

MINUTES

Pacific Fishery Management Council

Red Lion Hotel Sacramento
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March 6-10, 2000

A. Call to Order

A.1. Opening Remarks, Introductions, Roll Call

Opening comments and remarks were given by Chairman Jim Lone at 8:05 a.m. He noted that there is a new visual timer device to allow for more efficient use of public comment time. Chairman Lone also noted that testimony must be placed in the in-basket.

Chairman Lone welcomed Dr. Don McIsaac as the new Executive Director of the Pacific Fishery Management Council. He also noted that the parliamentarian is now seated at the head table to allow the facilitation of Council actions on motions. Chairman Lone also noted that the public seating has been moved closer to the Council members, and that the number of chairs have been reduced. A new seating chart is now available for the public.

Dr. Don McIsaac thanked the staff, Council members, committees, advisory organizations for the welcome. He also asked for continued patience. Dr. Don McIsaac called the roll.

A.2. Approve Agenda

Dr. McIsaac noted the few agenda item changes. Under Agenda Item G.1., during the status of Federal Regulations, add a presentation relative to a particular enforcement action that took place in Monterey, California regarding sablefish. Under Agenda Item B.3., there will be a brief update on inseason actions taken since the November Council meeting. Under Agenda Item B.4., staff will speak to the issue of stocks listed under the ESA. Under Agenda Item G.4., status of federal setnet regulations - this will be a status report update only, without the necessity of Council guidance under G.4. The Enforcement Consultants will not be making a presentation on B.1.c., and B.3.c. Mr. Boydston asked for an additional request, that Bob Treanor has to leave early, and asked that he be moved up on the agenda. Mr. Anderson asked under B.6., the updates on activities to restore natural stocks, WDFW report will take place at the April meeting, same with Oregon. CDFG will be the only presentation under Agenda Item B.6. The Council approved the agenda as shown in Exhibit A.2. with the above changes. (Motion 1) Motion passed.

A.3. Approve September and November Minutes

The Council approved the September 1999 and November 1999 Council meeting minutes with the following changes: for the September minutes, (correction on page 25), it should say "Mr. Richard Ralston", and not "Dr. Richard Ralston". In the November minutes in the voting log, it was noted that Mr. Jim Harp was shown as voting twice, the "x" should be in the yes column. Mr. Phil Anderson moved for approval, and Mr. Harp seconded the motion. (Motion 2) Motion passed.

B. SALMON MANAGEMENT

B.1. Review of 1999 Fisheries and Summary of 2000 Stock Abundance Estimates

Dr. John Coon provided a brief overview of the Council's entire salmon agenda.

B.1.a. Salmon Technical Team (STT) Report

Mr. Allen Grover gave a general overview of the California fisheries and landings. He noted there had been

no methodology changes pertinent to management off California. Mr. Melcher recapped the Oregon fisheries. He reported that the actual catches for fisheries off Oregon in 1999 were lower than predicted, primarily due to low fishing effort. Mr. Milward reported Washington fisheries had fallen short of their quotas. Mr. Milward noted a correction on page I-5 of Preseason Report I: Straits natural coho abundance estimate for 2000 should read 13.5 and not 18.0. He also noted there may be a need to get Council guidance about the abundance estimate for Hood Canal coho if that issue remained unresolved.

With regard to improving Preseason Report I for future years, Mr. Anderson requested the STT provide ocean survival rates for all coastal coho stocks (some were available, some not). These rates are critical information for tracking, and calculating the forecasts.

B.1.b. Agency and Tribal Comments

CDFG

Mr. Boydston stated the overall number of chinook salmon harvested off California in 1999 was below average. An extremely windy springtime reduced angler effort, but larger than normal fish were harvested in the commercial fishery. He reported the Bodega Bay experimental fishery last July was working as planned and that there had been a voluntary closure of the fishery when the quota was reached. Spawner escapements of Central Valley fall chinook continue well above the goal range. However, the Klamath River fall chinook escapement goal (the floor of 35,000 natural spawners) was not reached and there is concern about preventing an overfishing situation. He noted that the fish are not surviving due to poor habitat conditions within the Klamath River. More water of suitable quality is needed below the dams to avert continued degradation of the natural runs.

ODFW

Mr. Bohn referred the Council to Supplemental Agency Report B.1. which is a joint ODFW/WDFW summary of monitoring results from the 1999 Buoy 10 and Columbia River area ocean selective fisheries. The report documents several positive aspects of the selective coho fisheries, including high compliance rates by anglers. Unfortunately, returns of Oregon coastal natural (OCN) coho were below forecast. While there is some indication of positive changes in marine conditions, the changes thus far have not translated into improved natural coho abundance. No matter how precautionary our management approach, coho populations will not rebuild until ocean and freshwater survival conditions are more favorable.

WDFW

Mr. Anderson noted that the recreational selective fisheries had been successful in providing some additional fishing opportunities while maintaining protection of natural stocks. Effort in the commercial non-Indian troll fisheries was low, but chinook harvest was up significantly from the previous year. He commented on the importance of Puget Sound coho and chinook stocks and that the very low expectations for this year will limit opportunities in Puget Sound. Forecasts for Columbia River hatchery coho are up and will provide some additional fishing opportunities. For chinook, lower river hatchery stock forecasts are at or barely above the minimum levels needed to meet hatchery spawner escapements. Even if we meet the escapement goal for hatchery stocks, spawner objectives for wild stocks will not be met.

Tribal

Mr. Dave Hillemeier, Yurok Tribe, urged the Council to improve the prediction methodologies. He expressed concern that, except for 1999, the inriver sport fishery had routinely exceeded its allocation and that portions of the river were not monitored in the past.

Mr. Mike Orcutt, Hoopa Valley Tribe, acknowledged the Council for supporting the preferred option for the Trinity River issue. He noted that habitat and harvest impacts will be the key to returning that stock in the future. He does have concerns that the Klamath River fall chinook natural spawner escapement was about 16,000 fish below the 35,000 goal and urged the Council to act with conservatism. If the 35,000 natural floor

is missed in 2000, it could require some severe cutbacks in 2001.

Mr. Harp spoke on behalf of the Washington Treaty Tribes.

Mr. Chairman, I would like to make a brief Statement regarding the 1999 returns and the status of the salmon resource in 2000.

- *Last year, we adopted very conservative fisheries in response to extremely low coho forecasts for the Queets River. We also faced concerns over low forecasts for several Columbia River chinook stocks and the newly listed Puget Sound chinook ESU. We were able to put together a package of fisheries that allowed some fishing opportunity while keeping impacts to weak stocks to minimal levels.*
- *All north of Cape Falcon ocean fisheries were managed to stay with in their allowed harvest levels including the treaty troll fishery which finished the season more than 8% below the chinook quota and more than 13% below the coho quota. Puget Sound fisheries were also generally managed to stay within their harvest objectives.*
- *The coho returns to Washington coastal rivers were generally above what was expected pre-season. For this reason, we feel in general that management in 1999 was generally successful given the stock status we were faced with.*
- *This years forecasts for coho on the Washington coast are mostly down for wild stocks. The tribes are specifically concerned about the status of the Queets coho stock. This combined with mixed forecasts for hatchery stocks will likely allow only limited possibilities for harvest this year.*
- *The tribes intend on continuing to work with the State of Washington in resolving issues surrounding the Hood Canal coho forecast.*
- *The Columbia River chinook stocks that are important components of the treaty troll fishery have mixed forecasts this year. While we see modest improvements for some stocks, we still recognize the need for work in developing fisheries with appropriate impacts on Snake River Fall chinook and Lower River Wild chinook which is forecast at less than 50% of its escapement objective. Never the less we are hopeful that there may still be some opportunity for a moderate chinook quotas while not increasing impacts on listed stocks and stock of concern.*

In conclusion, we recognize however have a great deal of work before us to develop a package of fisheries that both meets the serious conservation needs of many of our stocks and allows for reasonable levels of fishing opportunity.

Thank you.

B.1.c. Comments of the Scientific and Statistical Committee, Salmon Advisory Subpanel, and Enforcement Consultants

SSC

Dr. Peter Lawson read the comments of the SSC.

Mr. Doug Milward of the Salmon Technical Team (STT) reviewed the 1999 ocean salmon fisheries and 2000 stock abundance estimates for the Scientific and Statistical Committee (SSC). He stated the 2000 preseason abundance forecast for most chinook and coho stocks were similar to last years' preseason estimates. The Klamath River chinook forecast is larger than last years' estimates; however, the Council has the option of managing for the escapement floor of 35,000 natural spawners. The escapement was below the floor in 1999. Two more years of sub-floor escapements would result in an overfishing determination. A precautionary approach should be used when managing this stock. Basing management decisions to meet minimum escapement levels leaves little or no room for error if the escapement floor is to be met or exceeded.

The SSC requested the STT add the postseason estimates for all stocks listed in Table I-1 and I-2 in the Preseason Report I (Stock Abundance Analysis for 2000 Ocean Salmon Fisheries). The SSC is concerned methods used to predict stock abundances are changing without review.

SAS

Mr. Mark Cedergreen read the comments of the SAS.

The Salmon Advisory Subpanel requests the Council take action to acknowledge and support increased funding for salmon production at the "Mitchell Act" hatcheries on the Columbia River.

Over 50 years ago, the Mitchell Act created hatcheries to mitigate for lost Columbia River salmon production due to hydroelectric dams. The Salmon produced by these hatcheries became the backbone of the Washington ocean salmon fishery and are also critical to the survival of most lower Columbia River salmon fisheries.

Production in these hatcheries during the past ten years has declined substantially due to lack of funding and reprogramming. In response, the states of Washington, Oregon, and Idaho have drafted a plan entitled Mitchell Act Hatchery and Fish Screen Reform 2001. This plan has been submitted to Congress for funding. The plan includes proposals for broodstock reform, conservation marking, and species reintroduction among other measures designed to make future production compatible with wild salmon runs.

Survival of an ocean fishery north of Cape Falcon is dependent upon the full funding and implementation of this plan.

Mr. Robinson asked about the dollar amount requested. Mr. Cedergreen reported that it should be in the range of \$1.9 million and not \$1.5 million as it stands now. Mr. Anderson noted that we are getting to a critical point relative to hatchery production on the Columbia River. A combination of poor ocean survival and low hatchery production have helped to lead us down the path of lower numbers. As Mr. Cedergreen stated, the states of Oregon, Washington, and Idaho put together a draft plan for hatchery and screen reform. Mr. Robinson noted that the restoration in funding would allow the hatchery system to operate in a more compatible way with recovery for wild stocks.

B.1.d. Public Comments

Mr. Doug Fricke, Washington Trollers Association, Hoquiam, Washington

B.1.e. Council Comments

Mr. Alverson noted it would be helpful if, in addition to the preseason estimates, the STT reports contained a table summarizing spawner escapement goals and actual postseason spawner estimates. This would enable us to have a clear understanding of which goals are not being met. Dr. Coon indicated that such a table could be developed for future reports and was willing to go over that issue with Mr. Alverson at the next break.

Mr. Roth and Mr. Robinson expressed support for selective coho fisheries as a beneficial management tool and complimented the states on their monitoring programs. Mr. Roth noted that managing around the Columbia River tule situation will be a challenge for the Council this year.

Mr. Robinson expressed concern for OCN coho which are still not showing signs of rebuilding. While Amendment 13 allows fishery impacts of up to 15%, the lack of recovery in the stock would suggest that the maximum impact to be considered for this year's fishery should probably be similar to the level allowed in 1999. Mr. Bohn reported that the position of the Oregon Fish and Wildlife Commission was for impacts no higher than 10%. This would be about the level of impact in last year's preseason process if we had been using a higher (14-16%) hook-and-release mortality rate for the recreational fishery. Mr. Boydston urged the Council to identify the limits early in the process to avoid unrealistic expectations and to prevent problems in April. Mr. Anderson noted that the allowable OCN impact was very important in setting seasons north of Cape Falcon and requested the STT identify last year's preseason impact level.

Mr. Doug Milward directed the Council to page III-14 of Preseason Report I. The third column under OCN provides last year's preseason impact of 8.7% under an 8% recreational hook-and-release mortality rate. With

the hooking mortality rate doubled (16%), the model predicted an OCN impact of 10.21%.

In response to questions, Mr. Milward stated that the compliance rate with the regulations in the selective fisheries was higher than modeled pre-season. As a result, fewer unmarked fish were retained than what was modeled. If the observed compliance rate was used to model this year's selective fisheries, it would counter-balance the higher hook-and-release mortality rate somewhat. The STT will need to review this issue to decide what compliance rate to use. Mr. Bohn also pointed out that the observed drop-off rate was less than half the 5% used in last year's modeling.

Dr. Radtke expressed concern with changing model parameters without a review. Mr. Milward stated that the original compliance and drop-off estimates were not based on hard data. Now there is hard data from the previous selective fisheries on which to base the estimates.

Based on the counter-balancing effect of the various parameters used to estimate impacts on OCN coho, Mr. Robinson suggested that 8.7% might still be the right level to aim for this year. Mr. Milward stated that it would be difficult to determine exactly what effect the changes in estimation parameters would have on the final impact estimates. Mr. Bohn suggested that this discussion had been beneficial in setting the stage for the Council's direction on OCN impacts that would come later in the agenda.

B.2. Estimation Procedures and Methodologies

B.2.a. Modifications to the Chinook Fishery Regulation Assessment Model

Mr. Anderson called on Mr. Larrie LaVoy, WDFW, to provide a report on the modifications to the Chinook Fishery Regulation Assessment Model (FRAM) for this year. Mr. LaVoy reported that the chinook technical advisory group had made some minor enhancements to the Chinook FRAM for 2000. The enhancements involved adding new tag code information for two stocks (White River spring and Fraser River late chinook). These changes should have no measurable effect on impact estimates for Council fisheries. The technical group has not been able to make modifications to the model which would allow its use for selective chinook fisheries in Puget Sound.

B.2.b. STT Recommendations for Interim Recreational Nonretention Mortality Rates

Mr. Milward, STT Chairman, and Dr. Robert Kope, STT, presented STT Recommendations for Hooking Mortality Rates in 2000 Recreational Ocean Chinook and Coho Fisheries (STT Report B.2.). Dr. Kope noted two corrections in the report: in the last full paragraph on page 4, the "resulting HRM is 23.2%" (not "24%"); and, in the second sentence of the fourth paragraph on page 6, the bait should be in the "head-up" (not "head-down") position.

In developing this final report, the STT reviewed recent and past information regarding studies of hook and release mortality for sport caught chinook and coho salmon. Literature reviews, recent studies where only personal communications were available, administrative reports, and council documents were evaluated to determine whether there is sufficient new information to warrant a change in the recreational fishery hooking mortality rates currently employed by the Council. The conclusions of the current report are different from those of the preliminary report provided in November 1999. Since that time there has been opportunity to review all of the data sources and remove some studies which were erroneously classified as holding studies. In addition, three recently completed Canadian studies have been added to the data base. Based on the updated and corrected analysis, the STT makes the following recommendations:

1. Apply a single, interim hook-and-release mortality rate (HRM) of 14% (compared to the current rate of 8%) to chinook and coho salmon of all sizes released from recreational ocean fisheries using barbless hooks while trolling, mooching, and for motor mooching methods, except for California-style mooching.
2. Continue to apply a weighted average of recreational troll and California-style mooching mortality rates to California recreational ocean salmon fisheries where California-style mooching is used, with California-style mooching HRM based on California Department of Fish and Game (CDFG) recommendations and weights based on the prevalence of fishing techniques in California.

recreational fisheries. For 2000 fisheries this procedure yields a rate of 23.2% for fisheries south of Point Arena.

3. Continue to apply an additional dropoff mortality rate of 5% to all fish caught by ocean salmon hook-and-line fisheries to account for dropoff mortality, predation loss, noncompliance, etc.
4. Support further research on estimating HRM, estimating encounter rates, and developing fleet profiles of fishing gear/methods and hook wound location, and gear-species-specific hook wound location mortality rates.

In response to questions, Dr. Kope stated he was not aware of the basis for the 5% drop-off mortality rate, but that it had been used since the STT began modeling drop-off and that it applied to all fish, not just to those that were not retained. He noted that some of the Oregon studies by Natural Resources Consultants had tried to study drop-off mortality and concluded that something within the range of 5% was not unreasonable. He noted that marine mammals are involved with drop-off mortalities and that it is very hard to document that impact since the effect is so skewed by time and area.

B.2.c. Comments of the SSC, STT, SAS, and Public

SSC

Dr. Lawson supplied the report of the SSC.

Modifications to the Coho and Chinook Fishery Regulation Assessment Models

The Scientific and Statistical Committee (SSC) was informed of a slight change in the coho fishery regulation assessment model (FRAM) that accounts for the Thompson River coho stock. These changes affect only the Fraser component of the model and do not affect any other stocks in the model.

At the November 1999 Council meeting, a presentation was given to the SSC on changes proposed for the chinook FRAM model for the 2000 management season. Mr. Larrie LaVoy presented an update on the status of these changes to FRAM. Proposed changes to chinook FRAM to allow it to evaluate mark-selective fishery proposals were not completed. Since there will be no mark-selective fisheries proposed for chinook for the 2000 management season, this will not present any problems. The only other changes to chinook FRAM were the addition of new tag code information for two stocks (White River spring chinook and Fraser late). These additions have virtually no impacts on the estimates of stock composition of Council fisheries.

Recreational Nonretention Hooking Mortality Rates

Dr. Robert Kope of the STT discussed the STT report on recommendations for hooking mortality rates in 2000 recreational ocean salmon fisheries (STT Report B.2.). The SSC had endorsed the methodology used in the report at the November 1999 meeting. The only changes from November were that some previously published estimates of hooking mortality rates were found to be incorrect on examination of the original data. These estimates were corrected for the STT analysis. In addition, estimates from three studies conducted in Canadian marine waters during 1999 were added to the analysis.

The SSC concurs with the recommendations of the STT based on a review of their report:

- *Adopt a single hook-and-release mortality rate of 14% for chinook and coho salmon of all sizes released from recreational ocean fisheries using trolling, mooching, and motor mooching methods, except for California-style mooching.*
- *Continue to apply a weighted average of recreational troll and California-style mooching rates to California recreational ocean salmon fisheries.*

- *Continue to apply an additional dropoff mortality rate of 5% to all fish caught by ocean salmon hook-and-line fisheries to account for dropoff mortality, predation loss, noncompliance, etc.*
- *Support further research to estimate hook-and-release mortality rates, encounter rates, and develop fleet profiles of fishing gear/methods and hook wound locations.*

In addition, the SSC recommends additional research on methods for expanding estimates of immediate hook-and-release mortality to long-term mortality estimates be conducted.

STT

No additional comments were made.

SAS

Mr. Cedergreen provided the report of the SAS.

The Salmon Advisory Subpanel (SAS) generally supports the Salmon Technical Team (STT) recommendations for nonretention mortality rates to use in the 2000 recreational fisheries. We recognize the rates proposed are interim rates for 2000 only, and that study will continue regarding the value for permanent rates.

In addition, we recommend hooking mortality rates in inside and terminal recreational fisheries be reviewed.

Public

Mr. Dave Bitts, commercial troller, Eureka, California
 Mr. Duncan MacLean, commercial troller, El Granada, California
 Mr. Paul Engelmeyer, Mid-Coast Watershed Council, Yachats, Oregon

B.2.d. ACTION - Approve Procedure and Methodology Changes

Mr. Boydston moved (Motion 3) to adopt the recommendations of STT Report B.2. for 2000 fisheries and beyond with the following clarifications: the 14% recreational hook-and-release mortality rate applies to the use of barbless hooks; the weighted average hook-and-release mortality rate for 2000 recreational fisheries south of Point Arena is 23.2% (average of California style mooching and trolling). Motion 3, seconded by Mr. Anderson, passed after the discussion provided below was completed.

Mr. Boydston noted the STT analysis was not a small task. The report is an important milestone that can guide the Council over the next few years while additional research is completed. He emphasized the need for additional funding to complete more on-board and at-sea studies of contact rates for marine mammals.

Several Council members expressed support for the motion. Mr. Anderson stressed the need for the five percent drop-off rate. He noted that all fisheries have noncompliance issues (e.g., bag limit, weekly limits, double trips, etc.) and that selective fisheries have the additional requirement of keeping only marked fish. Those issues need to be addressed as well as mortalities by marine mammals and fish that break off before reaching the boat.

Mr. Bohn expressed support for a noncompliance factor, but cautioned the Council to avoid piling buffer upon buffer just to be conservative without having the hard data.

Mr. Harp expressed his support for the motion and noted that the tribes have been conducting encounter rate studies which will be submitted to the Council and its advisory entities for future reference.

B.3. Inseason Management Recommendations for Openings Prior to May 1

B.3.a. Commercial and Recreational Openings off Oregon

Mr. Bohn requested the Council recommend April fishery openings off Oregon as provided in Supplemental ODFW Report B.3. below.

Beginning in 1997, chinook directed fisheries from Cape Falcon to Humbug Mountain opened during April. In 1997 and 1998 the opening date was April 15, and in 1999 the opening date was April 1. Chinook catches during these April fisheries were 4,500; 20,000; and 800 in 1997, 1998, and 1999 respectively. Recreational catch and effort during April fisheries has been extremely low with combined 1997 through 1999 landings of less than 50 fish.

The opening date of April 1 is again proposed for 2000 for both the commercial troll and recreational fisheries from Cape Falcon to Humbug Mountain. All gear and bag limits would remain the same as 1999. Additionally, the control zone at the mouth of Tillamook Bay would be subject to closure under state regulations.

Mr. Anderson asked about the stock composition of the April fishery. Mr. Bohn replied that they had examined the composition and found that it was similar to the later fishery, mostly Sacramento fall chinook and local Oregon coastal chinook. They found nothing to indicate increased occurrence of listed chinook stocks and the fishery was too early to have much contact with coho.

B.3.b. Commercial Experimental Fishery off California South of Pillar Point

Mr. Boydston stated the CDFG is not proposing to continue the April experimental fisheries due to ESA concerns both for Sacramento River winter and Central Valley spring chinook. The fishery may be considered in future years if these issues are no longer of concern.

B.3.c. Comments of the SSC, STT, SAS, and EC

No comments were made by the SSC, STT, or the EC.

SAS

Mr. Cedergreen provided the comments of the SAS.

The Salmon Advisory Subpanel troll representative and California salmon industry respectfully withdraw its request for an April test fishery in California. Given the apparent stock distribution and the Endangered Species Act status of some of the fish contacted in that fishery, it is felt it may not be appropriate at this time to continue the fishery as it was designed. We would like to thank the Council, California Department of Fish and Game, and the National Marine Fisheries Service for their support, and we hope at some point in the future we will again have an opportunity to work toward developing alternatives outside of the traditional season structures.

B.3.d. Public Comments

Mr. Tom Roff, Southern California Salmon Committee, Morro Bay, California

B.3.e. Recommend Inseason Management Changes to NMFS

Mr. Bohn moved (Motion 4) to adopt the recommended inseason management changes as shown in Supplemental ODFW Report B.3. (i.e., open commercial troll and recreational salmon fisheries on April 1 between Cape Falcon and Humbug Mountain with gear and bag limits identical to those of 1999). Motion 4, was seconded by Mr. Brown, and passed without additional discussion.

B.4. Preliminary Definition of 2000 Management Options

Dr. Coon gave a brief summary of the status of key stocks which guide ocean salmon fishery management.

He noted that in 2001 the Council would presumably be operating under Amendment 14 which adds additional criteria to protect stocks from overfishing. Under Amendment 14, the Council must alert fishery and fishery habitat managers if any stocks are not expected to meet their conservation objective and, in addition, to take special steps to protect the stock. To assist in that identification, next year's Preseason Report I will contain a table listing each conservation objective and the actual spawner escapements for the past five years. For this year, Tables I-1 and I-2 in Preseason Report I can be used to identify the status of each stock. Dr. Coon noted special concern with lower Columbia River fall chinook, OCN coho, and Washington coastal and Puget Sound coho. In particular, the Queets natural coho stock appears to trigger an overfishing concern (this should be clarified at the April meeting).

B.4.a. Endangered Species Act Requirements

Mr. Robinson stated that Amendment 12 to the salmon FMP requires the Council to manage its fisheries consistent with the consultation standards developed by NMFS regarding actions necessary to protect species listed under the ESA. He referred the Council to Supplemental NMFS Report B.4. which contains the details of NMFS guidance to the Council for the protection of ESA listed stocks in 2000 fisheries. Mr. Dan Viele, NMFS, highlighted the requirements for listed California stocks (Sacramento River winter, Central Valley spring, and California coastal chinook; and central California and southern Oregon/northern California coastal coho). Mr. Robinson highlighted the requirements for Puget Sound, Lower Columbia River, upper Columbia river spring, upper Willamette River, and Snake River fall chinook salmon. Of these listed Columbia Basin chinook stocks, only requirements for Snake River fall chinook are likely to be important to the Council's ocean fisheries for 2000. Following up on the earlier discussion under Agendum B.1., Mr. Robinson clarified that he believes the Council's fisheries in 2000, using the best scientific information (i.e., the new hook-and-release mortality rate of 14%), should not exceed last year's projected impact of 8.7% on OCN coho.

Mr. Bohn expressed concern that there is not more rigorous guidance given for southern Oregon/northern California coho stocks. This seems inconsistent with the level of constraint recommended by NMFS for OCN coho. Mr. Robinson stated that he expected the impact on southern Oregon/northern California coho would also be well below the maximum allowable level (13% as measured by Rogue/Klamath hatchery coho), as it has been in previous years.

B.4.b. Pacific Salmon Commission Actions Affecting 2000 Management

Mr. Harp read the following statement on behalf of the PSC:

Following the completion of the new long-term agreement on June 30, 1999, the Pacific Salmon Commission (PSC) has begun the task of implementing the fishery regimes and other actions described by the agreement. Meetings were held in December, January and February to address the many issues necessary to the successful implementation of the agreement provisions. The PSC has established a Northern Boundary and Transboundary Restoration and Enhancement Fund and a Southern Boundary Restoration and Enhancement Fund that has received initial investments of \$10 million to each fund from the U.S. Treasury. Northern and Southern Fund Committees of the PSC will administer these trust funds to support activities to develop an improved resource information base, rehabilitate and restore habitat, and enhance wild stock production. Other activities of primary interest focused on addressing the implementation of the chinook and coho regimes and the new habitat agreement and responding to the Washington and Oregon mass marking and selective fisheries proposals.

The abundance based chinook regime required by the agreement will be implemented beginning in 2000. The PSC Chinook Technical Committee (CTC) is working to calibrate the model that will be used to evaluate the catch targets and fisheries restrictions that are required by the agreement. CTC representatives will be working with the tribes and states during the PFMC and North of Falcon pre-season planning process to assure that our fisheries plans are consistent with the PSC agreement. The PSC will be meeting on April 26-27 to hear a report from the CTC and to evaluate the parties' fisheries regimes for 2000 as they relate to the chinook agreement.

The PSC has formed a Coho Workgroup that has been tasked with developing the abundance based coho fisheries plan that is required by the agreement. The workgroup and Coho Technical Committee

have developed a workplan that will lead to the implementation of this new plan beginning in 2001. For 2000, the tribes, WDFW and ODFW have agreed to meet with Canada on a manager-to-manager basis to provide an opportunity for each party to input to the other party's pre-season planning processes for both coho and chinook. Meetings are scheduled for March 14 and 28 for this purpose.

The PSC heard a status report from its Selective Fisheries Evaluation Committee (SFEC) concerning the mass marking and selective fisheries proposal submitted by WDFW and ODFW, and made the following statement.

"Concerns have been expressed about the mass marking of chinook by Washington and Oregon and potential selective fisheries and the impacts of those activities on the viability of the coded wire tagging program. While there was not agreement on the level of risk to that program, there are unresolved concerns about the ability of the Parties to fulfill bilateral obligations to maintain a coded wire tag program, and to implement their responsibilities under Chapter 3 of Annex 4 of the Pacific Salmon treaty. The Commission reiterated the need for Parties to maintain the integrity and reliability of the coded wire tagging program as provided in the 1985 Memorandum of Understanding."

WDFW and ODFW committed to taking the lead and bringing new analytical capabilities to address these outstanding technical issues and solve the problems identified by the SFEC such that the integrity and reliability of the CWT program can be maintained.

The PSC has established a committee to develop a process for implementing the new Habitat and Restoration agreement. The committee is developing a format for the parties to report annually on stocks that are not likely to rebuild by harvest management actions alone and the factors limiting their production.

Mr. Bohn noted that, contrary to past years, we are going into the Council process this year with a lot more certainty as to the management rules that will guide the PSC process. The new process is much more open in the sharing of information between Canada and the U.S. This situation will help us model reality into our management assumptions for Canadian fisheries.

B.4.c. California Fish and Game Commission Action

Mr. Robert Treanor, California Fish and Game Commission (Commission) Executive Secretary, spoke to the Council concerning the Commission's action with regard to the allocation of Klamath River fall chinook to the recreational fishery inside the Klamath River. He reported the Commission had proposed an allocation of 15-20% for public review. At the most recent Commission meeting, a subcommittee of the Commission recommended the Council consider 15% in its options for 2000. The Commission will adopt its final regulations on May 4.

With regard to the ocean salmon fishery, the Commission adopted regulations consistent with the CDFG and NMFS recommendations to delay the recreational openings south of Point Arena by two weeks. This was done to try to provide additional protection to winter run chinook and Central Valley spring chinook salmon.

B.4.d. Klamath Fishery Management Council (KFMC) Recommendations

Dr. Mary Ellen Mueller guided the Council through three KFMC handouts: Supplemental KFMC Report B.4.; Supplemental KFMC Attachment B.4.; and Supplemental KFMC Report B.4.(1). The reports cover several issues and recommendations.

The KFMC is concerned with the failure of the Klamath River fall chinook stock to meet its 35,000 natural spawner floor in 1999. The Klamath River Technical Advisory Team (KRTAT) has reviewed the data and updated the models to assure the best estimation procedures possible for 2000. Because the spawner floor has been treated as a target, there is a 50% chance of not meeting the floor in 2000, if all the models are unbiased. However, to achieve a 70% probability that the floor will be met or exceeded would require raising the natural escapement target to 50,000 adults. In this situation, the KFMC recommends using the 35,000

spawner floor as a minimum target again in 2000. If the floor is not met in 2000, the KFMC recognizes that it may be necessary to raise the spawner target for 2001 to assure that the stock does not trigger an overfishing review by failing to meet the floor for three consecutive years.

The KFMC discussed the subcommittee recommendation of the Commission for a 15% harvest allocation for the Klamath River sport fishery. However, the KFMC could not reach consensus on this issue. Consensus was obtained to make any unutilized portion of the Klamath River fall chinook ocean harvest allocation available for harvest in the Klamath River recreational fishery as long as the tribal/nontribal sharing allocation and spawner goal are met. The KFMC also agreed on a 17% non-Indian harvest share for the ocean sport fishery in the Klamath management zone (KMZ) managed under time/area closures, minimum size, bag, and possession limits. In addition, the KFMC is considering a conservation buffer or trigger for management of the ocean sport fishery under a two fish bag limit option. With regard to commercial fisheries, the KFMC recommended that the 1999 commercial allocation between Oregon and California be used as a base by commercial representatives on the SAS to develop the 2000 allocation.

Mr. Alverson asked how the two fish bag limit and buffer differed from the status quo. Mr. Boydston replied that a one fish bag limit has been implemented over the past several years and had rather consistently resulted in under harvesting the recreational allocation. There is fear that without a quota or some other type of management buffer, a two fish bag limit may attract a lot of fishing effort and result in the allocation being exceeded.

B.4.e. Options Recommended by the SAS (after 1 p.m.)

Mr. Cedergreen referred the Council to Supplemental SAS Report B.4. which contains the SAS recommendations for ocean salmon management options. The actual options were read or summarized by the following SAS members: Messrs. Cedergreen, Jim Olson, Don Stevens, Ron Lethin, Jim Welter, Craig Stone, and Duncan MacLean.

B.4.f. Tribal Recommendations

Messrs. Harold Charles, Jr. and Alvin Penn read the management recommendations of the Quinault, Hoh, and Quileute Tribes as provided in Supplemental Tribal Comment B.4.(1.). The tribes are concerned about the very low abundance of Washington coastal coho and offered the following treaty troll quotas for consideration in the Council's options:

Option I	12,400 coho	30,000 chinook (20,000 for May/June; 10,000 for August/September)
Option II	10,000 coho	30,000 chinook (20,000 for May/June; 10,000 for August/September)
Option III	0 coho	20,000 chinook (for a May/June chinook only fishery)

Messrs. Russ Svec, Mike Crewson, and Hap Leon from the Makah Tribe presented Supplemental Tribal Comment B.4.(2). The Makah Tribe is particularly concerned about the Queets, Skagit, and Strait of Juan de Fuca natural coho stocks and the lack of South Puget Sound hatchery coho. The tribe offers the following treaty troll quotas:

Option I	38,500 coho	30,000 chinook (20,000 for May/June; 10,000 for August/September)
Option II	20,000 coho	30,000 chinook (20,000 for May/June; 10,000 for August/September)
Option III	0 coho	30,000 chinook (20,000 for May/June; 10,000 after June 30)

Mr. Justin Gould gave comments on behalf of the four Columbia River treaty tribes as provided in Supplemental Tribal Comments B.4.(3). The Columbia River tribes were primarily concerned about the imbalance of abundance between the Spring Creek Hatchery and upper Columbia River bright fall chinook which makes harvest allocation difficult. Actions in the ocean fishery must not preclude the tribes from accessing their entitled share of chinook and coho salmon.

Mr. Harp made the following statement:

Mr. Chairman, I would like to make a brief statement regarding the status of the salmon resource in 2000 and the tribes' current thinking about a range of options for the ocean treaty troll fishery.

- *This year, the forecasts for coho on the Washington coast are mixed for both wild and hatchery stocks. Because of the low forecasts for Queets, OCN, and several Puget Sound coho stocks, it will be a challenge to develop appropriate fisheries for this year.*
- *For chinook, as I mentioned before, several important contributing stocks continue to be depressed. However we still intend to live up to the commitment that we made in 1988 to not increase our impacts on Columbia River chinook stocks of concern. Additional listed chinook stocks will require continued attention to work out fisheries that meet the ESA requirements for these stocks.*
- *The tribes still have concerns about our ability to appropriately analyze and manage selective fisheries, but we appreciate the reports that WDFW and ODFW have been providing on the monitoring and sampling of their selective fisheries. We encourage the states to continue rigorous monitoring and sampling of these fisheries and continue communication on this issue with the tribes.*
- *For this year, we want to emphasize that any selective fishery proposals advanced by the Council must be consistent with the U.S. District Court's stipulation and order regarding mass marking and selective fisheries.*
- *We are beginning the process of establishing, cooperatively with the Washington Department of Fish and Wildlife, a package of fisheries that will ensure acceptable levels of escapement for natural stocks of concern. In some cases we may not yet have agreement on specific 2000 management objectives, but the tribes intend to work cooperatively toward that end.*

The Council has heard two different perspectives on the appropriate options for the Treaty Troll fishery. Negotiations on the appropriate level for the treaty troll fishery will continue throughout the North of Falcon process. Our goal this week is to simply lay out a range of reasonable options for the ocean fisheries. What is reasonable is always at least partly a subjective process. This lack of consensus makes things more difficult. In an attempt not to pre-judge the final outcome of the tribal negotiations, I offer the following range of preliminary options for the ocean treaty troll fishery for analysis by the Salmon Technical Team with the understanding that this is only the first step towards finalizing options this week to be sent out for public review.

- Option I 38,500 coho; 30,000 chinook (20,000 for May/June; 10,000 for August/September)*
- Option II 12,400 coho; 25,000 chinook (20,000 for May/June; 5,000 for August/September)*
- Option III 0 coho; 20,000 chinook (for a May/June chinook only fishery)*

B.4.g. Public Comments

Mr. Paul Englemeyer, National Audubon Society, Yachats, Oregon
 Mr. Dave Bitts, Humboldt Bay Fishermans' Marketing Association, Eureka, California
 Mr. Doug Fricke, Washington Trollers Association, Hoquiam, Washington
 Mr. Ron Lethin, Oregon Charter Boat Operator, Hammond, Oregon
 Mr. Tom Hart, Moss Landing Commercial Fishermen's Association, Moss Landing, California
 Mr. David Goldenberg, California Salmon Council, Folsom, California
 Mr. Chuck Wise, Fishermen's Marketing Association, Bodega Bay, California

B.4.h. Recommend Options for STT Collation and Description

The Council recommended the STT collate the proposed options as presented in Supplemental SAS Report B.4. with the treaty troll quotas provided by Mr. Harp and the following additional direction: use the Point No Point Treaty Council estimate for Hood Canal coho in Option I and the WDFW estimate in Options II and III while continuing to have the technical staffs work out the differences; delete the weekly limit in the

Westport area on page 5; and the STT will develop assumptions for Canadian fisheries using currently available management information and the actual 1999 fisheries.

[On the following morning, the Council provided additional direction to the STT]

Mr. Boydston reported that preliminary model runs indicated the Klamath River fall chinook spawner floor would not be met in Options I and II due primarily to too many days of fishing in the Oregon and California commercial fisheries. He recommended the SAS troll representatives work with the STT to craft two modified troll options. Within the constraint of meeting the Klamath River fall chinook spawner floor and the Sacramento River winter chinook requirements, one option would aim for 50/50 sharing of Klamath impacts between Oregon and California troll seasons while the other would provide for the most liberal California troll season.

Mr. Don Stevens, Oregon troll representative, asked for clarification on allowable OCN coho impacts since that could be the limiting factor for fisheries under the newly described options. Mr. Robinson noted that the suggestion of no more than 8.7% (last year's preseason projection) was predicated on the fact that nothing has changed in terms of our expectations for OCN coho this year. Returns have been extremely low in the last several years and NMFS has no indication that there is any demonstrable signs of recovery. In the absence of any improvement, it does not make sense to target a higher level of impacts than we did last year. Mr. Bohn questioned this decision in view of the change in hook-and-release mortality and the inconsistency with the requirements for southern Oregon/northern California coho

The Council agreed with Mr. Boydston's recommendation and requested the STT to model the new options. Once the new options are modeled, the Council will have a handle on the resulting OCN coho impacts and will provide direction for shaping fisheries to limit them if that proves necessary.

B.5. Oregon Coastal Natural Coho Management Review - Progress Report

Mr. Sam Sharr gave an overview of Supplemental ODFW Report B.5. He reported that the review work group had its initial meeting in December 1999 and outlined several tasks for its review process. The group intends to update all of the basic data used for Amendment 13 and to explore several questions, including: the selection of parent spawner decision points (38%, 50%, and 75% of full seeding); marine survival break points; the lowest impact achievable for OCN coho without seriously jeopardizing fisheries directed at other species; and the ability to manage at the stock component level (e.g., north coast, south coast, etc.). The work group is scheduled to report its progress on the analysis to the SSC in June.

B.5.a. Comments of Advisory Entities and Public

SSC

Dr. Lawson gave the report of the SSC.

At its November 1999 meeting, the Council approved an Oregon Department of Fish and Wildlife (ODFW) proposal to form an ad-hoc work group to ensure the harvest management portion of the rebuilding plan for Oregon coastal natural (OCN) coho is based on the best available science. Mr. Sam Sharr of ODFW informed the Scientific and Statistical Committee (SSC) of the work group's progress to date.

The SSC considers the group's work plan to be systematic and well-considered. In addition to the list of questions the work group proposes to address, the SSC would also like the group to evaluate whether improvements could be made to the current method of estimating marine survival, which is a critical parameter for setting allowable OCN exploitation rates. The SSC is particularly interested in how the previous year's smolt-to-jack ratio is used to infer smolt-to-adult survival in the current year, and also, how survival data for hatchery fish is extrapolated to natural coho stocks. In terms of the composition of the work group, the SSC strongly encourages regular participation by the Independent Multidisciplinary Science Team.

Public

There were no public comments.

B.5.b. Council Direction

Mr. Bohn commended Mr. Sharr and the work group on their initial efforts. He had no additions to the tasks which the group had outlined. No other comments were made by other Council members.

B.6. Updates on Activities to Restore Natural Stocks

Mr. Harvey Reading presented Supplemental CDFG Report B.6. on salmon restoration activities in California from 1989 through 1999.

Mr Tim Roth updated the Council on USFWS activities to restore natural stocks (Supplemental USFWS Report B.6.).

B.7. Adoption of 2000 Management Options for Analysis

B.7.a. STT Report

Messrs. Doug Milward, Curt Melcher, and Allen Grover presented the STT collation of options (Supplemental STT Report B.7.) to the Council. Mr. Milward stated that the new troll options, Option I-OR and I-CA south of Cape Falcon, have been matched with Option I north of Cape Falcon. He referred the Council members to the table on page 9 which summarizes the option impacts and requested guidance for turning the four options into three. In addition, specific guidance is needed for: including a KMZ sport fishery buffer in the two fish bag limit option and whether or not to consider an option with a one fish bag limit; whether the overall OCN coho impacts in Options I-OR and I-CA are acceptable or need to be modified (they are about 10%); minor adjustments for Klamath River fall chinook impacts, and an option south of Cape Falcon with reduced coho impacts to match with the more conservative options north of Cape Falcon.

Mr. Bohn noted that commercial Options I-OR and I-CA are matched up with a nonselective troll fishery north of Cape Falcon. He asked how much of the OCN coho impact could be reduced by having a selective troll fishery. Mr. Milward referred Mr. Bohn to the printout attached to the report which indicated the non-treaty troll fishery north of Cape Falcon had an impact of 0.93 in Option I. He could not say exactly how much that would be reduced by making the fishery selective for marked coho. However, in Option II, the selective troll fishery with a quota of about 6,000 fewer coho had an impact of 0.58 on OCN coho.

B.7.b. KFMC Comments

Mr. Paul Kirk provided the comments of the KFMC (Supplemental KFMC Report B.7.). He stated the KFMC recommended that Option I in the KMZ have a season with a two fish bag limit using a 20% effort buffer that would assure achieving a 17% allocation for the ocean sport fishery. Options II and III would be seasons with the maximum number of days allowed under a one fish bag limit to achieve the 17% share.

B.7.c. Advisor and Public Comments

None.

B.7.d. Council Direction

Mr. Anderson recommended that the options for public review meet all of the criteria we are trying to achieve. He noted that Option I-OR and Option I-CA do not meet the criteria for OCN laid out by Mr. Robinson.

Mr. Robinson stated that his guidance for a maximum of 8.7% for the final adopted seasons had not changed. He would prefer to see nothing higher than that in the options. However, that does not prevent the Council from adopting an option for public review with a 10% impact. Mr. Bohn noted his point about the 8.7%, but was concerned that the impacts associated with the Rogue/Klamath hatchery indicator stock were running 38% above last year's management standard in all three options. Mr. Robinson stated he would prefer to see lower impacts on the southern coho and would confer with NMFS staff who had developed the biological

opinion on this issue.

Mr. Boydston stated that he is willing to let the OCN impacts stand as presented in the options (range of 8.3-10.1%). Mr. Bohn noted that changing the non-treaty troll fishery north of Cape Falcon in Option I to a selective fishery would bring the highest impact under 10% and may be the best we can do today. Mr. Anderson agreed that switching the north of Cape Falcon troll to a selective fishery seems like a reasonable thing to do. However, it may be necessary to have one non-selective option in the package. Mr. Bohn noted that we have not brought the tribal community into the discussion yet and wondered if the tribal coho quotas in Option I might come down some to help resolve the dilemma. Mr. Harp stated that the tribes would consult on Option I tomorrow. Mr. Boydston also noted that the KMZ sport fishery would be reduced from that currently modeled in Option I and that would also reduce OCN coho impacts somewhat.

Mr. Bohn expressed concern that last year's standards become some sort of agreed to permanent standard for impacts on OCN. Such a position could result in significant allocation inequities in future seasons when the balance of stock abundances are different.

Mr. Lone adjourned the meeting and stated the Council would reconvene to resolve the issues first thing tomorrow morning.

Continuation of B.7.d. the following morning:

Mr. Robinson reiterated his previous statements concerning the allowable impact level for OCN coho. The Council has the prerogative to send out for public review whatever options it desires as long as they are consistent with Amendment 13 (up to a 15% impact). However, the Council has the burden of justifying increased fisheries at the expense of listed stocks which show no sign of recovery. In looking over the preliminary analysis, it appears that reductions in impacts could be made in several areas, including a reduction in the sport fishery off Fort Bragg in July and increased use of selective fisheries north of Cape Falcon.

Mr. Bohn, Mr. Anderson, and Mr. Boydston collaborated on recommending the following three options for analysis by the STT. For Option I, match Option I-OR south of Cape Falcon with Option I north of Cape Falcon with the following modifications to reduce listed coho impacts: the non-treaty troll fishery north of Cape Falcon would be changed to a selective coho fishery; reduce the Fort Bragg recreational season in July to achieve the same OCN impacts as last year (0.38 or about a three week reduction); and follow the KFMC recommendation for the KMZ sport fishery (20% effort buffer and 17% allocation). For Option II, match Option I-CA south of Cape Falcon with Option II north of Cape Falcon with the following modifications: eliminate the selective recreational fishery off central Oregon to reduce coho impacts and provide a recreational season in the KMZ consistent with a one fish bag limit and a 17% allocation. For Option III, match Option I-CA south of Cape Falcon with Option III north of Cape Falcon and modify the sport seasons in the KMZ and Fort Bragg areas as was done for Option I. This should help reduce impacts on the southern listed coho stocks as indicated by the Rogue/Klamath hatchery stock.

Mr. Robinson stated that NMFS has some concerns about the commercial openings south of Humboldt south jetty in Options II and III with regard to listings of chinook in the Eel River area. Mr. Boydston requested the California trollers meet with NMFS SWR to discuss control zones or some other solution in that area.

Mr. Harp stated that the treaty troll coho quota for Option I should not be changed at this time. The tribal options range from 38,500 down to zero. The OCN impacts for Option I are very similar to 1999. He also reported that the difference in the forecasts between WDFW and the Point No Point Treaty Council for Queets coho is only 17 wild fish.

B.8. Schedule of Public Hearings and Appointment of Hearings Officers

The Council approved the proposed public hearings as provided in Attachment B.8.a. and appointed hearings officers as follows: Mr. Lone in Westport; Mr. Bohn in Tillamook; Mr. Radtke in North Bend; Mr. Caito in Eureka; and Mr. Thomas in Santa Rosa. Mr. Boydston said CDFG would also hold a hearing at the Moss Landing community center. Both he and Mr. Thomas would attend.

B.9. Adoption of 2000 Management Options for Public Review

B.9.a. STT Analysis

Dr. Coon referred the Council to the STT analysis of preliminary salmon management options (Supplemental STT Report B.9.). He noted that with regard to management details, this report was the same as the report the Council had received the previous evening (Supplemental STT Report B.7.(1)). However, the current report has additional impact tables and some corrections or clarifications for previously supplied data.

Messrs. Milward, Melcher, and Grover briefly summarized the troll and recreational options as provided in Supplemental STT Report B.9. Mr. Milward reported that the harvest rates for Queets wild coho ranged from 2.8% of the North of Cape Falcon run size in Option I down to 1.4% in Option III. The impact rate for OCN coho ranged from 8.9% down to 7.3% and for RK hatchery coho from 6.8% down to 5.2%.

Mr. Boydston noted that Table 3 indicates Klamath River fall chinook spawners slightly in excess of the 35,000 natural spawner floor. He reminded the Council that the KFMC is recommending that any fish in excess of the escapement floor be made available to the inriver sport fishery. He alerted the STT to assess what that might mean with regard to the tribal harvest allocation and to document the result in Preseason Report II.

Mr. Fletcher reported that he would like to add language to an option that would allow inseason action at the November Council meeting to consider opening the recreational fishery south of Point Lopez on March 17, 2001 (rather than March 31), taking winter chinook impacts into account. Mr. Thomas also supported such a provision.

Mr. Roth noted that on page 9, under Table 3, no information is available on Snake River fall chinook impacts. Mr. Milward said it is not available because it takes both the PSC and chinook FRAM models to get that figure and we do not have a running PSC model. We should have the model soon and the numbers will be available for Preseason Report II and the North of Cape Falcon Forum. Impacts on Snake River fall chinook should not pose a problem this year with the expected low level of Canadian fisheries and our constraints for coho and chinook north of Cape Falcon.

Mr. Boydston requested that last year's impact rate on OCN coho of 8.7% be included as a footnote in Table 3 when it is published in Preseason Report II.

Mr. Anderson requested that Preseason Report II bring attention to the fact that the all-salmon seasons for non-treaty troll fisheries north of Cape Falcon are all selective for marked coho and request public comment on that fact.

Mr. Brown recommended that we also solicit public comment on the two fish bag limit in the KMZ sport fishery.

B.9.b. Comments of the Tribes

Mr. Mike Orcutt, Hoopa Valley Tribes, reminded the Council of the importance of habitat restoration and the tribes past efforts to restore Klamath Basin habitat, especially Trinity River flows and CVPIA legislation. His concerns with the options included targeting the floor escapement for Klamath River fall chinook when the age-3 predictor of river run size has always been inaccurate and the proposed two fish bag limit in the KMZ sport fishery rather than using quotas. The Council must manage conservatively and any option that has a two fish bag limit must have the 20% effort buffer. In addition, we need to have a clear definition of what the surpluses are prior to the adoption of the seasons in April. He thanked the council for their support of the Trinity River flows.

Mr. Terry Courtney Jr. gave the following testimony on behalf of the Columbia River Treaty Tribes.

Good afternoon Mr. Chairman and members of the Council. My name is Terry Courtney, Jr. I am a member of the Fish and Wildlife Committee of the Confederated Tribes of the Warm Springs Reservation of Oregon. I am here today to present comments on behalf of the four Columbia River treaty tribes; The Yakama, Warm Springs, Umatilla and Nez Perce tribes.

The Columbia River tribes have had time to make a quick review of the analysis of the options by the Salmon Technical Team. The options that the council adopt today for public review need to reflect the status of the stocks. Columbia River tule hatchery fall chinook, one of the main contributors to PFMC fisheries, are expected to be at low levels again. The low return of Spring Creek Hatchery fish will likely cause management problems this fall for Columbia River fisheries. The tribes need to have the flexibility to achieve the harvestable share entitled under case law.

The impact level on Snake River fall chinook is important to the tribes because it is one of the controlling stocks for Columbia River management and it is on the Endangered Species list. The forecast for the return of Snake River wild fall chinook is not yet available, but should be available by the April meeting. The Snake River wild fall chinook index is also not yet available. The options considered by the Council must be consistent with ESA guidelines for Snake River wild fall chinook. If any of the options fail to meet the Snake River fall chinook guidelines, then the council cannot consider that option for final adoption in April.

The tribes expect the states to manage coho fisheries to pass 50% of the upriver Columbia River coho to Bonneville Dam in accordance with management agreements. The mortalities of Upper Columbia River coho in ocean fisheries must be balanced with the mortalities in inside fisheries in order to meet this obligation. It is difficult to assess the effect of the ocean options without a better understanding of the full package of ocean and inside fisheries, including the effect of selective fisheries on natural stock returns. We will be working with the state and federal agencies to clarify the situation between now and the Council's meeting in April.

Conservation principles must be applied to every part of the life cycle, not just in harvest. Even though the council has little control over activities other than fisheries, a number of the voting members represent agencies which do have the ability to make improvements in other areas. The Columbia River tribes are willing to work with whoever it takes to make improvements in the salmon runs on which we depend for our cultural existence, because the status quo is not acceptable. To restore salmon stocks, we must make improvements in habitat conservation and restoration and in water use. The tribes believe the responsible use of hatcheries as supplementation tools is essential to rebuilding wild salmon stocks. Funding must be made available to implement innovative supplementation programs. In the Columbia River, we must find a way to safely pass fish through the hydropower system. Today is the anniversary of the flooding of the treaty fishery at the Celilo Falls by the Dalles Dam, a tremendous loss for the Columbia River tribes. The tribes believe that the science is clear that the most likely way to restore Snake River salmon stocks is to breach the Lower Snake River dams. Others such as Governor Kitzhaber and the U.S. Fish and Wildlife Service also support breaching. Without actions in other areas to restore salmon stocks, restrictive fishery management will become the status quo and that is not acceptable.

It appears that the options being considered by the Council provide an adequate range to send out for public review. However, we must be able to look at the results for the Snake River wild fall chinook harvest index and at the impacts on all stocks for the full package of fisheries before endorsing any option for final adoption.

This concludes my statement. Thank you.

Mr. Harp gave the comments on behalf of the Western Washington tribes.

Mr. Chairman:

First, I would like to thank the STT for the work they have done to analyze, collate, and compile the range of options before us. The format is an improvement.

The tribes believe that we have proposed a range of options for 2000 ocean fisheries that adequately capture a range of possibilities for fisheries this year given the low abundance of several of our important coho and chinook stocks. These options also attempt to provide a realistic range of alternatives given the current ESA concerns.

An issue that we seem to have overlooked earlier in the week is to inform the Council that the Makah Tribe has again submitted a proposal to the Pacific Salmon Commission continue an encounter rate study associated with their troll fishery. Their proposal is basically a repetition of the chinook encounter rate study that they did with their 1998 and 1999 troll fishery. The Makah biologists and the STT will ensure that the appropriate impacts associated with their study are modeled in this year's planning process. These impacts are quite modest compared to the overall fishery impacts. Again, the Makah's are planning on counting any salmon retained during the periods when the troll fishery is open towards the treaty troll quota.

We would like to remind the Council that management objectives for many stocks have yet to be agreed with between the tribes and WDFW. The tribes and state will be meeting over the next few weeks to both work out management objectives as well as shape fisheries to meet these objectives.

For chinook, as I mentioned before, several important contributing stocks continue to be depressed. However we still intend to live up to the commitment that we made in 1988 to not increase our impacts over the base period on the Columbia River chinook stocks of concern.

The tribes still have concerns about our ability to appropriately analyze selective fishery options. For this year, we want to emphasize that any selective fishery proposals advanced by the Council must be consistent with the U.S. District Court's stipulation and order regarding mass marking and selective fisheries. We hope that WDFW will be presenting a detailed monitoring and sampling plan to the tribes during the North of Cape Falcon Meetings.

We are beginning the process of establishing, cooperatively with the Washington Department of Fish and Wildlife, a package of fisheries that will ensure acceptable levels of escapement for natural stocks of concern. In many cases, it will be difficult to meet minimum tribal and non-tribal fishery needs this year, but the tribes intend to work cooperatively with WDFW toward that end.

B.9.c. Comments of the SAS, EC, and Public

EC

Sgt. Dave Cleary reported that they had no concerns to report to the Council.

Public

Mr. Duncan MacLean, troller, El Granada, California (suggested including a quota fishery in the Crescent city/eureka area in September)

Mr. Dave Bitts, Eureka, California (spoke to process and that there are some promising signs for the future, including recovering trends in the Central Valley, increasing flows in the Trinity River and interest in removing the dams along the Snake River)

Mr. David Goldenberg, California Salmon Council, (spoke about keeping the season more open, talked about economics coming into play)

Dr. Gary Manners, commercial salmon fisherman, (spoke against inclusion of a requirement for circle hooks in the commercial fishery when mooching).

In response to Dr. Manners, Mr. Boydston expressed the importance of reducing hook-and-release mortality wherever possible.

B.9.d. ACTION - Adopt Management Options

Using Supplemental STT Report B.9., the Council adopted options for public review as described below.

In clarification, Mr. Robinson reported that the options appear to contain a reasonable range of impacts on OCN coho for public review. He noted that there appears to be enough flexibility to do some further balancing to provide at least most of the desired objectives and not exceed last year's targeted amount of 8.7%.

Mr. Boydston noted that the analysis of the options shows some excess above the 31% rebuilding requirement for Sacramento River winter chinook . On that basis, he would propose including language in one option that allows consideration of opening the recreational fishery south of Point Lopez on March 17, 2001, as requested by Mr. Fletcher.

Mr. Boydston moved (Motion 16) adoption of commercial options south of House Rock and recreational options south of Humbug Mountain as presented on pages 2-4 and 7-8, respectively, with the following modifications. For the commercial fishery: in the September fishery north of Eureka south jetty in Option III, reduce the quota to 6,000 chinook and make the northern boundary the Oregon-California border; the circle hook restriction in B.3. on page 4 applies only in Options II and III. For the recreational seasons: under Option III, add a November inseason consideration by the Council for opening the season south of Point Lopez on March 17, 2001, subject to limits for impacts on Sacramento River winter and Central Valley spring chinook. Motion 16, seconded by Mr. Fletcher, passed. Since the options all provided a small overage to the natural spawner escapement floor for Klamath River fall chinook, Mr. Boydston asked the STT to provide an explanation, in Preseason Report II, of the effect this small decrease in ocean harvest would have on the tribal fishery allocation.

Mr. Bohn moved (Motion 17) adoption of commercial options from Cape Falcon to Mack Arch and recreational options from Cape Falcon to Humbug Mountain as presented on pages 2 and 6, respectively. Motion 17, seconded by Ralph Brown, passed.

Mr. Anderson moved (Motion 18) adoption of commercial options north of Cape Falcon as presented on page 1 and recreational options north of Cape Falcon as presented on pages 5 and 6, respectively, with the following modifications. Under inseason management (B.10. on page 4 for commercial fisheries and B.7. on page 8 for recreational fisheries), delete the provision allowing transfer of 5,000 or fewer fish between subarea quotas on a fish-for-fish basis. Motion 18, seconded by Jim Harp, passed. Mr. Anderson noted that these fisheries will require agreement among the relevant treaty tribes and WDFW on annual spawner targets below long-term spawner objectives in order to proceed.

Mr. Harp moved (Motion 19) adoption of the treaty commercial troll quotas as provided under "projections and assumptions" on page 1. Motion 19, seconded by Phil Anderson, passed.

C. HABITAT ISSUES

C.1. Report of the Habitat Steering Group

Ms. Michele Robinson gave the report of the HSG.

The Habitat Steering Group (HSG) received a brief update on the status of the Ad-Hoc Marine Reserve Committee's (MRC) marine reserve analysis. The analysis will be ready for the April Council meeting for discussion and possible recommendations to the Council. The HSG will review the analysis and the MRC's recommendations and provide comments to the Council at the June meeting.

The HSG also received an update from Ms. Cyreis Schmitt, NMFS Northwest Regional Science Center, on efforts related to fishing gear impacts. NMFS has submitted a Sea Grant proposal to work with the Washington and Oregon departments of fish and wildlife to develop a Geographic Information System (GIS) database for marine habitat. Included in this initiative is an outreach component to share data with--and solicit information from--industry, members of the public, and scientists. In addition, staff and funding for other research projects has been identified. Ms. Schmitt plans to present a draft process for classifying habitat areas of particular concern (HAPCs) at the April HSG meeting.

The Work Group on Gear Impacts, which is made up of HSG and Groundfish Advisory Subpanel members, is scheduled to meet at the April Council meeting. The HSG discussed potential agenda items for the joint meeting, including classification of habitat types (e.g., cobble, sand, rock), clarification on trawl logbook information, and a discussion relative to which gear types are used in different areas. Given the HSG's rather lengthy agenda for its April 3rd meeting, the HSG would like

to request the Work Group meet the morning of April 4th.

The HSG received a presentation from Mr. Jim White, California Department of Fish and Game, regarding the CALFED Bay Delta Program and its ecosystem restoration program. The ecosystem restoration program focuses on restoring and preserving habitat and reducing stressors in the environment through the use of screened diversions, improved fish passage, and water quality. A final environmental impact statement (EIS)/environmental impact review is expected to be completed this summer. The HSG plans to draft a letter to the CALFED Policy Group which stresses the value of habitat restoration for anadromous and endemic species. This letter will be brought to the Council for approval in April.

The HSG also received updates on the Lake Mendocino Project, Potter Valley Project, the San Francisco airport dredging proposal, and the Upper Klamath EIS. It was decided the HSG would draft letters on the San Francisco airport dredging proposal and the Upper Klamath EIS and present them to the Council for approval in April.

The HSG has requested an update on the status of Salmon Plan Amendment 14 (essential fish habitat [EFH]) and the interim final rule for EFH from NMFS at its April meeting as background for potential future action.

On a final note, the HSG would like to express its appreciation to the Council relative to the resolution on Snake River dam removal. That resolution raised the awareness of the importance of habitat restoration and, as a result, Governor Kitzhaber is supporting removal of the Snake River dams.

Action Items: None.

C.2. Comments of Advisory Entities and Public

SAS

Mr. Mark Cedergreen gave the report of the SAS.

The Salmon Advisory Subpanel (SAS) welcomes this opportunity to support the direction put forward by the Habitat Steering Group (HSG). It is critical the Council continue to track and attempt to influence the various habitat issues that will be brought forward in the near future, such as: Klamath Water Operation Draft Environmental Impact Statement (DEIS), and the Inter-Columbia Basin Ecosystem Management Plan DEIS.

We would also like to clarify the issue of SAS representation on the HSG. We endorse full designated status of a SAS member on the HSG. Mr. Paul Engelmeyer is willing to continue his participation as SAS representative to the HSG.

We appreciate the Council's leadership concerning the Snake River Resolution as well as the other habitat-related issues you have attempted to influence. We will continue to bring issues to you through the HSG process.

Public

Mr. Frank Trinkle, Sea Shepherd Conservation Society, Friday Harbor, Washington

C.3. ACTION - Recommendations for Habitat Actions

Dr. Radtke asked about the Sea Grant proposal. Mr. Brown then clarified that the Sea Grant will be compiling that information into a format that the Council could use. He clarified this is a collaboration project between the National Sea Grant and Oregon Sea Grant and that he is on the advisory committee.

Mr. Alverson asked if there were action items from the HSG. Ms. Robinson noted that there were none, but right now the HSG is following these projects: CalifED Bay Delta Program restoration project, the Upper Klamath EIS, and the San Francisco airport dredging proposal.

Mr. Caito asked about the status of the Cape Mendocino project, is there enough information? Has any action been taken?

Ms. Robinson replied yes there has been a letter submitted to the FERC on the Potter Valley project, and there are ongoing meetings on Lake Mendocino project.

Mr. Anderson asked about the SAS position on the HSG. Dr. McIsaac said staff would take the suggestion under advisement, and come back in April for that decision to be made in April.

D. COASTAL PELAGIC SPECIES MANAGEMENT

Mr. Dan Waldeck summarized for the Council the CPS agenda items and described the information in the briefing book.

D.1. Update on Limited Entry Program

Mr. Jim Morgan (NMFS) discussed Attachment D.1.b (NMFS Report on Implementation of the CPS FMP), noting that final regulations implementing the CPS limited entry program were published in the *Federal Register (FR)* on December 15, 1999; harvest guidelines for Pacific mackerel and Pacific sardine were published in the *FR* on January 25, 2000. Next, Mr. Morgan outlined the status of the limited entry program – (as of March 6, 2000) 59 limited entry permits had been issued; 88 applications had been received; 22 permits denied; 6 transfers; 1 permit for lost vessel needed to be reassigned. There have been 5 appeals to the denial of a permit application, three resulted from an error in a query of the PacFIN database, those 3 were issued permits. The other 2 appeals were based on hardship, those were denied because there are no hardship provisions in the FMP. NMFS has received approximately a dozen complaints from individuals denied permits, many claiming hardship because they are coastal pelagic fishermen and have fished before or after the window period, and/or have invested significantly in the fishery. NMFS reported the average age of permitted vessel is 32 years, and the average net tonnage of permitted vessel is 48 mt. NMFS noted that, as specified in the regulations, no permit applications will be accepted after July 1, 2000.

Mr. Morgan also noted that there is a regularly updated list of permits on the NMFS, Southwest Region website. He also reminded the Council and the public that limited entry permits are only transferable until December 31, 2000. In addition, NMFS issued a news release to remind potential applicants for limited entry permits that the deadline to apply is July 1, 2000.

D.1.a. Comments of Coastal Pelagic Species Advisory Subpanel (CPSAS) and Public

CPSAS

Mr. John Royal and Ms. Heather Munro gave the report of the CPSAS.

After hearing an update from the National Marine Fisheries Service and a lengthy discussion regarding the limited entry program currently in place as a result of Amendment 8, the Coastal Pelagic Species Advisory Subpanel (CPSAS) has two recommendations for the Council:

- 1. A majority of the CPSAS urges the Council to amend the provisions of the limited entry plan to allow for the free transferability of permits.*
- 2. The CPSAS urges the Council to consider amending the appeals process to include hardship provisions.*

Public

Ms. Holly Tibbles, F/V Chikamin, Ojai, California
Mr. Dale Christensen, sardine fisherman, Edmonds, Washington
Mr. Pierre Mercurio, Saint Pierre, Inc., Seaside, California
Mr. Sam Mercurio, sardine fisherman, Seaside, California
Mr. Harry D. "Butch" Hofland, F/V Theresa Marie, Bodega Bay, California
Mr. William Hargrave, fisherman, California
Mr. Rob Zuanich, Purse Seine Vessel Owners Association, Seattle, Washington

D.1.b. Council Discussion

Mr. Brown asked for some clarification about hardship provisions. Did the CPSAS discuss specific hardship provisions, do you have recommendations for the Council about what constitutes hardship? Mr. Royal said it would be very difficult to determine what constitutes hardship because of there are numerous issues.

Ms. Munro said that during development of Amendment 8 they had looked at the hardship provisions found in Amendment 7. The CPS recommended these provisions be added to Amendment 8, the Council chose not to follow the CPSAS recommendation. Would like to see appeals process revisited, CPSAS would be willing to examine hardship and provide recommendation to the Council.

Mr. Fletcher asked for clarification from Mr. Fougner about the current transferability provisions in the FMP. He also noted that, in regard to hardship, because there are no provisions in the FMP, it would require a plan amendment to add them.

Mr. Fougner stated that in the first year permits are fully transferable (until December 31, 2000). Mr. Fougner asked if it was the intent of the CPSAS that permits be freely transferable in perpetuity? As to hardship provisions, yes it would require an amendment because it is changing the eligibility criteria.

Ms. Munro said we were thinking about transferability from this day forward, with no restrictions. As to plan amendment for hardship, the CPSMT is already preparing a plan amendment, perhaps this could be added.

Mr. Alverson asked Ms. Munro about the transferability issue, is the intent for transferability without restrictions; and how does vessel size figure in? Ms. Munro said we did not want to have a size restriction on that. Mr. Alverson noted that without size restrictions, permits might be transferred to larger boats, increasing capacity. The CPSAS noted that many vessels in the CPS limited entry fleet are old vessels that for various reasons will need to be replaced over time.

Mr. Brown, on page 69897 of the *FR*, on transferability. After December 31, 2000 a permit holder can transfer his or her permit from a scrapped/sunk vessel to another vessel, but the permit cannot be transferred to a different owner. He asked for clarification about if the CPSAS's concern was for transferability to a different owner. The CPSAS answered yes.

Mr. Boydston wanted to briefly review how the Council developed the CPS FMP. Mr. Boydston reviewed the development of the qualifying criteria, and the way that the Council resolved the differing recommendations provided by the CPSAS and CPSMT. We agreed in the final session to blend the recommendations from the two groups. The CPSMT recommended we adopt a provision that would include those vessels that accounted for 95% of CPS finfish landings during the qualifying period. The CPSAS recommended 99%, which made for a big difference in the number of boats. The CPSMT stated that 95% had enough capacity to harvest the annual quota. The CPSAS recommended 99%, which represented about 79 boats. The Council adopted the CPSAS recommendation of 99%, but also restricted the transferability of permits as a means of reducing the fleet size through attrition. Mr. Boydston stated that the Council should recognize that they have already discussed the issues put forward by the CPSAS. As for appeals, the qualification criteria in this case are very simple. Therefore, the Council did not include hardship provisions. If the Council reopens the issues of transferability and hardship, Mr. Boydston pointed out that there were over 500 vessels that landed CPS finfish in recent years, it would open it up to more vessels participating. Mr. Boydston recommended the CPSAS should discuss these issues with the CPSMT to see if the CPSMT has changed their opinion about fleet size.

Mr. Royal added that this one year to transfer will come to a close and he did not know if an extension was

a possibility or not. He does not like the idea of having the Council extend the transfer period at a later date as individuals are currently paying for permits at a premium price (\$100,000.00), this high price is, in part, due to the transferability restrictions. If the Council, in the future, changes the transferability provisions, it is likely that many of the current buyers will have paid too much. Regarding the number of vessels involved, the CPSAS "got boxed in and blind-sided on those figures," as these figures were not reviewed by the SSC in terms of period of transferability.

D.2. Pacific Sardine

D.2.a. Biomass Estimate and Harvest Guideline

Dr. Hanan and Dr. Kevin Hill presented the Pacific sardine assessment and recommended harvest guideline. Scientists from California Department of Fish and Game presented the latest stock assessment for Pacific Sardine and the recommended harvest guideline (HG) for the 2000 Pacific sardine fishery to the Council. Pacific sardine biomass is estimated to be 1,581,346 mt. The CPSMT recommended the harvest guideline be set at 186,791 mt. The CPS fishery management plan allocates the HG between Subarea A (north of 35 40' N. latitude to the Canadian border) and Subarea B (south of 35 40' N. latitude to the Mexican border). For the 2000 fishery, the northern allocation would be 62,264 mt; the southern allocation would be 124,527 mt. Per the fishery management plan, any unused portion of the HG in either area will be reallocated between areas to help ensure that optimum yield will be achieved. The sardine harvest guideline would be in effect until December 31, 2000, or until it is reached and the fishery closed.

Mr. Fletcher inquired about incorporating fishery data from the North into the assessment model. Dr. Hill answered that when it becomes available this information will be used, but, currently, do not have fishery-independent data to confirm/verify fishery data.

Mr. Fletcher asked if data from Mexico is used in the models. Dr. Hill responded that the sparse information available is used, but that improved access to this information is needed.

Mr. Anderson asked about the distribution of sardine in the northern areas. Dr. Hill responded that there is approximately 130,000 tons of sardine in the Vancouver area, and approximately 50,000 tons off of Oregon; but, because we lack the basic data, cannot say with a great deal of accuracy what the distribution and proportion of the biomass is in the northern area. Mr. Anderson asked about bycatch data from Canadian fisheries. Dr. Hill responded that there is no indication that bycatch is significant.

Mr. Bohn asked about the possibility of a climate regime shift and the effect on sardine distribution. Dr. Hill answered that as water gets colder, sardine availability in the north will decrease. The biomass will not decrease, rather stock distribution changes in accordance with climate shifts.

D.2.b. Comments of Advisory Entities and Public

CPSAS

Mr. Royal and Ms. Munro presented the comments of the CPSAS.

The Coastal Pelagic Species Advisory Subpanel supports the Coastal Pelagic Species Management Team's recommendation for the Pacific sardine biomass estimate and harvest guideline for 2000.

SSC

Dr. Lawson gave the comments of the SSC.

Dr. Doyle Hanan briefed the Scientific and Statistical Committee (SSC) on results from the recent Pacific sardine assessment and the harvest guideline recommended by the Coastal Pelagic Species Management Team (CPSMT) for the 2000 season. Dr. Kevin Hill, lead assessment author, was available to answer questions on the assessment.

The full sardine assessment report is currently being drafted and will be incorporated into the annual Coastal Pelagic Species Stock Assessment and Fishery Evaluation document to be prepared for the June 2000 Council meeting. Future sardine assessments will be completed for review by the CPSMT and SSC in mid-October for discussion at the November Council meeting.

The SSC discussed procedural aspects of stock assessment reviews for Pacific sardine and Pacific mackerel. At this stage, it is uncertain how the annual stock assessments should be reviewed, whether by the SSC or by some independent process. The CPSMT should establish a standard process for future years.

The biomass estimate from the CANSAR-TAM stock assessment model uses the best available data from the California fishery and annual NMFS and CalCOFI surveys. The surveys are from a limited area, while biomass needs to be established on coastwide basis. A significant sardine fishery is based in Ensenada, Baja California which rivals the annual California landings. Efforts should be made to exchange data and coordinate management among Mexico, the U.S., and Canada to avoid future overharvest of this transboundary stock.

SAS

Mr. Cedergreen gave the comments of the SAS.

The Salmon Advisory Subpanel (SAS) is concerned about the potential for bycatch in the northern sardine experimental fishery; both for adult and juvenile salmon, and for other species such as rockfish.

We are not opposed to this experimental fishery, and we recognize that catches in the year 2000 will be relatively small compared to what the allowable biological catch could be.

We are concerned that as we move forward that we have sufficient facts and bycatch information available to make wise management decisions. In order to secure that information we need both at-sea and dockside monitoring. At-sea monitoring requires on board observers.

We are living in an era of precautionary management. Numerous salmon stocks are at critically low abundance levels. Juvenile salmon and sardines are similar size and may feed on the same things; and, as a result, they may also intermingle. We are not dealing with tens of thousands of salmon, but with thousands, hundreds, and tens of salmon.

The SAS urges you to ultimately adopt a policy that includes observers, both in Washington and Oregon in order to generate the best possible science for future decision making.

Public

Mr. Mark Cedergreen, Westport/Ilwaco Charter Boat Associations, Westport, Washington
Mr. Jim Olson, Washington Trollers Association, Auburn, Washington
Mr. Paul Englemeyer, National Audubon Society, Yachats, Oregon
Mr. Butch Smith, Ilwaco Charter Boat, Ilwaco, Washington
Mr. Frank Trinkle, Sea Shepherd Conservation Society, Friday Harbor, Washington
Mr. Chris Mohr, recreational fishermen, Sekiu, Washington
Mr. Gordon Bentler, recreational fishermen, Neah Bay, Washington

D.2.c. ACTION - Confirm or Adjust 2000 Harvest Guideline

In 1999, the Council adopted an interim schedule for setting the 2000 Pacific sardine HG. Under the interim schedule, NMFS announced the sardine HG in January 2000. At the March meeting, the Council reviewed the sardine stock assessment and confirmed the HG published by NMFS on January 25, 2000.

Ms. Patty Wolf moved that the Council confirm the harvest guideline for Pacific sardine for the year 2000 at

186,791 mt based on the biomass estimate of 1,581,346 mt., which results in a northern allocation of 62,264 mt and the southern allocation of 124,527 mt. (Motion 5). Mr. Fletcher seconded the motion. Motion passed.

Ms. Wolf also asked the CPSMT to proceed with establishing a standard process for stock assessment review (as recommended by the SSC); and consider in-depth review of the assessment methodology, such as establishing a STAR panel for sardine and mackerel.

Mr. Alverson heard several people make comment to the Oregon/Washington test fishery, and asked for clarification of "test fisheries."

Mr. Anderson explained the process of the Washington developmental fishery for sardines. Currently under Washington state law possession or harvest of pilchard (sardine) is unlawful, except for the bait fishery. There is an anchovy fishery taking place in Willapa Bay and Grays Harbor (principal catch has been sardines, not anchovy, but last year it reverted back to anchovy). There have been a number of fishermen and processors interested in pursuing a sardine fishery and landing them in Washington ports. As a result, we have within the regulations that prohibit the possession or harvest of pilchard for commercial purposes an exception i.e., a permit issued by the Director of WDFW. Two types of permits, trial and experimental commercial fishery permits. Current law, prohibits issuing experimental permits for fisheries governed by the Secretary of Commerce. No limit on the number trial fishery permit issued. Therefore, WDFW assembled a set of management measures, including an observer requirement, a total landing of 700 tons, certain area closures inside three miles (to address bycatch of nearshore rockfish and, outmigrants of salmonids), the timeframe were looking at is May 1 thru September. The other limitation is no more than six landings per vessel. This limitation could be relaxed if not enough participants. WDFW views this as an experimental fishery which could help compile bycatch and other fishery information. Since the Oregon test fishery permits do not require observers, vessels holding Oregon permits could circumvent Washington requirements, i.e., catch their fish in Washington and land in Oregon without being held to the stipulation of having observers on board.

Mr. Bohn stated that Oregon has a number of species covered under developmental fishery regulations, there is a cap on sardine experimental permits of 15 permits. This year we had the first significant landings in 50 years. There were 3 vessels with directed landings slightly over 775.7 mt. Under the Oregon permit system, there are rules for logbooks and the "opportunity" for observers. ODFW have found extremely clean catches, did find one salmon. Of the 15 permits, 10 were reissued for 2000, and the remaining five were issued in a lottery in February, 2000. None of the rules have changed since last year, but they are taking Mr. Anderson's concerns into consideration.

D.3. Status of Plan Amendment (Squid Maximum Sustainable Yield and Bycatch)

D.3.a. Report of the CPSMT

Dr. Hanan presented the first section of the CPSMT report – recommendations for determining and designating MSY for market squid; defining ABC for market squid; and establishing methods to assess bycatch in CPS fisheries. Noting especially the discomfort the CPSMT has with setting an MSY proxy for market squid – based on the lack of life history data, short life span, and because the concept of MSY is not well suited to short-lived animals.

Mr. Bohn asked about the five options and asked if the CPSMT was unanimous on this. Dr. Hanan said the team was not comfortable with setting any number, and does not feel that establishing an MSY proxy makes sense; there was some discussion about presenting options that might be more conservative, those are in the report.

Mr. Fletcher noted that there may be some examples of how you can manage a fishery without a harvest guideline. Dr. Hanan stated that there has been some discussion of fisheries where MSY has not been established and that there may be some latitude in the National Standards allowing species to be in an FMP without an MSY.

Mr. Fougner noted that there is an HMS FMP that operates without an MSY; he noted the in the Atlantic HMS FMP there is a category of deepwater sharks where MSY is not specified. This may be something that we could talk to colleagues in Washington, DC to get guidance on the issue. He recommended that the CPSMT

include an option for no MSY and the scientific reasons as to why no MSY.

Ms. Cooney said people are referring to national standard 3 guidance (read through the standard about "management units" – focus is on associated species where scientific information is gathered, but not the species managed or regulated). Ms. Cooney was not sure how squid is dealt with; if squid is just data gathering, this theory could work, but if squid is managed then MSY would have to be specified. As far as the HMS FMP, that is the only one that NMFS is aware of.

Mr. Fletcher, asked that if a species is part of the CPS FMP, but not actively managed, does it not fall within the definition you just laid out? He noted that squid is just being used for data gathering. Ms. Cooney said we can discuss it with folks in Washington, DC.

Mr. Fougner asked Dr. Hanan if the CPSMT report was written without consultation with the SSC, so the concept of area-based MSY has not been fully analyzed. Dr. Hanan said yes, this was discussed at the SSC, but not with the CPSMT. Its an idea that has to do with how you could designate MSY for squid; perhaps the area fished may be used to designate MSY (the landings from the area; modify that MSY designation by the area not fished). He noted it is another way of looking at possible of MSY.

Dr. Hanan presented the second section of the CPSMT report – recommendations for determining ABC for market squid, noting that the ABC definition for monitored species in the FMP may not be applicable to market squid. Thus, the CPSMT developed some recommendations for alternative ABC definitions.

Mr. Fougner asked for clarification. Dr. Hanan noted most of these ABC designations, if you choose them they would reflect what MSY might be for squid.

Dr. Hanan continued with section three of CPSMT report – bycatch provisions for CPS fisheries. Dr. Hanan noted that bycatch in CPS fisheries does not necessarily jibe with the legal definition of bycatch, i.e., it is more or less incidental catch. Fish that are caught incidentally are taken home by the crew, processed at the dock or otherwise utilized. It is not discarded fish. He also described the techniques used in CPS purse seine fisheries that inherently reduce bycatch and dockside sampling efforts to record catch and incidental catch.

Mr. Bohn asked Dr. Hanan about the grates (option 5) - are they routinely used now, would they be an extra cost? Dr. Hanan said it is not being done at this time, and did not believe it would be too costly. Also asked about Appendix A, is it numbers of fish or pounds or occurrence? Dr. Hanan noted that they are occurrence.

D.3.b. Comments of SSC, CPSAS and Public

SSC

Dr. Lawson gave the report of the SSC.

The Scientific and Statistical Committee (SSC) reviewed Attachment D.3.b. "Recommendations of the Coastal Pelagic Species Management Team (CPSMT) on market squid maximum sustainable yield (MSY), market squid acceptable biological catches (ABC), and bycatch provisions for the coastal pelagic species (CPS) fishery management plan (FMP)." This document was prepared in response to NMFS' disapproval of two provisions of Amendment 8 to the Northern Anchovy Fishery Management Plan pertaining to optimum yield (OY) specification for squid and bycatch evaluation for all species in the plan.

The document outlines options to address three distinct areas:

- 1. Squid MSY*
- 2. Squid ABC*
- 3. Bycatch in CPS fisheries.*

1. Determination and Designation of Market Squid MSY

The CPSMT report indicates the data are inadequate to estimate MSY, requiring the specification of a proxy for MSY based on landings data. Five options are given.

The SSC observes that setting an MSY for market squid is impractical for a number of reasons. Fishery and biological data are scarce. International markets are important and variable influences on fishing effort, meaning that landings data are not a reliable indicator of stock abundance. The short life of the species combined with its vulnerability to oceanographic variation limits the usefulness of a sustainable yield concept.

However, the Sustainable Fisheries Act requires that OY be set on the basis of an MSY or MSY proxy. The guidance provided by Restreppo et al. in cases of data-poor situations is to calculate an MSY proxy on the basis of average landings during a period in which there is no evidence of declining abundance. This would suggest the adoption of Option 4, which specifies an MSY proxy of 75, 570 mt. The MSY proxy could be larger if there are unfished spawning areas that serve as refugia. The SSC recommends the relative magnitude of these areas be identified, and the MSY figure be expanded accordingly. However, the recommendation to expand MSY is contingent on the identified refugia remaining unfished. It is also important to recognize MSY will need to vary with environmental conditions, and more data will be needed to refine and update the estimate.

2. ABC Definition for Market Squid

As a temporary measure until more squid research is conducted, the SSC supports the CPSMT's recommendation to set ABC equal to MSY. The basis for this recommendation is the presumption that refugia spawning areas exist, and the recognition that further protection is provided by management controls in the fishery.

3. Bycatch Provisions for all CPS

The Sustainable Fisheries Act requires that bycatch be documented and minimized to the extent practicable. The SSC notes the need to document the extent of bycatch in CPS fisheries. For the six options identified by the CPSMT, the SSC supports both Options 3 and 6.

With regard to Option 3, the SSC notes that, because of the way the fishery operates, there is little or no opportunity to sort and discard catch at sea. Therefore, bycatch in the CPS fishery can be documented and monitored through enhancement of existing port sampling programs. Port sampling procedures should also be documented.

With regard to Option 6, the SSC concludes that requiring logbooks and observer coverage is a particularly good idea, given the potential for salmon interception in CPS fisheries that may develop north of 39° N latitude.

Mr. Brown asked about the ABC relation to MSY, seems more appropriate to expand protection by setting the ABC based on the area of fish. Dr Hanan said that was not discussed. (Question on point #2).

Mr. Alverson asked about the bycatch provisions, it suggests that the cps fisheries are conducted in a way that there is little or no opportunity to sort. That would indicate to me that at-seaDr. Hanan said the grates are not used in California at this time, but have in the past in the herring fishery. Mr. Alverson said has this been reported to you guys? Dr. Hanan said no, and this discussion did not come up.

CPSAS

Ms. Munro read the report of the CPSAS.

1. **Maximum Sustainable Yield (MSY) and Acceptable Biological Catch (ABC) for Squid**

The Coastal Pelagic Species Advisory Subpanel (CPSAS) is uncomfortable assigning an MSY for squid when the Coastal Pelagic Species Management Team (CPSMT) has previously reported there is inadequate data to determine a mathematical MSY.

In the absence of adequate data, scientific guidelines allow the Council to set a proxy for MSY. If this is the preferred avenue of the Council, the CPSAS will support Option 1 on page 2 of Attachment D.3.b. However, we would only support this MSY proxy if the ABC level was amended to equal MSY (Option 1 on page 3 of Attachment D.3.b.).

Furthermore, the CPSAS would like the Council to ask the CPSMT to look at other ways MSY could be computed following the completion of the studies currently being conducted by the California Department of Fish and Game.

2. **Coastal Pelagic Species Fishery Management Plan Bycatch Provisions**

The majority of the CPSAS supports both Options 1 and 3 as listed on page 5 of Attachment D.3.b.

Public

Mr. Meyer "Jay" Bornstein, Bornstein Seafood Processing, Seattle, Washington
Ms. Karen Reyna, for Center for Marine Conservation, San Francisco, California

D.3.c. Council Direction To CPSMT and Staff

Based on the recommendations of the CPSMT, and the advice of the Scientific and Statistical Committee (SSC), CPS Advisory Subpanel, and the public, the Council narrowed the field of options, added additional options, and provided guidance to the CPSMT.

For market squid MSY, the Council directed the CPSMT to provide a more thorough analysis of five alternatives (alternatives 2, 3, and 4 are premised on landings data as an indicator of stock abundance):

9. Status quo – do not specify MSY for market squid. The SSC noted that setting an MSY for market squid is impractical for several reasons: (1) fishery and biological data are scarce; (2) markets tend to influence fishing effort, thus, landings data are not a reliable indicator of stock abundance; and (3) squid's short life span combined with its vulnerability to oceanographic variation limits the practicality of the sustainable yield concept.
10. Based on landings in 1996-1997, assume that 113,320 mt is a sustainable harvest level and use this as MSY proxy.
11. Choose a more precautionary quantity at 75% of the 113,320 mt value, set the MSY proxy at 85,000 mt.
12. Based on average landings during 1993-1994 and 1996-1997, assume that 75,570 mt is a sustainable harvest level and use this as the MSY proxy.

13. Develop an MSY proxy based on average total catch during 1993-1994 and 1996-1997, with the MSY value expanded to account for areas that are unfished (e.g., areas too far from port and shallow, rocky areas where fishing is impractical) and times of year when fishing is prohibited (e.g., weekend closures).

For market squid ABC, the Council directed the CPSMT to provide a more thorough analysis of four alternatives:

1. Status quo – if MSY is not specified, do not set ABC.
2. Set ABC equal to MSY for market squid.
3. Set ABC at 75% of MSY.
4. Set ABC in accordance with the rationale used to establish an area-based MSY proxy.

For bycatch in CPS fisheries, the Council directed the CPSMT to provide a more thorough analysis of four alternatives:

1. Recommend logbooks for the limited entry fishery, the live bait fishery, and the incidental fishery (those vessels landing less than 5 mt).
2. Recommend State agencies to monitor and record non-CPS landings in the CPS fishery at the docks.
3. Recommend grates to screen out catch of larger non-CPS species and allow live release before going into the ship's hold.
4. Recommend logbooks and observers on any CPS fisheries north of the CPS FMP limited entry area (39 degrees north) or possibly north of 36 degrees north latitude.

The CPSMT will develop an analysis of these management alternatives for preliminary Council action in June 2000. Final action is scheduled for September 2000.

At the completion of Agenda Item D.3, Mr. Bohn brought to the Council's attention that Oregon has submitted a letter to the CPSMT on two options for consideration for allocation North of California. Mr. Bohn wanted to bring this to the Council's attention and noted his intention to ask that a northern suballocation of the Pacific sardine harvest guideline be placed on a future Council agenda (e.g., June). ODFW is not concerned with allocation issues in the year 2000, but this would be for use in future years.

Mr. Anderson commented he had concerns about the ability of WDFW to conduct an experimental fishery for sardine off the Washington coast if Oregon's program is not complementary in terms of its requirements, i.e., observers). If our requirements are more restrictive than those issued by another state, we can be incapable of conducting that experimental fishery. He is interested in pursuing that concept, the area the permit applies into the waters immediately adjacent to that state (add that provision), noting that this arrangement has been used in the spot prawn fishery.

Mr. Brown asked Mr. Anderson if he was referring only to Council-managed species? Mr. Brown said we have a similar arrangement in the southern part of Oregon. Mr. Anderson is not asking for a decision, but would like to have Council members think about it, and in a broader context. This is just one example where this type of situation exists.

Mr. Waldeck clarified that the options under bycatch provisions, the word "require" -- we cannot require the states to do anything. Finally, we need to have an understanding if this is to be framework amendment, or a regulatory amendment. Mr. Fougner then committed NMFS SWR to find out and report back to the CPSMT.

E. PACIFIC HALIBUT MANAGEMENT

E.1. Status of Implementation of Council Recommendations

Ms. Yvonne deReynier, NMFS, reported on the determination of the total allowable catch (TAC) for Area 2A by the International Pacific Halibut Commission (IPHC) as provided below in the excerpt from Exhibit E.2.

The 2000 International Pacific Halibut Commission (IPHC) recommendation was to provide 67.5 million pounds of halibut to the governments of Canada and the United States (see attached news release).

Area 2A Specifics

Stock assessment results indicated a higher exploitable biomass in Area 2A than in the past. Surveys in 1995 and 1997 showed about 8% of the biomass in Area 2A. In 1999, due to a low catch per unit of effort in Area 2B, the survey indicated 16% in Area 2A. An average of 11% was used as a working value to calculate exploitable biomass in Area 2A. The resulting quota recommendations were:

	<u>Quotas for 2000</u>	<u>Quotas for 1999</u>
Area 2A	830,000	760,000
Area 2B	10,600,000	12,100,000

E.2. Results of the International Pacific Halibut Commission Annual Meeting

Mr. Lone reviewed the actions of the IPHC Commission as provided in the excerpt below from Exhibit E.2.

Area 2A representatives to the Conference Board were treaty Indian tribes and Washington recreational interests. These representatives, Council members, and National Marine Fisheries Service-Washington Department of Fish and Wildlife-Oregon Department of Fish and Wildlife met with Commissioner Ralph Hoard. We discussed the Commissioner's concerns regarding the Neah Bay Canadian halibut catch issue regarding whether halibut catch was in United State's waters or not, the issue regarding the large composition of Canadian recreational catch, and the issue regarding the halibut bycatch in Area 2A.

Area 2A Bycatch

Bycatch of halibut in Council-managed waters continued to be of deep concern to Commissioners. Council Chairman Jim Lone provided the Commissioners an update on the 1999 bycatch effort in Council waters, (1) Observer Program, (2) trawl effort hours recalculation, (3) use of bycatch reduction devices in trawl gear, and (4) enhanced data collection program. Mr. Phil Anderson provided the Commissioners the detail regarding 2000 trawl regulations and the expected decrease in halibut bycatch. Please review the memorandum from Mr. Gregg Williams, IPHC staff.

Mr. Lone referred the Council to a memorandum from Dr. Gregg Williams regarding the status of Area 2A bycatch. For the coming year, the Commission will base its Area 2A bycatch estimate (614,000 pounds) on the 1995 fishery and survey information. The 1998 estimate of 316,000 pounds arrived after the assessment had been completed and therefore could not be used. A third estimate by means of the Oregon Enhanced Data Collection Program (EDCP) was much higher (911,000 pounds). However, this estimation method has not been reviewed by the SSC and was therefore not used. Canada continues to be very concerned with the calculation of U.S. bycatch.

Mr. Anderson concurred with Mr. Lone's summary on the IPHC's concerns with bycatch and noted that he was unaware of the EDCP estimate until it was provided by the IPHC at the meeting. He hoped that in the future Council members would receive the estimates prior to the IPHC. He also was concerned that the SSC had not reviewed the EDCP estimate and recommended that it be reviewed prior to any future use.

Ms. Cyreis Schmitt, NMFS, noted that there are plans under way for the SSC to put this on their June agenda.

E.3. Proposed Incidental Catch in the Troll Salmon Fishery for 2000

Dr. McIsaac gave a brief overview of the topic, referring Council members to the table provided in Exhibit E.3. which provides the number of incidental halibut licenses, annual incidental allocation, actual harvest, and Council landing restrictions from 1995 through 1999. The incidental fishery has never fully harvested the full allocation.

E.3.a. SAS Recommendations

Messrs. Stevens and Olson from the SAS provided the following recommendations for the incidental halibut harvest in the salmon troll fishery:

- Option 1: Status Quo (one halibut per five chinook, one halibut landed without meeting the ratio requirement, and a trip limit of 35 halibut.
- Option 2: One halibut per two chinook, one halibut landed without meeting the ratio requirement, and a trip limit of 50 halibut.

Mr. Alverson expressed concern that the 2:1 ratio could increase landings and exceed the allocation which is based on a time when salmon and salmon trollers were more abundant. He speculated that with fewer salmon fishers might be encouraged to fish in areas where halibut are more prevalent.

Mr. Stevens said the small chinook quota north of Cape Falcon would likely result in a short season which would dampen total landings even with the reduced ratio and increased trip limit. Mr. Stevens also noted there is daily reporting of the catch and it would be difficult to exceed the quota. Dr. Radtke stated the availability of small numbers of halibut during the salmon season adds to the ambiance of the small fishing communities, it fits right in to the tourist industry.

E.3.b. Public comments

Mr. Doug Fricke, Washington Trollers Association, Hoquiam, Washington

E.3.c. ACTION - Adopt Incidental Catch Options for Public Review

Mr. Anderson stated that if we are going to stay true to the original intent of an incidental fishery, then we should leave the ratio where it is right now, for multiple years, and revisit it when better data is available. Or, we can make the decision that we are going to change the intent to an allocation, and attempt to take the entire quota. Mr. Anderson believes the current 1:5 ratio provides opportunity to target on halibut. While that may not be happening, if the ratio is lowered, it is more likely.

Mr. Bohn moved (Motion 7) the Council adopt the new option from the SAS recommendations and send it out for public review along with the status quo option. Motion 7, seconded by Dr. Radtke, passed.

4 p.m. PUBLIC COMMENT PERIOD for issues not on the agenda

Mr. Don Stevens, Oregon Salmon Commission. Gave the Council a heads up that the OSC will be looking at the FRAM criteria. He read a response from Mr. Larry LaVoy to the OSC. He would like the chinook FRAM mistakes looked into. In particular, the lower Lewis River wild. He feels that tag data should be looked at more carefully and have the mistakes weeded out. He will be working with Mr. LaVoy on calibrating the chinook FRAM.

Mr. Ernest Ludall, trawl fisherman, Moss Landing, California. Talked about the new law on the 8" footrope on how it is measured. There was confusion from the California state enforcement agents on how the footrope was to be measured. Mr. Brown said that Mr. Ludall has been involved in discussions with Sgt. Cleary. Sgt. Cleary brought some overheads and explained the issue. NOAA General Counsel, NMFS, and the enforcement consultants will be meeting throughout the week on how to resolve this issue (the discrepancy on how CDFG enforcement agents are measuring the footrope).

Mr. Ray Monroe, Pacific City, Oregon. Regarding black rockfish, he brought a proposal to the Council. He asked for a black rockfish fishery for the Pacific City people. He feels discriminated against and is being held to an unfair allocation issue. Please consider subarea quotas for a management regime. Mr. Bohn told Mr. Monroe, back in December the technical folks from Oregon will be looking at his proposal through the Groundfish Management Team. Mr. Bohn does not know what the status of this issue is. Mr. Saelens has not arrived yet, and would at least commit to having a discussion with Mr. Saelens and Mr. Coenen of ODFW.

Mr. Dave Bitts, representing Humboldt Fishermen's Marketing Association, Eureka, California. He spoke to a letter the HFMA has written to Ms. Penny Dalton supporting the use of federal disaster relief funds to buyback some West Coast trawl permits. HFMA hopes that a buyback program will be conceived and designed with an eye for the future fleet profile necessary to achieve long-term sustainability in American fisheries.

Mr. Joe Easley, Administrator, Oregon Trawl Commission, Astoria, Oregon. He talked about disaster relief to be included into the President's budget. He feels that the disaster relief should not be chopped up and that allocations should not be debated at this time. The disaster relief funds need to be supported and secured first. Mr. Easley also spoke about canary rockfish levels. The Council needs to allocate canary rockfish among the user groups. He would like that put on the April agenda. Mr. Easley also would like to answer any questions about the enhanced data collection program. He too received conflicting information about the usage of that data; reiterated the fact that this data should not be used until it is peer reviewed.

F. HIGHLY MIGRATORY SPECIES MANAGEMENT

F.1. Progress Report on the Fishery Management Plan

Mr. Waldeck provided the Council an overview of the Highly Migratory Species agenda items and summarized several public comment letters in the briefing book.

F.1. Progress Report on the Fishery Management Plan

Dr. Dale Squires (NMFS) presented the Highly Migratory Species (HMS) Plan Development Team (PDT) progress report (Attachment F.1.a.), Ms. Michele Robinson (WDFW) summarized the state regulations and Mr. Steve Crooke (CDFG) presented the HMSPDT's recommendation on the control date.

Council members asked questions of the HMSPDT. Mr. Svein Fougner asked if was the HMSPDT's intent to compile information on all species regardless of category (management unit species or associated species). The HMSPDT responded yes. Mr. Fougner emphasized the need to address interactions with marine mammals and Endangered Species Act listed species. Noting the need to look at predated HMS catch (which is discarded) to determine if it really is bycatch. Mr. Fougner said that NMFS endorses a common scientific basis for managing these species and collaboration with the Western Pacific Council. The HMSPDT needs to develop a comprehensive document outline that will cover all requirements of Magnuson-Stevens Act, NEPA and other statutes.

Dr. Hans Radtke stated that the first two tables in Appendix C of the HMSPDT report were a bit misleading because the numbers represent cumulative landings over the period 1981 thru 1998, rather than annual landings.

Mr. Phil Anderson asked what the objective would be for a federal HMS fishing license. The HMSPDT responded that the comparison of state regulations covering HMS reveals great variation among the Washington, Oregon, and California regulations. The federal permit has been discussed as a way to make licences and regulations consistent. Noted that the federal license may be needed if federal HMS regulations are created for West Coast HMS fisheries. However, if the Council defers management to the states, a federal license may not be necessary.

Mr. Bob Alverson asked how a federal licence would differ from the current high seas license. Mr. Fougner clarified that the high seas licence is for fishing outside the EEZ; the federal license would be for fishing inside the EEZ.

F.1.a. Comments of Advisory Entities and Public

HMSAS

Mr. Peter Flournoy presented the comments of the Highly Migratory Species Advisory Subpanel (HMSAS).

Species Coverage

The Council should direct the Highly Migratory Species Plan Development Team (HMSPDT) to focus less on efforts to identify management unit species at this time and focus more on assembling essential information about the species until more specific guidance regarding selection of a management unit is available.

Gear Types

In order to help simplify the gear types covered by the fishery management plan (FMP), the Highly Migratory Advisory Subpanel (HMSAS) recommends categorizing gears into the following five groups:

- *Surface hook-and-line (includes troll and bait boats).*
- *Pelagic drift net.*
- *Pelagic longline.*
- *Pelagic purse seine.*
- *Harpoon.*

Regulations

The HMSAS recommends the FMP include authority to license all commercial and recreational fishers and processors in the event licenses may be desirable in the future. If licenses are required, there should be one license for highly migratory species (HMS) regardless of where the fish are caught.

There is a need for consistent federal fishing regulations off the West Coast and for uniform data collection requirements to the extent practicable. The states should work together via the Pacific Coast Fisheries Data Committee to try to achieve consistency in data collection and reporting.

Public Outreach

The Council, the states, and the HMSAS members are working to get information to the public concerning this process. These efforts include Council meeting notices, newsletter, and website. The HMSAS encourages the Council to use the website to the maximum extent possible to advertise agendas, meeting schedules, and draft FMP documents as they are developed.

Coordinated Science

The HMSAS recommends the Council ask NMFS to work through the Southwest Fisheries Science Center to coordinate development of uniform maximum sustainable yields (MSYs), overfishing definitions, control rules, and other essential information to be used in both the Western Pacific Pelagic FMP and the Pacific Council HMS FMP.

International Issues

The HMSAS was informed the U.S. Fish and Wildlife Service is recommending basking sharks be added to the list of species covered by the Convention on International Trade in Endangered Species (CITES). The HMSAS recommends the Council be kept informed and consulted on such actions.

We would like to take this opportunity to state the importance of including North Pacific HMS fisheries in a multi-national management arrangement as soon as possible. To this end, the HMSAS would

like the Council to urge the Department of State to:

- *Aggressively pursue the inclusion of these fisheries in the international management process and make sure they are covered in any resulting Western and Central Pacific convention.*
- *Ensure an appropriate North Pacific Committee is established, as advocated by the U.S. at Multilateral High Level Conference (MHLC) 5, comprised of stakeholder nations.*
- *Specifically expand the management area now not covered to include the area north of 40° N latitude and east of 150° W longitude.*

The Council should strongly recommend the use of a boundary at 50° N latitude for purposes of negotiating MHLC and Inter-American Tropical Tuna Commission (IATTC) arrangements, as appropriate, since this geographical line would effectively allow the primary HMS species to be managed throughout their ranges.

Next Meeting

The HMSAS would like to meet next on June 29, 2000 in conjunction with the Council meeting in Portland. This assumes the Council would address HMS on Friday, June 30, 2000.

Chair and Vice Chair

The HMSAS intends to make a recommendation to the Council Chair on the HMSAS Chair and Vice Chair at its next meeting.

Mr. Bob Fletcher inquired about which international agreement is most appropriate for managing HMS fisheries the Inter-American Tropical Tuna Agreement or the MHLC? Mr. Flournoy noted that this needs to be figured out.

Mr. Fougner asked about the HMSAS opinion of federal licenses for HMS fisheries. Mr. Fougner noted that these may be necessary as a mechanism for NMFS to exercise control over the fisheries.

Mr. Fletcher asked about a "persistent" rumor about plans for an experimental pelagic longline fishery. Mr. Flournoy noted that he did not know the source of the rumor or any specific details, but thought it may stem from activities in Mexico. Mr. Fougner noted that a possible basis for the rumor was information that the Mexican government, in retiring a number of driftnet permits, had converted some permits to pelagic longline permits. It was believed that the Mexican government had placed restrictions (e.g., area closures) on these permits. NMFS stated explicitly that there is no mechanism by which NMFS could issue experimental permits for longline fishing in the US EEZ.

Public

Mr. Bob Osborne, United Anglers of Southern California, San Francisco, California
Mr. Wayne Moody, Western Fishboat Owners Association, Avvoya Grande, California
Ms. Andy Oliver, World Wildlife Fund, Washington, DC
Mr. Frank Trinkle, Sea Shepherd Conservation Society, Friday Harbor, Washington
Mr. Wayne Heikkila, Western Fishboat Owners Association, Eureka, California
Ms. Tanya McHale, American Research Cooperative, Eureka, California
Mr. Chuck Janisse, Federation of Independent Seafood Harvesters, Ventura, California
Mr. Peter Flournoy, representing himself, San Diego, California

F.1.b. Council Guidance to Highly Migratory Species Plan Development Team

Mr. Fougner, on attachment F.1.a., he supports the HMSPDT's plans to start with the list of stocks.

Mr. Anderson, in the HMSPDT's statement, he supports the HMSPDT approach of separating the species into groups; supports their intent to include associated species and bring that to the next HMSPDT meeting. Mr.

Fougner said he supported the concept of the two groups. In concept, principal species and associated species make sense.

Mr. Alverson noted that if the HMSPDT wants two units, he would like to hear discussion from the HMSPDT on how they intend to move species from monitored to active status under the framework FMP. Mr. Fougner noted that this would be useful, but the procedure will depend on how MSYs and OY are specified.

Ms. Wolf asked Mr. Fougner about the timeline for NMFS to clarify the MSY question for monitored species under a framework FMP. Mr. Fougner said he would have to consult with General Counsel and others. His desire is for the HMSPDT to first assemble the information about the species and work on the MSY issue and framework procedures later.

Mr. Anderson said it seems that both the identification of HMSFMP species and the framework approach are both reasonable places to start. He noted that the Council will need biological information on each species. He recommended building of the framework of the plan as recommended by the HMSPDT; and having the HMSPDT gather the biological information on each species.

The Council agreed with the recommendation to include authority in the FMP to require licenses for commercial and recreational fishing and processing, in the event such licenses were deemed necessary. Mr. Anderson suggested that the states look at inconsistencies in state license requirements. Mr. Brown said that an alternative to one HMS license would be licenses for different species. Mr. Fletcher was concerned about placing an additional license on top of existing state licenses.

Mr. Anderson supported the HMSPDT report, including: gear types recommendation; the state regulations recommendations; the HMSPDT outreach with public (expanding the mailing list; and the process recommendations.

Mr. Brown commented that he agreed with Mr. Anderson's comments. On the HMSPDT statement for regulations, he suggest the HMSPDT explores the framework such that it could be either one license for HMS, or individual species licenses. Mr. Brown also commented on public outreach, particularly that fishing groups should include flyers in their newsletters with summaries of some of the things they have done.

Concerning public outreach, Council members recommended expanding mailing lists, updating and expanding the website and using links to other websites, and using association newsletters to increase outreach. CDFG announced it was considering a mailing to all license holders.

Ms. Wolf agrees with the recommendations. Regarding the state regulations, the HMSPDT has done a good job. Regarding the public outreach question, Council should endeavor to provide as much public notice as possible, and that California Department of Fish and Game may send a flyer to it's permit holders.

Mr. Fletcher said in this age of the internet, a lot of us have websites, and that informational links should be shared and added. Relative to regulations, the states are different in how they license and regulate; the HMSPDT should look at each state individually, rather than one size fits all regulations for the whole West Coast.

Mr. Anderson spoke on the licensing/regulation consistency issue and discussed the way salmon licenses are issued.

Mr. Anderson and Mr. Fougner spoke in favor of the HMSPDTs proposed schedule. The Council approved the Team's proposed plan development schedule (Appendix B of Team report).

Mr. Fougner stated the Council needs a thorough analysis of any problems which have arisen because of inconsistencies in current regulations and HMSPDT recommendations for resolution of problems.

Mr. Fletcher on regulation consistencies, he asked what is the HMSPDTs approach on this? He talked about California having a license for sport fishing. He would like feedback on whether there should be encouragement of compatible regulations for fishing in the EEZ, noting that in some areas fishers do not pay to catch HMS, while in other areas they do.

Mr. Bohn said the regulations matrix was very useful and believes that some of the criteria in the regulations may or may not apply to every state. He stated that making all of the regulations the same is premature at this point.

Ms. Robinson stated that she is willing to go through the regulations document and develop an analysis and identify what the inconsistencies are, bring that to the HMSPDT and bring back recommendations to the Council. Then the Council could give the HMSPDT more specific direction on the issue.

Dr. Squires asked for clarification on Council direction. Council direction was summarized as: (1) assemble information necessary for the regulatory analyses, (2) continue with developing species list and framework (active monitored) FMP, and (3) develop information on bycatch and protected/prohibited species.

F.2. Report on International Discussions and Actions

Mr. Fougner gave a brief update on international activities, notably the IATTC and MHLC.

Issues for the IATTC included: meeting in June, yellowfin tuna quota, bigeye tuna quota, floating object fisheries, fleet capacity limits (could be allocation among nations rather than fleet capacity reduction), work group in May to initiate Convention renegotiation (likely will not be final until 2001), finance committee met in January 2000. U.S. would like to reduce its contribution to the IATTC budget as our share of total catch has decreased significantly, other nations need to increase their financial contribution relative to their share of the harvest.

There is a MHLC meeting scheduled for April, issues likely to include: area of the Convention, administrative details, and the means through which the scientific advice is provided to the Parties.

F.3. Control Date for Limited Entry

Mr. Waldeck briefed the Council on the history of the HMS control date issue and the guidance the HMSPDT and HMSAS were seeking on the issue of limited entry. This included (from Exhibit F.3):

If the Council decides to adopt a control date, the Highly Migratory Species Plan Development Team (HMSPDT) and/or Highly Migratory Species Advisory Subpanel (HMSAS) will need some direction on the issue of limited entry:

- 1. Does the Council want to ask the HMSAS to be responsible for developing recommendations on limited entry, or should a separate committee be assigned?*
- 2. If the Council elects to proceed with the limited entry process, when should the process of developing recommendations begin? Does the limited entry process occur as part of the plan development process, parallel to plan development, or after the plan is adopted?*
- 3. What is the HMSPDT's role? Is the HMSPDT responsible for assessing the impacts of the options or will these assessments be part of an analysis separate and distinct from the HMSPDT process?*

F.3.a. Comments of Advisory Entities and Public

HMSAS

Mr. Flournoy read the recommendations of the HMSAS.

The Highly Migratory Species Advisory Subpanel (HMSAS) met on March 8, 2000 to consider, inter alia, the control date for limited entry for highly migratory species (HMS) fisheries. The HMSAS recommends the Council establish a control date of March 9, 2000 for limited entry in HMS fisheries

as a precautionary measure.

The HMSAS has not yet met to specifically discuss the advantages and/or disadvantages of the Council's adoption of a limited entry program; and, therefore, has no HMSAS recommendation in that regard. However, the HMSAS does recommend the collection and tracking of economic and other data trends by the Highly Migratory Species Plan Development Team (HMSPDT) continue for possible future reference in setting the parameters of a possible limited entry program.

As the HMSAS recommended under Agenda Item F.1., the Council should direct the HMSPDT to concentrate on the collection of the necessary data for the formulation and the drafting of the various documents required by the "Operational Guidelines Fishery Management Plan Process," NMFS, Silver Spring, MD, 20910, revised May 1, 1997 for the creation of an FMP. The HMSAS believes spending limited human and monetary resources on the various criteria that might become part of an HMS limited entry program would be premature at this point.

HMSPDT

Mr. Crooke read the recommendations of the HMSPDT.

The Highly Migratory Species Plan Development Team (HMSPDT) recommends the Council establish a control date for limited entry in highly migratory species fisheries as a precautionary measure.

The HMSPDT seeks guidance from the Council on the following aspects of limited entry analysis, should the Council adopt a control date:

1. *Which sectors or gear types should be considered.*
2. *Which species should be considered.*
3. *Ramifications of limited entry affecting any future U.S. international agreements.*
4. *Whether to consider and analyze limited entry as part of the fishery management plan (FMP) development process, or whether limited entry will be considered and analyzed separately from the plan development process, and whether limited entry will be considered concurrently with or following the FMP.*

The HMSPDT notes limited entry will substantially increase the workload of the HMSPDT.

Public

Mr. Dan Erickson, Wildlife Conservation Society, Dexter, Oregon
Mr. Brian Jenison, harpoon spotter pilot, Port Hueneme, California
Mr. Steve Lassloy, California Association of Harpoon Fishermen, Bakersfield, California
Mr. Tim Athens, F/V Outer Banks, Channel Island Beach, California
Mr. Wayne Heikkila, Western Fishboat Owners Association, Eureka, California
Mr. Doug Fricke, commercial fisherman, Hoquiam, Washington
Mr. Tom Roff, albacore fisherman, Morro Bay, California

F.3.b. ACTION - Recommend a Control Date for Limited Entry

Mr. Bohn asked Ms. Cooney about control date ground rules.

Ms. Cooney said a control date is a heads up to the public that were adopting a date. When the plan is developed, the requirements of the Magnuson-Steven Act need to be met. If the Council believes that it will institute a limited entry fishery, the Council can adopt a control date.

Mr. Fletcher moved that the Council accept the recommendations of the HMSAS of establishing a control date

of March 9, 2000. Mr. Alverson seconded the motion. (Motion 8) Mr. Fletcher said that adopting a control is necessary; it is the first step in establishing a limited entry program.

The Council adopted a control date of March 9, 2000 for commercial and charter fisheries for HMS.

Mr. Anderson clarified that participation in HMS fisheries and landings of HMS after the control date may not be considered in future limited entry programs.

Mr. Fougner asked if this is for sport and commercial. Mr. Fletcher said this control date applies only to commercial fisheries. Mr. Fougner asked does this apply to charter boats operating as commercial. Mr. Fletcher said I guess yes and no; he modified his motion to clarify that point of including charter boat operators as commercial. Mr. Alverson who seconded the motion agreed. Motion passed.

Mr. Anderson said there were a number of questions posed to the Council by the HMSPDT if we adopted a control date. The Council agreed with the HMSAS that it was premature to begin the formal process for considering limited entry at this time, but requested the HMSPDT to begin compiling relevant information. The Council did not decide if limited entry would be addressed after adoption of the FMP or as a part of the FMP initially. Mr. Anderson stated that the task of developing recommendations or options on limited entry would be assigned to the HMSAS or a separate committee. He asked the HMSAS to discuss this at its next meeting and make a recommendation.

Ms. Wolf agreed with the HMSPDT's questions as shown in Attachment F.3.a. She expects the HMSPDT to take the lead of compiling the information and doing the analysis on limited entry, with close interaction with the HMSAS. As far as a timeline, it could be developed as a framework, or as a plan amendment.

Mr. Anderson feels the responsibility for developing the limited entry portion of the plan and the options that go with it. He preferred assigning it to either the HMSAS or another group of industry representatives; ask that the HMSAS at their next meeting discuss that (whether they are the appropriate group). Once they came up with a plan, the HMSPDT could analyze it.

Mr. Brown is in full agreement with Mr. Anderson's comments.

G. GROUND FISH MANAGEMENT

G.1. Status of Regulations (Including Implementation of the Emergency Rule), Exempted Fishing Permit (EFP) Applications, Research Programs, and Other Activities

Mr. Robinson listed the NMFS regulatory activities since the November 1999, including the control date for AFA management, the annual groundfish specifications notice, emergency rule and correction, and the control date for limited entry into the open access fishery. He noted the Council should plan to recommend extension of the emergency rule at the April meeting. He also discussed the northwest and southwest regions' activities evaluating harvest capacity of various fisheries in conjunction with the capacity reduction estimation project.

Ms. Cyreis Schmit from the Northwest Fisheries Science Center briefly reported on the draft research plan for west coast fisheries. NMFS is hosting a national stock assessment workshop at the end of March 2000, incorporating ecosystem considerations. For survey activities, the AFSC completed its slope trawl survey providing results for stock assessments this year. The NWFSC will conduct the slope survey this summer. The SW Center completed a two week survey of larval chilipepper abundance in late January. The SW Center will also be doing a survey at night during the summer combined with a longline shark survey. Also, field testing of the electronic logbook program is beginning. The NWFSC is doing an ESA review of Puget Sound stocks of cod, pollock, three rockfish, herring and hake; she hopes to complete the review by early summer.

Charles Clark, Assistant Special Agent In Charge, NMFS SWR, presented Supplemental NMFS Report G.1. He spoke about an illicit sablefish operation in California and said there were 299 counts of violation, including criminal conspiracy between vessel owner, operator, and fish buyer (book keeper). All the sablefish were

marketed in Tokyo at an estimated value of \$500,000.

Mr. Robinson talked about the background of the EFP issue. The application is for the shoreside whiting fishery and includes a full retention program with shore-based observers; overages will be sold with the proceeds to the state. He said the Council had requested catch avoidance plans from both the shore-based and at sea sectors. The EFP needs to be issued, at least in California, in time for the April 1 opening.

G.1.a. ODFW Report on Shoreside Whiting Observer Program

Mr. Saelens spoke about the whiting EFP application for the three states, indicating it was basically the same as in previous years except for the addition of a proposed incidental catch guideline of 12 kg of yellowtail rockfish per mt of whiting. This is a change in focus to address rockfish catch as well as prohibited species. ODFW will operate as a clearing house for the information received. Mr. Anderson noted that the GMT recommended requiring a written agreement with the processor and asked if that was included. Mr. Saelens said yes.

G.1.b. Comments of Advisory Entities and Public

GMT

Mr. Brian Culver briefly went through the GMT statement, focusing on the four GMT recommendations in GMT Report G.1.

Dr. Radtke asked which numbers are overages and which are part of the trip limits. He would like to see better explanation of what is going on.

Mr. Anderson asked about codends being dumped without being brought on board: are these unrecorded? Would observers help document this? He wondered how a bycatch cap on the fleet or the vessel might affect this type of discard. Would they discard more to avoid hitting the cap? Random observations may be necessary.

Public

Mr. Joe Easley, Oregon Trawl Commission, Astoria, Oregon
Mr. Craig Barbre, Pacific Coast Federation of Fisherman's Association, Los Osos, California
Mr. David Jincks, Pacific Druggers, Newport, Oregon
Mr. Rod Moore, West Coast Seafood Processors Association, Portland, Oregon
Mr. Whitey Forsman
Mr. Dale Myer, Arctic Storm Inc., Seattle, Washington
Mr. Bob Eaton, Pacific Marine Conservation Council, Astoria, Oregon

G.1.c. ACTION - Approval of EFP Applications and Council Guidance

Mr. Coenen told the Council he has been pressuring the industry to address the yellowtail rockfish bycatch problem squarely or they could face regulatory actions. He believes the industry has made a good faith effort. Mr. Robinson said the details of any required agreements would not have to be stated in the EFP, but would be referenced and linked, such as "the EFP will require written agreement between the state and plant..." He wanted the states to continue refining the agreement, if necessary, but he needs to move forward with issuing the EFP in time for the early California season.

Mr. Coenen moved the Council advise NMFS to proceed with finalizing the EFP, including the GMT's recommendation #1. Mr. Boydston seconded the motion. Motion 9 passed. Mr. Coenen offered to review the proposal and estimate the savings.

G.2. Status Report on Strategic Plan

Dr. Dave Hanson briefly updated the Council, referring to Attachment G.2.a.. He said this is a bigger task than they had envisioned and said the committee will delay distribution of the draft until June.

G.2.a. Comments of Advisory Entities and Public

No comments from the advisory entities.

Public

Mr. Bob Eaton, Pacific Marine Conservation Council, Astoria, Oregon

G.2.b. Council Guidance

Mr. Bohn noted that it is critical that the committee present a list of objectives and steps that are very specific and doable. This will not be a general wish list, but it must be very clear. Dr. Hanson agreed, stating they take those objectives very seriously and want to include numbers, not just ideas. Mr. Anderson agreed this is a larger task than expected, and even getting the document ready by June is definitely a fast track. Mr. Anderson moved the Council accept the proposed schedule change as shown in Attachment G.2.a. Mr. Alverson seconded the motion. Motion passed. (Motion 10)

G.3. American Fisheries Act Measures

Mr. Waldeck reviewed Exhibit G.3.

At the September 1999 meeting, the Council reviewed proposals from the Midwater Trawlers Cooperative and West Coast Seafood Processor's Association for management measures to address impacts of the AFA. These proposals seek to protect existing participants in West Coast fisheries, including harvesters and processors.

The Council requested analysis of the proposed management measures and also requested the National Marine Fisheries Service (NMFS) to publish notice of the rules under consideration and a control date of September 16, 1999. The control date applies to participation by catcher vessels in mothership and inshore Pacific whiting fisheries, and in the inshore groundfish fishery for non-whiting species. On November 24, 1999, NMFS published an advance notice of proposed rulemaking and notice of a control date in the Federal Register (Attachment G.3.a.). Staff has prepared a draft discussion paper of the issues involved in developing recommended measures to protect West Coast groundfish fisheries from impacts caused by the AFA (Attachment G.3.b.).

It is important to note the Council's recommendations will need to specify the vessels and/or processors that would be excluded, and include justification for the management measures. That is, restrictions on participation in the whiting or other groundfish fisheries would have to be directly related to entities benefitting from the AFA. Moreover, it may be necessary to (1) establish that the management measures comply with National Standard 4 (i.e., are fair and equitable) and (2) perform Regulatory Impact Review and Regulatory Flexibility Act analyses to assess whether economic impacts that may result from the management measures are justified.

At this time, to facilitate analysis, it would be helpful if the Council would (1) review the suite of alternatives to ensure they reflect the Council's intent; (2) specify whether restrictions apply to all AFA-qualified vessels or only those AFA-qualified vessels that join cooperatives; (3) specify how processors or processing companies that benefitted from the AFA are to be identified; (4) explain the rationale for the participation requirements (e.g., 50 tons of whiting rather than some other quantity; 1994 through 1999 rather than other years); and (5) define "benefitting from the AFA."

Mr. Waldeck walked the Council through Attachment G.3.b.

G.3.a. Comments of Advisory Entities and Public

No comments of advisory entities.

Public

Mr. Dave Benson, Trident Seafood Corporation, Seattle, Washington
Mr. Joe Bersch, Supreme Alaska Seafoods, Seattle, Washington
Mr. Mark Cooper, trawler, Newport, Oregon
Mr. Peter Leipzig, Fisherman's Marketing Association, Eureka, California
Mr. Rod Moore, West Coast Seafood Processors Association, Portland, Oregon
Mr. Joe Easley, Oregon Trawl Commission, Astoria, Oregon

G.3.b. Council Guidance

Synopsis: At the March 2000 meeting, the Council reviewed a draft analysis of the various management alternatives. After hearing public comment, the Council revised several of the draft options and provided additional options. Because of the complexity of the issues involved, it was concluded that at the April Council meeting, Council staff and the NMFS will provide a review the proposed alternatives. The Council will review the management alternatives, provide opportunity for public comment, and further refine the management options.

Mr. Alverson asked if the Council was at the point of making recommendations. Ms. Cooney clarified that the Council has to clarify the "what do you really mean". That is, what is the Council trying to accomplish by these protective measures and how, specifically, will each measure accomplish the task.

Mr. Brown agreed with the public comments about December 31, 1997 as being the cutoff date. He noted that the AFA instructs the Council to prevent harm. The only date Mr. Brown sees to tie us to AFA is that December 31, 1997 cutoff date. Any later date does not seem to make sense. Mr. Brown also suggested putting the restrictions on limited entry permits rather than vessels, because if the restriction is on the vessel, the permit could be moved to a non-AFA vessel. If we put the restriction directly on the permit, this is directly tied to AFA. On top of that however, everyone else in the world has the ability to buy a permit and participate in that fishery. They could always buy those permits with AFA restrictions in sufficient number to be a full-time participant in the fishery. The point is to tie restrictions directly to the AFA.

Mr. Brown also would like to add another part to alternative 2 in Attachment G.3.b, that if an AFA qualified vessels does not have West Coast groundfish landings, it would actually go away (the permit would be terminated). Secondly, if the permits was on a AFA qualified vessel that only had shoreside landings it would be restricted to only shoreside landings, similarly for offshore landings.

Mr. Alverson addressed the issues for the whiting cooperatives brought up by Dave Benson's public comment. He asked that two alternatives be added:

Add option 2D and 2E:

- 2.D. AFA qualified catcher/processers that were not licensed to harvest groundfish in the whiting fishery in the years 1997 through September 16, 1999 will be ineligible to participate in the whiting fishery as a harvester or processers.
- 2.E. AFA qualified motherships and catcher/processers that have not received at least 1,000 mt of whiting during the regular whiting season in 1998 or 1999 will be ineligible to receive whiting in the whiting fishery.

Mr. Caito stated that the Council needed to move forward with suboption 3a, change the years to 1998 or 1999 (rather than 1998 and 1999); option 3b; and status quo (i.e., no processor restrictions).

Mr. Alverson asked for clarification from General Counsel about whether the processor options were simply a limited entry program for existing whiting buyers [and processers]. AFA protective measured should be focused on protecting West Coast fisheries from the market leverage and operational advantage the AFA provides to pollock catcher vessels and catcher processers.

Ms. Cooney said the Council needs to clarify their intentions, what are they trying to do, rather than play with the language in the report. Ms. Cooney asked if the Council intention was to prohibit anyone (AFA or not) from buying into the processing sector. She cautioned that this is beyond the scope of protective measures under the AFA.

Mr. Caito agreed with Ms. Cooney's comments.

Ms. Cooney, on processors, noted that the Council seems to have addressed their intentions for whiting processor, but for the (non-whiting) groundfish fishery (suboption 3B) – are there standards for AFA processors getting into the groundfish fishery? Council has defined history in the whiting fishery, but have not defined history in terms of West Coast groundfish processors.

Mr. Waldeck asked if December 31, 1997 was a date that the Council was agreeing on. For processors, the Councils have focused on 1998 or 1999. Does this conflict with December 31, 1997.

Mr. Brown pointed out that, given that we're not trying to make any restriction on a AFA listed company from purchasing an existing facility that is processing whiting, the date change probably has no effect on the processors.

Mr. Alverson noted for staff that processing history would flow to the new ownership (in the case of Trident), therefore, including 1997 in the processor options is not necessary.

Mr. Caito said, not on the processing, we want to go with 1998 or 1999.

Ms Cooney stated that for harvesters, should include options for both dates: the 1995 to 1997 and the 1998-1999.

Mr. Anderson said he had not heard anyone going to the 1997 on the processing portion; just thought we were talking about the restrictions (1,000 mt in 1998 or 1999).

Mr. Waldeck reiterated the guidance the Council had discussed.

Ms. Cooney asked for clarification about the Council guidance about examining harvester restrictions under two scenarios – (1) tied to the vessel versus (2) tied to the permit.

Mr. Brown said, yes, that would be the way it would work under his suggestion. Ms. Cooney said she feels the confusion is that in Alaska things are tied to vessels and the Council is discussing a different strategy, i.e., tied to permits. Mr. Brown said there are complications of the qualifiers listed by vessel in the AFA in Alaska; are you looking at the permit on the vessel in 1997 or today. Ms. Cooney said that it is crucial to clarify the Council's intent. She would like to know what the time frames are. Mr. Brown said he assumes basically today the history of the permit.

Mr. Brown noted the 50 ton requirement may be too low and suggested looking at deliveries, e.g., 30 deliveries over the window period or 10 deliveries in any one year during the window period. Mr. Waldeck asked under the harvester options, the Council is seeking analysis of two qualifying window periods: 1994-1997 and 1994-1999. Council answered yes.

Mr. Robinson noted the he, Ms. Cooney and Mr. Waldeck will clarify the options and the ramifications of the alternatives to all fishery participants. The Council can either revisit this agenda item in the morning, or take everything that was said here today and present a more thorough review in April. Chairman Lone agreed with Mr. Robinson and asked for Council approval that we should bring the AFA issue back in April.

Mr. Fletcher said do we jeopardize the missing of the deadline? Mr. Robinson said either we give them a quality product and miss the deadline, or be on time and have a poor document.

G.4. Status of Federal Setnet Regulations

Mr. Fougner provided a brief update, saying the final document is almost 100% completed and he will provide it to the Council. Mr. Fletcher asked about the restraining order issue. Mr. Fougner said the restraining order will not be lifted until the final rule is in place.

G.5. Bycatch Mortality for Rockfish

G.5.a. Groundfish Management Team Report

Mr. Dave Thomas presented information on bycatch in the setnet fishery, showing a decline in the number of vessels, landings, and trips. He said 61 setnet permits remain, but landings are near zero.

Mr. Brian Culver read the GMT Report.

G.5.b. Comments of Advisory Entities and Public

SSC

Dr. Lawson presented the report of the SSC.

The Scientific and Statistical Committee (SSC) reviewed Groundfish Management Team (GMT) Report G.5.(1). on bycatch and incidental catch of rockfish. SSC discussion focused, in particular, on the GMT's difficulty in estimating rockfish discards for the year 2000. The SSC recognizes the difficulties in estimating discards generally and the additional complications arising from creation of the new minor rockfish management categories prior to the 2000 fishery.

The GMT Report G.5. suggests a number of ad-hoc approaches designed to provide rough estimates of discards for the 2000 fishery. The SSC encourages the GMT to further explore these approaches. Although all such approaches are less than ideal, they may result in discard estimates preferable to the default assumption that no discarding occurred. The SSC is willing to review these estimates if adequate documentation of the methods can be provided. The GMT's opinion of the strengths and weaknesses of the various approaches would also be helpful. However, the Council should recognize that such ad-hoc estimates cannot be supported over the long term. The SSC endorses the GMT statement that "... continued absence of a comprehensive, total catch monitoring program is a serious defect in the current management program."

Public

Ms. Jennifer Bloeser, Pacific Marine Conservation Council, Arcata, California

Ms. Karen Garrison, Natural Resource Defense Council, San Francisco, California

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

G.5.c. ACTION - Recommendations for Rockfish Bycatch Mortality Estimates

Mr. Anderson expressed disappointment that the GMT had not provided some kind of guidance about how to account for discard mortality of minor rockfish species resulting from the very small trip limits. He suggested the GMT consult with GAP members in April (by gear rather than in full session) to try to come up with a best guess regarding bycatch mortality resulting from those small trip limits. The assumption of zero bycatch is just not accurate. This should be on the agendas for both groups.

Mr. Brown said there needs to be some provision to allow retention of incidental English sole on the slope, especially in winter. He also agreed that redbanded and flag rockfish needed to be switched to the slope group. With respect to a selected group to discuss discard rates, he would also like them to discuss what other regulations could be changed to reduce discards. He wanted feedback from people who are actually out on the ocean watching fish come onboard. Mr. Robinson said perhaps the GAP and GMT could get together to figure out how that anecdotal information could be gathered if there is no information available now. Mr. Bohn agreed and asked that a note about this be included in the March Newsletter. He also said maybe some of the permit holders would take some of our scientists on their boats to gather that information.

G.6. Groundfish Trip Limit for Pink Shrimp Fishery

G.6.a. ODFW Report

None.

G.6.b. Comments of Advisory Entities and Public

GMT

Mr. Culver gave the recommendations of the GMT on groundfish trip limits for vessels operating in the pink shrimp trawl fishery

In November 1999, the Council clarified its intent about which limit applies if a vessel fishes in both the limited entry and open access fisheries in the same cumulative period: If the limited entry limit is larger, the open access limit may be taken with open access gear and is counted toward the limited entry limit. If the open access limit is larger, the limited entry limit applies, but may be taken entirely with open access gear. This clarification was included in the annual specifications for 2000. Also at the November 1999 meeting, the Council adopted a placeholder trip limit for groundfish taken in the pink shrimp fishery, stating the intention to review the placeholder prior to the opening of the shrimp season. The Groundfish Management Team (GMT) suggests the January limits not be used for reference; the measures are similar, but not identical to the 1999 limits, which were constrained by the open access limits for individual groundfish species or groups. The issue of trip limits, and how to apply them when a vessel conducts both limited entry and open access fishing during a cumulative period, needs to be resolved at the March Council meeting.

GMT Recommendations

1. Regarding operating in both limited entry and open access fisheries: The GMT wants the same trip limits to apply to all vessels operating in the pink shrimp fishery, regardless of whether a vessel has a limited entry permit or not. In addition, the GMT believes pink shrimp vessels should not be constrained by the open access individual species limits. However, this raises the issue of what to do if a vessel then fishes other species during the cumulative period (either in another open access fishery or the limited entry groundfish fishery). Vessels trip limits are not additive, since they are per vessel per cumulative period.

2. Groundfish trip limits for pink shrimp vessels: The GMT supports the overall groundfish per trip limit of 500 pounds/day, not to exceed 2,000 pounds per trip and not to exceed the amount of shrimp on board. However, shrimp vessels must not be allowed to thwart the conservation efforts by other fishing sectors for overfished and depleted stocks. Therefore, the GMT recommends the following individual species limits.

a. Canary rockfish: The GMT believes a monthly limit of 300 pounds to 500 pounds should apply to pink shrimp vessels. Limited entry vessels are currently restricted to 300 pounds per month May through October (the time period that covers the shrimp fishery).

b. Lingcod: The GMT recommends there should be no retention of lingcod in April, and 400 pounds per month beginning May 1. This is the same as for limited entry and other open access gear from May through October. (Commercial lingcod is closed in April coastwide, so it would be closed for the shrimp fishery too.)

The GMT neglected to discuss the lingcod size limit at its meeting; however GMT members were polled after the meeting and agreed that size limits should apply. The current minimum size limit north of 40°10'N latitude is 24 inches. South of 40°10'N latitude, the minimum lingcod size limit for open access vessels is 26 inches and for limited entry trawl it is 24 inches.

c. Sablefish: The GMT recommends vessels operating in the pink shrimp fishery should not exceed 2,000 pounds per month. The GMT did not discuss the minimum size limit. Currently, limited entry trawl vessels may land up to 500 lbs per trip of sablefish smaller than 22 inches total length. For open access vessels, the minimum size limit does not apply to sablefish taken with NONTRAWL gear; the regulations are silent on the size limit for sablefish taken with other exempted open access

trawl gear.

d. Thornyheads may not be retained in all open access fisheries north of Pt. Conception all year.

e. If a vessel also operates in a limited another or other open access fishery during the same cumulative period, the vessel is limited to the remainder of the relevant limits. That is, the limits are not additive.

Mr. Boydston asked about the current canary trip limit and expressed concern that this might just advance the date we reach the harvest guideline. Mr. Brown also expressed concerns about the size of the open access allocation (10 mt), any discard estimate, and the amount of canary taken by shrimpers last year. Mr. Culver said 15 mt, which is more than this year's allocation for the entire open access sector : assumed that allocation for open access for canary is somewhere in the 10 mt area.

Mr. Culver said we do not have a discard estimate for rockfish catches in the shrimp fishery.

Mr. Brown said he would still like an answer; Mr. Culver said a catch of 15 mt.

Mr. Fletcher asked Ms. Cooney, at some point when do we say the discard of canary is an unacceptable activity; despite that it is a non council controlled fishery -- could we say that it is unacceptable -- he had concerns about canary discards since the shrimp fishery is not part of the Council purview (it is state regulated). Ms. Cooney replied it would take coordination with the states; not much can be done at this point (this meeting).

Public

Mr. Eugene Law, shrimp fisherman, Toledo, Oregon

G.6.c. ACTION - Recommend Bycatch Allowance

Mr. Brown moved adopt the limits as recommended in Supplemental GMT Report G.6. with clarification that canary would be 100 pounds in April and 300 pounds May through October. Seconded by Mr. Anderson. (Motion 11).

Mr. Boydston said we have a canary rockfish hg; and have taken measures up and down the coast to protect canary. He asked Mr. Brown if there is a possibility of an allocation to the pink shrimp fishery for canary so they don't affect everybody else; and if they catch the canary that there be an understanding that the shrimp fishery be stopped or slowed down to protect canary.

Mr. Brown said that he believed the landings were around 10 mt; he believes on an average year the shrimp fishery has caught around 12 mt - but last year it was around 30 mt. He also said we know there is incidental catches in other non targeted fisheries. He felt we have to increase the allocation to the open access. We don't want to shut fisheries down, just protect the canary rockfish. If the canary rockfish fishery is clean, we are losing the value of those canary. He feels this needs to be put on the April agenda.

Dr. Radtke, when we talk about allocation: is that landed or does it include estimated discards and bycatch. Mr. Brown said at some point we have to account for mortality, not just for landings.

Mr. Anderson understands that the OA allocation of canary was derived from the catches made in the shrimp trawl fishery. On Mr. Boydston's concerns, he shares them; but he does not think it is productive to take the trip limit on canary down when the mortalities remain the same. Is 300 pounds the correct number, and if it is, we should use 300 pounds. If we drop it down to 100 pounds and it is really 300 pounds, we have not saved ourselves any fish, it just makes us feel better.

Mr. Boydston said no one likes discards; this could cause early closures in fisheries leading to other discards following closures. This historical catch in the shrimp fishery is no argument. We are at a very low harvest guideline; and if shrimpers are catching them, they will reach their harvest guideline very quickly.

Mr. Fletcher asked how do we begin to ratchet down total mortality in the shrimp fishery - that leads to the use

of excluders to reduce impacts on canary.

Mr. Bohn said he recalls that there was a sea-grant study on excluders. The bottom line is that there is a variation in the loss of shrimp - the closer we get to making these kinds of decisions that affect the shrimp fishery - then we should entertain the recommendation of putting someone from the shrimp industry on the GAP (as proposed by Mr. Law's testimony). Mr. Bohn said he felt those industry reps need to be on the panels.

Mr. Brown said he does not feel so compelled to hold the shrimpers harmless. He is not pushing for excluders at this time since there are some problems, they work well for whiting but not well for rockfish. Talked about the nets twisting and literally don't catch any shrimp and other species not excluded. The fact that he is not intending to hold shrimpers harmless. He asked Ms. Cooney about no landings on groundfish that we manage; if things get out of hand, can we say no fishing can occur?

Ms. Cooney said that is a much bigger deal; we can explore that. We would have to get much more participation in the shrimp fishery. The Council would get into the deal of saying are we managing for shrimp? or just for groundfish? Mr. Brown said we have to make sure that other fisheries people know how serious this is.

Mr. Alverson asked if someone could make a presentation on fish excluders at the next meeting?

Mr. Boydston said on excluders, he perceives we could control the landing of groundfish whether a vessel used excluders or not; or say if a vessel chooses not to use excluders he could not land groundfish.

Mr. Boydston said he would be in favor of the motion if this was paired with an allocation of shrimp to canary. Mr. Brown asked if we could do that at this meeting through emergency rule.

Ms. Cooney, said right now for the shrimp fishermen who do not have limited entry permits -- are you saying the fishery stops? Mr. Boydston said the retention stops.

Mr. Boydston said by allowing greater retention of canary in the shrimp fishery, the discards will go up as the shrimp harvest guideline is reached.

Ms. Cooney said it would be better to address that in April.

Mr. Boydston said he would like to roll this one forward (get more analysis about attaining the hg and what happens upon attainment of the harvest guideline).

Mr. Brown said we have to have something in place since that fishery start April 1. It appears the way we would proceed would be to set some trip limits at this time, and then do something in April.

Motion 11 restated: adopt the limits as recommended in Supplemental GMT Report G.6. with clarification that canary would be 100 pounds in April and 300 pounds May through October. Mr. Bohn asked if the motion included sablefish, and Mr. Brown answered no.

Mr. Boydston asked to amend the motion that the increase in canary trip limits would be contingent upon an allocation of canary rockfish to the pink shrimp fishery by May 1. The amendment was seconded by Mr. Fletcher.

Ms. Cooney said that the amendment doesn't quite work. If your saying it is contingent, this would be in a tl that would be put in on April 1, and then discuss it at the April meeting.

Mr. Boydston requested that Mr. Brown's motion apply for the first month of the fishery and then expire. Mr. Brown accepted it as a friendly amendment. Mr. Brown said we will set the trip limit for an April 1 start date, then revisit the issue at the April meeting. He asked about workload issues for NMFS and staff.

Mr. Robinson said the way to not increase workload would be to adopt the original amendment. The simplest way to do it would be to put the full trip limit regime in place, and as a friendly amendment revisit the decision

made today in April, including the possibility of the allocation to the OA portion of the shrimp fishery. Then the Council would revisit the trip limit and allocation issue at the April meeting.

Mr. Anderson was asked if he agreed to the friendly amendment. Mr. Boydston withdrew his amendment; and he would be in favor of the main motion if we revisit it in April if we talk about the issues of allocation.

Mr. Anderson then commented and said we should approve the motion, put it on the agenda in April; then at that time discuss the attainment of OY in the open access and the allocation issue.

Mr. Robinson said what about the sablefish size limit. Chairman Lone asked if Mr. Brown wanted to include sablefish trip limit in his motion (still talking about motion 11). Mr. Brown suggested that perhaps he leave the sablefish trip limit off his motion. Motion 11 passed.

Mr. Brown asked if we need a motion or guidance formally announced that we are going to put the canary rockfish allocation on the April agenda. Dr. McIsaac said that could be done under H.6.

Mr. Glock said did you include lingcod in your motion? The point Mr. Glock suggested, is that Mr. Brown's comment was to perhaps increasing the trip limit of the canary rockfish in the OA fishery? That should be put into the newsletter. Mr. Brown said in regards to lingcod, he felt that it was a recommendation and that it was included in the motion. Mr. Anderson said the size limit is included; and the motion did not change those size limits. Mr. Brown about the allocation issue, we have bigger problems than just the shrimp fishery. Other fisheries can shut down other fisheries (gear sectors).

Mr. Boydston suggested that this be a broader topic than groundfish allocation to the pink shrimp fishery; we might as well look at all groundfish species.

Mr. Anderson said he would recommend we limit this discussion to the allocation of the OA sectors, and not limited entry. He did not agree with the expansion.

Dr. McIsaac asked Mr. Brown if his motion included the GMT recommendations for sablefish? Mr. Brown said yes.

G.7. Progress Report on Plan Amendment for Bycatch and Management Measures

Ms. Yvonne deReynier gave the progress report. She noted the draft amendment will be available at the April meeting, and asked for any comments or request for information, please let her know. She noted the main purpose of the amendment. The discussion paper is Attachment G.7.a., draft amendment 13 to the groundfish plan. This amendment basically addresses the definition of the term bycatch (confirm the definition in the FMP); how the FMP deals with bycatch; when we implemented the 2000 regs the council asked mfs to take emergency action to set management measures in place such as differential trip limits for trawl gear - size limits for sport fishing - and dressing issues (amend the fmp to bring other management measures into the FMP toolbox); housekeeping on limited entry permit program - four different types of endorsements on limited entry permits.

Bycatch issue is the most important part of the amendment. She included in the discussion paper the histories and methodologies used in the groundfish fisheries. In April NMFS will provide an update on observer regulations. Ms. deReynier noted the management alternatives that revise cumulative landings limits for comparison purposes (page 14 of the document). She asked for permission to provide a general discussion for the briefing book, and provide details in supplemental material for the April briefing book.

Mr. Coenen suggested that we pick the things we were already looking at for high priorities: use individual quotas, permit stacking, and permit programs, etc.

Mr. Fletcher said there has been discussion about taking the oa portion of the fishery and moving it into Limited entry. Yvonne said if you were to look at a limited entry program for the OA portion, the most efficient way is to create some language to allow for it in some amendment allowing the exploration as a separate issue.

Mr. Fletcher said he did not mean that we should do this, but it could be added as a management alternative.

Mr. Robinson raised the issue of frameworking. (Issue 3) There were a number of creative recommendations that had to be done by emergency rule. These need to be added to the toolbox. Something that can be frameworked is an allocation issue. We may need to in the future allocate. Whether it is a direct allocation or a de facto allocation. Problem now is that other than the 3 meeting allocation process, there is no other way to make allocation decisions. We are struggling with the need to provide in this framework, some type of guiding principles, what are the priorities we're going to use under this framework. The one thing that is missing is what do we say about allocation?

Ms. Cooney, on allocation, we need to acknowledge the allocative effects during this process. You need more discussion on the two meeting process. If you have additional guidelines to put into this it would help. There have been different discussions about allocation.

G.7.a. Comments of Advisors and Public

No advisory comments.

Public

Mr. Gary Fredericks, El Granada, California

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

Ms. Jennifer Bloeser, Pacific Marine Conservation Council, Arcata, California

Ms. Karen Garrison, Natural Resources Defense Council et. al, San Francisco, California

G.7.b. Council Direction

Mr. Coenen said that we need to keep a broad scope and flexibility. (Issue 3, keep alternative 3 and 5).

For issue 4, suggest alternative 4. (drop alternative 3)

Mr. Anderson also would like to make sure that in the text we do not overstate the results of our actions, in particular the ones Ms. Bloeser identified (yes we did make changes this year intended to reduce bycatch, but at this point we do not know). As for the EDP, yes it did take place, it is ongoing, but has not been reviewed.

Mr. Robinson noted that the broader flexibility we provide ourselves to make decisions in September and November brings with it a burden. The burden is as we use the broader flexibility, the EA in support of the annual specifications process will become a very important document. It will become a straightforward analysis of the actions we take (the distribution of benefits for example).

Mr. Anderson asked Mr. Coenen, if he could tell us why on page 14 he eliminated alternative 2. Mr. Coenen said it is basically in alternative 5 (3, 4, and 5 seem to be combined in a single strategy).

Ms. deReynier said she did not understand. Mr. Coenen said that he sees alternative 2 approach is melded into alternatives 3, 4, and 5.

Mr. Robinson noted to Mr. Coenen you could drop alternatives 3 and 4 as well as 2 and use alternative five to accomplish it all since it is more broad.

Mr. Brown asked about the matrix (as shown on page 14 of the document). She noted that her plan is to provide the discussions for each of the items for the april briefing book, with regulatory requests for the supplemental material.

Mr. Brown asked about the management tools that could be expected to reduce bycatch under any management regime. He noted that is only a subset of fleet reduction; buyback is one way to do that. Perhaps limiting OA (a more general topic is to design LE). Perhaps one way to reduce fleet capacity is to change the qualifiers.

Mr. Robinson noted that part of this exercise is to lay out all of the alternatives, examine if they are practical

and usable in this fishery. Mr. Brown understands that; he would like folks to see that.

Ms. deReynier briefly went over the items: capacity reduction in the oa fishery; changing the buyback heading to fleet reduction; talk about allocation and the effects of changing the toolbox of management measures.

For issue 1: go with alt #1, and 2.

For issue 3: go with alt #1, 2, and 5.

For issue 4: go with dropping alt #3 and #4 (keep status quo or go with changing one of the unused endorsements).

After consultation with NOAA General Counsel and Ms. deReynier, Mr. Coenen agreed to leave in status quo.

H. ADMINISTRATIVE AND OTHER MATTERS

Mr. Rhoton gave the Council a preview of what action items need to take place on administrative items.

H.1. Council Budget

H.1.a. Report of the Budget Committee

The Budget Committee (Committee) discussed four items: a report from the new Executive Director, the status of 2000 supplemental funding, a report on 2003 Council meeting hotel locations, and a legislative update.

The new Executive Director, Dr. Donald McIsaac presented the Executive Director's report. Some of the budget issues he will focus on this year are consistency and efficiency measures. A comprehensive review of the budget building process will be presented at the April Committee meeting.

A supplemental grant funding in the amount of \$14,675 is available to the Council as of March 3, 2000. A staff recommendation to allocate the supplemental funds will be presented at the June Committee meeting, after a review of current staffing needs and allocation alternatives.

The status of possible Council meeting location and hotel sites for 2003 is a work in progress. A comprehensive report on available locations will be presented at the June Committee meeting.

The legislative update indicates supplemental federal groundfish disaster relief funding for the West Coast for fiscal year 2000 may be \$14.2 million. Federal funding levels for fiscal year 2001 is expected to be released by May.

H.1.b. ACTION - Approve Budget Committee Recommendations

Mr. Mallet made a motion to approve the report of the Budget Committee. (Motion 12) Mr. Fletcher seconded the motion. Motion passed.

H.2. Legislative Report

Dr. Hanson reported that the House markup was supposed to be in the works. The senate markup is scheduled for the 20th of march. As of yesterday, the disaster relief for West Coast groundfish was zero. The appropriations budget was moved up this year; still unlikely we will not receive any updates until May or June.

H.3. Appointments

Mr. Lone gave the overview of the situation.

H.3.a. Comments of Advisory Entities and Public

None.

H.3.b. Appoint: (1) CDFG Replacement to CPSPDT and (2) Two, "Commercial at Large", Positions to the HMSAS

The Council approved the appointment of Ms. Marci Yaremko to replace Mr. Jerry Spratt on the CPSMT as the CDFG representative on that team. (Motion 13) Motion passed.

The Council approved the appointments to the following appointments to the HMSAS (3 commercial at-large positions): Mr. Douglas Fricke, Mr. Steve Lassley, and Ms. Cinda Shedore. (Motion 14)

Mr. Boydston noted that while we were looking for representation on the HMS subpanel, we received applications from the northern area and southern area. He was pleased to see that more gear sectors were willing to become involved.

Mr. Brown supported the motion. He added that the Oregon Albacore Commission is a new commission in Oregon and talked about their focus and goals.

H.4. Research and Data Needs and Economic Data Plan

H.4.a. Proposed Changes to Council Operating Procedure (COP) 12

Mr. Seger presented Supplemental Attachment H.4.a.

H.4.b. Comments of Advisors and Public

SSC

Dr. Lawson read the report of the SSC.

The Scientific and Statistical Committee (SSC) reviewed a variety of proposed changes to the Council's research and data needs process as outlined in revisions to Council Operating Procedure (COP) 12 (Attachment H.4.a.). Under the new procedures the lead role of the SSC is explicitly identified, and the process, as it has evolved over the last two cycles, is codified. In addition, updates to the economic data plan are now explicitly included as part of the research and data needs planning exercise. The SSC endorses all proposed changes to COP 12 and, in addition, recommends language be inserted to reflect that comments from advisory bodies should be submitted in writing to the SSC at the April meeting of even numbered years.

For the next cycle, the SSC notes that increased attention to the research and data needs of coastal pelagic species and highly migratory species is warranted. With respect to groundfish, the goals and objectives in the Council's groundfish strategic plan will provide useful guidance to the SSC in determining priority areas.

No public comments were received.

H.4.c. ACTION - Approve Proposed Changes to COP 12

Mr. Bohn moved that the Council adopt the revision to COP 12 with the inclusion of the comment from the SSC relative to "in writing". Mr. Fletcher seconded the motion. Motion passed. (Motion 15)

H.5. Establishment of a COP for E-Mail

Mr. John Rhoton presented the Exhibit H.5.

H.5.a. Comments of Advisors and Public

None.

H.5.b. ACTION - Adopt an E-Mail Policy

Mr. Mallet, in looking through this, about half of those email's do not have proper identification.

On page 3, should say "shall include their name," as suggested by Mr. Mallet.

Dr. Radtke is concerned about inundation by these comments which can be sent by the thousands. Do not know how we can set up a screen.

Mr. Boydston, under #2, said at least we could summarize the input in some sort of fashion (i.e. categorize the public comment). He could support receiving mail about constructive comments, we would like to get the essence of the mail.

Mr. Robinson noted that along the same lines, said that either they will be printed or a summary of comments could be put into the book.

Ms. Cooney said that people are concerned about voluminous e-mail (keep them for the record, but put one in the briefing book stating how many you received).

Mr. Rhoton reminding the Council about the fax testimony for sharks last fall. We would print one of them with a count or list of those who sent them. Council staff will change the wording.

Mr. Bohn said he is not real keen on e-mail. It has effective uses. He is bothered that it seems like an open-ended invitation. They can get huge with attachments. Maybe we could get a standardized format to be considered by an e-mail response. For example, request that the person sending the e-mail include the: Subject, their name, and the essence of their comment.

Mr. Robinson suggested that if were going to make a decision to make comments on e-mail our preferred style should be included in the newsletter and the website. You could take copies of the e-mails put in a binder for the public to see. He asked that staff summarize the e-mail comments.

Ms. Cooney said you could urge that people be concise. It would be harder to say that no comments will be longer than a page or so. If you accept it, it will also depend on how much you "weigh" the comments.

Dr. Hanson disagreed with Ms. Cooney in a way, if we restrict it, they could send it through the mail. We could put on the Council's website a form to include certain lines, etc.

Mr. Brown said we should not allow attachmets, run risk of computer viruses and other issues. That person could mail it as Dr. Hanson said. He had concerns about people making up bogus names and identity. Mr. Brown said by having the form, you may be increasing the usage and filling it out for the heck of it -- and the public not being serious about their comments.

Mr. Boydston heard what he likes from Dr. Hanson a standard comment form for agenda items. He asked that we could put that into the Council operating procedures.

Mr. Mallet said if were going to do something later, we should stay in contact with the other council that accepts e-mail to find out their experiences.

Dr. McIsaac said he heard that the Council is open to the idea of e-mail and that this issue will come back to the Council in April.

Dr. Radtke moved to adopt the policy of not accepting e-mail as public comment until further notice. Mr. Brown seconded the motion. (Motion 16) Motion passed.

H.6. April 2000 Agenda

The Council held a discussion on what agenda items needed to be added to the April agenda. Dr. McIsaac chaired the discussion.

H.6.a. Comments of Advisors and Public

None.

H.6.b. ACTION - Adopt Draft April Agenda

Mr. Robinson noted that in the past, status of federal regs (D.1.) has been informational only. We need to keep the EFP portion subjected to a separate agenda item # since they will all require council action. Would also like to include a placeholder for the emergency rule for 2000 management measures.

Mr. Anderson, C.4. updates on non-council activities to restore natural stocks. WDFW has a 15 to 20 minute presentation they would make. He thought having it on Tuesday might make more sense. The other option is to provide this in June.

Mr. Bohn said that would be acceptable. He had heard that it would be brought up to the HSG; we do not have to have it on the April agenda. The HSG could give us a summary. Mr. Anderson said he guessed we're going to give it to the HSG too - so maybe the HSG could give the Council a summary to accomplish that objective.

Mr. Harp said we concur with that recommendation since the tribal folks are also listed as one of the presenters. Mr. Fletcher said maybe that evening session could be removed.

Mr. Seger said the Santa Barbara Channel Islands would like to make a presentation to the Council. Mr. Fletcher said he is a member of the working group. Knowing how full the agenda is that week, he is not sure if they could bring something to our Council meeting which would affect our management decisions. He would encourage them to go to our June meeting.

Mr. Seger said they wanted to present it in March, but they could not. Mr. Fletcher asked who from their staff is involved? Chairman Lone said he wants to try to make this simpler, not harder and supports what Mr. Fletcher said. Mr. Fletcher said this is a very very full agenda, and did not feel this is something they need to do. He will talk to those folks about it, may be able to get this put over and present it to the Council at a later date.

Mr. Bohn, under the D.2. item, Mr. Ray Munro testified he would like to have his blackrockfish issue considered. We promised Mr. Munro's group that the GMT would look at their stuff.

Mr. Boydston concurred with Mr. Fletcher's suggestion on the presentation. He assumes the shrimp allocation issue is going to be an agenda item by itself? He feels it warrants it. He is concerned that we could do this in four days. With regard to salmon, he requested under C.3. very early on we have the same discussion of management objectives (have the management objectives displayed). Those discussions were helpful to all. On the issue of salmon process, we were on a track of adopting the salmon regulations on Thursday afternoon, so that Friday we could see what they look like after what happened last year.

Dr. McIsaac said we have just duplicated last year's agenda for just this type of discussion.

Mr. Boydston said some of the groundfish issues could be moved to Friday if salmon adoption of management measures are adopted on Thursday.

Mr. Lone made some comments about the observer program; what about the AFA issues, will that need to be done in April. We decided that we're not able to make that date.

Mr. Robinson said we should leave the observer program on the agenda - just as a brief report and update. Ms. Cooney thought for AFA, Mr. Waldeck would describe what the different options are, along with a brief

description what the effects are. The description may be able to help the Council move the issue along. Mr. Fletcher, on marine reserves, have there been more ad-hoc committee's meetings. Mr. Seger noted that the committee will be meeting to review the technical groups report.

Mr. Anderson asked what if we put the closed session at 2 p.m.; then start open session at 2:30 p.m. for Monday: A., C.1., C.2., D.1., D.6. and Administrative Matters E.1. thru E.4. and had those on Monday afternoon. Maybe by doing that we can give ourselves some flexibility to have this more manageable. Mr. Fletcher agreed with the comments.

Dr. Hanson mentioned that strategic plan documents would not be available for Council review, so maybe having D.6. on Monday is not a good idea.

Mr. Harp supports the recommendations that Mr. Anderson has made. Chairman Lone also agreed with Mr. Anderson's comments.

Mr. Brown, on Dr. Hanson's comments about D.6., we should move D.6. till Friday.

Chairman Lone is still concerned about Wednesday's groundfish agenda, (Chairman Lone reviewed all of the above changes). Mr. Glock said it could all be done under the single heading of inseason adjustments. He suggested the allocation discussion take place before inseason adjustments are made.

Mr. Boydston's preference is that it not get buried in some agenda item. (the rockfish in the shrimp trawl fishery). Dr. McIsaac said that what were talking about is display options so the public can see the allocation issues.

Mr. Brown said by putting the trawl fishery issue and allocation issue, it seems to make these faster since it helps us go through a list. He would like to see it as a agenda item.

Mr. Harp noted that we needed to renew the emergency rule for groundfish management issues for 2000. Mr. Robinson suggested that be its own agenda item.

ADJOURN

The Council was adjourned at 12:45 a.m., on Friday, March 10, 2000.


Jim Lone, Council Chairman

Tuesday, June 26, 2000

Date