT

Dr. Jim Hastie briefly went through the Supplemental GMT Report D.3.

The GMT believes the draft strategic plan document is a significant step towards resolution of a number of fundamental issues plaguing the west coast seafood industry and the Council's efforts to manage the groundfish fishery. The GMT recognizes how difficult it is to envision better conditions for the groundfish fishery when harvest levels and fishing revenues are declining rapidly. The GMT believes a vision statement must be realistic as well as optimistic, and the current draft generally strikes a reasonable balance. The GMT enthusiastically endorses the committee's efforts and offers the following suggestions to improve the document before it is distributed for public review and comment. Because of the limited time available for review, these comments focus on the content of the executive summary. However, the Team will endeavor to compile a set of comments pertaining to the full document in time for the Committee's August meeting.

1. The Fishery - The GMT recommends rewording the first sentence to read, "...where Pacific groundfish stocks are healthy, resilient, well understood, and...," since the resilience of stocks is beyond our control. The GMT interprets the fishery vision statement as meaning the commercial fishing sector will be much smaller than today, and this restructured industry, as opposed to the "environment," will be "diverse, stable, market-driven, profitable and adaptive." The basic operating environment will likely be substantially different: marine protected areas, bycatch restrictions, habitat protection, record-keeping and monitoring will all be basic features of the business. The vision statement currently appears to focus only on the commercial sector, and that should be made clear by inserting the word "commercial" before each reference to the industry or fishery. The vision statement should be expanded to address the recreational sector, perhaps with reference to "quality recreational experience and participant satisfaction." Does the Council envision an end to open access to the recreational fishery? If so, that should be specifically mentioned. Reference to the resolution of allocation disputes should include ensuring that management mechanisms are available to achieve those allocations.

2. The Science - The GMT envisions the quality of scientific information and analysis meeting or exceeding national and international standards. Economic information and analysis should be included in this vision and suggests the following insertion: "Data collection and monitoring programs (will) provide stock assessments, biological, environmental, economic and social assessments and analyses with acceptable levels of uncertainty... "

3. The Council - The GMT believes it is important that the Council must be decisive in its actions and decisions.

With the "Vision" section's focus on describing a future in which major problems have been resolved, it is not always well-suited to identifying the guiding principles that will shape a difficult and extended transformation. The GMT believes the summary would be improved by inserting a statement between the "Vision" and "Implementation" sections of the document encapsulating the principles or priorities that will guide the transition from the current fishery to one that reflects the vision.

In Section II "What will we do to get there?", the GMT offers the following comments.

1. Management Policies Recommendations
(b)3: As noted above, making "the necessary allocation decisions" must include provision for
ensuring they can be achieved, or the allocations themselves will be meaningless and will not improve predictability.

(b)4: Revise first sentence: “To reduce federal management complexity...”

2. Harvest Policies  - (b)1: the GMT reminds the Council of the distinction between harvest guidelines (closure is optional but not mandatory) and quotas (closure is mandatory). If this recommendation is adopted, OYs will be considered quotas or limits, and this should be clearly stated.

(b)2: The first sentence conveys the impression that the biological information base will decrease over time. The GMT suggests this sentence be clarified by replacing the first sentence with “In cases where stock biology, health, or total fishing mortality are poorly understood, allowable harvests must reflect a greater degree of precaution.”

(b)4: The GMT requests clarification about the meaning of “closure of the fishery” in the first sentence. Also, the GMT believes the last sentence may reflect a more conservative policy than currently expressed in the FMP. And although possible use of the mixed-stock exception is mentioned earlier in the paragraph, the last sentence implies that it would never be invoked in cases where the weak stock is less than half of Bmsy. If this is the intention, it should be stated clearly.

(b)6: While the intent to conserve the portion of transboundary stocks under the Council’s authority, in the absence of international agreements, is laudable, it is not clear how management performance can be meaningfully evaluated in cases where stocks—or our measurements of them—exhibit a high degree of variability in distribution across national boundaries. For example, in the last four triennial trawl surveys, the percentage of estimated yellowtail rockfish biomass attributed to the Canadian portion of the assessment area has alternated between roughly 17% and 40%.

3. Capacity Reduction  - (a), (b)1, and b(2): If the goal is to reduce overcapacity as quickly as possible “to a level consistent with the allowable harvest levels for the 2000 fishing year”, the option of mandatory permit stacking should be included in the discussion.

(b)1: If permit stacking is pursued for the fixed gear sector, the GMT believes a rockfish endorsement should be considered concurrently. At a minimum, the industry should be alerted to the possibility of a rockfish endorsement so that transfer prices for stacked permits can more accurately reflect their future value. Although this paragraph clearly states a policy with regard to stacking’s interaction with the daily-trip-limit fishery, the effect on rockfish limits is not addressed here or in subsequent discussion of stacking for the trawl fleet.

(b)6: Since the groundfish mortality of a “C” permit fleet would result, to a great extent, from vessels participating in fisheries for which the Council does not have management plans, it is not clear how the Council will “manage each sector to stay within its allocation each year.”

Intermediate to Long Term
1: As with stacking, there is no mention of ITQ development for fixed-gear with respect to rockfish.

2: As noted previously, it should be stated clearly that an integral part resolving allocation issues between these sectors is the development of mechanisms that facilitate accountability and control of fishing mortality in both of them.

4. Allocation, General Allocation Principles  - 1. The GMT is uncertain about implementation of point #1. It is clear that equitable does not necessarily mean equal, but without active insseason management of recreational and incidental non-groundfish fisheries, the directed groundfish fisheries will have to shoulder most of the conservation burden. This appears to conflict with the goal of predictability.
3. As with point 1 above, this seems to conflict with predictability.

5. The GMT believes the Council has expressed a preference that fishing sectors and individuals be accountable for their own bycatch and discard. As more specific bycatch information becomes available, this issue becomes clearer. The GMT has followed this principle in calculating limited entry and open access allocations in recent years by applying a discard factor only to the limited entry catch. The GMT suggests this allocation principle be revised as follows: “Allocations should be based on the acceptable biological catch, and each sector that receives an allocation should be responsible for reducing its bycatch. If there is no observer program to quantify bycatch/discard amounts, each allocation should be reduced to account for assumed discard.”

6. The GMT advises the Council that significant capacity reduction will necessarily result in concentration of benefits and costs. The goal should be to avoid excessive concentration.

5. Observer Program Recommendations
(b)5: The GMT continues to strongly support the development of a comprehensive observer program. However, consideration of alternative monitoring approaches should not be restricted to only vessels with limited abilities to carry observers, but evaluated generally with respect to cost and reliability of information.

GAP

Mr. Rod Moore read Revised Supplemental GAP Report D.3.

The Groundfish Advisory Subpanel (GAP) spent several hours discussing the draft plan. Our ability to fully comment was hampered by the fact that most GAP members did not have time to review the plan prior to the GAP meeting. The GAP notes the sections of the plan that call for smoother flow of information and hope this applies to the Council's advisory entities.

In general, the GAP agrees a strategic plan is helpful in allowing participants in the fishery to develop their individual plans for the future. The vision statement in the draft plan is generally acceptable, although the GAP suggests one editorial change: on page 7 of the draft plan, in the first paragraph under “1. The Fishery”, add at the end of the third sentence -
“and continues to be adjusted to be in balance with other components of the strategic plan.”
If the plan is implemented, additional reductions in harvest capacity may be necessary to keep the balance envisioned.

Beyond the vision statement, the GAP has difficulties in providing constructive comments at this time. There are concerns about inconsistencies within the implementation section. For example, the ability to accurately manage on a weak-stock basis requires a major revision of both state and federal laws, regulations, and policies, as well as a considerable infusion of funds. The Council has no control over these matters. How can weak stock management be a priority if there is no way to control its achievement?

Similar problems are found with capacity reduction language. The GAP agrees, as it has many times before, that capacity reduction should be the highest priority. However, in order for capacity reduction to work, some sort of allocation is necessary. The draft plan gives capacity reduction a high priority, but considers allocation to be an intermediate-to-long-term objective.

The GAP also believes insufficient thought has been given to the cumulative effect the various goals will have. It is unclear what kind of priority is given, if any, to the various proposed recommendations; or if any thought has been given to what happens if we do several of these simultaneously.

Many of the recommendations will also require substantial funding. Where is the funding to come from? Should we adopt a “pay-as-you-go” strategy, so recommendations are not carried out if the source of funding is unclear?
One area where we strongly agree is the need to build trust among advisory entities. The GAP and the Groundfish Management Team (GMT) often meet jointly and try to present consensus recommendations to the Council. We would welcome the opportunity to work in a similar cooperative manner with other advisory entities.

We also agree the Council needs to more clearly define the roles and responsibilities of the GAP. The GAP makes a concerted effort to be responsive to the Council and its constituents, but we are hampered by limited meeting times and conflicts between GAP meetings and Council actions that require participation by GAP members. We share a single Council staff member with the GMT, which puts a strain on both bodies and certainly on that staff member. These issues need to be addressed if the GAP is to continue to be effective.

GAP members will provide individual comments on the draft plan as they get a chance to review it more thoroughly. While we will make an attempt to provide more comprehensive comments as a group, it is unlikely we will be able to do so prior to the next strategic planning committee meeting for the simple reason most GAP members have to tend to their fishing and processing operations. Our preference would be for the Council to delay sending the draft plan out for public review until September. In any case, when public review is complete, the GAP believes one or two representatives of the GAP and other advisory entities be involved in analysis of public comments.

HSG

Ms. Michele Robinson read Supplemental HSG Report D.3.

The Habitat Steering Group (HSG) reviewed the draft Groundfish Strategic Plan—particularly the Marine Reserve and Habitat sections—and supports the document to be adopted for public review. Further, the HSG strongly supports the Marine Reserve Recommendations contained in the draft Strategic Plan. More detailed comments on the plan will be provided by the mid-August deadline.

Dr. McIlsaac noted that through e-mail, conference call, or a one-day meeting of each of the standing committees involved, there will be a feedback mechanism set-up so that information could be exchanged throughout the summer.

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

Mr. Mark Cedergreen, Westport Charter Boat Association, Westport, Washington  
Mr. Bob Eaton, Pacific Marine Conservation Council, Astoria, Oregon  
Mr. Kenyon Hensel, open access fisherman, Crescent City, California  
Mr. Denny Burke, F/V Timmy Boy, South Beach, Oregon  
Mr. Mike Pettis, longliner, Newport, Oregon  
Mr. Jack Crowley, Fishing Vessel Owners Association, Seattle, Washington  
Mr. Pete Leipzig, Fisherman's Marketing Association, Eureka, California  
Dr. Mark Powell, Center for Marine Conservation, San Francisco, California  
Mr. John Crowley, Fishing Vessel Owners Association, Seattle, Washington  
Mr. Joe Easley, Oregon Trawl Commission, Astoria, Oregon  
Ms. Michele Longo Eder, F/V Nesika, Newport, Oregon


Mr. Anderson moved the Council approve the draft groundfish strategic plan document for public review and in addition give the Ad-Hoc Groundfish Strategic Plan Committee the flexibility to incorporate certain comments from the GMT, GAP, SSC, and the public during the Council's session. (Motion 12) Mr. Fletcher seconded the motion.

Mr. Anderson asked that the committee be given the charge of putting the comments into the document.
Mr. Boydstun supported the motion and suggested that the committee consider the advisory groups comments and public testimony. He also asked that the hearing schedule be adopted as part of the motion.

Council members debated whether to make major revisions to the plan at this time, or make only minor corrections and changes. Due to the short time available, the Council asked the committee to meet briefly and make only minor changes. Motion 12 passed.

D.4. Stock Assessment Priorities for 2001

D.4.a. Candidates for Assessment

Ms. Schmitt presented Supplemental Attachment D.4.a. The proposed species to be assessed in 2001 are sablefish, shortspine thornyhead, black rockfish (south), silvergrey, Dover sole, cabezon, "remaining" rockfishes complex, and yelloweye rockfish.

Mr. Brown asked about the deepwater species. Ms. Schmitt replied that there is biological information that could be used. This is the third year we have had the survey coastwide. She then said maybe we could mesh some surveys together for a longer time series. Mr. Brown asked about cabezon, what do you have for indexes given it is a shallow water fish, and there are no surveys done in there. Ms Schmitt replied that cabezon is a species identified as a species that shows up in logbooks for recreational and commercial fisheries. The types of information available would be similar to those for cowcod. Mr. Brown asked where the surveys were taking place. Ms. Schmitt said the intent is going to look at south of Pt. Conception. Mr. Brown then asked about the yelloweye. Ms. Schmitt said that as we did for darkblotched this year, we are trying to find information available for an assessment.

D.4.b. Comments of Advisory Bodies

GAP

Mr. Rod Moore read the report of the GAP.

The Groundfish Advisory Subpanel (GAP) reviewed the list of stocks proposed to be assessed in 2001 and agrees with the choices made. However, the GAP has the following additional comments:

1. Although convening a Stock Assessment Review (STAR) Panel for three assessments is difficult, NMFS should take this step with the Dover, sablefish, and shortspine thornyhead assessments. These species are caught in conjunction with each other and reviewing the assessments as a group makes more sense.

2. STAR Panel meetings should be held in locations where sufficient computer and administrative support is available, including telephones, printers, and copying machines.

SSC

Mr. Alan Byrne read the report of the SSC.

Ms. Cyreis Schmitt, National Marine Fisheries Service, presented a list of species proposed for stock assessment in 2001. The stocks proposed for assessment are: sablefish, shortspine thornyhead, black rockfish (south), silvergrey, Dover sole, and cabezon. Depending on available staff resources yelloweye and the “remaining” rockfishes complex may be assessed. The Scientific and Statistical Committee (SSC) views the assessment for sablefish, shortspine thornyhead, and Dover sole the most important. Given the information made available to the SSC, we were unable to rank the relative importance of the remaining five stocks. The SSC notes the scheduled 2001 assessment of arrowtooth, English sole, blackgill, chilipepper, longspine thornyhead, and shortbelly were postponed. The SSC recommends criteria be developed to select stocks for assessment and the
assessment schedule be planned several years in advance. A longer lead time will allow agencies to prepare databases and collect information for the assessment. Useful assessment criteria the SSC discussed were: the stock's value to the fishery, a weak stock that may constrain fisheries in mixed stock fishery, and compelling evidence that a stock is in decline (or increase).

The SSC disagrees with the recommendation to delay the Pacific whiting assessment in 2002. The delay will prevent the Council from using the 2001 triennial survey results until it sets quotas for the 2003 fishery. The SSC recommends that the 2002 assessment begin when data from the 2001 triennial survey become available, so the Council can use the results when setting quotas for the 2002 fishery. In 1999, this accelerated schedule was compatible with the Canadian system allowing a joint assessment and review.

D.4.c. Public Comment

Ms. Michele Longo Eder, F/V Nesika, Newport, Oregon


Mr. Fletcher complained about the absence of stock assessment surveys south of Pt. Conception. He asked NMFS to come up with the funds and the to survey and assess stocks in that area.

Mr. Anderson asked Ms. Schmitt about the criteria used to determine what stocks will be assessed? How did yelloweye and remaining rockfish get on the list? Ms. Schmitt said the criteria are in the terms of reference. That has been the policy for the species to use the cycle as noted in that calendar. She then went through each of the stocks listed. There were concerns expressed the status of cabezon, and CDFG asked for the assessment.

Mr. Anderson then asked Ms. Schmitt about the SSC's concerns about delaying the whiting assessment. She replied there's a trade-off of having the most useful information in the best timely manner, and we are having difficulty in coordinating with Canada about meetings and stock assessments right now.

Dr. McIaaac asked the Council about yelloweye and remaining rockfish. Mr. Anderson expressed his concern about yelloweye, and asked if others had similar concerns for species to the south.

Mr. Brown concurred, saying he has heard about yelloweye for a long time.

Mr. Anderson said his concern for yelloweye is from a decade of fishermen expressing they are extremely vulnerable to overfishing. The SSC referenced "compelling evidence"; though the information may be anecdotal, he believes they are vulnerable to overfishing.

D.5. Status of Fisheries and Inseason Adjustments

D.5.a. Agendum Overview

Mr. Glock described the various documents and Council action required.

D.5.b. Comments of Advisory Bodies

GMT

Dr. Jim Hastie presented Supplemental GMT Report D.5. The GMT recommendations are summarized in the following tables:
June 2000 GMT recommendations for limited-entry trip-limit changes

<table>
<thead>
<tr>
<th>Limited entry</th>
<th>Current limits</th>
<th>Recommendations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Slope rockfish subgroup (all gears)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>North</td>
<td>5,000 lb / 2-months (through October)</td>
<td>Achieve total OY</td>
</tr>
<tr>
<td>South</td>
<td>5,000 lb / 2-months (through October)</td>
<td>Protect weak stock *</td>
</tr>
<tr>
<td>* Recommendations reflect concern over darkblotched rockfish (North) &amp; bank rockfish (South)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Shelf rockfish subgroup (South)</td>
<td>1,000 lb / month</td>
<td>500 lb / month</td>
</tr>
<tr>
<td>Nearshore rockfish subgroup (fixed-gear)</td>
<td>Year-round fishery priority</td>
<td>Target attainment priority</td>
</tr>
<tr>
<td>North</td>
<td>3,000 lb / 2-months (max. 1,400 non-black/blue)</td>
<td></td>
</tr>
<tr>
<td>South</td>
<td>1,300 lb / 2-months</td>
<td>1,600 lb / 2-months</td>
</tr>
<tr>
<td>Fixed-gear daily-trip-limit fishery</td>
<td>2,400 lb / 2-months (300 lb / day)</td>
<td>3,000 - 3,300 lb / 2-months (300 lb / day)</td>
</tr>
<tr>
<td>Yellowtail rockfish (small footrope)</td>
<td>1,500 lb / month</td>
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</tr>
</tbody>
</table>

*Note: Bold entries represent consensus recommendations of the GMT and GAP.*

The report continues on the next page.
June 2000 GMT recommendations for open-access trip-limit changes

<table>
<thead>
<tr>
<th>Open access</th>
<th>Current limits</th>
<th>Recommendations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Shortspine thornyheads</td>
<td>50 lb / day, S. of Pt. Conception</td>
<td>No retention (August 1)</td>
</tr>
<tr>
<td>Lingcod</td>
<td>400 lb / mo</td>
<td>No retention (August 1)</td>
</tr>
<tr>
<td>Achieve total OY</td>
<td></td>
<td>Protect weak stock *</td>
</tr>
<tr>
<td>Slope rockfish subgroup</td>
<td></td>
<td></td>
</tr>
<tr>
<td>North</td>
<td>500 lb / 2-months</td>
<td>700 lb / 2-months</td>
</tr>
<tr>
<td></td>
<td></td>
<td>500 lb / 2-months</td>
</tr>
<tr>
<td>South</td>
<td>500 lb / 2-months</td>
<td>1,500-2,000 lb / 2-months</td>
</tr>
<tr>
<td></td>
<td></td>
<td>1,000 lb / 2-months</td>
</tr>
<tr>
<td>* Recommendations reflect concern over darkblotched rockfish (North) &amp; bank rockfish (South)</td>
<td></td>
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<tr>
<td>Nearshore rockfish subgroup</td>
<td></td>
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<tr>
<td>Year-round fishery priority</td>
<td></td>
<td></td>
</tr>
<tr>
<td>North</td>
<td>1,500 lb / 2-months</td>
<td>1,800 lb / 2-months</td>
</tr>
<tr>
<td></td>
<td></td>
<td>2,500 lb / 2-months</td>
</tr>
<tr>
<td></td>
<td>(max. 700 non-black/blue)</td>
<td>(max. 800 non-black/blue)</td>
</tr>
<tr>
<td>South</td>
<td>800 lb / 2-months</td>
<td>1,600 lb / 2-months</td>
</tr>
<tr>
<td></td>
<td></td>
<td>2,500 lb / 2-months</td>
</tr>
<tr>
<td>Fixed-gear daily-trip-limit fishery</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Current daily limit</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2,400 lb / 2-months (300 lb / day)</td>
<td>3 - 3,300 lb / 2-months (300 lb / day)</td>
<td>2,400 lb / 2-months (600 lb / day)</td>
</tr>
</tbody>
</table>

Note: **Bold** entries represent consensus recommendations of the GMT and GAP.

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GAP

Mr. Rod Moore presented Supplemental GAP Report D.5.

The Groundfish Advisory Subpanel (GAP) met jointly with the Groundfish Management Team (GMT) and offers the following recommendations for inseason adjustments:

**Limited Entry**

1. For all gears, increase slope rockfish cumulative limits in the south to 7,000 pounds per two-month period.

2. For all gears, reduce shelf rockfish cumulative limits in the south to 500 pounds per month.

These two recommendations are made in the interest of protecting weak stocks.
3. For fixed gear, increase nearshore rockfish cumulative limits in the north to 5,000 pounds per two-month period, with a maximum of 1,800 pounds being species other than blue or black rockfish.

4. For fixed gear, increase nearshore rockfish cumulative limits in the south to 2,000 pounds per two-month period.

These two recommendations are made to allow target attainment.

5. For the fixed gear daily-trip-limit sablefish fishery, increase the cumulative limit to 3,300 pounds per two-month period, while maintaining the daily limit of 300 pounds.

This recommendation is made to allow a reasonable harvest of sablefish in this fishery while avoiding confusion with different daily trip limits.

6. For the small footrope trawl fishery in the north, remove the current two-month cumulative limit on yellowtail rockfish and substitute the following:
   a. The "per trip" limit for yellowtail rockfish is the sum of 10% of the weight of arrowtooth flounder plus 33% of the weight of flatfish other than arrowtooth, not to exceed 7,500 pounds of yellowtail per trip.
   b. A vessel using a small footrope may not land yellowtail unless it is also landing flatfish.
   c. A vessel may not exceed the 30,000-pound cumulative limit per two-month period regardless of gear used.

7. For the large footrope trawl fishery establish a 5,000 per trip limit on arrowtooth flounder taken incidentally with other flatfish.

Open Access
1. For slope rockfish in the south, increase the cumulative limit to 1,000 pounds per two-month period. This will allow a modest increase while protecting weak stocks.

2. For nearshore rockfish in the north, increase the cumulative limit to 2,500 pounds per two-month period, with a maximum of 900 pounds of species other than black or blue rockfish. The GAP understands allowing this higher cumulative limit may result in early attainment and closure for this fishery.

3. For nearshore rockfish in the south, increase the cumulative limit to 1,600 pounds per two-month period. This will allow a year-round fishery to be maintained.

4. For the fixed gear daily-trip-limit sablefish fishery, increase the cumulative limit to 3,300 pounds per two-month period, with a daily-trip-limit of 300 pounds.

SSC

None.

D.5.c. Public Comment

Mr. Kenyon Hensel, open access fisherman, Crescent City, California
Mr. Robert Briscoe, Jr., trawler, Blaine, Washington
Mr. Marion Larkin, trawler, Mt. Vernon, Washington
D.5.d. Council Action: Inseason Adjustments

Mr. Brown asked Dr. Hastie for more information about the limited entry nearshore rockfish group harvest projection and trip limits. Dr. Hastie explained that this is the first year of having these subgroups. The GMT's concern in open access is little effort in January-April, with a higher limit in May (combination of better weather, etc.). We do not know to what extent the number reflects folks getting out. The bottom line is we don't have a good understanding of what the landings will be for this year under these limits.

Mr. Anderson moved that the Council adopt the inseason adjustments as represented in Supplemental GAP Report D.5., including the addition for the large footrope trawl fishery (item 7), and that for the open access nearshore rockfish subgroup in the north increase it to 3,000 pounds for two months instead of the 2,500 pounds presented. Mr. Alverson seconded the motion. (Motion 10)

Mr. Boydstun said that in regard to shortspine thornyheads in the area south of Conception in the open access, there is no ABC or OY, and for the closure suggested in that report. Mr. Boydstun asked that it be deleted from the motion. This was viewed as a friendly amendment. He also recommended these be for no retention of lingcod after August 1, (that would be part of the same friendly amendment). Both the seconder and the maker of the motion agreed. Motion 10 passed.

Mr. Boydstun moved that the Council write a letter to the California Fish and Game Commission to take regulatory action affecting the recreational fisheries south of Cape Mendocino to insure that our preseason expectations of catch for bocaccio, canary, cowcod, and lingcod are not exceeded, to note in the letter that the Council recommend NMFS work with CDFG and the California Fish and Game Commission in developing their regulations, and that NMFS take complementary actions affecting fisheries in federal waters to make them consistent with state regulations. (Motion 11) Mr. Caito seconded the motion.

Mr. Fletcher said he understands the need for the action, but restated his concern about abundance estimates in the area. Mr. Thomas concurred with Mr. Fletcher's comments.

Mr. Robinson said that what the Council would be authorizing subsequent to Commission action, made it effective before the next Council meeting. Mr. Bohn said that the letter is for species South of Mendocino. Motion 11 passed.

Mr. Boydstun said he would like Dr. Hastie to consult with Mr. Russell Porter from the RecFIN office at PSMFC. GMT members will be contacted as necessary.

D.6. Sablefish Three-Tier Fishery Season and Limits

D.6.a. Agendum Overview

Mr. Glock presented the agenda overview.

D.6.b. Comments of Advisory Bodies

GMT

Dr. Jim Hastie, read Supplemental GMT Report D.6.

The GMT reviewed the recommendations for the 2000 fishery provided in Attachment D.6.a at their June meeting. The GMT did not identify a preferred alternative between the two model scenarios presented. It should be noted, however, that the expected landings using the Model 1 configuration are only 200,000 lb below the target poundage for the primary fishery, and that this year's reductions in rockfish opportunities may tend to increase participation, relative to recent years. Balancing this
concern is the fact that, through May, the limited-entry fleet has landed only 12% of the poundage allocated daily-trip-limit (DTL) portion of the fishery. Consequently, the risk of exceeding the primary fishery target poundage may carry a lower expectation of early DTL closure than in some previous years.

The 45 mt of sablefish landed through May represents about 60% of what was landed last year by that month. And although somewhat lower limits at the start of this year have contributed to the reduction, it is also likely that lower rockfish limits have reduced opportunities to fashion profitable trips from a combination of rockfish and 300 lb of sablefish. Given that the 300 lb limit was initially conceived as a bycatch allowance for individuals fishing rockfish and that the outlook for shelf and slope rockfish trip limits is not promising, the Council may want to re-evaluate the current target pound for the DTL fishery and/or its daily-limit structure.

GAP

Mr. Rod Moore, read Supplemental GAP Report D.6.

The Groundfish Advisory Subpanel (GAP) received a report from the Groundfish Management Team on options for the sablefish three-tier fishery.

The GAP recommends adopting a more conservative model which would allow cumulative limits of 85,500 pounds; 38,500 pounds; and 22,000 pounds for Tiers 1, 2, and 3 respectively, in an eight-day season.

The GAP was unable to agree on a starting date for the 2000 season. The two dates recommended were August 6 and September 1. Advantages and disadvantages were cited for both dates by representatives of the fixed gear fishery.

At the request of Council member Mr. Bob Alverson, the GAP also discussed potential modifications to existing regulations regarding permit transfers. The GAP recommends regulations be changed to allow a permit to be transferred once each calendar year. A transferred permit could not be used until the beginning of the next cumulative period following date of transfer.

D.6.c. Public Comment

Mr. Denny Burke, F/V Timmy Boy, South Beach, Oregon
Mr. John Crowley, Fishing Vessel Owners Association, Seattle, Washington
Mr. John Warner, West Coast Fisherman's Alliance, Charleston, Oregon
Mr. Jack Crowley, Fishing Vessel Owners Association, Seattle, Washington
Mr. Mike Pettis, F/V Challenge, Newport, Oregon
Mr. Gary Jackson, fisherman, Gold Beach, Oregon
Ms. Michele Longo Eder, F/V Nesika, Newport, Oregon
Mr. Tom Ghio, Ghio Fish Company, Moss Landing, California


Mr. Alverson asked NMFS if the permit transfer regulations could be waived for vessels that got caught in this transfer situation.

Mr. Robinson said they could not waive the regulations, but suggested it might be better if the Council recommend a new cumulative landing period start date of August 1 be established for fixed gear vessels for the purpose of permit transfers. In that case, the people who transferred last year in July could transfer this year in July.

Mr. Alverson moved that the Council adopt Model 1 as shown in Attachment D.6.a. (Motion 13) Seconded by Mr. Anderson. (Model 1 primary sablefish season for the fixed gear fleet would open August 6-15, 2000 (9 days). The fishery will close at noon, preceded by a 48-hour closure, and will close at sea at noon the last
day, followed by a 30-hour closure, the same as 1999. The closures apply to all fixed gear groundfish vessels (both limited entry and open access). The cumulative limits for each of the three tiers are: Tier 1: 81,000 pounds; Tier 2: 37,000 pounds; and Tier 3: 21,000 pounds.)

Mr. Alverson spoke for the motion, noting the Council had suggested the August 6 date at the April meeting. The model 1 nine days was picked because the difference in poundage is about 1,500 pounds for a tier two, dressed weight (about 1,000 pounds). He did not see where one day on the ground of safety is worth the differential for 1,500 pounds.

Chairman Lone asked for additional discussion and for a roll call vote on motion 13. Dr. McIsaac called the roll vote and it passed unanimous.

Mr. Alverson then asked Mr. Robinson if he heard that there was a way to accommodate those people who wanted to transfer their permits before August. Mr. Robinson said there is a footnote in the annual specifications that relates to permit transfers. He then read the footnote. You could make a recommendation to modify the days that limited entry transfers are to take effect; limited to fixed gear, and limited to the transfers in CY 2000 - simply add in August 1 as a cumulative limit period specifically for the transfer of fixed gear permits. Some vessels may fish rockfish in other species, and there is a potential that somebody with fixed gear permit, that somebody could double dip on "rockfish". Mr. Anderson asked if we could put a condition that no landings of groundfish could occur during the month of July? Mr. Robinson said his fear is that we are already starting to stretch what we could do for routine measures.

Mr. Alverson requested to NMFS that the regulations be modified to designate August 1 as the start of a cumulative landing period for the purpose of permit transfers for fixed gear, that a cumulative landing period (an additional cumulative period start date) be added specifically as August 1. (Motion 14) Mr. Bohn seconded the motion. Motion 14 passed.

D.7. Rockfish Bycatch Rates

D.7.a. Agendum Overview

Mr. Jim Glock explained what was on the agenda.

D.7.b. Comments of Advisory Bodies

GMT

Mr. Brian Culver noted the GMT needs some guidance from the Council on where to apply those discard rates to inseason catches.

Mr. Bohn said he appreciates the need for Council guidance, but he would also appreciate GMT guidance as to where they think this application should be applied. This has not seemed to progress a great deal since the discussions in April. He felt intuitively it would come out as we go through the inseason process. It should be applied in all areas to any fishery that has no discard rate applied to it. There really wasn't anything else to use.

D.7.c. Public Comment

Dr. Mark Powell, Center for Marine Conservation, San Francisco, California


Mr. Anderson voiced his concerns that we adopted the most restrictive trip limits we have ever had last November. For minor slope rockfish and bocaccio we assumed no mortalities or bycatch. For bocaccio we have a trip limit of 300 pounds a month. He does not think it is reasonable that there is zero discard mortality, not in any gear type fishery. The levels are so small, we cannot say that bycatch is zero. We do not know whether or not 16% is the correct number or not, and we are not going to know without an observer program.
These are the same concerns he brought forward to the Council in April.

Mr. Brown disagreed with Mr. Anderson's comments. His experience with fisheries over the year was there is no reason to assume discards even if the trip limit is not being met. Sixteen percent may very well not be the right figure. We really don't know what number to use. The number we're using is from Dr. Ellen Pikitch from years ago. Dr. Jean Rogers has the data, and in that study, there was one trip limit that had discards, and that trip limit had alot of discards, that is where the 16% came from. It is better than using zero.

Mr. Robinson noted that the GMT is seeking advice on how to apply it. Unless the GMT has reason to believe there is a better rate to apply across both open access and limited entry, or that the discard rate is zero; he does not see any alternative but to apply the 16% across the board.

Mr. Anderson moved that the Council have the GMT apply the 16% discard rate for minor, nearshore rockfish and bocaccio rockfish in the limited entry, trawl, fixed gear, and open access fisheries; and direct the GMT to make the appropriate adjustments in season. This does not apply to the recreational fisheries. Mr. Alverson seconded the motion. (Motion 9) Motion 9 passed, Mr. Brown opposed the motion.

D.8. Plan Amendment to Address Bycatch and Management Measure Issues

D.8.a. NMFS Report

Ms Yvonne deReynier summarized the prepared amendment using overheads.

D.8.b. Comments of Advisory Bodies

GAP

Mr. Rod Moore read the GAP statement.

_The Groundfish Advisory Subpanel (GAP) received a briefing on the proposed amendment to the Pacific groundfish fishery management plan to address bycatch._

_The GAP supports the alternatives identified as “preferred” for bycatch definitions, standardized reporting methodologies, bycatch reduction provisions, and annual management framework provisions._

_For removal of limited entry permit endorsements (identified as a housekeeping measure), the GAP recommends the Council adopt alternative number 2._

D.8.c. Public Comment

Ms. Jennifer Bloeser, Pacific Marine Conservation Council, Arcata, California
Ms. Karen Garrison, National Resources Defense Council, San Francisco, California

D.8.d. Council Action: Final Approval of Plan Amendment

Mr. Brown moved that the Council adopt the amendment with the alternatives identified as preferred as our final options; and in addition, include Alternative #2 for Issue 5. (Motion 15) Mr. Bohn seconded the motion.

Mr. Brown said this has been reviewed several times by most of us, and several groups. We need the framework to implement these items, and it should be done.

Mr. Boydstun also favored the motion, the Council provided comments at the previous meetings, and those have been incorporated the document.

Mr. Anderson asked Mr. Brown about issue 2, alternative 3, is there any conflict with the strategic plan relative to observers? Mr. Brown said he did not think so. Mr. Anderson said he wanted flexibility, i.e. state, federal,
private funding, but the amendment says the state and federal will pay for observer costs, not the vessels.
He wanted the flexibility to pay for observers with a variety of funding sources.

Ms. deReynier said it could say "a variety of funding options", or the reference to funding could be deleted.

Mr. Brown agreed there should be an option to require industry funding. He suggested replacing the phrase "require federal and/or state" with "when funding becomes available". Mr. Anderson wanted to make sure that we have the same understanding and have all the bases covered. He said if we approve the motion, the amendment would not speak to where the funds would come from. He wants the amendment to authorize the Council to require an observer program. He did not want to adopt language that would only allow an observer program to be put in place if state and/or federal money was available. With that understanding of the motion, he would support it.

Mr. Brown the Council could implement an observer program in one way or another.

Mr. Robinson suggested that, for issue 2, we should simply revise alternative 3 - that we should take after the parenthetical top line of alternative 3, after the word available, insert: "or with the requirement that vessels pay". Then delete the sentence that starts with "implementation of an observer program......". The maker and the seconder of the motion took that so as a friendly amendment.

Ms. Cooney asked whether the phrase "could include" is included in the motion? Mr. Brown said yes. Motion 15 passed.


D.9.a. Agenda Overview

Mr. Waldeck presented the American Fisheries Act (AFA) agenda overview.

Ms. Cooney made some comments on control dates. If you are going to use them, you need to adopt them now, they are basically a heads up to inform the public.

D.9.b. Comments of Advisory Bodies

GAP

Mr. Rod Moore presented the GAP statement.

The Groundfish Advisory Subpanel (GAP) received an update on analysis of the American Fisheries Act (AFA). From the initial Council staff presentation, it was clear there was confusion in interpreting the GAPs recommendation from the April Council meeting.

As clarification, it was the intent of the GAP there be three separate qualification criteria for vessels. These criteria are specific to each sector and qualify the vessel only for that sector. They were not meant to cross qualify a vessel from one sector into all sectors.

The GAP recommends Council staff complete the draft amendment, so we can provide constructive comments on a final draft.

D.9.c. Public Comment

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


Dr. Radtke asked Mr. Seger if he could explain what the North Pacific Fishery Management Council did with the processors section. Mr. Waldeck answered the question to the best of his ability. They are not quite
finished with sideboard measures for the inshore sector of the pollock fisheries. Dr. Radtke said in effect did they not set this aside for future considerations? Mr. Waldeck said they are still actively working on it. Dr. Hanson tried to recall the long and complex discussion that was held at the NPFMC meeting, much of the discussion centered on harm, potential for harm, or what level for potential for harm. They were not convinced that there was demonstrable harm happening today. They thought there would be more cut-throat competition. The NPFMC was left with no clear indication that harm was a factor, and did not feel the urgency to take action.

Mr. Waldeck brought the Council up to speed on what the Council action may be. He reiterated that since no draft document was available, no Council action would have to be taken on that issue.

Dr. Radtke made a motion that the Council set-aside the analysis for a later time. Mr. Bohn seconded the motion. (Motion 16)

Dr. Radtke noted this issue is very complex, and felt it was prudent to set it aside until the affected processors side in the north does something; he was also concerned about the permit requirement - it could affect the processors negatively.

Mr. Jim Caioto said he was going to make a motion to send something out for analysis. He asked for a substitute motion - send out for analysis for the processor sector, the items as contained in Supplemental Attachment D.9.b.: Item #1 choose items 1 and 2.; Item #2 choose "no"; Item #3 choose b.; Item #3 choose 10%; Item #4 include as the equivalent of ownership; Item #7, applying entity; Item #8 whenever the permit comes due; and Item #9. Mr. Ralph Brown seconded the substitute motion. (Motion 17)

Mr. Bohn asked Mr. Caioto to restate items #5 and #6. Mr. Caioto replied he left out item #5. Mr. Robinson asked if he included item #1. Mr. Caioto was asked to restate the motion. He also stated he did not include item #6. He reiterated choose nothing on item #9. This motion is relative to the processors side.

Mr. Robinson asked how much has the Council staff done? Mr. Waldeck noted that Mr. Seger has worked on the analysis. In terms of a hard cursory analysis, that is yet to be done.

Mr. Anderson, asked whether (relative to item #9), the motion would only pertain to shorebased processors? Mr. Caioto said that is correct. Mr. Caioto answered the logic behind that is that shorebased processor is on shore, cannot move, it is pretty easy to see where their facility is. Mr. Anderson and Mr. Caioto talked about the motherships processing at-sea, and what happens to the motherships who do not process - why are we protecting the shorebased processors and not the at-sea processors?

Mr. Brown said the situation is reversed under item #9, under the vessel part of it we offer protection to at-sea processors that are already here. If a catcher-processor reaped a big benefit from at-sea processing in Alaska, can they come down here and start a shorebased company.

Mr. Caioto asked to include in his Motion item #9. The seconder agreed.

Chairman Lone asked for a roll call vote for Motion #17. Dr. McIsaac roll call vote: 7 yes, 7 no - motion failed.

Chairman Lone asked for a voice vote for Motion #16. Mr. Boydstun opposed the motion. Motion 16 passed.

Mr. Brown asked if we set this aside, is that indefinitely? Dr. McIsaac said this was set aside until we could find out if harm is occurring. Mr. Boydstun said he would like to keep it on our screen, but not a high priority - below the line.

Mr. Robinson concurred with the arguments that the Council wait. There are enforcement issues to be dealt with too.

Mr. Waldeck noted that the control date issue needed to be dealt with.
Mr. Brown noted he thought the Council already adopted a control date. Ms. Cooney said the first control date put vessels on notice to "don't start fishing down here". The new control date is related to the permit. We are going to deal with the vessel and its permit as to "what day". Mr. Brown then said this Council is not considering action on its own. We were instructed by Congress to protect this fishery. A control date of today (June 29, 2000) makes sense. The other item is "what are the window periods we're dealing with?" In Ms. Cooney's view, it is a little harder on this permit issue because this is not an AFA vessel that knew what was going on, but somebody different who knew nothing about the AFA notification.

Mr. Brown said that this is the AFA vessels. Ms. Cooney said there is a bit of a disconnect - is it the vessel or the permit your talking about? The question is do you put a limit on the permit, the vessel, or both? For the vessel it is tied to the 1999 date. For the permits, you may say the control date is today - you will be put on notice that the permit connected with an AFA vessel today could be restricted. It would be harder to go back five months on a control date for that.

Mr. Brown said that a control date may say you are not going to look at dates "before that". It appears that if we said today is the control date - it could have already affected people who sold permits and "caused harm".

Mr. Brown moved that we establish today (June 29, 2000) as a control date to notify the public and permit owners that future sales of permits from AFA qualified vessels may not qualify (guarantee) for participation in West Coast groundfish fisheries; or the permit may be restricted to a particular fishery sector in the future. Dr. Radtke seconded the motion. (Motion 18)

Ms. Cooney then noted that these restrictions may be in the future. Mr. Brown said that it could range from no fishing, or restrictions that could allow the boat to fish in a particular sector.

Mr. Anderson then said if there is a permit on a AFA qualified vessel we are considering action that may restrict that owners ability to participate in groundfish fisheries or sectors in the future. Mr. Brown said his motion is notifying people that we may restrict, or deny people from fishing. Mr. Anderson said the logic is that since the AFA owner has benefited from the AFA; we would want to restrict a future or subsequent owner of the permit that it could cause harm to the fishery.

Mr. Brown talked about two different issues. People are concerned about a more direct competition of vessels - where a vessel transfers its right to fish in the coop and transferred the permit to others in the co-op and came down here to fish. There is another way that the boat could stay, the permit is not needed up there, and the permit leaves to come down here to participate - which increases the size of the fleet down here.

Mr. Bohn said he thought all we were doing here was changing the control date from last time to today's date. Thought we already did this once, but now were making it more accurate. Mr. Brown then explained that the last control date was related to vessels. But now today's control date is putting people on notice that this may be tied to permits. Ms. Cooney said the issue is if you do want to do something down the road that restricts permits, you would need to tell people what that control date is. Motion 18 passed.

Ms. Cooney clarified what the Council has done in terms of this control date. In the Federal Register, a statement for what has been done for catcher/processors and motherships last fall of 1999 will be included.

Mr. Waldeck asked if the Council had more guidance for the staff. Chairman Lone said there does not appear to be any. Mr. Anderson then said he did not understand the question. Mr. Waldeck spoke to Mr. Seger's presentation. Mr. Waldeck felt it was prudent that the Council, based on the cursory analysis, then the staff should if there was anything else the Council members would like added.

Mr. Brown said it would be interesting to see if there were AFA qualified vessels that held more than one West Coast groundfish permit.

D.10.a. NMFS Report


D.10.b. Comments of Advisory Bodies

SSC

Mr. Tom Jagielo gave the report for the SSC.

Ms. Cyreis Schmitt of the National Marine Fisheries Service (NMFS) briefed the Scientific and Statistical Committee (SSC) on a preliminary schedule and process for technical review and monitoring of groundfish stock rebuilding plans. Ms. Schmitt requested the SSC comment on proposed process and asked for further SSC contribution to development and implementation.

In reviewing the proposed schedule, the SSC suggested the timeline be modified to expedite preparation of rebuilding analyses soon after it is apparent a stock is in an overfished condition, rather than waiting for NMFS to declare the stock overfished the following January. It is probably not feasible to devote adequate time to rebuilding analyses during the regular one-week Stock Assessment Review (STAR) Panel review of the stock assessment. In order to maintain the momentum of the modeling process, the Council should direct Stock Assessment Teams (STAT) teams to draft rebuilding analyses immediately following completion of the assessments (i.e., mid to late summer) for review at the September Council meeting. The Council should direct the Terms of Reference be modified to reflect this procedure.

The SSC will take lead responsibility for modifying the STAT/STAR Terms of Reference to include guidance for rebuilding plans. The revised documents will include methodological standards (parameters, analyses, and uncertainties), triggers for future full assessment, an outline for the document, and schedule for completion. The SSC’s Groundfish Subcommittee will begin drafting the Terms of Reference after the September 2000 meeting for review at the March 2001 Council meeting.

This year, and potentially next year, the SSC should plan to provide review of draft rebuilding analyses. For the long term, the Council should consider whether to incorporate review of rebuilding analyses into the current STAR process or to develop an alternative review process. One such alternative could include a separate panel dedicated to review of all rebuilding analyses in any given year. This may allow for more standardized treatment of the process, avoiding potential implementation delays due to technical errors or other inadequacies. Phase-in of the chosen review process could potentially begin as early as March 2001, but Council scheduling and staff availability must also be considered. We would anticipate, under any review process, drafting of the full rebuilding plan would follow the overfishing declaration by NMFS in January.

Once a stock is in rebuilding mode, the rebuilding process can be monitored using a combination of annual stock assessment and fishery evaluation (SAFE) document updates on recent catch and biological data, in combination with full stock assessments conducted at three year intervals. The SSC suggests annual SAFE reports include a thorough description of any new data collection efforts, data improvements, and research and data needs.

GAP

Mr. Rod Moore presented the GAP report.

The Groundfish Advisory Subpanel (GAP) had a discussion with Ms. Cyreis Schmitt concerning the various approaches that could be used to review rebuilding plans and methods to monitor the rebuilding of concerned stocks.
The GAP had numerous questions about how a review of rebuilding will occur every two years when new assessments will likely only occur once every three years.

The GAP was also concerned for many of the species for which there are, or will be, rebuilding plans, the reduced catch or other regulations have eliminated or modified the data that has been used in the past for stock assessments. New survey or other data collection programs will need to be initiated soon to accumulate the necessary time series of information to measure change in these stocks.

The GAP supports the use of a Stock Assessment Review Panel approach for the review of rebuilding plans and further recommends one such panel conduct the review of all rebuilding plans on an annual basis. We feel the intense review that is required for these plans is so similar to the review of stock assessments that other Council committees (the Groundfish Management Team and Scientific and Statistical Committee) could not devote the time for a thorough review.

D.10.c. Public Comment

None.


Mr. Anderson commented that the SSC has indicated they would take the lead responsibility in modifying the terms of reference and we should take them up on that. He looks forward to receiving it and also likes the idea of using the stock assessment review panel approach for the rebuilding plans. However, we should not overload our panels for the stock assessments. Having a separate panel to monitor the rebuilding plans seems like the best approach.

Ms. Schmitt replied that is one of the options we’re looking at in terms of making it effective in terms of the work. One of the other factors is the current timeline she presented, there is a need for the rebuilding analysis by September. There may be some details to work out.

Mr. Glock said he expects this to be on the Council’s September agenda. Ms. Schmitt said she would like to work with the GAP, GMT, SSC, and ask for their assistance in working out some of the details. That information would then be provided to the Council at their September meeting and at that time the Council could give additional input into the rebuilding plan process.

D.11. Canary Rockfish Rebuilding Plan Development

D.11.a. Agendum Overview

Mr. Glock briefed the Council on Exhibit D.11.

D.11.b. Comments of Advisory Bodies

SSC

Mr. Tom Jagielo provided the SSC statement.

Dr. Richard Methot of the National Marine Fisheries Service presented preliminary findings from a working report which estimates rebuilding rates for canary rockfish in the northern area (Columbia and U.S. Vancouver International North Pacific Fishery Commission areas). The Scientific and Statistical Committee provided Dr. Methot with suggestions we would like to see incorporated in the analysis when we re-evaluate it in September. Although the current analysis is preliminary, it is, nevertheless, clear that rebuilding will take decades, even if catches are negligible.
Mr. Rod Moore provided the GAP statement.

Dr. Rick Methot presented the draft canary rockfish rebuilding analysis to the Groundfish Advisory Subpanel (GAP). The canary analysis applies only to the northern assessment, but the results are applicable coastwide. The draft analysis indicates coastwide catch should be reduced to zero for 10 years in order to initiate the stock rebuilding, and catches would then increase gradually for a total of 54 years. The GAP recognizes catch cannot be reduced to zero without eliminating nearly all commercial and recreational fishing between about 20 fathoms and 150 fathoms. However, it appears from preliminary 2000 catch data that canary catch has already been reduced to a small fraction of the 1999 level. The GAP recommends the analysis be re-run assuming a low level of canary catch, and the Council should begin evaluating whether more restrictive measures would merely reduce landings but not actual catch, or cause the industry to forego revenues from other fisheries that take canary incidentally.

D.11.c. Public Comment

None.

D.11.d. Council Action: Preliminary Decision on Allocation and/or Regulations

Mr. Anderson suggested the Council consider bringing the allocation committee together before the September meeting to address how to deal with some very small allowable catches. We expect the canary OY to be lower than 200 mt. He asked when the numbers may be firmered up a little bit. The committee will need to discuss management options to bring to the Council for consideration in September in preparation for 2001 management regime.

Dr. Methot said the August GMT meeting is a reasonable time to have it ready.

Mr. Brown said one of the committee and Council will need to take a look at catches of canary rockfish in fisheries the Council does not manage. That might be a base level. Mr. Anderson believed the Council needs to acknowledge the minimum needs for fisheries prosecuting other species. If we have to sacrifice the time frame, he would be prepared to consider that. Mr. Brown concurred with Mr. Anderson's concerns as far as an economic consideration. Whether that is doable or not is a different story. There could be a large economic loss of revenue for the shrimp fishery.

Dr. McIsaac asked Mr. Glock to explain the rebuilding process and schedules. Mr. Glock directed attention to Attachment D.11.a. The Council needs to alert the public that restrictions are going to be severe, recreational fisheries for rockfish are going to be reduced. The process must begin quickly and alternatives developed for both recreational and commercial fisheries. Alternatives must be ready for public review before the end of the September meeting. He said the allocation committee idea is a good one; they would need to discuss how to account for the bycatch portion and how to minimize it. In September, we would have a draft of that strategy to start working with; if we wait until September to put that together there will not be enough time.

Mr. Brown said he assumed that Dr. Methot would be looking at a zero catch level option in his analysis. Dr. Methot said yes, and also a constant catch level that would meet the rebuilding requirement. A third option would be whether to front load it or back load it. The allocation committee would have to decide how to allocate the catch, and as part of the allocation, how much is discard? The analysis and rebuilding plan must both be based on total catch. If we underestimate catch, recovery will be delayed.

Mr. Anderson noted that figure 9 shows very little recruitment; if that is true, there is not a lot of room here. If we are going to get rebuilding started, we will not be able to take a lot. We have to get more fish in this population in order to generate.
Mr. Brown, said the Council cannot make some of the policy decisions until we see first off what the total catches for the period can be, and the foregone and present opportunity.

Dr. Radtke said the real point is what kind of bycatch information do we have. His decision would be based on what type of information flow will we have in accounting bycatch and discards.

Mr. Boydstun said California is planning meetings on the bocaccio situation for the current year. We will discuss canary and cowcod and others as well. He supported Mr. Anderson's suggestion for an allocation committee meeting. He suggested that we come out of the September meeting with specific options for the public to review before the November meeting. He would like some specific regulation options lined up by area (very similar to what we do with salmon).

Mr. Glock expressed a concern about avoiding another emergency rule for next year. His understanding after talking to NMFS is the bycatch amendment approved earlier today included framework provisions for management measures. If that is in affect by January, we would be able to use the new provisions. It is critical the plan amendment gets through the process so we can use those management tools next year.

Dr. McIsaac said staff will make arrangements for the allocation committee meeting.

D.12. Cowcod Rebuilding Plan Development

D.12.a. Agendum Overview

Mr. Jim Glock briefed the Council on the situation. Noted that no formal presentation was scheduled and that Mr. Tom Barnes was available to answer questions from the Council.

D.12.b. Comments of Advisory Bodies

SSC

Mr. Tom Jagielo presented the report of the SSC.

The Scientific and Statistical Committee (SSC) reviewed a draft cowcod rebuilding analysis prepared by Dr. John Butler of the National Marine Fisheries Service and Mr. Tom Barnes of the California Department of Fish and Game. The SSC provided advice to the authors regarding changes to the analysis that we would like to see in September. The current draft analysis indicates rebuilding will take many decades, even with very small catches.

GAP

Mr. Rod Moore presented the GAP Report.

Dr. John Butler presented the draft cowcod rebuilding analysis to the Groundfish Advisory Subpanel (GAP). The draft cowcod analysis indicates catch in the Conception area needs to be reduced to between about 500 pounds to a few thousand pounds per year. This would require elimination of all commercial and recreational fishing for this species. The GAP recommends the Council consider whether area closures could accomplish the rebuilding needs and perhaps hasten rebuilding compared to merely prohibiting all retention.

Needless to say, the GAP is greatly concerned about the impact of these rebuilding requirements on all groundfish fishers and the coastal communities along the entire West Coast.

D.12.c. Public Comment

None.
D.12.d. Council Action: Preliminary Decision on Allocation and/or Regulations

Mr. Fletcher asked Mr. Barnes about the cowcod resource, and how much the California recreational fishermen are interested in it. He said it has been increasingly important to central California. Mr. Barnes said the population mainly is southern California, although they are found north and south of there; they taper off as you move above Pt. Conception. During the 1990's there were significant landings of cowcod in the Monterey area which seem to come up in the trawl fisheries. The Monterey area had relatively low landings historically of cowcod.

Mr. Barnes said commercial passenger fishing vessel logbook information was entered into a database to see how cowcod abundance relates to habitat. Mr. Fletcher and Mr. Barnes held a brief dialogue on catch rates, reporting, etc.

Mr. Glock said that we need to have a draft rebuilding plan ready by September if at all possible and what management measures should be included in that draft.

Mr. Boydstun said this topic would be put on the agenda for the California state meeting in July and the ad-hoc allocation committee as well. He would develop (with Mr. Barnes) some regulation measures. We will bring that to the table to the allocation committee.

D.13. Default Maximum Sustainable Yield (MSY) Fishing Rate within the Harvest Rate Policy

D.13.a. Agendum Overview

Mr. Glock reviewed the situation papers available as well as what action needs to be taken by the Council.

D.13.b. Comments of Advisory Bodies

SSC


GAP

Mr. Rod Moore gave the report of the GAP.

*The Groundfish Advisory Subpanel (GAP) continues to recommend, as it did in April, the new proposed rates be phased in to avoid significant adverse effects to the fishery. The phase-in can be accomplished for those species not under rebuilding plans by applying the new rates as new stock assessments are conducted. The GAP notes the calculations required to apply the new rates are nearly as extensive as those needed to perform an assessment.*

*For species under rebuilding plans, the GAP anticipates the rebuilding strategy will guide appropriate rates.*

Tribal

Mr. Steve Joner, Makah Tribe presented the following testimony.

*The Makah feels this is a very serious issue and the time has come for the accounting of discards needs to take place. In order to address discards, you need to know what they are. This requires an observer program. Once that is in place, bring discards into the allocation question; we do not have anything specifically prepared at this time. At the September meeting we will have something prepared and would like to bring that to the table. Their experience with their trawl fishery is that they have bycatch and discards. We have explained before how we deal with those issues.*
are pursuing this by trying to avoid the bycatch - doing things differently; and two, we are retaining all of our rockfish bycatch and requiring that they are forfeited by the tribes and given to charity. That discourages bycatch because it is costly and slows down the fishery (by donating to charity). On marine protected areas it is time to do that, at least in areas of high bycatch. We also have recently hired a research scientist on their staff to evaluate productivity of stocks they manage.

Regarding the phase-in, we feel that a good model to use is the way they handled halibut.

D.13.c. Public Comment

Ms. Jennifer Bloeser, Pacific Marine Conservation Council, Arcata, California
Dr. Mark Powell, Center for Marine Conservation, San Francisco, California
Mr. Joe Easley, Oregon Trawl Commission, Astoria, Oregon

D.13.d. Council Action: Final Adoption of Default MSY Fishing Rate

Mr. Anderson said there are two items that have been brought to our attention. One is an action item, the other is for discussion. 1) taking action on the recommendations relative to the changes in Fmsy proxies; and 2) the issue raised whether or not we were going to consider some additional precautionary measures in addition to the fmsy proxies.

Mr Anderson moved that the Council adopt the Fmsy proxies as recommended by the SSC in Supplemental SSC Report D.13.(1) which includes Sebastes, flatfishes, other groundfish, and remaining rockfish. (Motion 19) Dr. Radtke seconded the motion.

Mr. Brown said there were two SSC reports. Mr. Anderson noted it was for D.13.(1). The motion only addresses the Fmsy proxies recommended in that report; not the implementation piece of the precautionary measures in that report. Motion 19 passed.

Mr. Anderson discussed precautionary measures mentioned in the SSC's report and in public testimony. We currently have precautionary measures that are part of Council policy (ie the 40:10 policy; - that species for stocks we have assessments on). We also have the 75:50 rule for partially or unassessed stocks - we would have to make some adjustments in that policy in order for it to be held neutral given the new Fmsy proxies vs. the old proxies. Relative to the risk adverse policies for assessed stocks below their MSY and for those that are underassessed, he would like to see the same level of precaution applied. For those stocks that are assessed and meeting or exceeding our Fmsy goals, do we want to apply additional precautionary measures on them? In the strategic plan, they are recommending that the OY be set below the ABC. This is for a buffer to maintain health of the resources. For the third category, those stocks that are meeting or exceeding our goals, he suggested the Council to consider that issue in conjunction with the strategic plan recommendations. He does not advocate waiting for the implementation of the strategic plan. For assessed stocks below the MSY goal, the 40:10 policy and the 75:50 rule should be adjusted downward to reflect a similar level of precaution.

Mr. Brown echoed Mr. Glock's comments. He explained the 40:10 policy. The MSY comes out of the stock assessment. The OY reduction of that line is relative to the biomass.

Dr. McIsaac, on the talk about the phase-in, absence any discussion by the Council, the new MSY rates would take place immediately. He encouraged the Council to consider that if they did not intend for the new MSY rates to be implemented immediately.

Mr. Boydstun said he thought he heard someone say that the stock assessments would have to be redone to apply this new proxy. Mr. Glock said there is no way to do the stock assessments (i.e., the ones done in the last two to three years). The GMT will look at past assessments to see if they have the information. For the stock assessments that do not have the information, you will have to probably apply the precautionary adjustments without the scientific calculations. For the stock assessments that do, that will take a little work to make the adjustments.
Mr. Brown, on talking about Dr. Jean Rogers work on the "remaining rockfish" category. He thought what was applied was the Fmsy 35% rate was applied.

Mr. Robinson cautioned about using the word "phase-in" - it is not consistent with the national standard guidelines. "Phasing in" must only be used in the context of whether or not we have the appropoiate analysis and database to determine an accurate ABC based on the new Fmsy proxy. If there are technical reasons to phase in, it is defensible. For stocks that in bad shape, there may be technical difficulties in calculating them. It might be appropriate to take into account the uncertainty of an OY and set it below the ABC value, regardless of what proxy is used.

Mr. Anderson moved that relative to implementing the new Fmsy proxy adopted for stocks for which current stock biomass is less than B40, implement the new Fmsy proxy now; for stocks for which the current biomass is greater than or equal to B40 implement the new Fmsy proxy after the next stock assessment. This applies starting with the 2001 management cycle. (Motion 20) Mr. Bohn seconded the motion. Mr. Brown asked is this for the 2001 cycle? Mr. Anderson said yes. Motion passed.

Mr. Anderson moved that the Council maintain the status quo percentage reduction for the remaining and other rockfish categories. (Motion 21) Mr. Boydstun seconded the motion. Motion passed.

D.13.e. Discussion on 2001 Management Strategy

Mr. Brown lead the discussion, reminding the Council about Dr. Alec MacCall's presentation last year, and that the default harvest rates were just reduced. We are already at a point that the trip limits are very small with unacceptable discard rates. With further reductions this year, we will probably need to shorten the fishing year. In the strategic plan we talk about the desirability of yearround deliveries to the processors. Year-round deliveries to the processors are a high priority, but individual deliveries made to the processors are not a high priority. We talked about options such as platooning. He offered an example that a 30% reduction in the shortspine thornyhead OY leaves us with 4,500 pounds a boat for the whole year. It's possible the lowest trip limit for a month is 4,500 pounds. We could be talking about that for deepwater next year. When you apply the the idea of platooning, we are talking about a system of allowing 17 boats a month to deliver. He would like to GMT to try to determine what an appropriate shortspine limit would be (they could use discard limit or pull it out of the air); determine what length of the season will be, apply that length to dover sole, longspine thornyheads, and sablefish to determine the appropriate limits - have that given to us in September. Also, he wanted to make sure that the industry understands we are not willing to continue to manage for high levels of discards. Next year we could be using a platooning approach, or a seasonal approach. He wants to put the fishing community on notice that the Council may be using untraditional management regimes.

Mr. Anderson concurred with Mr. Brown's points. He suggested that a small group get together and discuss the GMT's information. We need to have the best real options out for public review in September.

Mr. Brown said he actually would like to have an additional Council meeting. He would like to have us go a little bit further, with those reductions - there are substantial reductions and people are going to have to start planning for them. At the earliest opportunity when numbers start getting compiled, start getting them out there.

Mr. Bohn suggested a conference call to discuss the GMT's preliminary information as soon as it's available. We should try to do some things before we get to the September meeting.

Mr. Glock noted the next GMT meeting is August 14-18. The week before that we have two hearings on strategic plan.

Chairman Lone, on the allocation committee meeting in August, said this seems like another item to add to their agenda. Dr. McIsaac chimed in that it leaves the week prior to the Council meeting as the only other option.
Mr. Boydstun said CDFG must identify issues and options to their commission by August 24, and suggested the ad-hoc group meet before them. Dr. McIsaac asked how critical is the GMT deliberations to the allocation issue? Mr. Brown spoke about having an industry meeting a week before the Council meeting. He envisioned it more for industry members and fishing community people, and the GMT analysis would be a jump start on the options - something that could be used to find out where we are.

Mr. Glock noted that currently there is one stock assessment author on the GMT; and suggested the Council tap into the SSC's resources as well. Dr. McIsaac noted that at a bare minimum we will have a Council Newsletter which will have some results of this particular agenda item. We will also have a brief statement on the website.


D.14.a. Agenda Overview

Mr. Glock reported there was no information available at this time.

D.14.b. Comments of Technical Committees

There were no comments from the committees, advisory entities, or public.

No Council action or discussion was taken on this agenda item.

D.15. Fishing Capacity Reduction Measures

D.15.a. Agenda Overview

Mr. Glock summarized the information and what Council actions were needed. He noted that Dr. Hastie could present his information to the Council.

Mr. Robinson noted that the strategic plan recommended implementing permit stacking in limited entry fixed gear for the 2001 season. With respect to a schedule for achieving this, Mr. Robinson said it would have to be ready by March or April of next year. It would be ideal to take have a draft package together for the September meeting and take final action in November, or approve the package to go out for public review in November with final adoption at the March meeting. Final action in April would be difficult to implement for the 2001 season.

D.15.b. Comments of Advisory Bodies

GDM


D.15.c. Public Comment

Ms. Michele Longo Eder, F/V Nesika, Newport, Oregon
Mr. Jack Crowley, Fishing Vessel Owners Association, Seattle, Washington
Mr. John Crowley, Fishing Vessel Owners Association, Seattle, Washington


In a discussion on process, Ms. Cooney commented that the main issue determining the number of meetings required is the complexity of the issue. In general, plan amendments take longer than regulatory amendments.
Mr. Alverson moved (Motion 22) that the following recommendations be considered for permit stacking for the fixed gear sablefish fishery:

1. Sablefish in the current directed sablefish fishery and resulting mop-up fishery would be allocated to the program under which permit stacking is allowed.
2. Up to three fixed gear sablefish permits could be stacked on a given vessel, at least one of the permits would have to meet the existing length and gear requirements of that vessel.
3. Gear and length endorsements on permits would not be changed when permits are stacked (i.e. when unstacked the gear and length requirements would be the same as when the permits were stacked).
4. The fishery would extend over a number of months (the initial recommended season is April 1 thru October 31);
5. The privilege of catching sablefish in the directed sablefish fixed gear fishery would be for harvest only, not for processing.
6. The permit owner would be required to be onboard the vessel, however there would be an exception for those owning permits as of the time the program is established (provisions would be as per draft Amendment 8).

Mr. Boydstun seconded the motion.

Mr. Alverson said this motion attempts to address a concern in Congress of excessive concentration. The unstacking provision in his motion provides the ability for people to sell-out and buy-in in smaller units. His desire was to take final action on this in November. The “harvesting-only-at-sea” provision is a trade-off which is similar to the Alaska system. It is intended to make sure the jobs for packaging and freezing sablefish remain shoreside. Without this, an at-sea processing regime could develop. The location of processing is a social issue. The owner-on-board provision is to keep the fleet owner-operated.

Following discussion of what constituted status quo and expression of concerns that a multimonth fishery might be classified as an IQ program (currently prohibited under the Magnuson-Stevens Act), it was agreed through friendly amendments that options for analysis would be included to: (1) require that once permits are stacked they cannot be unstacked (Fletcher); (2) not require that the owner be on board (Caito); and (3) maintain the current short season openings in order to avoid the individual quota designation (Fletcher). With respect to season length, it would be understood that if the ITQ moratorium is lifted the season length would be extended. Motion 22 passed.

Mr. Brown announced he would be consulting with members of the trawl fleet about capacity reduction issues - the same sort of considerations as far as the strategic plan is concerned. The trawl fleet is in a similar situation, and hopefully they may have something for the Council in September.

D.16. Observer Program

D.16.a. Agenda Overview

Mr. Glock reviewed Exhibit D.16.

D.16.b. Comments of Advisory Bodies

None.

D.16.c. Public Comment

Mr. Joe Easley, Oregon Trawl Commission, Astoria, Oregon
D.16.d. **Council Action:** Consider Formal Comment on the Federal Register Notice for Observer Program Regulations

Mr. Brown asked about the notification process, where is it in the EA/RIR from NMFS?

Mr. Robinson said that the comments from Mr. Brown were on the draft proposed regulations. Mr. Brown and Mr. Robinson got into a discussion about the notification process. There were no more comments.

**4 P.M. PUBLIC COMMENT PERIOD**

Ms. Jennifer Bloeser, Pacific Marine Conservation Council. She spoke about a research cruise that she recently was on. She will then give a more in-depth report to the Habitat Steering Group in September. The idea was to look at habitat off Heceta Bank, Oregon. The research party will able to collect data today and compare it with data collected ten years ago. Ms. Bloeser brought overheads for her presentation. She felt this cooperative research is helpful to the process. As the information gets analyzed she will be bringing the information to the Habitat Steering Group.

**E. Highly Migratory Species Management**

**E.1. Highly Migratory Species Management Agenda Overview**

Mr. Svein Fougner gave an overview of recent Inter-American Tropical tuna Commission (IATTC) activities. He noted that their scope of activities has broadened over the years both in terms of the range of issues covered and the length and complexity of meetings. Noted the letter (from Mr. Fougner to the Council) summarizing recent IATTC actions (Supplemental NMFS Report E.2.). He noted one issue of particular importance, i.e., a resolution on a regional fishing vessel registry, which calls upon the IATTC parties to provide detailed information about all of the vessels that fish for highly migratory species (HMS) in the convention area. It is his belief that to accomplish this, it may require federal licensing program to cover the commercial vessels. This information may be useful to the Council in their management of HMS. Mr. Fougner also briefly described a recent court order pertaining to the Hawaii longline fishery, most notably closed areas, set number limits and the court's requirement of 100% observer coverage (upwards of 115 observers). He noted that NMFS was appealing to the court to reconsider some of these requirements. Potentially, if the court order is not eased, fishing vessels may move from Hawaii area to fishing off the West Coast and landing in West Coast ports.

Mr. Fletcher inquired about yellowfin fisheries closures affecting recreational fishermen in southern California. He asked about the yellowfin quota set by the IATTC and the December 2, 2000 closure date, was there discussion of recreational fishery management at the IATTC meeting. Mr. Fougner noted no, there was not.

Mr. Waldeck briefly went over the situation paper and documents in the briefing book.

**E.2. Update on Plan Development**

**E.2.a. Comments of Advisory Bodies**

**HMSPDT**

Mr. Steve Crooke summarized recent activities of the Highly Migratory Species Plan Development Team (HMSPDT) and the contents of the HMSPDT report (Supplemental HMSPDT Report E.2.).

Ms. Michele Robinson spoke to the Management Unit species (species that would be actively managed, would need MSY (or MSY proxy) and overfishing definition) in Appendix I of the HMSPDT Report.
Ms. Michele Robinson presented Appendix II, which focuses on consistency (or lack thereof) among state regulations relative to HMS.

Mr. Crooke reviewed HMSPDT discussion of whether bonito should be in the HMS FMP. They concluded that bonito does not belong in the plan because it is not an HMS species. He requested guidance from the Council about whether or not bonito should be in the HMS plan. He spoke about the plan outline and seeks guidance on additions or modifications. He next discussed the timeline for completing the HMS FMP, noting the Team’s rationale for requesting an extension of 5-6 months. The Team requested guidance on changing the dates for submission of the initial draft (recommending the first draft be submitted in April 2001, and final in September 2001).

Ms. Robinson spoke to Supplemental HMSPDT Report E.2.(2) (i.e., revised Appendix V), which contains the management objectives for West Coast HMS fisheries.

Mr. Crooke noted that the HMSPDT discussed coordination with the Western Pacific Fishery Management Council and described coordination efforts. The HMSPDT also discussed HMS Advisory Subcommittee (HMSAS) funding, noting that the HMSAS has been unable to schedule meetings of sufficient duration and frequency to provide the desired feedback and advice to the Council and the HMSPDT. He noted HMSPDT concern about adequate funding for HMSAS activities. The Team requested guidance from the Council on finding funds for the HMSAS.

Mr. Fougner asked Ms. Robinson about the option2 in the Management Unit species options provided, asking for clarification that this alternative covers the species that could potentially be in the FMP; noting that the actual list would depend on the fishing gears the Council chooses to regulate. He asked if it was the Team’s intention to develop framework procedures for adding species to the list as gears were brought under management (for example, may start off with only albacore troll fisheries being managed, as other gear types added other species would be added to the Management Unit.) Ms. Robinson stated no, that was not the Team’s intention. Ms. Robinson said if the Council decides to manage only one or more species as contained in option 3. Option 2 would either be the list [of species] that is there or something less than that. Under that option you could not add species to the list through a framework procedure, but through a plan amendment.

Mr. Fletcher asked about a need for recreational bag limits, especially for tuna species? Mr. Crooke said there was discussion about a uniform bag limit along the West Coast; e.g., Oregon’s bag limit (25) or California’s bag limit (1); but Team concluded that, biologically, there was no reason for a bag limit, thus, Team does not recommend inclusion of a bag limit. Mr. Fletcher inquired if the HMSPDT talked about utilization and wastage issues in relation to bag limits? The Team discussed it but concluded that waste was not a problem, and noted that it is a biological decision. Ms. Robinson then noted that if you put a daily bag limit on tuna, some recreational fisherman may see that as a target, rather than a limit, causing recreational fishers to catch more.

Mr. Fougner asked if California restricts purse seine fishing (for tuna) to outside of three miles or are there areas where it is allowed inside of thee miles. Mr. Crooke said currently you could fish for bluefin; there are some general closures i.e., Santa Monica Bay. Mr. Fougner said you should itemize those purse seine fishing restrictions, to provide information about potential gear conflicts.

Mr. Fletcher in response to Ms. Robinson’s comment about bag limits, noting concerns in California that without a daily bag limit, fisherman are coming in with 25 to 50 albacore per fishermen, and questioned whether that was an appropriate use of the resource.

Mr. Brown noted that the HMSAS disagrees on the option of Management Unit species to include, the Panel does believe there is not enough information. Ms. Robinson, with regard to calculating a biological based MSY, options 2 and 3 contain all species for which we believe sufficient data exists to calculate MSY. There are some species listed in option 1 that we do not have sufficient data to calculate an MSY - the team is exploring options available relative to calculating MSY (e.g., utilize some catch data to formulate an MSY proxy). She noted that WPFMC stated “unknown” for MSY for species they could not calculate MSY. The
team is comfortable with having option 1 as its preferred alternative even though, for some species, information is not available to calculate a biological based MSY.

Mr. Roth, on the last bullet of management objectives, asked that the Endangered Species Act, Marine Mammal Protection Act, and the Migratory Bird Treaty Act (MBTA) be added to the outline.

**HMSAS**

Mr. Peter Flournoy presented the HMSAS report.

The Highly Migratory Species Advisory Subpanel (HMSAS) met from 10 a.m. until 5:30 p.m. on June 29, 2000 to consider the “Statement to the Pacific Fishery Management Council by the Highly Migratory Species Plan Development Team, June 30, 2000” and its five appendixes. In the interests of time, this report does not summarize the HMSAS's complete discussions on all the Agenda Items.

Rather, the HMSAS'S report focuses primarily on responding to requests by the Highly Migratory Species Plan Development Team (HMSPDT) for Council guidance as set forth on page 4 of the HMSPDT's report, and the format below corresponds to that order.

a. Choice of Species to Include in the Management Unit (Appendix I).

**Majority View** After a discussion of the five options presented by the HMSPDT, the HMSAS chose to recommend to the Council Option 3, rather than the HMSPDT’s preferred Option 1. A motion was made and defeated which would have approved Option 1, with the addition of dolphin fish to the list of management unit species. The vote was 5 to 6 with the Chair breaking the tie vote. One member of the HMSAS argued forcefully for the inclusion of dolphin fish based upon their importance as a target of the recreational fishery.

**Minority View** Dolphin fish is part of a multi-species “suite” that is targeted by recreational fishermen. Some of these species occur in U.S. waters only for brief periods during particularly warm oceanographic conditions. Such species include some tunas, as well as striped marlin and dolphin fish. Dolphin (Coryphaena hippurus) were excluded by the HMSPDT under various options, because there are not enough data to calculate an maximum sustainable yield (MSY), and the species was not included in the White Paper. To exclude dolphin fish, simply because it was not included in the White Paper, or because there is an apparent lack of biological data, is irresponsible and inconsistent with the inclusion of the rest of the “suite”. Additionally, with the development of fishing on fish aggregating devices (FADs) to reduce porpoise mortalities, dolphin fish have been caught in increasing numbers, perhaps providing enough data to incorporate in MSY estimates.

**Majority View** A motion was made to recommend Option 3, and it passed 5 to 4. The majority of the HMSAS believed that since including a species in the management unit required by law the calculation of an MSY and a definition of overfishing for that species, that no species should be included in the management unit which did not meet the criteria “sufficient data exists to calculate a biological-based MSY.” The majority argued that the species of big eye thresher, common thresher and pelagic thresher shark, and mako sharks should be excluded from the management unit, because a biological based MSY could not presently be calculated. Some members of the majority were concerned that a non-biologically based MSY could create an unrealistic picture of the status of the fishery.

**Minority Views** Our concerns are the following:

- The option recommended by the HMSAS excludes a number of species, particularly sharks, that are the target of significant commercial and recreational fisheries within the Pacific Council area.
- These excluded species of sharks are particularly vulnerable to over fishing due to their life history characteristics. These characteristics include slow growth, relatively old age at first-maturity and very low fecundity.
- Whereas many of the management unit species included in the Subpanel’s recommended option are incidentally caught in US waters, the excluded species have geographic distributions that are well represented in US waters under the jurisdiction of this Council.

The concerns expressed by the HMSAS members in support of limiting the management unit relate to current gaps in information available to do biologically based MSY estimates. The minority view supports the preferred alternative of the Council’s HMSPDT that enough information exists to identify sustainable harvest levels for thresher and mako sharks. It would be irresponsible for the Council to adopt a management unit that does not include all species targeted in the highly migratory species (HMS) fisheries. The HMSAS’s recommendation is in direct opposition to both the HMSPDT and the Council’s decision to support the recommendations from the original “White Paper.” Failure to include these species in the management unit runs the risk of repeating a groundfish-like scenario.

b. Consistency of Commercial and Recreational Regulations (State) (Appendix II).

Appendix II runs several pages in length with a series of status and options or team recommendations:

Recreational Fishery:

Licenses - The HMSAS agreed with the recommendation to have Washington add albacore to the species requiring a recreational fishing license. (7)

Seasons - The HMSAS agreed with the recommendation not to recommend any changes. (7)

Daily Bag Limit - The HMSAS agreed with the recommendation not to recommend any changes. (7-8)

Possession Limit - The HMSAS agreed with the recommendation not to recommend any changes. (8)

Minimum Size Limit - The HMSAS agreed with the recommendation not to recommend any changes. (8)

Fishing Gear - The HMSAS agreed with the recommendation not to recommend any changes. (8)

Prohibited Species - The HMSAS agreed with the recommendation that Oregon and Washington prohibit the take of white sharks, but went further and recommended that Oregon and Washington also prohibit the taking of basking sharks. (8)

Logbook Program For Charter Boats - The HMSAS disagreed with the HMSPDT’s recommendation that Oregon institute a voluntary log book program, and instead recommended the Council instruct the HMSPDT to develop a standardized federal logbook program which could be used in all three states. (8-9)

Commercial Fishery

Licenses - The HMSAS disagreed with the HMSPDT that no changes should be recommended and instead recommends that the Council direct the HMSPDT to develop one federal license, permit or other similar document which would apply to all HMS fisheries (commercial, commercial sport, recreational, native American) conducted by U.S. flag vessels inside the U.S. exclusive economic zone (EEZ) and/or outside the U.S. EEZ and/or on the high seas. (9)

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1The number in parentheses indicates the page in the Development Team report where the Team discusses the matter.
Seasons - The HMSAS deferred comment on this item until after the HMSPDT has considered management options at its next meeting. (9)

Fishing Gear – A proposal was submitted by a HMSAS Commercial At-Large member, asking the HMSAS to make a recommendation to the Council to direct the HMSPDT to consider permitting pelagic long line fishing within the U.S. EEZ off the West Coast. After a lengthy discussion, the HMSAS recommends the Council direct the HMSPDT to consider longline gear as an alternative gear type. The HMSAS also recommends the HMSPDT be directed to identify alternatives that would create greater consistency in West Coast HMS license and permit regulations in response to the four concerns it had set forth. (9-10)

Species Specific Regulations Including Prohibited Species -The HMSAS agreed with the recommendation that Oregon and Washington prohibit the take of white sharks, but went further and recommended that Oregon and Washington also prohibit the taking of basking sharks. (10-11)

Wastage and shark Finning - The Subpanel disagreed with the Team that no changes should be recommended and instead recommends that the Council instruct the Team that the prohibition of finning without landing the carcass of the species should be prohibited in any alternatives developed. (11)

Far Offshore Fishery - The Subpanel disagreed with the Team that no changes should be recommended and instead recommends that the Council instruct the Team to identify alternatives that would create greater consistency in west coast HMS license and permit regulations in this area. (11)

Experimental, Emerging, or Developmental Fishery - The Subpanel disagreed with the Team that no changes should be recommended and instead recommends that the Council instruct the Team to include experimental fisheries as part of one or more management alternatives. (11-12)

c. Whether the CPS FMP or HMS FMP should Include bonito (Page 2 of Team Report).

Given the timing of the current CPS amendment process the Council should give timely consideration to adding bonito to the CPS FMP.

d. Proposed Outline (Appendix III).

The Subpanel had no comment on the proposed FMP outline.

e. The Plan Development Schedule (Appendix IV).

The Subpanel agrees with the Team recommendation to delay submission of the first draft of the FMP to the Council until the economic studies of the albacore fishery and the swordfish fishery are completed so that information may be included.

f. The Management Objectives (Appendix V).

The Team indicated to the Subpanel that this Appendix was an early draft and requested comments. The Subpanel suggested some language additions which the Team indicated they would consider in the next draft.

g. Funding and Scheduling of Advisory Subpanel Meetings.

The Subpanel agrees with the Team recommendation that the Council, either through its budget or through the budget of the Southwest Region of the National Marine Fisheries Service, provide funding for more frequent and longer meetings of the Subpanel in order to meet the work load which will be increasing as the Team proceeds with its draft of the FMP. To this end the Subpanel
requests that the Council provide for a meeting of the HMS Advisory Subpanel starting at 1:00 P.M. Wednesday September 13th, lasting until 6:00 P.M., and a meeting on Thursday September 14th starting at 8:00 A.M. and continuing until 6:00 P.M. with the HMS Agenda Item scheduled for Friday September 15th.

Finally, in a hard fought battle, Peter H. Flournoy and Wayne Heikkila were re-elected as Chairman and Vice-Chairman.

Mr. Fletcher asked Mr. Flournoy if the HMSAS discussed changes to daily bag limits? Mr. Flournoy noted that the discussions were basically the same as what came out of the HMSPDT recommendations (no biological reason for a bag limit). In addition, there were health and accountability concerns raised. Mr. Fletcher said that he assumes that there would be a framework in place for that would allow changes (such as bag limits) as part of routine management (i.e., requiring a two meeting process, rather than plan amendment).

Ms. Wolf asked for clarification about the HMSAS recommendation pertaining to wastage and shark finning, "the prohibition of finning without landing the carcass of the species should be prohibited in any alternatives developed." This should read "finning without landing the carcass of the species should be prohibited in any alternatives developed." Mr. Flournoy concurred with that correction.

Mr. Brown asked about purpose of the recommendations for a charterboat logbook program. Is it simply to get landings data or to record area fished as well? Mr. Flournoy responded that to adequately manage the fishery would need logbook information from all sectors.

Mr. Fougner inquired about the HMSAS reference to “far offshore fisheries,” and asked for clarification about current inconsistencies in state regulations pertaining to far offshore fisheries. Not certain, but appeared there were inconsistencies so it was included.

Mr. Brown asked about experimental fishery provisions, how does the HMSAS mean "to include them?" Mr. Flournoy noted there should be some provision in the FMP to provide for an EFP and developmental fisheries.

Dr. McIsaac asked about funding and scheduling of HMSAS meetings. He noted that Mr. Flournoy’s initial comments were for the Council members to come to the HMSAS meetings for informational purposes. Would scheduling the HMSAS meeting for Monday during the week of the September Council meeting provide for Council members to attend the HMSAS meeting. Mr. Flournoy noted that week of the September meeting there is a conflict of the IATTC meeting work group as well; but felt that Dr. McIsaac’s suggestion was doable.

Mr. Fletcher asked about the conflict on Management Unit species. The team said that the list they came up with (the preferred option) would work. The Panel discussed it at length, including consistency with the WPFMC’s pelagic species FMP, recognizing that some species are included in their plan without an MSY value. The HMSAS did not believe that NMFS would find acceptable the inclusion of species in the management unit without an MSY specification.

E.2.b. Public Comment

Mr. Wayne Heikkila, Western Fish Boat Owners Association, Eureka, California
Ms. Andy Oliver, World Wildlife Fund, Washington, DC
Mr. Bob Osborn, United Anglers of Southern California, Lakewood, California
Mr. Doug Fricke, Washington Trollers Association, Hoquiam, Washington
Mr. Peter Flournoy, American Fisherman’s Research Foundation, San Diego, California
Ms. Kate Wing, Natural Resources Defense Council, San Francisco, California
Mr. Chuck Janisse, Federation of Independent Seafood Harvesters, Ventura, California
E.2.c.  Council Discussion and Guidance

Mr. Waldeck reiterated that Council action was to provide direction and guidance to the HMSPDT and HMSAS. Chairman Lone stated that he preferred motion relative to Council guidance and direction be made.

Ms. Wolf asked the HMSPDT to elaborate on the consideration of bonito in the HMS FMP, and how they reached their decision. Ms. Robinson stated the Team has spent a considerable amount of time discussing the species to include in the Management Unit. Based on their discussions and input from the constituent groups, the Team developed a set of criteria to include/exclude. The primary criteria used is that the species be designated as an HMS (by definition in Law of the Sea – Annex 1, or Magnuson-Stevens Act). By setting this as the primary criteria, it allowed them to narrow down the species to include. Specific to bonito, the team reached consensus that it is an important recreational species and that it should be included in one of the Council’s FMP. In determining whether bonito be managed under the HMS or CPS FMP, the Team concluded bonito did not meet the definition of HMS, and the stock by nature is not highly migratory. That is, it is a transboundary stock, occurring between southern California and Mexico; the species does not occur in Washington, Oregon, or northern California. The Team believes it belongs in the CPS plan.

Mr. Brown, on whether or not the Team has the ability to set an MSY for the shark species; do you have the ability to set a proxy for MSY? Dr. Squires said those guidelines come from the NMFS guidelines (Restrepo et al.) and the Magnuson-Stevens Act, specifically, MSY proxies could be based on landings data. Specific to common thresher shark, biologists are confident a biologically based MSY could be determined. The other sharks listed in Management Unit species option 1, if not a biologically based MSY, a landings based MSY proxy could be used. Also, David Au (HMSPDT) has come up with an alternative approach. The shark biologists have enough confidence that they could come up with something reasonable.

Mr. Fletcher asked them on their consideration of dolphin fish. Mr. Crooke said after meeting with the HMSAS, they are comfortable adding that species to Management Unit option I.

Emphasizing that the Council was not foreclosing future decisions or other management alternatives, Mr. Fougner moved that the Council provide the following guidance (which follows Supplemental HMSPDT Report E.2.) to the HMSPDT (Motion 24):

1. For the management unit, include the following species: albacore tuna, bigeye tuna, bluefin tuna, skipjack tuna, yellowfin tuna, blue shark, bigeye thresher shark, common thresher shark, pelagic thresher shark, mako shark, striped marlin, swordfish, and dolphin fish (dorado);

2. For state regulations, use the HMSPDT recommendations, but also evaluate:
   a. the potential for state area restrictions for purse seine fishing to prevent user conflicts;
   b. the potential for allowing longline fishing in the U.S. Exclusive Economic Zone, particularly as an alternative to drift gillnet gear;
   c. coastwide prohibition on landing shark fins without carcasses;
   d. provisions for experimental and developmental fisheries (i.e., exempted fishing permits);
   e. coastwide log books for the commercial and recreational (charter boat) fleets.

3. For the FMP outline, use the HMSPDT recommendations; but also include consideration of the Migratory Bird Treaty Act;

4. For the FMP schedule, revise current schedule, specifically, the Council adopted an extension in the schedule of approximately five months;

5. For Management Objectives, as recommended by the HMSPDT in Supplemental HMSPDT Report E.2.(2).

Mr. Anderson seconded the motion.
Ms. Wolf asked if bonito was to be included in the Management Unit? Mr. Fougner said that bonito is not included in the Team's recommendations, therefore, it is not included in the motion. Ms. Wolf concurred.

Mr. Brown said he will vote for the motion, but is concerned about the MSY determination for some of the species in the Management Unit.

Mr. Fletcher asked for clarification on allowing pelagic longline gear in the EEZ – is it your intention to limit consideration of the use of longlines to using the gear as an alternative to drift gill nets? Mr. Fougner said (following the recommendation of the HMSAS) longline gear was to be included for evaluation; he is not suggesting that the FMP would address longline fishing outside of the U.S. EEZ. Mr. Fletcher said the issue then is limited to consideration of using longline gear as an alternative to the existing drift gill net gear. Mr. Fougner said yes.

Mr. Anderson, relative to Mr. Fletcher's point, longline gear would be considered as gear targeting on swordfish and shark? Mr. Fougner expected that the longline fishery would be targeting on swordfish and shark, and could possibly be used to target other species such as bluefin tuna. Motion 24 passed.

Mr. Flournoy pointed out to the Council that the Council had acted on information that was not given to the HMSAS. He expressed his disappointment.

Mr. Fougner spoke to the matter of funding. With the change in plan development schedule, money could be available for additional HMSAS meetings.

F. Coastal Pelagic Species Management

F.1. Coastal Pelagic Species (CPS) Management Agenda Overview

Mr. Dan Waldeck summarized the agenda item.

F.2. Exempted Fishing Permits to Harvest Anchovy in Closed Area

F.2.a. Summary of Applications

Mr. Fougner presented the exempted fishing permit (EFP) from Mr. Michael McHenry. The application is identical to the one approved last year with conditions.

F.2.b. Comments of Advisory Bodies

CPSMT

This report of the Coastal Pelagic Species Management Team (CPSMT) was made available to meeting attendees.

The Coastal Pelagic Species Management Team (CPSMT) reviewed the exempted fishing permit (EFP) application to fish for Northern anchovy in the District 10 closed area off San Francisco, California. While the CPSMT supports issuance of the EFP, the CPSMT stresses the importance of closely monitoring this fishery. Concerns about protected species (e.g., marine mammals and salmon) and the possibility of user group conflicts (i.e., between commercial and recreational fisheries) warrant requiring at-sea observer coverage and other management measures to record bycatch. The primary reason the CPSMT supports issuance of this EFP is the opportunity it provides to document (at-sea) bycatch in roundhaul fisheries. This information, if collected, will be important in assessing the adequacy of current bycatch management measures under the coastal pelagic species fishery management plan.
F.2.c. **Public Comment**

Ms. Heather Munro, West Coast Seafood Processors Association, Portland, Oregon
Ms. Karen Reyna, Pacific Ocean Conservation Network/Pt. Reyes Bird Observatory, Arcata, California

F.2.d. **Council Action: Permit Recommendations to NMFS**

Ms. Wolf moved that the Council adopt the EFP with the following conditions added to the permit:

- due to concern about bycatch of small salmon, the entire catch be observable at offloading;
- add white seabass and barracuda to the list of prohibited species; and
- advise the applicant that a permit from the California Fish and Game Commission will also be needed to harvest anchovies. (Motion 25) Mr. Fletcher seconded the motion.

Mr. Fougner said that the specific conditions from last year need to also be included in the motion. Ms. Wolf agreed, and reviewed the restrictions placed on last year's permit: observer onboard at all times; if three salmon harvested during a trip, cease fishing for one day, no more than 15% by weight of any landing of anchovy may be Pacific sardine, all prohibited species alive on capture must be returned to sea unharmed as quickly as practicable; all fish determined to be alive on deck will be returned to sea; avoid bycatch; rigid grate over hold opening; prohibited species that are dead must be retained and landed, but can not be sold; prohibited species will be set aside as per state guidelines; and not more than 1,500 mbt of Northern anchovy may be harvested unless approved by Regional Administrator. Ms. Wolf also added that the permit should be valid for one year from date of signature; excluding the month of July.

Mr. Thomas was not in favor of the motion. The area was closed because of concern over the incidental catch of Sacramento salmon, which (as juveniles) forage in this area. These salmon are listed under the Endangered Species Act. Mr. Thomas noted that the Gulf of the Farallon Islands is a very special area for these fish. He expressed his concern about forage prey items; noting that this area is an ecological area that provides for these fish, which are Sacramento winter run fish. He noted that recreational interests rely upon these salmon. The application states there is an astronomical amount of anchovies in the area; reality is that, in 1999 there were not enough anchovy to use the EFP. Had there been sardines present, there would have been no forage. Having no forage is a tremendous loss to the other resources that depend on them.

Dr. Radtke noted that this fishery did not take place last year because the price was too low. If there is no economic reason for carrying this out, he has no reason to vote in favor of the permit.

Mr. Anderson asked Ms. Wolf if she could explain what the benefits will be from this EFP? Ms. Wolf said the CPSMT statement noted there is potential for bycatch information to be collected. Mr. Anderson asked what types of quantities is the live bait fishery taking currently? Ms. Wolf about 5,000 tons, relatively low.

Mr. Roth concurred with Mr. Thomas comments on the issue; that this area is important for forage area for seabirds.

Mr. Anderson asked if there was a way to derive the same information from getting it from the current bait fishery? There could be, but no program currently set up.

Chairman Lone asked Mr. Fougner are there a lot of immature salmon out there that would be taken in this fishery? Mr. Fougner said he did not know. Mr. Alverson said we acted on this last year, was there information derived about bycatch? Ms. Wolf said there was no fishing, the permit was not utilized. Mr. Calto said it was also due to the permittee not being able to obtain an observer. He also suggested that it might be simpler to obtain an observer. Chairman Lone, on the small salmon issue, will those be quantified in some fashion? Can an observer tell a three inch salmon from a three inch anchovy? Mr. Fougner said that this would be addressed by the conditions on the permit - the unloading of the fish would have to be examined carefully.
Chairman Lone asked for the roll call vote on motion 25. Mr. Caito and Mr. Fougner abstained from the vote. 5 yes, 6 no, 2 abstentions, 1 absent. Motion failed.

F.3. Pacific Mackerel Harvest Guideline and Other Specifications for 2001

F.3.a. Agenda Overview

Mr. Waldeck noted an error on the agenda, the action is that the Council will be approving the harvest guidelines for 2000-2001 Pacific mackerel fishery. He also noted that the CPS SAFE document was available.

F.3.b. Comments of Advisory Bodies

CPSMT

Dr. Kevin Hill gave a presentation on the Pacific mackerel harvest guideline. Biomass of fish age 1 and over for the whole stock as of July 1, 2000 and is estimated to be 116,967 mt. Based on the formula in the FMP, a harvest guideline of 20,740 mt was recommended for the 2000-2001 fishing season.

Ms. Wolf asked about the harvest rate rule in the FMP, which is the same formula that California Department of Fish and Game used prior to implementation of the CPS FMP. She recalled that the CPS FMP with respect to sardine has an improved harvest rule that incorporates items such as temperature and environmental conditions. Is there similar information that exists for mackerel, e.g., relationship between temperature and recruitment? Dr. Hill said he does not believe there has been any of that work done, there has not been a strong relationship demonstrated between temperature and long-term recruitment. He noted that, in theory, it makes sense to incorporate some environmental availability in the model and/or the harvest formula. But he noted that there have not been studies of this type since the work done by Dr. MacCall in 1985, which is the one used in the assessment.

SSC

Dr. Kevin Hill of the California Department of Fish and Game presented the Scientific and Statistical Committee (SSC) with a summary of the status of the Pacific mackerel resource in 1999 and recommendations for the fishery in 2000-2001.

Evidence from model estimates of biomass indicate the population is in a downward trend. Recruitment have been low for nearly 20 years, and the downward trend in abundance is expected to continue as long as present environmental conditions persist. Harvest guidelines (HGs) were derived from a formula specified in the coastal pelagic species (CPS) fishery management plan. If the formula performs as expected, the HG will allow for stock rebuilding, depending on environmental conditions. Based on our summary review, the SSC supports the Coastal Pelagic Species Management Team's (CPSMT) recommendation regarding the 2000-2001 HG.

The SSC also discussed the utility of establishing a formal outside review process for CPS stock assessments. The SSC recommends the agencies and CPSMT consider developing a set of options that describe how such a review process could be implemented. The process would not necessarily need to be modeled after the relatively intensive Stock Assessment Review (STAR) Panel process used for groundfish. The process might, for example, involve the periodic assembly of an outside review panel to review modeling procedures for multiple CPS species at the same time, rather than an annual stock assessment review cycle.

CPSAS

Mr. Royal noted that they support the recommendations of the CPSMT and SSC. He also requested that the CPSAS meet on Monday of the September Council meeting.
Mr. Fletcher noted he saw tremendous catch of mackerel in 1998 in Ensenada, but a lot less in 1999 - what caused that - economics or availability? Mr. Royal noted that it was probably due to availability of the resource.

F.3.c. Public Comment
None.

F.3.d. Council Discussion and Guidance

Ms. Wolf moved that the Council adopt the final harvest guideline for Pacific mackerel of 20,740 mt for the 2000-2001 season based on a biomass estimate of 116,967 mt. (Motion 26) Motion passed.

The Council directed the CPSMT to consider the SSC’s advice and recommendation to develop a set of options for a review process for the mackerel assessment procedure, suggesting the CPSMT bring forward recommendation in November. Dr. Hill noted they will continue to develop discussions on the review process. It is his sense that within NMFS and CDFG, there will be active discussions on the topic of CPS stock assessment review.

F.4. Pacific Sardine Harvest Guideline Suballocation

F.4.a. Agenda Overview

Mr. Waldeck reviewed the issue of suballocation of the sardine harvest guideline to areas North of California.

Mr. Bohn expressed to the Council the concern that was being voiced by sardine harvesters and processors based in Oregon, especially the way the allocation is currently set. The concern is that, in years of lower abundance, the sardine quota could be harvested before northern harvesters and processors had opportunity to participate. ODFW committed to developing a proposal (see Attachment F.4.a – June 2000), which was submitted to the CPSMT for review for technical merit. ODFW proposal recognizes that at current biomass levels, there would not be a problem. However, if the biomass were to decline in the future, the fisheries in the North could be excluded. Another alternative that could possibly accomplish the same thing would be to delay the start of the season. Mr. Bohn suggests keeping this as an item for the CPSMT to review at a future date; he would like to have a system ready to go well before a problem develops.

F.4.b. Comments of Advisory Bodies

CPSMT

Dr. Hanan presented Supplemental CPSMT Report F.4.

_The Coastal Pelagic Species Management Team (CPSMT) reviewed the proposal submitted by Mr. Burnell Bohn of Oregon Department of Fish and Wildlife to establish a separate allocation of the Pacific sardine harvest guideline for the U.S. west coast area north of California. The team recommendation was to defer this consideration because the fishery management plan has only been implemented for a few months. Another consideration for deferring this type of change is that no actual problems have been experienced and we can only speculate on potential problems. The team recommends that we continue with the current plan, at least through the first year, to see if any allocation problems are identified._

CPSAS

Mr. John Royal commented the CPSAS concurs with the recommendations of the CPSMT.

F.4.c. Public Comment
None.

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Mr. Brown noted that in terms of action for today, he agreed with Mr. Bohn that action was not necessary at this time. However, he took issue with the CPSMT contention of waiting until a problem was identified. He noted that it is far better to address problems before they happen, not after. On this issue, we can predict, based on indications that the climate regime is shifting, that a shrinking of the biomass (less availability in the North) will occur. He is certain that problems will develop as the industry grows in Oregon.

Mr. Anderson is concerned about this issue: 1) when the Council developed their strategy for managing sardines they were careful to recognize the forage factor of sardines – if we set up the harvest allocation disproportionate to the resource distribution, we end up losing the value of that strategy that accounted for the forage needs of the system (noting that we do not have good information on the distribution of the resource); and 2) fisherman based in Washington not be precluded from participating in the fishery – to that, he shared ODFW’s desire to bring this issue before the Council. Mr. Anderson recounted the effort spent in Washington developing a sardine fishery; but were able to develop a quota fishery. The reason Washington put a quota on their fishery was to maintain the integrity of the forage fish value. He asked California to give considerations to adjusting the seasons or holding a proportion of the quota until (for example) May 1, this would ensure Washington and Oregon fisherman have a reasonable opportunity to participate in the fishery. Mr. Anderson was supportive of Mr. Bohn’s and Mr. Brown’s discussions.

Ms. Wolf asked Ms. Cooney about what would be required to make changes to the allocation and/or season dates, would it require a plan amendment? Ms. Cooney recalled that for suballocations, the Council could use a framework process (two meeting process). For the allocation currently in the plan (e.g., 66%/33%), it would take a plan amendment. She noted that first the Council needed to determine what is the best way to address the problem, then determine what type of action would be required; adding that, any of these would require some sort of rulemaking.

Mr. Bohn asked about when the Council would review the next Pacific sardine stock assessment. Mr. Waldeck noted that this would be presented in November, with the expectation of a January 1 fishery opening.

The Council directed the CPSMT to analyze several items related to this issue: 1) seasonal distribution of the Pacific sardine stock along the West Coast; 2) sub-allocation options proposed by the Oregon Department of Fish and Wildlife; and 3) the effects of delaying the start of the sardine fishery. Because information about the northern component of the sardine stock is sparse, the Council also requested a review of catch data to assess how much of the northern part of the harvest guideline is taken from January through May. This historical perspective of the amount harvested during the first five months of the fishery could be a basis for establishing a seasonal adjustment to the northern harvest guideline (i.e., limit the amount available during the first five months of the fishery). The results of this analysis will be presented at the November meeting.

Mr. Waldeck asked the CPSMT to acknowledge they understood Council direction and that November is a practical target.

Dr. Hanan reminded Council that the assessment model is a two-area model (the area we do not know about is the area to the North. For the November meeting, the CPSMT could look at landings, review the technical merits of the proposal, and analyze seasonal adjustments. He noted that during development of Amendment 7 there was concern about “hatching” times of sardine. Therefore, delaying the season opener could increase pressure on younger fish. They will also review landings along the coast by month.

F.5. CPS Finfish Limited Entry Permit Issues: Capacity Goal and Squid Permit Transferability

F.5.a. Agendum Overview

Mr. Waldeck reviewed the situation paper and summarized the following Council direction to the CPSMT from the March 2000 meeting:
The Council directed the Coastal Pelagic Species Management Team (CPSMT) to analyze several issues related to limited entry and permit transferability:

1. Establish a goal for the Coastal Pelagic Species (CPS) finfish fishery (i.e., what should the fishery "look like" in terms of the number of vessels and the amount of capacity).

2. Establish a procedure (with criteria) for issuing new permits after the goal is attained and if the fishery becomes under-utilized.

3. Evaluate the pros and cons of extending the current permit transfer window to allow consideration of the non-transferability of California's market squid permits; under two scenarios, (1) basic extension of the transferability deadline, or (2) extension of transferability contingent on holding a California market squid permit.

4. Develop mechanisms for achieving the goal.

5. Transferability of permits after the goal is achieved; under two scenarios – on achieving goal, (1) all permits (including new permits) are freely transferable, or (2) new permits (i.e., those issued after goal is achieved) would have restricted transferability.

Mr. Waldeck noted for the Council that if they wanted to modify the limited entry permit transferability, the Council would need to direct the CPSMT to initiate development of an FMP amendment.

F.5.b. Comment of Advisory Bodies

CPSMT

Dr. Hanan presented the CPSMT Report (Supplemental CPSMT Report F.5.; June 2000):

The Coastal Pelagic Species Management Team (CPSMT) discussed the issue of the current coastal pelagic species (CPS) limited entry permit transfer period (January 1, 2000 through December 31, 2000) and the conflict with the State of California's market squid fishing permit moratorium and prohibition of transfer except for loss of vessel or major mechanical breakdown. Because many of these vessels are also used to fish under the Council's CPS FMP, the team considered several options to alleviate this conflict:

1) Status quo (no change in the closing date for transfer of CPS permits, i.e., December 31, 2000);

2) Extend the current transfer window for one, two, or three years;

3) Extend the current transfer window until California has implemented a market squid FMP;

4) Extend the current transfer window until the Council has established a capacity goal for the CPS fishery, which will be defined and selected at a later date.

The team supports option 2, and recommends an extension of two years from the current closing date.

As noted, the current deadline for limited entry permit transfer is December 31, 2000. If the Council chooses to extend this period, an amendment to the CPS FMP will be required. For this amendment to be in effect January 1, 2001, the Council will need to take preliminary action on the plan amendment at the September Council meeting and final action at the November meeting. The alternatives presented in this report are CPSMT recommendations. If the Council chooses to take up the issue of extending the permit transfer period and directs the CPSMT to develop an amendment to the CPS FMP, the Council may choose to move these options forward, modify these options, and/or add additional options.
Ms. Wolf asked if the CPSMT considered not extending the current transfer period at this time, but revisiting the issue when transferability of California state squid permits was resolved and the two could be considered together. The point being, that even if the CPS permit transfer window were extended, California's squid permit transferability will not have been resolved. Dr. Hanan noted that would be included in option 3.

CPSAS

Mr. Royal reported that the CPSAS still takes the stance that there be no limitation on time period for permit transferability.

F.5.c. Public Comment

Ms. Heather Munro, West Coast Seafood Processors Association, Portland, Oregon

F.5.d. Council Action: Definition of Capacity Goals, Mechanisms to Achieve Goals, and Squid Permit Transferability

Ms. Wolf moved that the Council not extend the window of transferability. This means to wait to consider the issue of transferability until the CPSMT is finished with their work. Seconded by: Mr. Anderson. (Motion 27) To the motion, Ms. Wolf discussed another alternative for the CPSMT to consider. That is, not extending the transferability window period at this time, waiting until the CPSMT completes the Council's assignments, including developing a capacity goal. This work hinges on the economic analysis Dr. Herrick is developing. At that time, when the information is available, then reconsider the issue of transferability for CPS limited entry and California state squid permits. This would allow the CPSMT to address capacity issues, allow California to develop its squid plan; the Council then could reconsider transferability of CPS permits. Waiting until after the capacity analysis is complete would provide a basis for determining transferability alternatives.

Ms. Wolf continued, noting her concerns about the extending the window of transferability. That is, it could affect the work the CPSMT is involved in now for capacity reduction as well as affect Dr. Herrick's work.

Mr. Alverson asked if the current transferability provisions did not constrain the size of a vessel to which a permit could be transferred? Ms. Wolf answered yes. Mr. Alverson said he is concerned about the potential upgrade in capacity and it would be better to wait, readjust if necessary in the future. Motion 27 passed.

Mr. Brown noted that in the situation paper, there was a mention of establishing procedures for issuing new permits after the capacity goal is achieved. He suggested to the team that permits issued after goal is achieved would have restricted transferability. For example, new permits would be valid for a limited time (2-3 years) and would be non-transferable. He asked the team to explore that option.


F.6.a. Agenda Overview

Mr. Waldeck briefed the Council on the agenda item, noting that this plan amendment was developed to address certain parts of the CPS FMP that were disapproved by NMFS -- bycatch and MSY/ABC for market squid. He noted that Mr. Jim Morgan would provide an overview of Amendment 9 and the CPSMT (Dr. Hanan and Ms. Marci Yaremko) would review the section pertaining to market squid MSY and ABC.

F.6.b. Comments of Advisory Bodies

CPSMT

Mr. Jim Morgan (NMFS/SWR) briefed the Council on the contents of Amendment 9 (Supplemental Attachment F.6.a., June 2000).
Dr. Hanan and Ms. Yaremko (CPSMT) provided a detailed briefing on Section 5 of the Amendment pertaining to acceptable biological catch (ABC) and maximum sustainable yield (MSY) for market squid.

Mr. Brown, regarding format of the amendment, on section 5.2.1, 5.2.2, 5.2.3 are alternatives with suboptions. Ms. Yaremko answered the presentation does correspond with those sections.

Mr. Alverson asked about how the MSY proxy relates to ABC and potential overfishing definition. Under El Nino conditions, he is concerned that the overfishing definition would not correspond to what the resource is doing, i.e., abundance is not falling, rather biomass distribution shifts during El Nino conditions. He inquired if the CPSMT had considered this.

Ms. Yaremko noted the CPSMT recommendation is to consider the five year expansion coastwide. The state of California is in the process of developing an plan that will also addressing OY/MSY issues in the state of California. Dr. Hanan noted that, because of their life history, imposing an MSY on the squid fishery may be unwarranted. That is why the CPSMT did not specify an OY or MSY for squid in the FMP. However, NMFS requires that an MSY proxy be provided, thus, the estimates in the CPSMT seek to address that requirement. As far as overfishing definition goes, the FMP considers squid overfished if ABC is exceeded two years in a row. This would trigger consideration of moving squid from monitored status to actively managed, as well as possibly requiring development of a rebuilding plan.

Mr. Fougner if you look at the MSY proxy alternatives, the CPSMT recommendation is a coastwide expansion of the 5 year average (i.e., MSY proxy of 245,000 mt). If ABC were set equal to MSY, this would be twice the level of the highest year of landings on record. Mr. Fougner did not believe that an overfishing problem would develop, especially because under El Nino conditions, squid availability would be so low that catch would not approach MSY or ABC.

Dr. Hanan and Ms. Yaremko provided a review of Supplemental CPSMT Report F.6.a.(1), which was a matrix of the MSY proxy values developed by the CPSMT. These numbers are updated from what is in the current draft plan amendment. These values will be incorporated into Amendment 9 before it is released for public review.

Mr. Fletcher inquired about the CPSMT’s preferred alternative for MSY. Dr. Hanan responded that the CPSMT preferred alternative is the 5 year expanded for coastwide. He was concerned about the possibility of exceeding MSY.

**SSC**

Ms. Cindy Thomson presented the report of the SSC.

Mr. Jim Morgan of the National Marine Fisheries Service, Southwest Region, briefed the Scientific and Statistical Committee (SSC) on Amendment 9 to the Coastal Pelagic Species Fishery Management Plan. Ms. Marcie Yaremko of the California Department of Fish and Game provided the SSC with a detailed briefing on Section 5 of the Amendment pertaining to acceptable biological catch (ABC) and maximum sustainable yield (MSY) for market squid. The SSC discussion focused largely on Section 5.

In March 2000, the SSC recommended the Coastal Pelagic Species Management Team (CPSMT) consider expanding the squid MSY proxy to reflect the presence of squid in unfished spawning areas. At this meeting, the SSC was provided with a number of MSY proxy options that incorporate this expansion. The geographic expansion was based on a number of assumptions (e.g., equal productivity among block areas, limited geographic migration of squid) that the SSC could not definitively evaluate on the basis of available information. In March 2000, the SSC also supported the CPSMT’s recommendation to set ABC equal to MSY. The SSC’s March recommendations regarding geographic expansion of the MSY proxy and setting ABC equal to MSY both presumed the existence of management controls such as squid refugia areas. The SSC recommends the CPSMT include information regarding existing squid management measures (including refugia areas) in the current draft document before it goes out for public review.
In addition to the ABC=MSY option, Amendment 9 includes three other options that involve setting ABC less than the MSY proxy. Because squid are short-lived and highly variable in abundance from one year to the next, the SSC does not consider it appropriate to base annual ABC on MSY. However, the SSC understands the need for the CPSMT to do this to meet regulatory requirements.

The CPSMT has made a credible effort to deal with the information and regulatory constraints that it faced in addressing issues related to MSY and ABC. The SSC considers Amendment 9 to include a reasonable range of ABC and MSY options for public review.

Mr. Anderson asked Ms. Thomson if the SSC had received a copy of the most recent MSY information (Supplemental CPSMT Report F.6.a.[1]). He asked if these were the options the SSC got an opportunity to review? The MSY options reviewed by the SSC were somewhat different from what was presented to the Council. She noted that the values may not have been exactly identical to these, but were very close.

Mr. Fougner noted that in Amendment 9 different time period were considered, therefore, the CPSMT developed Supplemental CPSMT Report F.6.a.(1) to put everything in comparable time frames.

Mr. Anderson complimented the SSC on the quality of the reports that have been received this week.

CPSAS

Mr. John Royal noted that a lot of these items have not been given to the CPSAS, so they did not have any comments.

F.6.c. Public Comment

Dr. Mark Powell, Center for Marine Conservation, San Francisco, California

F.6.d. Council Action: Preliminary Adoption of Amendment for Public Review

Ms. Wolf moved that the Council adopt for public review Amendment 9 with the following changes/additions (Motion 28):

Section 4.3. Alternatives Considered –

1. No action.

2. Recommend that state agencies, federal agencies, and tribes develop an observer program for all new fisheries for CPS North of Pigeon Point lighthouse (37 10 N lat.) Preferred option.

3. Recommend that state agencies, federal agencies, and tribes develop programs to monitor and record CPS bycatch at the docks. Preferred option.

4. Evaluate the use of grates to cover openings of holds through which fish are pumped, which would screen out any bycatch of larger to allow live release before going into the ship's hold. Preferred option.

5. Require logbooks for the limited entry fishery, the live bait fishery, and the incidental fishery (those vessels landing less than 5 mt).

6. Allow landing of all bycatch. This would require changes to state and federal laws.

7. Require industry funded observers for all of the CPS limited entry fishery.

Under the MSY Section –

Add the new table of MSY proxy alternatives presented at the Council meeting.
Add the information requested by the SSC on existing squid management measures including refugia areas.

Under Section 5.3. –

Establish a proxy for MSY based on estimated spawning area [add - in the range of the California fishery.]

Motion seconded by Mr. Alverson.

Mr. Anderson asked Mr. Harp about page 5, alternative 3, regarding requirement for observers, if the Makah Tribe entered this fishery would they be open to having observers. If so, would Mr. Harp support inclusion of adding "state, federal, and tribal observers" to that section. Mr. Harp agreed, the tribes would be supportive of that language. Ms. Wolf accepted that as a friendly amendment. Mr. Anderson continued, under alternative 4, which required agencies to monitor and record CPS bycatch – add "state, federal or tribal." Mr. Harp concurred with that editorial suggestion. Ms. Wolf and Mr. Alverson accepted both as friendly amendments.

Based on input from Jim Morgan, the motion was changed to say "use table 8 and table 1," rather than replace one table with the other. Both tables will be included.

Mr. Fougner directed the CPSMT to review all of the various MSY alternatives to ensure that there are no inconsistencies among the tables and alternatives. In terms of preferred alternatives, Ms. Wolf said she envisioned the CPSMT recommendation being noted, but to not include Council preferred alternatives. Motion 28 passed.

Ms. Wolf thanked the CPSMT for their work. Mr. Fletcher noted that Dr. Hanan was leaving CDFG and the CPSMT in a few weeks. He stated that the Council will miss him.

G. Habitat Issues

G.1. Report of the Habitat Steering Group (HSG)

Ms. Michele Robinson read the report of the HSG.

At its meeting on Monday, June 26, the Habitat Steering Group (HSG) received informational presentations on the following projects which have the potential to adversely affect essential fish habitat, particularly for salmon. The HSG has drafted letters on these issues to the appropriate entities for Council consideration.

CALFED

In September 1999, the Council sent a letter to CALFED regarding its Draft Environmental Impact Statement (DEIS) and provided comments on several sections. The San Francisco Bay-Delta System, its biological components, and the ecological processes supported by this system are part of the essential fish habitat for salmon, groundfish, and coastal pelagic species. CALFED has formed a Policy Group, co-Chaired by the U.S. Department of the Interior and the California Resources Agency. The HSG has drafted a letter for Council approval to the co-Chairs of the Policy Group recommending the rehabilitation of biodiversity and ecological processes of the Bay-Delta system, and urging the Policy Group to incorporate suggested requirements into its programs. The Policy Group is expected to finalize CALFED’s Assurances Package and Record of Decision in July.

Roadless Area Conservation Proposed Rule and DEIS

The U.S. Forest Service has released a proposed rule for public comment regarding the protection of roadless areas nationwide. The actions resulting from the proposed rule will affect the essential habitats of coho, chinook, and Puget Sound pink salmon. Remaining areas of salmon spawning
habitat that are properly functioning at the watershed level need to be protected, and degraded salmon habitats need to be restored. The current option in the proposed rule would protect roadless areas of 5,000 acres or more which would lead to the eventual loss of many significant habitat areas. Therefore, the HSG has drafted a letter for Council approval recommending the protection of roadless areas greater than 1,000 acres as well as roadless areas smaller than 1,000 acres which are ecologically significant. Comments on the proposed rule are due in August.

**Interior Columbia Basin Ecosystem Management Project (ICBEMP)**

ICBEMP has developed the Interior Columbia Basin Supplemental DEIS and sent it out for public review. The Council previously commented on the Upper Columbia Basin DEIS and the Eastside DEIS in October 1997. This project could potentially impact coho and chinook salmon essential fish habitat; other species of concern include steelhead, sockeye salmon, sturgeon, and Pacific lamprey. The current proposed strategy provides few options to reverse broad scale habitat degradation trends and does not implement mainstem corridor survival programs necessary to address serious resource problems that require attention now. The HSG has drafted a letter for Council approval recommending management measures for immediate implementation. Comments on the Supplemental DEIS are due on July 6.

**Non-Action Items**

The HSG also received informational presentations and updates on the following issues:

**Fishing Gear Impacts**

The HSG received an update from Ms. Cyreis Schmitt, National Marine Fisheries Service (NMFS), regarding fishing gear impacts. NMFS is currently conducting a habitat survey using a submersible and a remotely operated vehicle (ROV) off Heceta Bank, Oregon; the survey is a repeat of a study which was done 10 years ago in the same area. Other fishing gear projects for the near future include a study to determine the effects of the five-inch roller gear restriction and cooperative gear modification developments.

**Puget Sound Groundfish Endangered Species Act (ESA) Listings**

NMFS completed its first review of cod, pollock, and hake and distributed a draft report to the affected parties including the tribes, Canada, and Washington Department of Fish and Wildlife (WDFW)—comments from those entities are due around July 10. A biological team of NMFS staff will then forward a preliminary biological opinion to the Northwest Region, NMFS in mid-August for publication in the federal register around the end of October. A biological opinion on the other species petitioned for listing—Pacific herring and brown, copper, and quillback rockfishes—is expected to be in the Federal Register by February 2001.

**Western Oregon Habitat Conservation Plan (HCP)**

The HSG received a presentation from Mr. Ross Holloway, Oregon Department of Forestry, regarding a draft HCP between the Board of Forestry, U.S. Fish and Wildlife Service, and NMFS. In addition to meeting the federal requirements under the Endangered Species Act (ESA), the goal of the HCP is to improve the landscape of state forest land with older, more diverse stands. The plan contains management strategies for landscapes, roads, and slope stability and proposes a network of “salmon emphasis areas”—a set of state forest watersheds which are the “best” areas for salmon—with recommended restoration projects. A draft assessment is expected by the end of the year.

**Proposed Final 4(d) Rule**

The HSG received a presentation from Ms. Rosemary Furfey, NMFS Protected Resources Division,
regarding the proposed final ESA 4(d) rule. The rule describes 14 populations of salmon and steelhead—7 evolutionary significant units (ESUs) for salmon and 7 ESUs for steelhead. There are two types of limits to ESA take provisions in the rule—one which incorporates state and local programs which have already been determined by NMFS to be effective in minimizing impacts, and another which develops criteria that a program can meet to get a limit if the jurisdiction elects to work with NMFS. The latter provides opportunities for programs to come within a limit without a rule amendment. The steelhead 4(d) rule will be final 60 days after it is published in the Federal Register (end of August), and the salmon rule will be final 180 days after publication (end of December).

**Klamath Water Operations Plan 2000**

Despite the June 1, 2000, letter from the Pacific Council to the Secretary of the Interior advocating higher minimum flows for the Klamath River Basin, the Bureau of Reclamation (BOR) adopted stream flows which were inadequate. The California Department of Fish and Game has been following this issue closely and has also sent comments to BOR. The adopted flows will result in an adverse modification of critical habitat which is a violation of ESA. Dr. Thomas Hardy developed the first flow recommendations (Hardy Phase I)—which were disregarded by BOR—and is in the process of drafting Hardy Phase II which is expected to be done by the end of August. The HSG will receive an update on this issue in September and will likely have a draft letter for Council approval at the November meeting.

**San Francisco Airport Expansion**

Federal and state regulatory agencies (NMFS, Environmental Protection Agency, U.S. Fish and Wildlife Service, U.S. Army Corps of Engineers, and California Department of Fish and Game) continue to meet monthly with representatives of the Federal Aviation Administration, San Francisco International Airport, and the City of San Francisco. The purposes of these meetings are to review the status of ongoing environmental studies, discuss the list of runway alternatives, identify a process for examining potential habitat mitigation sites, and discuss the progress of setting up a peer review panel. The agencies have formally requested the runway proponents drop Alternative F4 from further consideration as this is the most excessive alternative for bay landfill needs (up to 1,300 acres). Eliminating this alternative from further review also allows a comprehensive assessment of the more realistic alternatives which require less fill. The HSG will continue to follow this issue and will receive another update at the September meeting.

**Other Discussion**

The HSG reviewed and discussed the Ad-Hoc Marine Reserve Committee Phase I Technical Analysis and the Draft Groundfish Fishery Strategic Plan. The HSG has prepared separate written statements on these items which will be presented to the Council this week. More in-depth comments and suggestions for these documents will be presented to the Council at its September meeting.

**G.1.a. Comments of Advisory Bodies**

None.

**G.1.b. Public Comment**

None.

**G.1.c. Council Action: Consider HSG Recommendations**

Mr. Boydstun moved to send forward the draft letter of Supplemental Attachment G.1.c. regarding the calfed, with the following suggested changes: add in the second paragraph add late fall chinook, and delete California halibut since it is not a Council-managed species. Mr. Fletcher seconded the motion. (Motion 6)
Dr. Coon noted that there is a sentence on the Bay-Delta system it needs a little bit of rewrite there for clarification purposes only. Motion 6 passed.

Mr. Alverson moved that the Council send forth the letters as shown in Supplemental Attachments G.1.d. and G.1.b. Chairman Lone seconded the motion. (Motion 7) Before any vote was taken, Mr. Anderson asked what review has this Columbia Basin letter had? Ms. Robinson answered that Idaho Department of Fish and Game representative wrote the letter, and she was the only one from Washington, and that Mr. Dave Fox from ODFW has reviewed the letter. Mr. Alverson asked if this should be taken up tomorrow to review this in more detail?

Chairman Lone said that the Executive Director is going to speak on the item of having the Council members take action on items they have not had time to review. Chairman Lone gave the Council Members time to review the letters during the meeting (took a break from the meeting).

Dr. McIsaac noted that products that come to the Council need to follow the process. The optimal process, the briefing book comes out ahead of time. The CalFED letter was in the briefing book. To make better use of Council time, we will work closely with the habitat folks that draft letters will appear in the briefing book. Perhaps, as Mr. Anderson noted, this would give more time for agency staff to also look at the items. Mr. Robinson noted that the letters have a whole list of specifications, where did this come from? Who drafted the letter, is there a consensus among the group, why are we sending out this letter? We need to have a better feel for whether or not agency folks on the HSG have had time to review the letters.

Mr. Anderson would like to coordinate more with agency staff and others before voting on this.

Ms. Robinson noted that before a meeting, the issues are flushed out through e-mail. Comments are made through e-mail. The latest drafts are reviewed once more in great detail with discussions and have presentations made to the HSG. The letters are then wordsmithed and brought before the Council. The letters are done through a consensus process. She said she would make an effort to note that in future HSG reports.

Chairman Lone asked Ms. Robinson about using the quick response mechanism. Ms. Robinson said that the HSG tries to avoid the quick response mechanism. It is not fair to ask the Council to approve the letters without the benefit of an explanation and discussion.

Mr. Alverson said we should put this back on the Friday schedule. Dr. McIsaac said we need a motion to table this. Mr. Bohn said he is totally confused. He feels that he finds the quick response mechanism to be effective. Motion 8 to table the motion made by Burnie Bohn. Chairman Lone seconded the motion. motion 8 passed. Motion 8 is to table the other two letters until Thursday.

On Thursday, later in the week, a Mr. Caioto made a motion to untable Motion 7. Mr. Fletcher seconded the motion. (Motion 23) That motion passed. Ms. Robinson gave explanation to Supplemental Attachment G.1.b. Mr. Anderson noted that after additional review, he was prepared to support the original motion (send forward the letters). Other Council members concurred. Motion 7 passed.

Ms. Robinson then brought forth Supplemental Attachment G.1.e. (a reference guide for HSG members to use for submitting agenda items to the Council). Council concurred by nod of heads.

G.2. Process for Designating Habitat Areas of Particular Concern

This agenda item was not dealt with at this meeting.
H. Administrative and Other Matters

H.1. Report of the Budget Committee

Mr. Harp read the report of the Budget Committee.

The Budget Committee (Committee) received a report from the Executive Director, Dr. Donald McIsaac, which included two issues that had been referred from the March meeting:

Selection of meeting site locations for 2003.

The supplemental $15,000 funding for the Council calendar year (CY) 2000 operating budget.

Dr. McIsaac reported that meeting site selection for 2003 was still ongoing. Specific recommendations will be provided for review and approval at the September Council meeting. The request for the supplemental funding, which requires resubmission of the entire Council grant for 2000, will be completed early in July.

With regard to expenditures under the CY 2000 budget, Council staff will be able to conduct a preliminary status review soon after the Council meeting, and we presume no significant financial problems exist at this time. With the recent changes in staffing and the pending arrangement with Pacific States Marine Fisheries Commission (PSMFC) to assist in our fiscal management, a detailed budget status should be completed over the summer and available for Committee review at the September meeting. The Committee will also be able to review the proposed CY 2001 grant submission in September.

The Committee discussed the status of the Groundfish Strategic Plan Facilitation Contract administered by PSMFC. Dr. McIsaac noted some funds remain which may be used to support completion of the project prior to October, 2000.

H.1.a. Council Action: Adopt Recommendation of Budget Committee

The Council approved the report of the Budget Committee as shown in Supplemental Budget Committee Report H.1. (Motion 5)

H.2. Status of Legislation

Dr. Dave Hanson reported there is talk about the possible extension on the moratorium on IQ's. The Magnuson-Stevens Act is not expected to get reauthorized this year as Congress goes in its election year meltdown.

Mr. Brown asked about Senator Snowe's package, is the whole deal gone? Dr. Hanson said yes. Mr. Fletcher asked about the senate markup for Council's. Dr. Hanson he did not have information to report on that item.


Dr. McIsaac spoke to Attachment H.3.a., which were reorganizational structures for the Council staff.

Mr. Fletcher asked if the staff salmon management coordinator position had been advertised? Dr. McIsaac said no, and as were phasing out of the contract with PSMFC, and funding sources become available. We should advertise in November, interviews in December, hire date in January.

Mr. Bohn said is this budget neutral? Dr. McIsaac said yes he did look at the projections for the next four years. The four year projections show that even with level funding the accommodation of this kind of change would keep the Council solid for at least two years, with years three and four funding sources may also come from elsewhere.
Mr. Anderson, on page 4, on lengthy advisory entity statements - there is in some cases, he feels there is benefit in having them read their statements. He is pretty sensitive to the reports that come from the public hearings for salmon. He feels that the folks need to be represented. He would like us to be more careful with those two time sensitive materials for meetings.

Mr. Mallet, on Mr. Anderson's comments, we would still have complete text in our briefing book. He feels those items should be summarized. Mr. Mallet did not have a problem with summarization of reports if Council members had a chance to read it.

Dr. Coon, on the hearings, that is not so much an issue of time. He encourages the Council members to just report what their experience was at the hearing. That validates the hearings more. Just reading it off downplays some of the importance. It would be really great to hear from the Council members own summary, a few brief statements so that the people involved knew that they were being heard.

H.4. Report on the Council Chairmans' Meeting

Dr. Radtke gave his views on the Chairman's meetings, and noted that NMFS was not working hard enough on their budgets in making sure that the Council's needs are heard. There were concerns that somehow some of our groups are bypassing the Council process going directly to the Secretary of Commerce. He also got from the meeting that due to National Standard One (overfishing definition), the Southeast Fisheries Science Center will hold a meeting to discuss National Standard One. There was some discussion on fishing capacity reduction (international agreement to reduce effort by 15% by 2004). There was a discussion on marine reserves, most of which came from the Western Pacific Council. They (the Western Pacific Council) were very concerned about other agencies taking over their "jurisdiction" - they were concerned about who should be taking the lead on that. The next Chairman's meeting will be hosted by the Gulf Council.

H.5. Research and Data Needs/Economic Data Plan

H.5.a. Agendum Overview

Dr. McIsaac noted there were no documents to review at this time.

There were no comments of the advisory entities. There was one public comment from Mr. Bob Osborn, United Anglers of Southern California.

H.6. Council Staff Workload Priorities and Schedules

H.6.a. Agendum Overview

Dr. McIsaac noted that Council staff was going to come back to the Council today with a comprehensive plan that talked about the rest of the disciplines the Council is responsible for. The fixed gear permit stacking which is below the dark line on the table in April has been brought above that line (due to actions from this meeting). To take on fixed gear permit stacking, normally we would be looking for Council direction for what portion of those items do we not want to deal with.

We do have a conference call set with NMFS to see if workload could be balanced. In the event workload is greater than what could be done.

Chairman Lone said that Dr. McIsaac will have a conference call with NMFS to identify personnel to address permit stacking. Dr. McIsaac anticipated as an item to address, to take on fixed gear permit stacking. In the event it cannot be done, and there are any priorities the Council would like to identify should we get into that jam, please do that now. Absent that, we will search the record and try to interprate what the lowest priority might be.

Chairman Lone said we need to have a discussion to provide more detail to Dr. McIsaac. Mr. Brown pointed out that personally he favors fixed gear above the AFA (were past the deadline on AFA already). Mr. Fletcher agreed with Mr. Anderson and Dr. Hanson - we should list it as item #4 if the time is available.

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Mr. Boydstun noted that the top 3 are going to be kicking in soon, and by themselves, they are a very heavy workload. He think that between the top 3, hopefully we can get the top 4 - AFA should be no higher than 5.

There were no comments from the public or Council advisory entities.

H.7. Appointment to the Groundfish Advisory Subpanel

Mr. Boydstun moved that Dr. Powell be appointed to the Groundfish Advisory Subpanel and Mr. Michael Rode to the Habitat Steering Group. Mr. Caigio seconded the motion. (Motion 29) Motion passed.

H.8. Draft Agenda for September 2000

H.8.a. Staff Comments

Dr. McLissac presented draft September agenda. Council members gave their input to the Executive Director.

Chairman Lone recognized Mr. Fletcher as it was his last meeting as a Council member. (Mr. Fletcher had served the last year of his third consecutive term).

ADJOURN

The Council was adjourned on Friday, June 30, 2000.

DRAFT

Jim Lone, Council Chairman

DRAFT

Date
MOTION 1: Approve the proposed agenda with the following changes: Agenda items H.1. through H.4. will be moved to Tuesday, June 27, 2000 after Agenda Item C.1. Agenda Items G.1. and G.2. will be moved to Tuesday after H.1. through H.4. On Wednesday, after Agenda Items D.16., D.10., and D.14. will be addressed after Agenda item D.8. The GAP requested that D.2. be moved after agenda item D.5. in order to allow more time for them to draft their comments. Also include a short discussion be added to talk about next year’s groundfish management strategies. He would like to ask the GMT to put together a brief report after that discussion and present it to the Council at their September meeting. Insert a change where it says squid permit transferability, change it to “finfish” permit.

Moved by: Ralph Brown               Seconded by: Burnie Bohn
Motion 1 passed

MOTION 2: Approve the March 2000 minutes with the following clarification, on Page 14, the CDFG representative be identified as “Mr. Harvey Reading”.

Moved by: Bob Fletcher          Seconded by: LB Boydstun
Motion 2 passed.

MOTION 3: Request the Quinault Nation and WDFW to assist the STT in completing a overfishing review for Queets stock, with a completion date of September 1, 2001.

Moved by: Phil Anderson     Seconded by: Bob Alverson
Motion 3 passed.

MOTION 4: Adopt the recommendations of the HSG (HSG Report C.1.) except do not commit to phase two at this time - both the Phase I analysis and MRC report will go out as part of the public review package. The MRC report will be the basis for a cover letter. A discussion of Treaty Tribal rights will be added to the analytical report. In the first paragraph of ES-1, the statement that it is "desirable" to coordinate efforts with other agencies will be changed to say it is "critical”.

Moved by: Bob Alverson      Seconded by: Jerry Mallet
Motion 4 passed.

MOTION 5: Approve the report of the Budget Committee as shown in Supplemental Budget Committee Report H.1.

Moved by: Jim Lone           Seconded by: Bob Fletcher
Motion 5 passed.

MOTION 6: Send forward the draft letter of Supplemental Attachment G.1.c. regarding the CalFED, with the following suggested changes: in the second paragraph add "late fall chinook", and delete “California halibut” since it is not a Council-managed species.

Moved by: LB Boydstun        Seconded by: Bob Fletcher
Motion 6 passed.

DRAFT VOTING LOG V-1 JUNE 2000
MOTION 7:  Send forward the letters as shown in Supplemental Attachments G.1.d. and G.1.b.  
Moved by: Bob Alverson  Seconded by: Jim Lone  
Motion 7 passed.

MOTION 8:  Table Motion 7 until later in the week.
Moved by: Burnie Bohn  Seconded by: Jim Lone  
Motion 8 passed.

MOTION 9:  Apply the 16% discard rate for minor rockfish, nearshore rockfish, and bocaccio rockfish in the limited entry, trawl, fixed gear, and open access fisheries; and direct the GMT to make the appropriate adjustments inseason. Do not apply this to the recreational fisheries.
Moved by: Phil Anderson  Seconded by: Bob Alverson  
Motion 9 passed. (Mr. Ralph Brown opposed the motion).

MOTION 10:  Make the inseason adjustments as represented in Supplemental GAP Report D.5., including the addition for the large footrope trawl fishery (item 7), and that for the open access nearshore rockfish subgroup in the north increase it to 3,000 pounds for two months instead of the 2,500 pounds presented, include that no retention of lingcod after August 1 in the open access fishery.
Moved by: Phil Anderson  Seconded by: Bob Alverson  
Motion 10 passed.

MOTION 11:  Move that the Council write a letter to the California Fish and Game Commission to take regulatory action affecting the recreational fisheries south of Cape Mendocino to insure that our preseason expectations of catch for bocaccio, canary, cowcod, and lingcod are not exceeded, to note in the letter that the Council recommends NMFS work with CDFG and the California Fish and Game Commission in developing their regulations, and that NMFS take complementary actions affecting fisheries in federal waters to make them consistent with state regulations.
Moved by: LB Boydstun  Seconded by: Jim Caito  
Motion 11 passed.

MOTION 12:  Approve the draft groundfish strategic plan document for public review and in addition give the Ad-Hoc Groundfish Strategic Plan Committee the flexibility to incorporate certain comments from the GMT, GAP, SSC, and the public during the Council's session.
Moved by: Phil Anderson  Seconded by: Bob Fletcher  
Motion 12 passed.

Moved by: Bob Alverson  Seconded by: Phil Anderson  
Motion 13 passed.
MOTION 14: Request that NMFS modify the regulations to designate August 1 as the cumulative landing period for the purpose of permit transfers that a cumulative landing period (an additional cumulative period start date) be added to the start date, in specific August 1.

Moved by: Bob Alverson Seconded by: Burnie Bohn
Motion 14 passed.

MOTION 15: Adopt the amendment with the alternatives identified as preferred as the Council's final options; and in addition, include Alternative #2, Issue 5. Also, take after the parenthetical top line of alternative 3, after the word available, insert: "or with the requirement that vessels pay". Also delete the sentence that starts with "implementation of an observer program...".

Moved by: Ralph Brown Seconded by: Burnie Bohn
Motion 15 passed.

MOTION 16: Set-aside the AFA analysis (review at a later time).

Moved by: Hans Radtke Seconded by: Burnie Bohn
Motion 16 passed.

MOTION 17: Substitute motion for Motion #16:

Send out for analysis for the processor sector, the following items as contained in Supplemental Attachment D.9.b.: Item #1 choose items 1 and 2; Item #2 choose "no"; Item #3 choose b; Item #3 choose 10%; Item #4 include as the equivalent of ownership; Item #7, applying entity; Item #8 whenever the permit comes due; and Item #9.

Moved by: Jim Caito Seconded by: Ralph Brown
Roll call vote, Motion 17 failed.

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MOTION 18: Establish today (June 29, 2000) as a control date to notify the public and permit owners that future sales of permits from AFA qualified vessels may not qualify (guarantee) for participation in West Coast groundfish fisheries; or the permit may be restricted to a particular fishery sector in the future.

Moved by: Ralph Brown  Seconded by: Hans Radtke
Motion 18 passed.

MOTION 19: Adopt the \( F_{\text{may}} \) proxies as recommended by the SSC in Supplemental SSC Report D.13.(1). which includes Sebastes, flatfishes, other groundfish, and remaining rockfish.

Moved by: Phil Anderson  Seconded by: Hans Radtke
Motion 19 passed.

MOTION 20: Relative to implementing the new \( F_{\text{may}} \) proxy adopted for stocks for which current stock biomass is less than \( B_{40} \), implement the new \( F_{\text{may}} \) proxy now; for stocks for which the current biomass is greater than or equal to \( B_{40} \) implement the new \( F_{\text{may}} \) proxy after the next stock assessment. This applies starting with the 2001 management cycle.

Moved by: Phil Anderson  Seconded by: Burnie Bohn
Motion 20 passed.

MOTION 21: Maintain the status quo percentage reduction for the remaining and other rockfish categories.

Moved by: Phil Anderson  Seconded by: LB Boydstun
Motion 21 passed.

MOTION 22: Adopt the following recommendations (for public review) for permit stacking for the fixed gear sablefish fishery - generally following the WCFA recommendations:

1. Sablefish in the current directed sablefish fishery and resulting mop-up fishery would be allocated to the program under which permit stacking is allowed.
2. Up to three fixed gear sablefish permits could be stacked on a given vessel, at least one of the permits would have to meet the existing length and gear requirements of that vessel.
3. Gear and length endorsements on permits would not be changed when permits are stacked (i.e. when unstacked the gear and length requirements would be the same as when the permits were stacked).
4. The fishery would extend over a number of months (the initial recommended season is April 1 thru October 31);
5. The privilege of catching sablefish in the directed sablefish fixed gear fishery would be for harvest only, not for processing.
6. The permit owner would be required to be onboard the vessel, however there would be an exception for those owning permits as of the time the program is established (provisions would be as per draft Amendment 8).

Based on friendly amendments to the motion there will also be an analysis of: a requirement that once permits are stacked they may not be unstacked; an option that would not require the permit owner to be on board; and an option for continuation of the current short season to avoid having the fishery classified as an IFQ.

Moved by: Bob Alverson  Seconded by: LB Boydstun
Motion 22 passed.
MOTION 23: Untable Motion 7.

Moved by: Jim Caito  Seconded by: Bob Fletcher
Motion 23 passed.

MOTION 24: Using Supplemental HMSPDT Report E.2. adopt the following:

1. For species to be included in the FMP adopt Option 1, include dolphin fish
2. For state regulations, use the HMSPDT recommendation, but also include a) evaluation of the potential for state area restrictions to prevent purse seine conflicts; b) eliminate the potential for longline fishing c) coastwide prohibition on? d) include a provision for experimental fishing permits, and e) consider coastwide log books for both the commercial and recreational fleets.
3. For the FMP outline: use the HMSPDT recommendations, but include the provisions of the MMPA.
4. For the FMP schedule: as presented by the team.

Moved by: Svein Fougner  Seconded by: Phil Anderson
Motion 24 passed.

MOTION 25: Adopt the EFP with the following conditions be added to the permit: the entire catch be observable at offloading due to concern of bycatch of small salmon; add white seabass and barracuda to the list of prohibited species; and advise the applicant that a permit from the California Fish and Game Commission will be needed to harvest anchovies. Include the specific conditions from last year; add that the permit should be valid from date of signature; excluding the month of July.

Moved by: Patty Wolf  Seconded by: Bob Fletcher
Roll call vote, Motion 25 failed.

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**Roll Call Vote, Motion 25**

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<th>YES</th>
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<th>ABSTAIN</th>
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<tr>
<td>Aliverson, Bob</td>
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Total: 5 6 2 Abstentions, 1 absence
MOTION 26: Adopt that the final harvest guideline beginning July 1, 2000, for Pacific mackerel for the 2000/2001 season be 20,740 mt based on a biomass estimate of 116,967 mt.

Moved by: Patty Wolf
Seconded by: Bob Fletcher
Motion 26 passed.

MOTION 27: Do not extend the window of transferability. (Wait to consider the issue of transferability until the CPSMT is finished with their work).

Moved by: Patty Wolf
Seconded by: Phil Anderson
Motion 27 passed.

MOTION 28: Adopt for public review CPS Amendment 9 with the following changes/additions:

Section 4.3. Alternatives Considered –
1. No action.
2. Recommend that state agencies, federal agencies, and tribes develop an observer program for all new fisheries for CPS North of Pigeon Point lighthouse (37 10 N lat.) Preferred option.
3. Recommend that state agencies, federal agencies, and tribes develop programs to monitor and record CPS bycatch at the docks. Preferred option.
4. Evaluate the use of grates to cover openings of Holds through which fish are pumped, which would screen out any bycatch of larger to allow live release before going into the ship's hold. Preferred option.
5. Require logbooks for the limited entry fishery, the live bait fishery, and the incidental fishery (those vessels landing less than 5 mt).
6. Allow landing of all bycatch. This would require changes to state and federal laws.
7. Require industry funded observers for all of the CPS limited entry fishery.

Under the MSY Section –
Add the new table of MSY proxy alternatives presented at the Council meeting.
Add the information requested by the SSC on existing squid management measures including refugia areas.

Under Section 5.3. –
Establish a proxy for MSY based on estimated spawning area [add - in the range of the California fishery.]

Moved by: Patty Wolf
Seconded by: Bob Alverson
Motion 28 passed.

MOTION 29: Appoint Dr. Mark Powell to the Groundfish Advisory Subpanel and Mr. Michael Rode to the Habitat Steering Group.

Moved by: LB Boydstun
Seconded by: Jim Caito
Motion 29 passed.