

MINUTES
Pacific Fishery Management Council
 Red Lion Hotel Sacramento
 1401 Arden Way
 Sacramento, CA 95815
 March 10-14, 2003

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A. Call to Order

A.1 Opening Remarks, Introductions

Chairman Hans Radtke called the 167th meeting of the Pacific Fishery Management Council to order at 10:31 a.m. on Tuesday, March 11, 2003. Note: The Council met in a closed session which began at 8 a.m.

A.2 Roll Call

Dr. Don McIsaac called the roll.

Members Present at Time of Roll Call

Jim Caito
Roger Thomas
Phil Anderson
Mark Cedergreen
Bob Alverson
Jerry Mallet
Dave Ortmann
Dave Gaudet (non-voting)
Don Hansen (Vice-Chairman)
Hans Radtke (Chairman)
David Hanson (Parliamentarian, non-voting)
LT. Gregg Casad (non-voting)
Burnie Bohn
Marija Vojkovich
Ralph Brown
Jim Harp
Bill Robinson
Tim Roth (non-voting)

Members Absent at Time of Roll Call

Stetson Tinkham

Ms. Vojkovich introduced Mr. Eric Larson new California Department of Fish and Game designee, who will participate in the salmon issue discussions.

A.3 Executive Director's Report (10:38 am)

Dr. Donald McIsaac talked about the Marine Recreational Fisheries Statistics Survey (MRFSS).

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

The Council approved the agenda as shown in Exhibit A.4, March 2003 Council Meeting Agenda with the following change: under Halibut Management, Agenda Item F.1, replace "Mr. Bill Robinson" with "Mr. Chuck Tracy" as report provider. (Motion 1)

A.5 **Council Action:** Approve June, September, and November 2002 Minutes

The Council approved the June 2002 minutes as shown in Exhibit A.5, June 2002 Council Minutes with some clarifications made by Mr. Fougner. (Motion 2)

The Council approved the September 2002 minutes as shown in Exhibit A.5, September 2002 Council Minutes. (Motion 3)

The November 2002 minutes were approved with some clarifications made by Mr. Fougner. (Motion 4)

Mr. Brown noted the copies of the November minutes were difficult to read due to photocopying errors.

A.6 through A.8

Agenda A.6 through A.8 were daily commencing remarks made by the Executive Director.

B. Salmon Management

B.1 National Marine Fisheries Service (NMFS) Report (03/11/03; 10:48 am)

B.1.a. Informational Update

Mr. Bill Robinson reported on the Endangered Species Act (ESA) status review. Part 1 was review of ESA listed stock status including hatchery stocks. Part 2 was a review of conservation efforts undertaken since listing. The Part 1 initial draft has been completed and distributed to co-managers for review. Public review will follow. Part 2 has not been completed.

B.1.b. Reports and Comments of Advisory Bodies

None.

B.1.c. Public Comment

None.

B.1.d. Council Discussion on NMFS Report on Salmon Management

None.

B.2. Final Scientific and Statistical Committee (SSC) Methodology Review Recommendations on the Chinook and Coho Fishery Regulation and Assessment Models (FRAM) for 2003 Salmon Management (03/11/03; 10:51 am)

B.2.a. Agendum Overview

Mr. Chuck Tracy provided a summary of the agendum.

B.2.b. SSC Report

Dr. Peter Lawson provided Exhibit B.2.b, Supplemental SSC Report.

B.2.c. Reports and Comments of Advisory Bodies

STT

Mr. Dell Simmons provided Exhibit B.2.c, STT Report.

WDFW

Mr. Phil Anderson asked Exhibit B.2.c, Supplemental WDFW Report, be provided during the Council discussion.

B.2.d. Public Comment

None.

B.2.e. Council Action: Consider Methodology Changes to the Chinook FRAM and Coho FRAM

Mr. Anderson moved (Motion 5) that the Council adopt the revised coho FRAM for use in 2003. Mr. Harp seconded the motion. Motion 5 passed.

Mr. Anderson recapped the November 2002 Council motion on the use of the Chinook FRAM for 2003 fisheries. He stated that the requirement for completion and review of the interface of the FRAM and terminal area management modules (TAMM) was satisfied based on the STT and SSC reports. He then reported WDFW is considering, based on co-manager discussions, a pilot mark-selective chinook fishery in Washington management areas 5 and 6 during July-August; the season would not exceed 41 days and would be governed by a quota not to exceed 3,500 landed adipose fin clipped chinook.

Mr. Anderson referenced Exhibit B.2.c, Supplemental WDFW Report, which indicated Columbia River chinook stocks, and Coweeman tules in particular, are subject to similar, and minor, impacts in selective and nonselective chinook fisheries modeled on the assumptions above. He stated that the minor nature of the fishery meets the requirement of the November 2002 motion. He qualified his statement saying that the Area 5-6 selective fishery was still contingent on agreement with the co-managers and approval by NMFS of the Puget Sound chinook Resource Management Plan under Section 4(d) of the ESA. Mr. Anderson moved (Motion 6) to adopt the revised chinook FRAM model with the understanding that it will be used to evaluate and estimate the impacts of a potential mark-selective chinook fishery in Areas 5 and 6 (time period not to exceed 41 days with a cap of 3,500 landed chinook). Mr. Cedergreen seconded the motion.

Mr. Bohn stated that a pilot fishery of this magnitude is a good opportunity to see how the model will perform.

Mr. Robinson noted NMFS submitted a letter he will refer to in B.5, on how well agencies are equipped to evaluate such fisheries. He asked Mr. Anderson if the FRAM evaluates the impact of the fishery on Puget sound stocks. Mr. Larrie LaVoy responded that the Puget Sound chinook impacts are available from the TAMM outputs.

Mr. Harp asked Mr. Simmons if the STT could analyze the various chinook options for 2003 should the motion pass. Mr. Simmons replied that the STT believed a fishery like Mr. Anderson proposed could be incorporated into the analyses in 2003 without significant concern.

Mr. Eric Larson, CDFG, asked for a friendly amendment to make approval of the Chinook FRAM provisional for 2003 due to potential impacts south of Cape Blanco. Mr. Anderson responded that his motion was specific for 2003, and did not accept the friendly amendment.

Mr. Robinson asked Mr. Anderson if not accepting the amendment was because the motion accomplishes what Mr. Larson was asking. Mr. Anderson responded yes.

Mr. Larson withdrew his request for a friendly amendment.

Motion 6 passed.

B.3. Review of 2002 Fisheries and Summary of 2003 Stock Abundance Estimates (03/11/03; 11:36 am)

B.3.a. Report of the Salmon Technical Team (STT)

Mr. Dell Simmons reviewed the results of the 2002 fisheries (*Review of 2002 Ocean Salmon Fisheries*) and the accompanying errata sheet as well as the stock abundance projections for 2003 (*Preseason Report I Stock Abundance Analysis for 2003 Ocean Salmon Fisheries*) and some slight changes to some of the tables.

B.3.b. Reports and Comments of Advisory Bodies (03/11/03; 1:26 pm)

SSC

Dr. Lawson presented Exhibit B.3.b, Supplemental SSC Report.

B.3.c. Public Comment

None.

B.3.d. Council Discussion on Review of 2002 Fisheries and Summary of 2003 Stock Abundance Estimates

CDFG

Mr. Eric Larson gave a brief review of last years salmon fisheries. He noted California had a good year in terms of harvest.

WDFW

Mr. Anderson asked Captain Cenci to give an update on the Washington 2002 coastal selective coho salmon fishery (Exhibit B.3.b, Supplemental WDFW Report).

ODFW

Mr. Bohn said the central Oregon coast selective fishery went smoothly.

Tribes

Mr. Harp stated the returns to the Puget Sound and Washington coast were greater than forecasted- in particular Queets River coho escapement was well above the management objective.

USFWS

Mr. Tim Roth stated that the Battle Creek return of Coleman Hatchery fish was probably less than 500,000, but still very large. The Spring Creek Hatchery age- 4 prediction was low, but age-3 prediction drives the fishery and it was very close to forecast.

B.4 Inseason Management Recommendations for Openings Prior to May 1 North of Cape Falcon (03/11/03; 1:45 pm)

B.4.a Agendum Overview

Mr. Tracy provided the agendum overview.

B.4.b Oregon Department of Fish and Wildlife (ODFW) and Washington Department of Fish and Wildlife (WDFW) Recommendations

Mr. Bohn reaffirmed the position from the November 2002 meeting that no changes were proposed for early opening north of Cape Falcon. Mr. Anderson supported Mr. Bohn's comments.

B.4.c Reports and Comments of Advisory Bodies

None.

B.4.d Public Comment

None.

B.4.e **Council Action:** Consider Adopting Recommendations for Early Opening Dates for Fisheries North of Cape Falcon

None.

B.5 Identification of Management Objectives and Preliminary Definition of 2003 Salmon Management Options
(03/11/03; 1:48 pm)

B.5.a Agendum Overview

Mr. Tracy provided the agendum overview.

B.5.b Report from the Pacific Salmon Commission

Mr. Jim Harp provided B.5.b, Supplemental Report from the Pacific Salmon Commission and Supplemental B.5.b.2, U.S. Section of the Pacific Salmon Commission.

Dr. Gary Morishima provided a report on the U.S./Canada management agreement for coho stocks which calls for the development of a regional planning model. The model is being developed by the PSC using the Coho Fishery Regulation Assessment Model (FRAM) as the engine. Some modifications to the FRAM have already been initiated. A new base period and stock stratification is being developed to meet the needs of Canadian fishery managers, which will be brought to the SSC and STT for review. It is hoped the model will be ready for implementation in 2004.

B.5.c Report of the Klamath Fishery Management Council (KFMC)

Mr. Dan Viele provided Exhibit B.5.c, Supplemental KFMC Report which outlined the KFMC recommendations to the Council, and included the Klamath Management Zone Fisheries Coalition recreational recommendations.

Mr. Bohn asked when recommendations for Klamath spring chinook conservation objectives would be forthcoming. Mr. Viele responded that it was likely in 2004.

B.5.d Report of the California Fish and Game Commission

Mr. Larson read into the record a letter from the California Fish and Game Commission (Exhibit B.5.d, Supplemental CFGC Report).

B.5.e NMFS Recommendations

Mr. Robinson noted each year NOAA fisheries gives the ESA guidance to the Council, this year the letter is provided under Exhibit B.1.a. He noted that this year the letter had a new section "*General Comment: Mark-Selective Fishing*". Mr. Robinson read that portion of the letter for the record.

Mr. Anderson asked if there were concerns with monitoring, sampling and enforcement in recent mark-selective coho fisheries. Mr. Robinson responded no, the efforts to date were excellent.

Mr. Anderson asked if the NMFS review of the Puget Sound resource management plan (RMP) would be complete by the April Council meeting, and if the NMFS and co-managers recommended conservation objectives would be reconciled by then. Mr. Robinson replied that management objective would be the chief priority, although the public process will probably take longer.

Mr. Anderson suggested noting on the March Options that the final management measures adopted by the Council in April for chinook fisheries north of Cape Falcon may be outside the range of March options in order to meet the NMFS recovery exploitation rates for Puget Sound chinook, which were under development. He hoped this would meet the NMFS guidance for at least one option to meet the current recovery exploitation rates for Puget Sound chinook, and avoid adopting a "zero option" in March to cover the potential outcomes of the RMP review. Mr. Robinson agreed that such a note would be appropriate and adequate.

Mr. Roth indicated USFWS was recently informed of a new mandate which was in a press release from Norm Dicks office (Exhibit B.7, Supplemental Attachment 1). The USFWS has a meeting with Norm Dicks

for March 17 to discuss implementation of the mandate, including funding and management system implications.

B.5.f Tribal Recommendations (03/11/03; 3:16 pm)

Mr. Mike Orcutt, Hoopa Valley Tribe presented Exhibit B.5.f, Supplemental Tribal Comments 1.

Mr. Dave Hillemeier, representing the Yurok Tribe, stated his appreciation of the PFMC letter sent to Secretary Norton regarding the Klamath fish kill in 2002. He requested the Council send another letter requesting a response to the first letter.

Mr. Harold Blackwolf, Sr., provided the following testimony of the Columbia River Treaty Tribes:

TESTIMONY OF
THE COLUMBIA RIVER TREATY TRIBES
BEFORE PACIFIC FISHERIES MANAGEMENT COUNCIL
MARCH 11, 2003
SACRAMENTO, CALIFORNIA

Good afternoon Mr. Chairman and members of the Council. My name is Harold Blackwolf Sr. I am a member of the Fish and Wildlife Committee of the Confederated Tribes of the Warm Springs Reservation of Oregon and a treaty fisherman on the Columbia River. I am here today to provide Testimony on behalf of the four Columbia River treaty tribes: the Yakama, Warm Springs, Umatilla and Nez Perce tribes.

The fall chinook forecasts for Columbia River stocks continue to be strong. The upriver bright forecast may be the best return since 1988 and similar to 2002 actual return. This would be the fourth largest return since 1964. The Spring Creek Hatchery Tule forecast may be the third largest return since 1982 and about two times greater than the recent 10year average of 50,000. However impacts on Snake River fall chinook will likely limit both in-river fisheries and ocean fisheries.

The forecast for Columbia River coho suggests a much larger return than last year. According to recent management agreements for upper Columbia River coho, 50 percent of the upriver coho must be passed to the treaty fishing area upstream of Bonneville Dam. We expect the states to monitor and include all sources of non-Indian fishery mortalities in the ocean and the lower river to ensure the adequate passage of coho past Bonneville Dam in order for the tribes to have the opportunity to harvest their share of the coho and to assist with rebuilding upriver coho populations.

The Columbia River tribes continue to question the utility of mass marking and selective fisheries as a long-term recovery strategy. The Columbia River Tribes are concerned about the WDFW proposal to begin a selective sport fishery for chinook in Area 5/6 in the Strait of Juan de Fuca. There are still unresolved technical issues concerning the mass marking and selective fishing for chinook that are far more complicated than for coho, making it difficult to detect the effects of selective harvest on escapement. A selective fishery in the Strait of Juan de Fuca will have impacts on several Columbia River stocks including Upriver Brights and Spring Creek Tules. We are not confident that the selective fishery will be adequately monitored to determine the impacts on Columbia River fish.

The idea of selective fishing as a way to address wild stock concerns is seductive because it diverts attention from the real problem: low wild fish survival. In practice, selective fisheries have not reduced harvest rates on wild fish, but maintained the same overall harvest rate on the wild fish while expanding the harvest of hatchery fish. Managing this way does not reduce the number of dead wild fish. The matter is also complicated in the Columbia River because some mass marked hatchery fish such as Wells Hatchery steelhead are listed under the ESA. Under current regulations it is legal for sport fishers to retain these listed fish in a selective fishery at higher rates than other listed populations. This is done at the same time the states and federal government argue that one of the main reasons for implementing selective fisheries is to reduce impacts on listed fish. Managers are so interested in figuring out how to mass mark salmon that they haven't stopped to consider the longer term implications. Our experience with steelhead in the Columbia River indicates that mass marking and selective fishing by itself will not restore wild runs. It is not prudent to move ahead with mass marking and selective fishing for chinook.

Last year's Lower Granite Dam count for Snake River fall chinook was the highest on record again. And again this year there is no agreed to forecast for the Snake River wild fall chinook. The co-managers are waiting for NOAA Fisheries to do the run reconstruction of fish returning to Lower Granite Dam for review by the co-managers. Without the run reconstruction a forecast is not possible. Forecasts are needed on a timely basis because it has important effects on ocean and inriver fishery planning. To produce the Snake River Fall Index requires output from the chinook models. These models require the forecast and dam return numbers. Last year, for modeling purposes, STT and CTC members used estimates of wild fish returning to Lower Granite Dam that were not agreed to by the managers. This can only lead to model results with uncertain reliability. A better and more timely process is needed to get meaningful information.

Some of the recent increases in the wild Snake River counts were the results of supplementation that the tribes successfully advocated for. The tribes believe that this provides a good foundation for recovery. However, the

federal government discounts the value of successful supplementation programs. Other examples of successful supplementation include restoring fall chinook returns to the Umatilla, Yakima, and Klickitat Rivers, spring chinook in the Clearwater and Umatilla Rivers, and coho in the Yakima, Clearwater, and Umatilla Rivers.

*The Federal government has the legal obligation under federal law **to restrict other** activities that impact listed species **before** restricting the Columbia River treaty Indian fishery any further. This must be done to **comply** with the conservation principles established in United States versus Oregon. **Until everyone**, Indian and non-Indian, can resume fishing at its full potential, we can not forget the work that we have to do **together** to recover all salmon and steelhead runs for our future generations.*

As the Council considers various fishery options over the next month, it should consider the following management principles.

*Harvest rates must account for **all** sources of mortalities including mortalities in groundfish fisheries and non-harvest mortality and the harvest rates be sustainable and support rebuilding of weak and depressed stocks.*

*Non-tribal river and ocean fisheries **must** allow sufficient escapement so the tribes can harvest their fair share of the harvestable fish. The allocation between tribal and non-tribal fisheries must include mortalities from all sources, not just fishery mortalities.*

***Habitat** protection and restoration and stock supplementation must be a part of the long term solution.*

This concludes my statement. Thank You.

Mr. Harp provided a joint recommendation (Exhibit B.5.f, Supplemental WDFW/Tribal Recommendations) which outlined the objectives for Puget Sound chinook and coho salmon.

Mr. Bohn asked Mr. Robinson if the differences in recovery exploitation rates (RERs) between the NMFS guidance letter and the Exhibit were the result of different calculations based on total v. southern U.S. exploitation rates. Mr. Robinson replied that was generally the case, and that any other differences would have to be worked out prior to the April Council meeting.

Mr. Anderson remarked that including Canadian fisheries in the RERs could preempt Council area fisheries, which have very minor impacts on Puget Sound chinook stocks. In addition, averaging of two years does not account for pink fisheries, which occur in one year but not the other.

Mr. Harp provided preliminary options for treaty Indian troll fisheries (Exhibit B.5.f, Preliminary Definition of 2003 Management Options: Tribal Recommendations)

Mr. Harp provided explanation of a letter from Quileute Tribe to Dr. Peter Dygert, NMFS, dated March 6, 2003, which stated the tribe anticipates the same regulations as last season (Exhibit B.5.f, Supplemental Quileute Recommendations). He recommended the treaty Indian troll regulations for 2003 have no size limit restrictions for Ceremonial and Subsistence fisheries.

B.5.g State Recommendations

WDFW

Mr. Anderson noted Mr. Harp provided the joint management objective recommendations from the comanagers; specifications reflecting those objectives are incorporated in the SAS report.

ODFW

Mr. Bohn presented Exhibit B.5.g, Supplemental ODFW Report (Integration of Management in Ocean and Columbia River Fisheries in 2003 to Meet Conservation Requirements for Oregon Coastal Natural and Lower Columbia River Natural Coho Salmon). He noted that for 2003, the Oregon coast natural coho constraint is more conservative than that of the Lower Columbia natural coho, and therefore the Oregon state recovery plan will not be an issue in 2003 ocean fishery management.

CDFG

Mr. Larson requested the STT include additional fishing in the Ft. Bragg area, the KMZ in July, and full recreational and commercial seasons south of Pt. Arena in order to access surplus production and avoid situations like that of Battle Creek and the Klamath fish kill in 2002. He urged NMFS to work closely with parties to ensure there is not a repeat of the low-flow conditions which were seen in 2002.

B.5.h Reports and Comments of Advisory Bodies (03/11/03; 3:58 pm)

SAS

The following members of the SAS provided Exhibit Report B.5.h, Supplemental SAS Report. Messrs. Jim Olson, Don Stevens, Duncan MacLean, Steve Watrous, Ron Lethin, Jim Welter, and Kurt Hochberg.

Mr. Bohn requested that one option include a March 15 opening date for 2004 commercial fisheries in Oregon south of Cape Falcon.

Mr Anderson asked if the incidental halibut regulation options will be included in the Salmon option package. Mr. Tracy responded that the options will be developed under Council agenda item F.3, but would be included in the salmon management options sent out for public review.

Mr. Brown asked if the 16% age-4 Klamath River fall chinook harvest rate restriction associated with California coastal chinook is applied equally for areas off Central California as for areas off Oregon, especially in light of the expanded fisheries proposed for the California coast. Mr. MacLean responded that the expanded fisheries proposals were possible due to more liberal OCN constraints.

Mr. Bohn asked why the north of Cape Falcon commercial May-June chinook fishery Option III had longer season dates with less quota than Option II. Mr. Anderson responded that it was a marketing issue to have Option II stop early enough to assess the fishery, then start the all species fishery in time to provide fish for the July 4 market.

B.5.i Public Comment

Mr. Paul Englemeyer, National Audubon Society, Yachats, Oregon
Mr. Dave Bitts, PCFFA, Eureka, California
Mr. Duncan MacLean, salmon troller, El Granada, California

B.5.j Council Recommendations for Initial Options for STT Collation and Description

Mr. Anderson recommended the STT use Exhibit B.5.h, Supplemental SAS Report for STT collation and description.

Mr. Bohn supported Mr. Anderson's comments.

Mr. Larson provided the following guidance and recommended the following changes to Exhibit B.5.h, Supplemental SAS Report: for commercial troll fishery options between Horse Mt. and Pt. Arena have the STT determine appropriate quotas; for recreational gear restrictions on page 10 item C.2.d, change from U.S./Mexico Border to OR/CA Border as California state law would not permit so called boat limit fishing until the California Fish and Game Commission addresses the situation, which would not occur until the 2004 season at the earliest.

Mr. Harp recommended the following changes to Exhibit B.5.h, Supplemental SAS Report: page one Option I North of Cape Falcon, Supplemental Management Information 3, Treaty Indian commercial ocean troll quotas of: 60,000 chinook (30,000 in May and June; 30,000 for all-salmon season in Jul-Sept 15 with no rollover allowed from chinook season); and 90,000 coho. For Option II 40,000 chinook (split 20,000 and 20,000 with no rollover) with 75,000 coho. For Option III 30,000 chinook, (split 15,000 and 15,000 with no rollover), with 60,000 coho.

B.6 Status of Model Evaluation Workgroup (03/12/03; 3:26 pm)

B.6.a Agendum Overview

Mr. Tracy provided the agendum overview.

B.6.b Reports and Comments of Advisory Bodies

SSC

Mr. Tom Jagielo provided Exhibit B.6.b, Supplemental SSC Report.

STT

Mr. Simmons noted the STT could not reach consensus; therefore they did not present any comments. The STT requested waiting until April to provide comments on formation and operation of the MEW.

B.6.c Public Comment

None.

B.6.d Council Discussion on Status of Model Evaluation Workgroup

Mr. Anderson stated that the Council has a right to ensure the models it employs are reviewed and has an opportunity to recommend changes as appropriate. One of the concerns expressed to WDFW regarding the Chinook and Coho FRAM is the lack of documentation. WDFW agrees the documentation is needed so people can make independent assessments and review of the model and to make suggestions for improvements. The model documentation is the first priority for the list of tasks indicated in the Situation Summary (Exhibit B.6). He recommended a stepwise approach to the MEW, beginning with a small group to assist in the documentation. He agreed to wait until April to act on formation of the MEW.

Mr. Harp stated his priorities for the MEW were: 1) documentation; 2) developing technical reference manuals for the models; and 3) expanding the number of people familiar with the models. He supported deferring action until the April meeting.

Mr. Larson stated CDFG remains concerned about OCN impacts modeled in the Coho FRAM on California fisheries. He requested the MEW include a representative from CDFG.

Mr. Anderson stated that he did not intend to exclude any of the management agencies from being represented on the MEW.

Council concurred that the matter of forming a Model Evaluation Workgroup would be deferred until April.

B.7 Status of Marking Programs for Selective Fisheries (03/12/03; 3:51 pm)

B.7.a Agendum Overview

Mr. Tracy provided the agendum overview.

B.7.b Report of the STT

Mr. Simmons provided Exhibit B.7.b, STT Report.

B.7.c Reports and Comments of Advisory Bodies

Tribal

Mr. Harold Blackwolf, Sr., made the following comments:

TESTIMONY OF
THE COLUMBIA RIVER TREATY TRIBES
BEFORE PACIFIC FISHERIES MANAGEMENT COUNCIL
MARCH 12, 2003
SACRAMENTO, CA

Good afternoon Mr. Chairman and members of the Council. My name is Harold Blackwolf Sr. I am a member of the Fish and Wildlife Committee of the Confederated Tribes of the Warm Springs Reservation of Oregon and a treaty fisherman on the Columbia River. I am here today to provide testimony on subject of mass marking and the legislation requiring the marking of hatchery fish.

Without repeating much of my statement earlier in the week, I wanted to elaborate on some of the tribal concerns with this issue and provide some additional detail to the information contained in exhibit B.7.b.

There are many hatchery programs that operate with the objective of restoring and recovering various salmon and steelhead populations. Many of these recovery programs already mass mark fish over tribal objections and the tribes do not want this to be expanded. Some of these programs are producing listed hatchery origin fish.

For spring chinook in the upper Columbia, the Methow Composite stock spring chinook from Methow State fish hatchery are listed as threatened under the ESA and are 100% Ad clipped. Releases are in the range of 350,000 smolts. In the Snake Basin, Lookingglass Hatchery produces listed spring chinook that are released in the Grande Ronde and Imnaha river systems. These releases are over 600,000 smolts per year. These fish are also listed and 100% mass marked. For Summer Chinook, there are fish released from Pahsimeroi Hatchery that are listed and mass marked. These releases are approximately 400,000 smolts per year. Additionally there are programs releasing unlisted fish specifically designed for recovery that are mass marked such as spring chinook from Cle Elum Hatchery and Fall Chinook from the Lyons Ferry supplementation program and Fall Chinook from Nez Perce Tribal Hatchery which could not get NMFS approval to operate without mass marking their fish. These listed fish are all subject to overly high harvest rates in current and potential selective fisheries. We also understand that there are listed chinook from Dungeness hatchery that are mass marked and that will be subject to harvest in an Area 5/6 selective fishery.

Additionally, increasing mass marking increases the desire for expanded selective fisheries. This simply increases uncertainty about the mortality to numerous listed unmarked runs because of increased uncertainty about the reliability of the Coded Wire Tag system and potential increased mortalities due to multiple encounters in selective fisheries. We should be taking less risks with listed fish not more. The legislation requiring increasing the mass marking of hatchery fish is misguided and will create more problems than it could possibly solve.

This concludes my statement. Thank You.

B.7.d Public Comment

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

B.7.e Council Discussion on Status of Marking Programs for Selective Fisheries

Mr. Tim Roth noted that regarding Exhibit B.7, Supplemental Attachment 1, a meeting with Congressman Dicks will be held at his Bremerton, Washington office on March 17 to get additional clarification as to what the language in Supplemental Attachment 1 means to the West Coast.

Mr. Larson indicated mass marked chinook are impacting California fishery sampling programs because of the high rate of adipose clipped fish without coded wire tags that must be sampled.

Mr. Roth asked if Oregon has instituted electronic tag detection programs. Mr Bohn responded yes.

Mr. Caito noted impacts to the processing industry as well - they employed someone just to cut the heads off.

Mr. Bohn suggested that a detailed report of the actual sampling be provided to the STT.

Mr. Harp indicated that Congressman Dicks did not discuss mass marking requirements with the tribes. He was also curious if the term "federally financed hatcheries" included tribal hatcheries. Mr. Roth said USFWS was also surprised, and they too need clarification.

Mr. Roth stated that the USFWS already mass marks all spring chinook and steelhead intended for harvest. The primary issue would be how to apply mass marking to fall chinook.

Dr. McIsaac asked if California could identify what hatcheries would not be involved in this mandate because they did not receive federal funding. Mr. Larson replied many of their hatcheries receive federal funding. Mr. Roth said they have prepared figures for the meeting; and noted a large percentage of hatcheries in California do receive federal funding.

Mr. Larson recommended a Council representative attend the meeting with Congressman Dicks.

Mr. Mallet stated that mass-marking of Idaho chinook and steelhead is the only way they could have a fishery in Idaho.

B.8 Conservation Objectives for Central Valley Winter and Spring Chinook (03/12/03; 4:36 pm)

B.8.a Agendum Overview

Mr. Tracy provided the agendum overview.

B.8.b Report of the Sacramento River Winter and Spring Chinook Workgroup

Mr. Viele presented Exhibit B.8.b, Report of the Sacramento River Winter and Spring Chinook Workgroup.

Mr. Roth asked if environmental conditions were less favorable, would the Workgroup consider recommending a different age-3 impact rate. Mr. Viele responded that it is difficult to specify an appropriate exploitation rate for all survival conditions.

Mr. Larson requested the Workgroup continue to report to the Council.

B.8.c Reports and Comments of Advisory Bodies

None.

B.8.d Public Comment

None.

B.8.e **Council Action:** Consider Recommendations of the Sacramento River Winter and Spring Chinook Workgroup

None.

B.9 Council Recommendations for 2003 Salmon Management Option Analysis (03/12/03; 4:46 pm)

B.9.a Agendum Overview

Mr. Tracy provided the agendum overview.

B.9.b Report of the STT

Mr. Simmons provided Exhibit B.9.b, Supplemental STT Report.

Dr. McIsaac asked Ms. Cooney if the range of options in California areas were sufficient, because in most areas all three options were identical. Ms. Cooney responded that it was not a requirement that each cell have a range of options. The intent is to provide an overall range of options and a NEPA analysis. Adopting a final recommendation that is outside the range of options is not strictly prohibited, as long as the analysis supports the decision.

Mr. Robinson requested a footnote on Option III for the North of Cape Falcon fisheries indicating the chinook quota may be reduced or fisheries adjusted if necessary to meet ESA consultation standards for Puget Sound chinook.

Mr. Bohn recommended the Oregon and California STT and SAS members work on strategies to achieve a 16% harvest rate on age-4 Klamath chinook in Options I and II.

Mr. Anderson recommended having one option that does not meet the 50% sharing agreement for Columbia upriver coho to allow the North of Falcon process to meld the ocean/inriver package to meet the agreement. Similarly with the Stillaguamish and Hood Canal coho and lower Columbia natural tule chinook exploitation rates, one option that does not meet the conservation objective will allow the inside and ocean fisheries to match up regulations in the North of Falcon process.

Mr. Simmons corrected the Stillaguamish coho exploitation rate standard indicating that it should be 50% not 35%, which means the conservation objective was met for all three Options.

Ms. Cooney requested more discussion of the C.2 footnote on the recreational seasons regarding boat limit fishing because the language conflicts with current CFR regulations on bag limit and quota management, and because completion of catch-record-cards is a state issue. Mr. Anderson recommended removing C.2.d, page 10 of the recreational fisheries options due to inconsistencies relative to regulations put in place by Washington, and the conflict with the current federal regulations in place. Mr. Bohn indicated that the boat limit fishing issue was precipitated by Washington allowing boat limit fishing at the mouth of the Columbia, where Oregon does not. He hoped there was a way to resolve the issue in the Federal regulations prior to late June when the ocean fishery opens. Mr. Anderson stated his support for his intent, but indicated the need to establish a process for resolving the issue.

B.9.c Report of the KFMC

None.

B.9.d Reports and Comments of Advisory Bodies

None.

B.9.e Public Comments

Mr. Don Stevens, Oregon Salmon Commission, Newberg, Oregon
Mr. Daniel Platt, Salmon Trollers Marketing Association, Fort Bragg, California

B.9.f Council Direction to the STT and Salmon Advisory Subpanel on Options Development and Analysis

Mr. Larson directed the STT to model commercial Option 1 for the California portion of the KMZ without the the August 16th to August 29th or 3,000 chinook quota fishery.

The STT came before the Council on Thursday, March 13, 2003 9:50 am to receive further direction and clarification.

Mr. Simmons reported that the STT removed the KMZ chinook quota, which resulted in Option I being at or below the 16% age-4 Klamath fall chinook harvest rate, but Option II still over 16%. There was no additional information on the Snake River Fall chinook indices.

Mr. Anderson recommended the Columbia River inriver sport/commercial fishery impacts on Columbia River natural tule chinook be modeled at 10.5%. For Option I he recommended: reduce the overall chinook quota north of Cape Falcon from 150,000 to 124,000 with 50,000 in the May-June commercial time frame and the remainder of the commercial allocation in the all-species fishery; eliminate the recreational ocean fishery for chinook only beginning May 24; change the opening dates for the Neah Bay, La Push, Westport recreational

fisheries from June 15 to June 22. For Option II he recommended: eliminate the recreational chinook fishery beginning May 24; all recreational areas north of Leadbetter Point open June 29, and the Columbia River area open July 6. He requested the tribes consider reduce their high option from 60,000 chinook to 50,000 chinook. Mr. Harp responded that he would confer with Mr. Anderson at the next break.

Mr. Bohn indicated that agreement between the Oregon and California SAS members has been reached regarding the Klamath age-4 exploitation rate issue for Options I and II.

Mr. Anderson requested the agreement should be brought to the Council so the Council could give direction to the STT rather than the STT receiving direction from the SAS.

B.10 Council Direction for 2003 Management Options (If Necessary)

The STT did not come back to the Council.

Mr. Anderson stated that the estimates for Canadian fishery impacts, which were the basis for his recommendation to reduce the north of Cape Falcon chinook quota from 150,000 to 124,000, were in error, and were actually lower. Therefore, he requested the Council allow readjusting the quota pending agreement with Oregon and the Tribes, without further involvement of the Council provided the quota did not exceed 150,000 chinook.

The Council consensus was to delegate authority to Mr. Anderson, Mr. Bohn, and Mr. Harp to adjust the north of Cape Falcon chinook quota.

Mr. Bohn requested deleting the boat limit language under C.2.d of the recreational fishery options. He indicated that the Oregon Fish and Wildlife Commission would take up the issue in April.

B.11. Salmon Hearings Officers

B.11.a Agendum Overview

None.

B.11.b **Council Action:** Appoint Salmon Hearings Officers

The Council reaffirmed the salmon fishery management option hearing locations as shown in Exhibit B.11, Attachment 1).

Mr. Anderson indicated Mr. Mark Cedergreen would be the Hearing Officer at Westport, Washington, and Mr. Rich Lincoln would attend for WDFW. Mr Harp indicated that he would also attend the Westport meeting.

Mr. Bohn indicated that he would be the Hearing Officer at Coos Bay, Oregon. He indicated that there will not be a state sponsored meeting in Tillamook this year.

Mr. Larson indicated that Mr. Jim Caito would be the Hearing Officer at Eureka, California, and that he would attend for CDFG. He indicated that there would be additional state sponsored hearings on March 25 in Crescent City and March 26 in Weaverville.

Mr. Anderson indicated the North of Falcon process will have its first public meeting March 20 and another public meeting on April 1.

B.12 Adoption of 2003 Management Options for Public Review (03/14/03; 10:13 am)

B.12.a Agendum Overview

None.

B.12.b Report of the STT

Mr. Dell Simmons presented Exhibit B.12.b, Supplemental STT Report.

B.12.c Reports and Comments of Advisory Bodies

None.

B.12.d Public Comment

None.

B.12.e **Council Action:** Adopt 2003 Salmon Management Options for Public Review

Mr. Anderson asked Ms. Cooney if the 2002 definition for the Cape Flattery Control Zone southern boundary of 48° 10' was not included in the Option package, would it be possible to adopt the 2002 definition in the final package in April. Ms Cooney suggested a footnote indicating the 2002 boundary was still a consideration.

Mr. Anderson noted an error on page 5 of the Commercial options, (C6), Option II should be "no more than 25 halibut".

Mr. Anderson moved (Motion 20) to adopt for public review in the area north of Cape Falcon, Oregon, the commercial and recreational options as identified in Exhibit B.12.b, Supplemental STT Report, with the following changes: page 4 of the commercial options, C.4.a, Cape Flattery Control Zone - add a sentence to read "in 2002 the southern boundary was 48° 10' and maybe considered by the Council for 2003"; for the incidental halibut harvest options on page 5 of the commercial options, C.6, include language that indicates the definition of landing limits used in options 1a and 1b for 2002 could be adopted for 2003. Mr. Cedergreen seconded the motion. Motion 20 passed.

Mr. Bohn moved (Motion 21) to adopt for public review in the areas between Cape Falcon, Oregon and Horse Mt. California, the commercial and recreational options as identified in Exhibit B.12.b, Supplemental STT Report. Mr. Brown seconded the motion. Motion 21 passed.

Mr. Larson moved (Motion 22) to adopt for public review in the areas between Horse Mt. California, and the U.S./Mexico border the commercial and recreational options as identified in Exhibit B.12.b, Supplemental STT Report with the following changes: on page 8, Table 2 of the recreational options, Horse Mt. to Pt. Arena Option I in 2004, strike the language following "April 30th" referring to the minimum size limit change to 20 inches and "the same gear restriction as in 2003". Mr. Thomas seconded the motion. Motion 22 passed.

Mr. Harp moved (Motion 23) to adopt for public review in the 2003 treaty Indian salmon troll fishery the commercial and ceremonial and subsistence options as identified in Table 3a on page 12 of Exhibit B.12.b, Supplemental STT Report.

Mr. Anderson asked Mr. Harp if he understands the language in item 4 under supplementary management for the north of Cape Falcon commercial package applies to the treaty Indian fisheries. Mr. Harp responded yes, that the tribes are bound by ESA constraints as well as the non-Indian fisheries.

Mr. Bohn seconded the motion. Motion 23 passed.

Mr. Brown moved and Mr. Bohn seconded a motion (Motion 24) to reconsider Motion 22. Motion 24 passed.

Mr. Larson moved (Motion 25) to amend Motion 22 to retain the language "same gear restrictions as in 2003", and to change the year in the last paragraph of Option I of the recreational season for Pigeon Pt. to the U.S./Mexico border from 2002 to 2003. The rest of the original motion to remain the same. Mr. Thomas seconded the motion. Motion 25 passed.

C. Habitat Issues

C.1 Essential Fish Habitat Issues (03/12/03; 8:03 am)

C.1.a Report of the Habitat Committee (HC)

Mr. Paul Heikkila provided the Habitat Committee report.

C.1.b Reports and Comments of Advisory Bodies

None.

C.1.c Public Comment

None.

C.1.d **Council Action:** Consider HC Recommendations on Habitat Issues

No action items were brought before the Council. However, Mr. Bohn commented that he had heard about a fairly substantial fish kill on Battle Creek (on the Sacramento River) that was not widely publicized. He asked the Habitat Committee to discuss this and report back to the Council. Mr. Heikkila responded the HC had also heard that there was a significant fall chinook kill along the Sacramento river system (up to 400,000 fish), as well as a juvenile fish kill on the American River. He felt the HC should investigate and report back to the Council on their findings.

Dr. McIsaac asked Mr. Tim Roth whether there was a report on this available from USFWS. Mr. Roth said he was not aware of any report, but he said the Coleman Hatchery is located about four miles up Battle Creek from the Sacramento River, and is a major producer of fall chinook for the Sacramento River system. Below that point is a spawning area for fall chinook, which are mainly hatchery fish from Coleman Hatchery that are spawning naturally. About 60,000 adults returned to the facility this past year - a tremendous return. Mr. Roth talked to Mr. Allen Grover about this issue. The estimate of 500,000+ fish returning to the system (including hatchery returns) looked out of line to the USFWS compared to other California systems. They are not confident in that figure. In talking to project managers it became clear that there was a change in how the estimate was developed. Mr. Roth said that CDFG and USFWS should review those estimates. Everybody knows there was a tremendous return - more than that system could handle. The returning hatchery fish didn't have enough spawning area to accommodate them. It's not flow-related; it's just more fish than the four miles of spawning area can handle. But this did not make the newspapers like the Klamath River fish kill did.

Mr. Bohn heard the HC say they would be willing to look at something if there was something to look at. Mr. Heikkila agreed that the HC would look into this.

Dr. McIsaac asked Mr. Larson if CDFG had information on the Battle Creek and American River fish kills that they could provide to the HC.

Mr. Larson said CDFG might have items available on the American River, but he was not sure. On the Battle Creek issue, CDFG will provide the HC with any information they need. He said about 60,000 fish did make it back to the hatchery and were used for food, but the rest of the fish did not enter the hatchery, so there was high pre-spawning mortality. He thanked the HC for providing information to the Council.

Mr. Donald Hansen asked Mr. Heikkila whether the mapping efforts discussed in the HC report covered the entire west coast. Mr. Heikkila said yes. The maps cover from the US/Canada border to the US/Mexico border. He described some compatibility issues related to mapping. Mr. Donald Hansen noted he had received a phone call asking where bocaccio habitat was. Mr. Heikkila said that the point of the effort was to identify habitat for Council-managed species, and that Dr. Wakefield could answer further questions on this.

D. Marine Reserves

D.1 Considerations for Integrating Marine Reserves with Effective Fishery Management (03/12/03; 8:30 am)

D.1.a Agendum Overview

Mr. Jim Seger provided the agendum overview.

D.1.b Presentations

Drs. David Fluharty, Jane Lubchenco, and Mark Hixon provided powerpoint presentations on "Considerations for Integrating Marine Reserves with Effective Fishery Management". Dr. Fluharty covered "A Fishery Manager's Perspective", Jane Lubchenco covered "The Ecosystem Science Perspective on Marine Reserves and Fisheries" and Mark Hixon covered "A Scientific Evaluation of Existing West Coast Marine Reserves." Following the presentations there was a question and answer session with the Council.

D.1.c Reports and Comments of Advisory Bodies

HC

Dr. Waldo Wakefield provided Exhibit D.1.c, Supplemental HC Report.

SAS

Mr. Don Stevens provided Exhibit D.1.c, Supplemental SAS Report.

D.1.d Public Comment

Mr. Duncan MacLean, salmon troller, El Granada, California

Ms. Kathy Fosmark, Alliance of Communities for Sustainable Fisheries, Carmel Valley, California

D.1.e Council Discussion on Considerations for Integrating Marine Reserves with Effective Fishery Management

Mr. Brown spoke to the continuing controversy and disagreement over the effects of marine reserves and the need to resolve these scientific disputes with informed discussions in which all points of view are considered. He also commented on uncertainties about information on the status of fish stocks and the possible role marine reserves might play in providing insurance against some of the poor information. However, Mr. Brown noted that the decision to include marine reserves as part of the groundfish strategic plan was made in the context of other complementary elements of the strategic plan, such as capacity reduction. Such measures are important in mitigating the impacts of fishers displaced from marine reserve areas. At present, Congress has not given the Council the tools it needs to address these issues.

The role of the Council in considering marine reserves for the West Coast is a fundamental one that Mr. Anderson felt needed to be addressed in the context of Council strategic priorities and resources. In the absence of additional resources, Council action is likely to be piecemeal. Mr. Anderson stated that the Council should place a high priority on playing a strong role in the development of marine reserves in sanctuary areas.

D.2 Update on Marine Reserves Activities (03/12/03; 11:04 am)

D.2.a Agendum Overview

Mr. Seger provided the agendum overview, covering the following areas: (1) central California National Marine Sanctuary activities; (2) phase 2 of the Council's considerations of marine reserves; (3) marine reserves science developments; and (4) the Federal Advisory Committee on Marine Protected Areas.

D.2.b Reports and Comments of Advisory Bodies

HC

Dr. Waldo Wakefield provided Exhibit D.2.b, Supplemental HC Report.

SSC

Mr. Tom Jagielo provided Exhibit D.2.b, Supplemental SSC Report.

D.2.c Public Comment

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

Ms. Brooke Simler, COMPASS, Corvallis, Oregon (commenting for Dr. Brock Bernstein on the National Fisheries Conservation Center (NFCC) proposal for a workshop on the science of marine reserves.)

Ms. Kathy Fosmark, Alliance of Communities for Sustainable Fisheries, Carmel Valley, California

Ms. Kate Wing, Natural Resources Defense Council, San Francisco, California

D.2.d Council Discussion on Marine Reserves Activities

The Council concurred with the SSC comments (Exhibit D.2.b, Supplemental SSC Report) and agreed to invite someone from NFCC to give a presentation to the SSC on the NFCC proposal (Exhibit D.2.a, Attachment 3) at the April meeting. The Council also accepted the proposal that the SSC's Marine Reserves Subcommittee meet sometime this summer to prepare a white paper on marine reserves that could be presented at the Council's September or November meeting.

Mr. Robinson suggested the Council consider bringing the marine reserve process and the EFH process closer together, possibly using the EFH EIS oversight committee in conjunction with the marine reserves working group later this summer or early fall to consider putting together one or two strawman alternatives for rigorous analyses, including one or more of the alternatives suggested by Dr. Parrish. He stated a Council decision on his suggested was not needed at that time.

Ms. Vojkovich addressed the central California marine sanctuary activities (Exhibit d.2.a, Supplemental attachment 5). She suggested the Council draft a letter to the National Marine Sanctuary Program and to the Monterey Bay National Marine Sanctuary (MBNMS) requesting clarification from the sanctuary program about the language contained in Exhibit D.2.a, Supplemental Attachment 5, proposing specific fishing regulations. California is not aware of any fishery management actions requested by MBNMS actions for which a positive response had not been provided. At present, the national marine sanctuaries in California have no ability to regulate fishing activities. CDFG would like more information on the process for providing the sanctuaries with such authority and how the Council might be involved in that process. She also asked that the Council reaffirm its interest in addressing fishery management issues within national marine sanctuary areas in a coordinated effort. During discussion on this issue, Ms. Cooney noted that if the designation documents are not changed to allow sanctuaries to regulate fishing and create marine reserves, then such regulations would be implemented between the state and the Council.

It was also decided that a letter should be sent to the Federal Advisory Committee for MPAs to ask them for their support in searching for funding to support Council consideration of marine reserves.

Mr. Anderson reported that in a private discussion during the break, Dr. Lubchenco had suggested that if the Council wished to assume a lead role in consideration of marine reserves along the West Coast that such a proposal could be put in the form of a pilot project that might provide a model for other regional fishery management councils. Funding might be available for such a pilot project.

D.3 Planning for Federal Waters Portion of the Channel Islands National Marine Sanctuary (CINMS)
(03/12/03; 1:21 pm)

D.3.a Agendum Overview

Mr. Seger provided an overview based on Exhibit D.3.

Mr. Chris Mobley and Sean Hastings provided a statement to the Council on the process for consideration of marine reserves for federal waters of the CINMS. Dr. Radtke asked that Mr. Mobley provide his prepared statement in writing. During discussion, Mr. Mobley said that alternatives for analysis would include consideration of promulgating marine reserves within the CINMS under the authority of the National Marine Sanctuary Act or the Magnuson-Stevens Act. The Council had extensive discussion on the actions the sanctuary might take if the Council took no action to consider marine reserves for sanctuary waters.

Mr. Fougner then said the intent of NOAA and the Sanctuaries is to work closely together with the Council. The process would proceed under NEPA and when an agreement was reached on the protections needed, a decision would be made on the tools to be used to reach the objectives.

D.3.b Reports and Comments of Advisory Bodies

HC

Dr. Waldo Wakefield provided Exhibit D.3.b, Supplemental HC Report.

D.3.c Public Comment

Mr. Gary Frederic, F/V Tabitha, El Granada, California

D.3.d Council Discussion on Planning for Federal Waters Portion of the CINMS

Mr. Brown noted the Council received a letter during public comment under agenda item D.2 (from California Lobster and Trap Fishermen's Association, read by Ms. Kathy Fosmark) which requested the SSC review some data that fishermen provided. Mr. Brown requested the SSC take an initial look at their data and spatial analysis to see if there was a basis for further examination.

D.3.e **Council Action:** If Appropriate, Adopt Process for Consideration of Marine Reserves in Federal Waters in or near the CINMS

No schedule was available for consideration at the meeting and no action was taken.

E. Groundfish Management

E.1 NMFS Report (03/12/03; 2:01 pm)

E.1.a Informational Update

Mr. Robinson gave an update on the following NMFS regulatory activities:

- In November, 2002, NMFS announced its determination that listing bocaccio under the ESA was not warranted and that bocaccio will remain on the NMFS list of candidate species and will be monitored carefully.
- Inseason trip limit adjustments, as recommended by the Council were implemented in late November, 2002.
- The emergency rule for the January-February annual groundfish specifications and management measures was published and is effective January 1, 2003,.
- A proposed rule for March-December, 2003 annual groundfish specifications and management measures was published for public comment on January 1, 2003.
- In mid-January the FEIS on the 2003 groundfish specifications was made available.

- The final rule on 2003 annual specifications was filed on February 28, 2003.
- The proposed rule for implementing the VMS requirements is currently under review at NMFS and will be available soon.
- NMFS is preparing the proposed rule to complete the regulatory package to submit Amendment 17, multi-year management.

Mr. Robinson recognized the efforts of all who were involved in the 2003 regulatory process and thanked the states for their work developing and providing the coordinates for the restricted areas. However, in the future, it would be helpful to have a centralized process where the coordinates get vetted for consistency with depths and Council intent, perhaps by the GMT or EC.

Mr. Robinson reflected on the September, 2002 meeting and expressed an interest in improving the process of developing management measures so that Council motions are more explicit and complete. There was a lot of difficulty determining exactly what the Council actions on 2003 specifications meant and how they were intended to be implemented. He requested that for the development of 2004 and future management measures, the Council and constituents begin early in deliberations and have a more complete and detailed motion for final action.

Mr. Robinson reported on the resumption of US/Canada pacific whiting harvest sharing negotiations. Sessions were held in October, 2002 and February, 2003. The dynamics of the negotiations have changed rather dramatically relative to negotiations in the past. Industry representatives of the two countries worked out several differences and came forward with a proposed framework for an agreement. A long-term sharing agreement was reached and is under review by both governments. NMFS is pleased with the direction the agreement is headed and is appreciative of all the hard work that went into reaching it including efforts by Rod Moore, Joe Bersch, Brent Paine, Joe Easley, Dale Myer, Dave Benson, and Steve Joner. The agreement has several central features: establishes a joint technical committee, a bilateral scientific peer review group and a joint management committee, includes a flexible default harvest policy, and divides the whiting coastwide OY between the two countries. NMFS is hopeful the agreement will end the persistent overharvest of the coastwide TAC and be a benefit to both countries and the resource.

Mr. Robinson reported that on February 20, 2003, the President signed the omnibus appropriations bill which requires the secretary to implement the Pacific groundfish fishing capacity reduction program for the limited entry groundfish trawl fleet. Mr. Robinson reviewed the provisions of the program and announced that the lead for implementing the program has been assigned to the Financial Services Division of the NMFS Headquarters office. The NMFS-NWR staff will be working closely with the Financial Services Division and Steve Freese has been committed to the task. NMFS will issue a notice in the FR within the 90-day deadline but the notice will not likely be the formal invitation for bids but will rather be a sample invitation and contract for public comment. Mr. Robinson will provide further information at the April Council meeting.

Mr. Hansen recognized the hard work on the buyback program by Mr. Pete Leipzig.

Dr. Liz Clarke gave the following updates on NWFSC activities:

- The request for bids for the combined shelf and slope surveys has been posted.
- PSMFC has posted an RFP for cooperative research with NMFS on their website and industry is encouraged to apply.
- The NWFSC has posted the first report on the West Coast Observer Program and suggests a presentation to the Council and its advisory bodies in April.
- NWFSC anticipates providing an update to the GAP and GMT on potential groundfish take in 2003 surveys at the April Council meeting.

E.1.b Reports and Comments of Advisory Bodies

None.

E.1.c Public Comment

None.

E.1.d Council Discussion on NMFS Groundfish Informational Update

Mr. Brown requested and Mr. Robinson provided a review of the funds available for the program. The total amount of the loan for the program is currently estimated at around \$36,000,000.

Mr. Caito agreed with efforts to improve the management measure process and urged the Council to get the specifications and proposed management lines to the GAP for review as soon as possible to avoid delay and error. Mr. Robinson agreed and mentioned that industry provided many corrections to the line.

Mr. Bohn appreciated the concerns about the management measure process and emphasized the importance of moving towards a three meeting process. Mr. Bohn asked about the timing of incorporating the US/Canada agreement for whiting and Mr. Robinson reported that the earliest would be the management cycle for 2004 specifications.

Mr. Alverson had some additional corrections for the management lines and asked about the process for reviewing or changing the lines. Mr. Robinson stated that if the current lines are erroneous or do not meet the intent of the Council action then NMFS can make the correction. However, if the change is a reconsideration of the coordinates then a notice and comment process would be required and recommended the 2004 management cycle as the best time for proposed adjustments.

Dr. McIsaac asked about the Council's role in implementing the buyback program. Mr. Robinson reported that there is nothing in the law that prevents the Council from amending the FMP and that NMFS will be analyzing the program and will inform the Council of any changes that may be required.

Mr. Anderson reported that the states are also working on legislation allowing the states to collect fees for the purpose of paying back the loan and asked if states are still being asked to stay involved. Mr. Robinson confirmed that the states will be involved but NMFS will first focus on implementing the program before working with the states on cost recovery issues.

Mr. Alverson asked Dr. Clarke about the status of information on fixed gear fisheries from the observer program. Dr. Clarke reported the focus is on the trawl data analyses because there was only pilot coverage of the fixed gear fleet in the first year of the program.

Mr. Anderson asked Dr. Clarke if the data from the first year of the program will be analyzed and available in time for inseason adjustments at the April meeting. Dr. Clark stated that it is not clear at this time but it is doubtful as there are still significant data analysis problems. Mr. Anderson and Dr. Clarke agreed that at this time the GAP and the GMT should anticipate using the existing fishery models and the NWFSC will keep the Council informed of any changes.

F. Pacific Halibut Management

Vice-Chairman Donald Hansen chaired Agenda Item F.

F.1 NMFS Report (03/12/03; 2:33 pm)

F.1.a Status of Council Management Measure Recommendations for 2003

Mr. Chuck Tracy presented the NMFS update on 2003 Pacific halibut management (Exhibit F.1, Revised Supplemental Attachment 1) on behalf of NMFS.

F.1.b Reports and Comments of Advisory Bodies

None.

F.1.c Public Comment

None.

F.1.d Council Discussion on Pacific Halibut Management

None.

F.2 Report on International Pacific Halibut Commission (IPHC) Annual Meeting (03/12/03; 2:38 pm)

F.2.a Summary of Meeting

Dr. Radtke presented Exhibit F.2, Attachment 1 which contained a summary of the January 21, 2003 IPHC annual meeting.

F.2.b Reports and Comments of Advisory Bodies

None.

F.2.c Public Comment

None.

F.2.d Council Discussion on Report on the IPHC Annual Meeting

Mr. Anderson noted WDFW and the coastal tribes from Washington were present at the annual meeting and provided a summary of efforts by the states and tribes to implement the catch sharing plan and explain it to the commissioners during their administrative session. He stated WDFW will be engaging in discussions with the Canadian Department of Fisheries and Oceans regarding the recreational fishery operating out of Neah Bay, which harvests halibut in Canadian waters. There may be some recommendations for a cap on the number of fish taken in that particular fishery. Mr. Harp indicated that the Neah Bay recreational fishery issue with Canada may also include rockfish and other species.

Mr. Harp reported that the tribal unrestricted halibut fishery started March 1 and has caught about one third of the quota so far. He stated his support for the March 1 opening date, and observed that the earlier start date, fishing farther off shore, and using different bait resulted in a much lower yelloweye rockfish catch.

F.3 Public Review Options for the 2003 Incidental Catch Regulations in the Salmon Troll and Fixed Gear Sablefish Fisheries (03/12/03; 2:48 pm)

F.3.a Agendum Overview

Mr. Tracy presented the agendum overview (Exhibit F.3, Situation Summary).

F.3.b State Proposals for the Salmon Troll Fishery

WDFW

Mr. Anderson provided Exhibit F.3.b, Supplemental WDFW Report.

F.3.c State Proposals for the Fixed Gear Sablefish Fishery

WDFW

Mr. Anderson provided Exhibit F.3.c, Supplemental WDFW Report.

F.3.d Tribal Comments

Mr. Harp provided the following comments:

Mr. Chairman,

I would just like to reiterate that for many years now the tribes have expressed concern for the by-catch discard mortality of halibut.

I continue to support this proposed action to allocate incidental halibut to the non-treaty sablefish fishery because it is a positive step of eliminating discard mortality.

I also support the allowance of halibut caught incidentally in the salmon troll fishery to be landed and counted in the non-Indian commercial halibut allocation as it was in 2002.

Thank you.

F.3.e Reports and Comments of Advisory Bodies

SAS

Mr. Don Stevens provided Exhibit F.3.e, Supplemental SAS Report.

F.3.f Public Comment

None.

F.3.g **Council Action:** Adopt Public Review Options for 2003 Incidental Halibut Catch Regulations

Mr. Anderson moved (Motion 7) to adopt for public review the proposed 2003 incidental catch regulations for the fixed gear sablefish fishery set forth in Exhibit F.3.c, Supplemental WDFW Report, with the minor change under Option 1b to say "two additional halibut in excess of the 100 pounds per 1,000 pound ratio per landing" rather than 150 pounds. Mr. Alverson seconded the motion. Motion 7 passed.

Mr. Anderson moved (Motion 8) to adopt for public review the proposed 2003 incidental halibut catch regulations for the salmon troll fishery, the proposals set forth in Exhibit F.3.b, Supplemental WDFW Report as shown. Mr. Alverson seconded the motion. Motion 8 passed.

G. Highly Migratory Species Management

G.1 NMFS Report (03/13/03; 8:02 am)

G.1.a Informational Update

Mr. Svein Fougner provided the NMFS report, Exhibit G.1.a, NMFS Report.

G.1.b Reports and Comments of Advisory Bodies

None.

G.1.c Public Comment

None.

G.1.d Council Discussion on NMFS Report on Highly Migratory Species Management

Mr. Brown asked Mr. Fougner about the drift gill net fishery closures, what part of the coast is currently open?

Mr. Fougner said the closures vary considerably from month to month.

Dr. Dave Hanson, on the same issue, had concerns about the El Nino weather phenomena triggering closures. He was curious about the criteria used to determining if an El Nino was occurring.

Mr. Fougner said that NMFS relies on NMFS oceanographers to determine if El Nino is occurring. There are no regulatory-based criteria. Dr. Dave Hanson noted that, without clear criteria for determining the occurrence of El Nino, it seems there is no clear basis for regulating the fishery based on occurrence of El Nino.

G.2 Status of the Pacific Council Highly Migratory Species Fishery Management Plan (FMP) (03/13/03; 8:09 am)

G.2.a Agendum Overview

Mr. Dan Waldeck provided an overview of the matter at hand.

Mr. Fougner provided an overview of the NMFS request for the Council to delay submission of the HMS FMP. He noted that NMFS had conducted a preliminary analysis of recent information (observer data) from the high seas longline fishery, which indicated similar impacts on sea turtles east and west of 150° W longitude. In the current FMP, the Council's preferred alternative for high seas longline fishing would allow targeting of swordfish in waters east of 150° W longitude. A rationale stated by the Council for this preferred alternative was the lack of scientific information on fishery impacts in this area.

Mr. Fougner stated that preliminary analysis raised concerns about the approvability of the HMS FMP. Therefore, NMFS requested the Council delay submission of the FMP to provide time for a comprehensive analysis and Council consideration of the new information.

G.2.b NMFS Report on New Turtle Impact Data

Dr. Karin Forney, NMFS-SWFSC, presented information on protected species impacts from the West Coast-based high seas longline fishery, Exhibit G.2, March 2003. [Copies of this presentation are available from the Council]

The Council briefly discussed the analysis. Some Council members expressed interest in information about protected species impacts of longline fishing within the U.S. EEZ. Mr. Fougner emphasized the analysis presented was a preliminary analysis of longline fishing outside the U.S. EEZ. Ms. Vojkovich asked about the longline fishery observer program. Mr. Fougner noted this program was now mandatory. Also, approximately 15-20 vessels participate in the fishery.

G.2.c Reports and Comments of Advisory Bodies

None.

G.2.d Public Comment

Mr. Bob Osborn, United Anglers of Southern California, Huntington Beach, California
Mr. Peter Flournoy, representing himself, San Diego, California
Ms. Kate Wing, Natural Resources Defense Council, San Francisco, California
Mr. Bob Fletcher, Sportfishing Association of California, San Diego, California

G.2.e **Council Action:** Consider Delaying HMS FMP Transmittal to NMFS

Mr. Anderson agreed with Ms. Wing's public comments. He saw ample evidence presented that should cause the Council to react, to analyze the new data, and respond to the analysis of the take of protected species east of 150° W longitude. However, he was uncertain of the best way to accomplish the review, without undue delay in submitting the HMS FMP. He described several options.

Option 1, take no action and submit the FMP as is; Option 2, submit the FMP as is, but immediately initiate an amendment to address the high seas longline fishery issue; or Option 3, delay submission, review the

NMFS analysis of protected species impacts when it is available. He noted that under Option 3, it would be unlikely the FMP would be implemented in 2003. Mr. Anderson suggested submitting the FMP as is, NMFS would go forward with their analysis of protected species impacts, and the Council would initiate an FMP amendment.

Dr. Dave Hanson described the procedural options if the Council wanted to change the preferred alternative. The Council could rescind the previous action; or move to modify a previous action, that is, make a specific change to the FMP; or use a "trailing amendment," that is, send the FMP forward, but initiate an FMP amendment.

Mr. Anderson, in terms of the motion to modify an action previously adopted, that option is not currently available because of public notice requirements. Dr. Dave Hanson explained the criteria.

Mr. Brown stated it was clear that action related to the high seas longline fishery was necessary. He did not see the urgent need to submit the FMP. Moreover, a delay would provide time for thorough analysis and full consideration. In the interim, there are other means (e.g., Endangered Species Act [ESA] requirements) to address protected species concerns. He asked Ms. Cooney about the potential for legal action related to the FMP if the problem is not addressed before it is submitted to NMFS.

Ms. Cooney stated the preference would be to address outstanding issues prior to submitting the FMP.

Ms. Cooney said NMFS would review the FMP, which would include the ESA requirements (e.g., "jeopardy," biological opinion). As noted by NMFS, the current FMP might not satisfy ESA requirements.

The Council briefly discussed if it would be feasible to take action in April. It was noted that, if the Council wants to take action in April, the least contentious action would be to revert to the previous (December 2001) preferred alternative for the high seas longline fishery, which prohibited swordfish targeting east of 150° W longitude.

Mr. Fougner stated that interim measures may be required whether or not the FMP is submitted or delayed.

If the Council submits the current FMP by April 1, NMFS would start the review process, and if the biological opinion concludes that a particular provision results in a jeopardy determination then that particular provision would be disapproved and returned to the Council for further action. That is, only a portion of the FMP might be disapproved. Most of the FMP provisions could go into effect January 2004 and NMFS could act to protect sea turtles using other regulatory authorities (MMPA, ESA). Conversely, if the Council delays submission, considers the new information, and submits the FMP by August 1; given the 6-8 month approval process, the FMP could be implemented by March 2004.

Mr. Bohn noted that, as described by Mr. Fougner, sea turtles would be protected through some regulatory means. Thus, his preference would be to delay submission until after the new information is considered.

Mr. Anderson asked NMFS to describe how protected species concerns in the fishery operating east of 150° W longitude would be addressed in 2003. Mr. Fougner said the ESA provides authority to promulgate regulations to ensure protection of those species.

Mr. Anderson said, if it is certain that the Council could act on the new analysis in June, he would be comfortable with that approach. He was concerned about the potential for delay beyond June.

Mr. Roth raised the issue of seabird take. He noted that NMFS and USFWS are initiating consultations on seabird take issues. He noted a high likelihood that, under the current FMP, USFWS would raise similar concerns with regard to seabirds as NMFS raised in regard to sea turtles.

Mr. Fougner stated that the proposed action adopted by the Council, in the current FMP, includes measures for the high seas longline fishery to protect seabirds.

Dr. Dave Hanson asked if the June reconsideration should also include the longline fishery with the EEZ. Mr. Fougner responded that this would not be necessary because the current FMP provides a process for exempted fisheries, and there is no information on longline fishing within the EEZ that would provide a basis for analysis at this point.

The Council discussed its strong desire to avoid further delays and stressed the importance of NMFS completing the new analysis as soon as possible. The HMSPDT, HMSAS, and HMS subcommittee of the SSC should review the new information in advance of the June 2003 Council meeting.

Mr. Anderson moved, and Ms. Vojkovich seconded, a motion (Motion 9) that the Council delay submission of the HMS FMP to NMFS until the June 2003 meeting and, at that time, the Council would be prepared to consider modifying a motion previously adopted. NMFS will do the necessary analytical work on the take of species of concern in the waters east of 150° W longitude. This analysis would be provided to the HMSPDT and appropriate advisors in a manner appropriate to allow for a Council decision. Motion 9 passed.

H. Administrative and Other Matters

H.1 Improvements in Meeting National Environmental Policy Act (NEPA) Requirements for Council Actions (03/13/03; 10:01 am)

H.1.a Agendum Overview

Dr. Kit Dahl gave a powerpoint presentation along with the agendum overview.

H.1.b Reports and Comments of Advisory Bodies

None.

H.1.c Public Comment

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

H.1.d Council Discussion on Improvements in Meeting National Environmental Policy Act (NEPA) Requirements for Council Actions

Mr. Brown thought that as part of scoping you would identify individuals to take aside for discussions. Dr. Dahl said he did not remember that as part of the proposal. However, if a scoping team is formed, individual members would be responsible for organizing meetings with particular groups, which would be their constituents in advisory bodies or other agencies. Breaking up the scoping task this way would make the process more efficient. Mr. Brown was concerned that all groups are included.

Mr. Brown noted that the Council process is extremely open. The real problem seems to be documenting discussions that have occurred in advisory body meetings—especially the GAP—because it is an extremely open process with a lot of discussion. The NEPA documents rarely give one a sense of these deliberations; they only reflect the decisions that result. Improving public comment opportunities lies in documenting what occurs during GAP and other advisory body meetings.

Dr. Dahl agreed, saying that the Council should do a better job of connecting the concerns that are raised during scoping to the analysis in NEPA documents. Scoping team members would participate in different venues and ensure the discussions and concerns are well documented. It might also be useful to identify specific periods during the Council agenda that are set aside for NEPA-related scoping, and formally recording comments and discussion.

Dr. McIsaac noted that scoping meetings could occur outside the regular Council agenda, in the evening or as part of the GAP agenda, emphasizing that the meeting will focus on a particular issue and would be

documented by the scoping team member. If the Council is interested in going this way, it can address the problem of not documenting certain items.

Mr. Brown argued that crucial aspects of the process occur during the GAP meetings, and this should be documented. If you have a scoping session but then an idea comes up later in the GAP, the scoping session would be a waste of time because you have lost track of it in the process. The key is still the documentation of the GAP, not the scoping of a particular item.

Mr. Robinson said that since the Council has brought Dr. Dahl on board there has been a noticeable improvement to the NEPA documents. Dr. Dahl is very easy to work with. A while ago, Congress admonished NOAA Fisheries because of the large amount of litigation, with many cases lost on procedural issues. They asked the agency to create a plan to improve its regulatory process, and this is the regulatory streamlining plan (RSP). Meetings are scheduled with all the Councils to discuss what role the Council will play. The RSP will likely recommend that NOAA Fisheries and the Councils use the NEPA documentation process as a way to organize and streamline the regulatory process. One of the critical control points is scoping and Mr. Robinson thinks the RSP will direct the agency and Councils to put more structure into the scoping process. Thus, this proposal by Dr. Dahl is timely. Also, the RSP will allow flexibility in meeting any scoping guidelines. Mr. Robinson thinks this proposal is a good one and the Council should test it out, as proposed; it would fit in very nicely with the effort to improve the regulatory process. Hopefully this will reduce litigation losses.

Mr. Brown stated that the rationale underlying Council decisions needs to be documented in order to more effectively defend against litigation. They need a record that could be used in the courtroom. This provides a corporate memory of how decisions were reached. He cited an example of a discussion in the SSC about yellowtail rockfish assessments and quota setting. Without adequate documentation it is difficult to demonstrate the rationale for the final decision

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

Mr. Bohn strongly encouraged that any scoping teams remain small. In fact, scoping teams could consist of two people, a Council staff person and a NMFS staff person. This would reduce the need to train a lot of people, in meeting facilitation for example. Care should be taken when expanding the size of the scoping teams.

H.2. Planning Session on Improving Council Meeting Efficiency (03/13/03; 10:56 am)

H.2.a Agendum Overview (03/13/03; 11:01 am)

Dr. Donald McIsaac provided the agendum overview and a powerpoint presentation. Dr. McIsaac discussed the handouts Exhibit H.2., Attachments 1 through 3.

With regard to the handouts, Mr. Brown noted that things like how many fish are managed by each group and how many meetings the other Council's have every year make for differences. Some of them have a week of committee meetings followed by a week of Council meetings. The number of meetings a year is a big factor in this.

H.2.b Reports and Comments of Advisory Bodies

SSC

Mr. Tom Jagielo provided Exhibit H.2.b, Supplemental SSC Report.

H.2.c Public Comment

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

H.2.d Council Discussion on Planning Session on Improving Council Meeting Efficiency

Mr. Alverson, having participated in NPFMC meetings, cautioned about burning "both ends" for Council staff and other agency staff (the 10 day Council meeting issue). The staff probably has to come in on a Sunday already as well as Saturday. The weekends are burning up a lot of time for staff members. NPFMC has had a lot of turnover in the past due to weekend meetings.

Mr. Bohn asked Dr. Mclsaac since we are searching for efficiency, can we get a hold of the COPs for the other seven councils just to see if we could pick out efficiency items that they have thought of and are using. He also asked Dr. Mclsaac about the way the other Council's do their committees, noting that some Council members are on the committees. Do they have the same rules as we do governing committees? Dr. Mclsaac said no, we have not looked at other COPs for the other RFMC's. Dr. Mclsaac said he has not seen a roster of the SAFMC, but has seen the WPFMC's and they do have Council members assigned to panel-type committees.

Mr. Anderson said he thinks we are lacking a long term vision and a sense of our priorities with the different initiatives; noting we talk about such a perspective a little bit every Friday of each meeting. He feels we are missing the long term priority initiatives that we need to accomplish in addition to the kinds of annual things we are required to do. He said he was not suggesting a 23 day strategic planning meeting type of thing; but rather that we need to look at the initiatives before us and see if we could systematically work on them.

Ms. Cooney, stated that on east coast Council's, committees are made up of Council members and said they have a different structure overall.

Mr. Dave Ortmann said that a knowledge of federal procedures for Council members may be more important than fisheries itself.

Ms. Cooney said that is an important issue for the Council members and would be willing to sit down with Council members to talk with them. Dr. Radtke said he would support it.

Mr. Donald Hansen said the PFMC used to meet every month. He thinks we may have to go with more meetings.

Mr. Brown said in the east a lot of Council members are on those committees, but in New England it gets into fist fights routinely. His experience with some of the people on the New England Fishery Management Council, is that issues stay personal for a very long time. He feels that additional federal procedures training would be advantageous to the Council members; it would also be helpful to have historical background on how we got here today, as well as the full federal procedure process. He also noted that for our annual specifications process, we have some overly elaborate management schemes for species like canary rockfish: does it really matter if we go over a few tons plus or minus? We spend a whole lot of time arguing over 57 or 58 mt when the data is not even good enough to distinguish the relevance of the difference. Our procedures call for a level of precision and we only pretend to have it. We should develop new procedures to make predictions and management decisions so as to get out of the box we are in right now.

Mr. Bohn spoke to the long term strategic perspective, saying that in the PSC - they have a helpful forward looking agenda. In the executive session they do in the fall they identify issues for the entire year; it has proven useful and they update that periodically. He feels having something like that would be useful. It might help on workload.

Dr. Dave Hanson, there is a misconception about the NPFMC-- it has changed and now looks much more like the PFMC process. He believes it is not efficient for the PFMC to conduct long rambling discussions about items that have no Council action on them. The Chairman needs to have a little more authority to quell such discussions - for example, the NPFMC regulates how many questions each Council member asks. The Chairman can call an end to such inefficient discussions. Perhaps the agencies need to get together outside the Council process (that is what the NPFMC does now). The PFMC needs to avoid weekends right now.

Mr. Cedergreen agreed with Mr. Ortmann's statement; having some sort of orientation process ahead of time would have been helpful. Also, having a time line prior to each meeting would be helpful, so everybody can see that.

Mr. Alverson asked if NOAA Fisheries still has a Council member orientation meeting back in Silver Spring. If so, they should put in a federal procedures section, or restart those orientations if they have been discontinued.

Mr. Fougner said we are beginning a new regulatory streamlining process and one item is a session for Council members (new members) to make sure they are aware of procedural items.

Dr. Radtke said it is very important that public still be involved and did not want to shortcut the public input process of the Council.

Mr. Anderson said if a particular written item is not supplemental, then it does not need to be read to us by the advisory entities. This does not apply to supplemental items.

Ms. Cooney said she could talk more about initial orientation issues. If any Council members have questions, please feel free to meet with her.

H.3 Legislative Matters (03/13/03; 11:45 am)

H.3.a Agendum Overview

Mr. Daniel Waldeck provided the agendum overview.

H.3.b Legislative Committee Report

Mr. Waldeck provided Exhibit H.3.b, Supplemental Legislative Committee Report.

H.3.c Reports and Comments of Advisory Bodies

None.

H.3.d Public Comment (03/13/03; 1:03 pm)

Mr. Rod Moore, West Coast Seafood Processors Association, Portland, Oregon
Mr. Doug Fricke, fisherman, Hoquiam, Washington

H.3.e **Council Action:** Consider Recommendations of the Legislative Committee

Mr. Alverson re-emphasized the first paragraph of the committee report about the buyback program. He asked the Council to request a presentation from NMFS at the April 2003 Council meeting, including timetable and workload expectations.

Mr. Brown moved, and Mr. Bohn seconded, a motion (Motion 10) to accept the report of the Legislative Committee as shown in Exhibit H.3.b, Supplemental Legislative Committee Report. Motion 10 passed.

Mr. Brown noted the need for a congressional request for the Council to support legislation to implement the US/Canada albacore treaty.

The Council also noted concern about the National Standard 1 guidelines and lack of fit with many West Coast stocks (groundfish, market squid, HMS). The Council authorized the Executive Director to respond to the NMFS request for comments on revision of National Standard 1 guidelines.

H.4 Appointments to Advisory Bodies, Standing Committees, and Other Forums (03/13/03; 1:14 pm)

H.4.a Agendum Overview

Dr. John Coon summarized the situation summary for Exhibit H.4.

H.4.b Appointments to Advisory Bodies (Groundfish Advisory Subpanel, Groundfish Management Team, Scientific and Statistical Committee, Highly Migratory Species Advisory Subpanel, Other)

H.4.c Reports and Comments of Advisory Bodies

None.

H.4.d Public Comment

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

H.4.e **Council Action:** Consider Appointing New Members and Addressing Other Membership Issues

Mr. Harp noted it was his understanding Mr. Gordon Smith has taken another job and Mr. Harp did not know if it affects Mr. Smith's participation in fishing activities that qualify him for the position. He asked the Council staff to confer with Mr. Smith and confirm whether he is still qualified to hold the position. Dr. McIsaac noted that such action would be done.

Ms. Vojkovich moved and Mr. Thomas seconded a motion (Motion 11) to appoint Mr. Daniel R. Strunk to the Groundfish Advisory Subpanel (GAP) for the California Charter Boat Operator position and Mr. Gary Richter, to the GAP for the Fixed Gear At-large fisher position. Motion 11 passed.

Mr. Fougner moved and Mr. Harp seconded a motion (Motion 12) to appoint Ms. Becky Renko to the Groundfish Management Team (GMT) for the NMFS Northwest Region representative and Dr. Xi He to the GMT for the NMFS Southwest Fishery Science Center representative. Motion 12 passed.

Mr. Bohn moved and Mr. Brown seconded a motion (Motion 13) to appoint Mr. Steve Kupillas to the GMT for the Oregon Department of Fish and Wildlife position. Motion 13 passed.

Mr. Anderson moved and Ms. Vojkovich seconded a motion (Motion 14) to create an Ad Hoc Open Access Conversion Subcommittee of the Ad Hoc Groundfish Strategic Plan Oversight Committee as structured in Closed Session A.5, Attachment 1 (including the list of individuals on that attachment); and give the Council Chairman the authority to appoint substitute representatives to serve on that committee if the personnel listed in the attachment could not serve. Motion 14 passed. The fourteen proposed members are: Phil Anderson, Burnie Bohn, Marija Vojkovich, Bill Robinson, Eileen Cooney, Jim Hastie, Kevin Ford, Steve Joner, Kathy Fosmark, Kenyon Hensel, Brian Petersen, Mike McCorkle, Doug Fricke, and Rod Moore.

H.5 Financial Matters (03/14/03; 8:06 am)

H.5.a Budget Committee Report

Mr. Harp provided Exhibit H.5.a, Supplemental Budget Committee Report.

H.5.b **Council Action:** Consider Recommendations of the Budget Committee

Mr. Donald Hansen moved and Mr. Caito seconded a motion (Motion 18) to approve the report of the Budget Committee as shown in Exhibit H.5.a, Supplemental Budget Committee Report. Motion 18 passed.

H.6 Council Staff Work Load Priorities (03/14/03; 8:09 am)

H.6.a Agendum Overview

Dr. McIsaac provided the agendum overview. Exhibit H.6 a shows the workload priorities for the November 4, 2002 through April 11, 2003 period. Dr. McIsaac summarized progress made on specific items and work in progress on other items.

H.6.b Council Discussion and Guidance for Council Staff Work Load Priorities

Council members held a discussion with the Executive Director on Council staff workload priorities for the period between the April and June Council meetings.

Mr. Alverson asked Dr. McIsaac to review when the Council might be receiving a look at the rebuilding plans. Dr. McIsaac said they are working on having four in the briefing book for the April meeting, with final adoption scheduled for the June Council meeting. Three others are on a delayed track and staff resources over the course of the summer would have to be allocated between spending time on the groundfish specifications or the rebuilding plans; this would be a workload discussion to take place at the April Council meeting. Mr. Alverson asked if there was a problem in meeting court imposed deadlines. Ms. Cooney said the court did not set a schedule, but NMFS gave a declaration that laid out the development of the plans.

Mr. Anderson asked if we have looked at forecasting longer term priorities. Dr. McIsaac said the suggestion under H.2 of having a comprehensive future look for planning was a good one and staff would provide it for the April Council meeting.

Mr. Brown asked if another SSC bycatch workshop is being planned? Dr. McIsaac said yes, an additional meeting was recommended at the January workshop.

H.7 April 2003 Council Meeting Agenda (03/14/03; 8:24 am)

H.7.a Consider Agenda Options

Dr. McIsaac provided the situation summary, the draft April agenda, and other possible agenda items for the April 2003 Council meeting.

H.7.b Identify Priorities for Advisory Body Consideration

The GMT provided the Council with a statement (Exhibit H.7.b, Supplemental GMT Report). (Report given by Ms. Michele Robinson - newly elected GMT Chair).

H.7.c **Council Action:** Adopt Final Agenda for the April 2003 Meeting

The Council approved the draft April agenda as shown in Exhibit H.7.a, Supplemental Attachment 1 with the following changes: eliminate the marine reserve agendum; add the salmon model evaluation committee formation; adding final terms of reference for CPS stock assessment; and provide written information items only for the Mitchell Act funding update, marine reserve issues, highly migratory species management, state nearshore management issues, and U.S.-Canada whiting agreement. (Motion 19, made by Mr. Anderson and seconded by Mr. Bohn, passed).

Mr. Alverson asked that invitations be issued to congressional and legislative representatives to attend our legislative committee meetings.

I. Coastal Pelagic Species Management

I.1 NMFS Report (03/13/03; 1:28 pm)

I.1.a Informational Update

Mr. Fougner reviewed the NMFS update on coastal pelagic species (CPS) activities, Exhibit I.1, NMFS Report.

I.1.b Reports and Comments of Advisory Bodies

None.

I.1.c Public Comment

None.

I.1.d Council Discussion on NMFS Report for Coastal Pelagic Species Management

None.

I.2. Draft Regulatory Amendment and Analysis for Changes to Sardine Allocation (03/13/03; 1:30 pm)

I.2.a Agendum Overview

Mr. Waldeck provided the agendum overview and described scheduled Council action.

I.2.b Reports and Comments of Advisory Bodies

CPSMT

Dr. Sam Herrick - Exhibit I.2.b, CPSMT Report and Exhibit I.2.b, Supplemental CPSMT Presentation.

Dr. Radtke commented that in the producer surplus tables there is not much difference in overall producer surplus among the various options presented. Dr. Herrick agreed, the tradeoffs were among the impacts of the alternatives on the various fishery sectors.

Mr. Brown noted similarities in the effects of the alternatives. He suggested the different impacts are most influenced by the timing of the reallocation.

SSC

Mr. Tom Jagielo provided Exhibit I.2.b, Supplemental SSC Report.

CPSAS

Mr. John Royal and Ms. Heather Munro provided Exhibit I.2.b, Supplemental CPSAS Report.

I.2.c Public Comment

Mr. Steven Lovejoy, commercial fisherman, Seattle, Washington
Ms. Diane Pleschner, California Wetfish Producers Association, Buellton, California
Mr. Dave Franklin, commercial fisherman, Seattle, Washington
Ms. Heather Munro, Munro Consulting (for WCSPA), Newport, Oregon
Mr. Stan Nelson, commercial fisherman, Bellingham, Washington
Mr. Eric Fruits, ECONorthwest (Astoria Holdings), Portland, Oregon
Mr. Jerry Thon, Astoria Holdings, Bellingham, Washington
Mr. Mike Okeneski, Pacific Seafoods Company, Woodland, Washington

I.2.d **Council Action:** Consider Preliminary Action to Guide Regulatory Amendment Process and Guidance to Advisory Bodies

Mr. Waldeck reviewed the issues at hand, the alternatives developed by the CPSMT, and possible Council action.

Mr. Bohn asked for assurances from NMFS that the Council could take final action on this matter at the April meeting. Mr. Fougner noted it depended on the level of complexity of the management alternatives.

Mr. Anderson stated his view of the action in front of the Council – selection of management alternatives for public review. The goal is not to prevent an early closure in the Pacific Northwest or to avoid an emergency rule request. The goal is to fully utilize the harvest quota as set by the Council. There are only four elements: the subarea line, the initial allocation, timing of inseason allocation, and amount of inseason allocation. Mr. Anderson believed we should go forward and put the options presented out for public review.

Mr. Anderson moved, and Ms. Vojkovich seconded, a motion (Motion 15) to adopt for public review the four options as outlined by the CPSMT in Exhibit I.2.b, Supplemental CPSMT Presentation and include a fifth option as recommended in the CPSAS Report (Exhibit I.2.b, Supplemental CPSAS Report).

Ms. Vojkovich asked for assurance from NMFS that this action could be implemented through a regulatory amendment. Mr. Fougner noted, other than coastwide allocation, the management alternatives could be implemented through a regulatory amendment.

The motion did not specify a preferred alternative.

Motion 15 passed.

The Council discussed, in the eventuality that the subarea line changed through the regulatory amendment, how landings prior to implementation of the change would be accounted. That is, would the action be retroactive and landings reapportioned to the revised subareas?

Mr. Brown moved (Motion 16) that when this action is implemented catches be reallocated to reflect the new subareas (if the subarea line is revised). Mr. Anderson seconded the motion.

Motion 16 passed. Ms. Vojkovich and Mr. Caito voted no.

Finally, the Council discussed completion and distribution of the public review draft.

I.3 Update on Sardine Stock Assessment Review Process (03/13/03; 3:48 pm)

I.3.a Agendum Overview

Mr. Waldeck provided the agendum overview.

I.3.b Reports and Comments of Advisory Bodies

SSC

Mr. Tom Jagielo provided Exhibit I.3.b, Supplemental SSC Report.

I.3.c Public Comment

None.

I.3.d **Council Action:** Consider Approving Terms of Reference for the Sardine Stock Assessment Review Process

Mr. Brown moved and Mr. Harp seconded a motion (Motion 17) for the preliminary adoption of the terms of reference as shown in Exhibit I.3.b, Supplemental SSC Report and forward the terms of reference to the CPSMT, and CPSAS for their review. Final approval of the Terms of Reference would take place at the April meeting.

Motion 17 passed.

PUBLIC COMMENT PERIOD 4 P.M. (03/11/03; 4 pm)

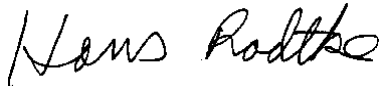
Public comments on fishery issues not on the agenda are accepted at this time.

Mr. Michael Stocker, Seaflow, Fairfax, California. Spoke to acoustical aspects of human generated noise in the ocean.

Mr. and Mrs. Tom Ghio, Ghio Fish Company, Salinas, California. Mr. Ghio had three items. He first talked about the observer program - the limited amount of liability for insurance purposes. He noted the observers being utilized today are non-federal employees and are not covered by the federal insurance; the liability above the \$1 million level would be the responsibility of the boat owner. He asked for an extension (roll over) of the two month period of time to have a waiver to not have an observer. He spoke to the issue of VMS. He noted he felt VMS was to only enforce vessels inside the closure areas; now he understands they are using VMS to pull over boats they have had problems with in the past anytime they want.

Dr. McIsaac talked briefly about the April agenda and how the hotel rooms would be available for advisory body meetings to take place on Sunday.

Adjournment



Hans Radtke, Council Chairman

June 20, 2003

Date