

MINUTES

Pacific Fishery Management Council

Sheraton Tacoma Hotel
1320 Broadway Plaza
Tacoma, WA 98402
888-627-7044
March 7-12, 2004

A. Call to Order	<u>3</u>
A.4 Council Action: Approve Agenda	<u>3</u>
B. Administrative Matters	<u>4</u>
B.1.b Council Action: Approve June, September, and November 2003 Minutes	<u>4</u>
B.2.e Council Action: Consider Recommendations of the Legislative Committee	<u>5</u>
B.3.b Council Action: Appoint New Members to Advisory Bodies, Standing Committees, and Other Forums as Necessary	<u>5</u>
B.4.e Council Action: Adopt Final Agenda for the April 2004 Meeting	<u>6</u>
B.5.d Council Discussion on Regional Council and NMFS Conference: Magnuson-Stevens Act – The First 25 Years	<u>7</u>
C. Salmon Management	<u>7</u>
C.1.d Council Discussion of PSC Coho FRAM Status for 2004	<u>7</u>
C.2.d Council Discussion on Review of 2003 Fisheries and Summary of 2004 Stock Abundance Estimates	<u>8</u>
C.3. Inseason Management Recommendations for Seasons Prior to May 1 for the Commercial Fishery Between Horse Mountain and Point Arena (Fort Bragg Area)	<u>8</u>
C.4.i Council Recommendations for Initial Options for STT Collation and Description	<u>10</u>
C.5.e Council Discussion and Guidance on Mitchell Act Hatchery Needs	<u>13</u>
C.6.f Council Direction to the STT and Salmon Advisory Subpanel on Options Development and Analysis	<u>14</u>
C.7.f Council Discussion and Guidance on Salmon Fishery Management Plan Amendment Issues	<u>15</u>
C.8.e Council Guidance and Direction for 2004 Management Options (If Necessary)	<u>16</u>
C.9.e Council Action: Adopt 2004 Salmon Management Options for Public Review	<u>17</u>
D. Enforcement Issues	<u>18</u>
D.1.d Council Discussion on U.S. Coast Guard Fishery Enforcement	<u>18</u>
E. Groundfish Management	<u>19</u>
E.1.f Council Discussion on NMFS Report	<u>20</u>
E.2.d Council Action: Approve Lingcod and Cabezon Stock Assessments for 2005-2006	<u>21</u>
E.3.e Council Discussion and Guidance on Stock Assessment Planning for 2007-2008 Fishery Management	<u>23</u>
E.4.f Council Action: Consider Inseason Adjustments in the 2004 Groundfish Fishery	<u>25</u>
F. Pacific Halibut Management	<u>30</u>

F.1.d	Council Discussion on Status of Council Management Measure Recommendations for 2004	31
F.2.e	Council Discussion on Report on International Pacific Halibut Commission (IPHC) Annual Meeting	31
F.3.g	Council Action: Adopt Public Review Options for 2004 Incidental Halibut Catch Regulations	32
G.	Habitat	32
G.1.d	Council Action: Consider HC Recommendations	34
H.	Marine Protected Areas	38
H.1.e	Council Discussion: Consider Adopting SSC Recommendations Concerning Review of Marine Reserves Issues	39
H.2.f	Council Discussion on Update on Other Marine Protected Area Activities	39
	4 PM Public Comment Period	40

A. Call to Order

A.1 Opening Remarks, Introductions

Chairman Donald Hansen called the 172nd meeting of the Pacific Fishery Management Council to order at 9:16 am on Tuesday, March 9, 2004.

A.2 Roll Call

Dr. Donald McIsaac called the roll:

Mr. Bob Alverson
Mr. Phil Anderson
Dr. Patty Burke
Mr. Eric Larson
Mr. Ralph Brown
Mr. Mark Cedergreen
Mr. Donald Hansen (Chairman)
Dr. David Hanson
Mr. Jim Harp
Mr. Jerry Mallet
CDR. Fred Myer
Mr. Dave Ortmann (Vice-Chairman)
Mr. Tim Roth
Mr. Bill Robinson
Mr. Roger Thomas
Mr. Darrell Ticehurst
Mr. Stetson Tinkham (absent)
Mr. Frank Warrens
Mr. Gordy Williams

A.3 Executive Director's Report (03/09/04; 9:19 am)

Dr. McIsaac provided a brief report (mainly on Supplemental Informational Report 4).

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

The Council approved the agenda (Motion 1) as shown in Exhibit A.4, Council Meeting Agenda, March 2004 with the following changes: under Agenda Item B.1b, delay the November 2003 minutes until the April meeting; delete Agenda Item E.4.c; insert C.3 between C.7 and C.8; consider at the end of the day on Wednesday to include a Council discussion on the April agenda; under C.1, add a presentation by Dr. Gary Morishima on FRAM; defer the September minutes approval to Friday; under C.2, between the STT Report and C.2.b, insert a report by Captain Mike Cenci to provide an overview of WDFW overfishing compliance report.

Mr. Brown asked if there will be a more general enforcement report under Agendum D, Enforcement Issues US Coast Guard Report. Dr. McIsaac said there was an additional enforcement issue on the compliance ratios in the groundfish fishery which has been moved to April. Sgt. Dave Cleary talked about compliance of RCAs with non-groundfish fisheries (combination trips) and that it had been added to the EC agenda for

Tuesday night. Dr. McIsaac suggested that agenda E.4 would be the place to discuss that, since advisory bodies can comment then.

Mr. Harp moved and Mr. Larson seconded the motion (Motion 1) to approve the agenda as modified above. Motion 1 passed.

B. Administrative Matters

B.1 Approval of Council Meeting Minutes (03/09/04; 9:57 am)

B.1.a Council Member Review and Comments

See Council Action (B.1.b).

B.1.b **Council Action:** Approve June, September, and November 2003 Minutes

Mr. Brown moved (Motion 2) to delay the approval of the September minutes until Friday, as they were included in the supplemental material, and approve the June minutes as submitted. Mr. Anderson asked for a friendly amendment to make a correction on page 19. He requested to change the sentence that says “He also expressed concern with using observers as EFP compliance monitors” to “He recognized there are some people that have concerns with using observers as EFP compliance monitors”. Mr. Harp seconded the motion. Motion 2 passed with the friendly amendment.

Mr. Brown moved and Mr. Alverson seconded a motion (Motion 11) to approve the September Council meeting minutes as provided in Exhibit B.1, Supplemental Draft September 2003 Council Minutes. Motion 11 passed.

B.2 Legislative Matters (03/12/04; 8:10 am)

B.2.a Agendum Overview

Mr. Dan Waldeck provided the agendum overview and reviewed briefing materials.

B.2.b Legislative Committee Report

Mr. Waldeck read the Legislative Committee report for the record (Exhibit B.2.b, Supplemental Legislative Committee Report).

Dr. Dave Hanson, regarding the Committee’s recommendation about reducing the priority of legislative issues relative to other Council workload, noted that indications are that fishery-related legislation is not expected to move through Congress during 2004. The Committee’s recommendation is to request staff to continue to track legislative matters, but at a lower priority.

Mr. Alverson noted the current individual quota (IQ) programs (e.g., the sablefish permit stacking program) and IQ programs being developed could potentially be affected by current IQ-related legislation, because some of the bills do not fully consider existing or developing programs. He suggested the Council be prepared to document the current program and development of the trawl IQ program in the event the Council needs to report to Congress.

Mr. Brown noted his desire for the development of the trawl IQ program to go forward on two tracks – (1) program design and (2) allocation process.

The Council Chairman concurred it would be prudent to carefully document program development.

B.2.c Reports and Comments of Advisory Bodies

Exhibit B.2.b, Supplemental Legislative Committee Report

B.2.d Public Comment

None.

B.2.e **Council Action:** Consider Recommendations of the Legislative Committee

Mr. Alverson moved and Mr. Brown seconded a motion (Motion 12) to adopt the report of the Legislative Committee as provided in Exhibit B.2.b, Supplemental Legislative Committee Report. Motion 12 passed unanimously.

B.3 Appointments to Advisory Bodies, Standing Committees, and Other Forums (03/12/04; 8:20 am)

B.3.a Agendum Overview

Mr. Chuck Tracy presented the agendum overview.

B.3.b Council Action: Appoint New Members to Advisory Bodies, Standing Committees, and Other Forums as Necessary

Mr. Bill Robinson moved (Motion 13) to appoint Ms. Jamie Goen to replace Ms. Becky Renko as the first NWR designated seat, and Mr. Merrick Burden as the second NWR designated seat on the Groundfish Management Team (GMT). Mr. Ralph Brown seconded the motion. Motion 13 passed.

Mr. Phil Anderson moved and Mr. Mark Cedergreen seconded a motion (Motion 14) to appoint Mr. Hal Weeks to replace Ms. Arlene Merems as the ODFW designated seat on the Habitat Committee (HC); to appoint Mr. Huff McGonigal to fill the new National Marine Sanctuary position on the HC; and to appoint Ms. Teresa Scott to replace Ms. Cindy LeFleur as the WDFW designated seat on the HC. Motion 14 passed.

Ms. Marija Vojkovich moved and Mr. Roger Thomas seconded a motion (Motion 15) to appoint Mr. Stephen G. Fosmark as the commercial gillnet fisheries representative on the Highly Migratory Species Advisory Subpanel (HMSAS). Motion 15 passed.

Mr. Neal Coenen moved and Mr. Ralph Brown seconded a motion (Motion 16) to appoint Mr. Marion Larkin as the Washington trawl fisheries representative on the Groundfish Advisory Subpanel (GAP); Mr. Kelly Smotherman as the Oregon trawl fisheries representative on the GAP; and Mr. Tommy Ancona as the California trawl fisheries representative on the GAP. Motion 16 passed.

Chairman Hanson appointed Mr. Frank Dulcich to the ad-hoc Groundfish Trawl Individual Quota Committee (TIQC) representing California processors, and appointed Mr. Dayna Matthews to replace CAPT Mike Cenci as the Enforcement Consultants representative on the TIQC.

B.4 Draft April 2004 Council Meeting Agenda (03/12/04; 8:28 am)

B.4.a Consider Proposed Final Agenda

On Wednesday, Dr. Donald McIsaac reviewed Exhibit B.4.a, Supplemental Revised Attachment 2, an initial first glance at the draft April agenda to start Council discussion and ask for suggestions. A revised copy will be distributed for the Friday discussion.

B.4.b Identify Priorities for Advisory Body Consideration

Council members held a discussion with the Chairman, Executive Director, and Deputy Director to lay out the priorities for the advisory bodies.

B.4.c Reports and Comments of Advisory Bodies

Ms. Michele Robinson provided Exhibit B.4.c, Supplemental GMT Report 1 and Exhibit B.4.c, Supplemental GMT Report 2.

B.4.d Public Comment

None.

B.4.e **Council Action:** Adopt Final Agenda for the April 2004 Meeting

Council members held a discussion with the Chairman, Executive Director, and Deputy Director to lay out the final agenda for the April 2004 meeting. Mr. Anderson moved and Mr. Alverson seconded a motion (Motion 17) to approve the April 2004 agenda as shown in Exhibit B.4.a, Supplemental Second Revision Attachment 2 with modifications which included adding agenda items for latent permits, trawl individual quotas, and, on Monday, an Allocation Committee report and check-in for the Groundfish Management Team (GMT) regarding inseason actions; and deleting marine protected area issues. Motion 17 passed.

Mr. Frank Warrens moved and Mr. Alverson seconded a motion to remove coastal pelagic species from the April agenda (delay until June Council meeting). Motion 18 passed.

Mr. Alverson asked about the vessel monitoring system (VMS) onboard open access issue and asked staff to put that on the agenda in either June or September for discussion. The Council Chairman concurred and directed staff to take a look at that.

B.5 Regional Council and NMFS Conference: Magnuson-Stevens Act – The First 25 Years (03/12/04; 9:42 am)

B.5.a Agendum Overview

Mr. Dan Waldeck provided a brief overview of the purpose of the conference.

Dr. McIsaac made some brief comments about Pacific Council participation at the conference. He noted how well received the input and presentations from the Pacific Council were received. Overall, the conference was widely perceived as very successful.

B.5.b Comments of Advisory Bodies

None.

B.5.c Public Comment

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

B.5.d Council Discussion on Regional Council and NMFS Conference: Magnuson-Stevens Act – The First 25 Years

Mr. Anderson provided his insights about the conference. He too felt it was very successful. He commended staff for their work in preparing for and participating in the conference.

Ms. Vojkovich noted her concern that, while the conference was worthwhile and very informative, there was a notable lack of congressional representatives and staff in attendance. She urged the Council to work to heighten our engagement with congressional representatives.

C. Salmon Management

C.1. Update on Pacific Salmon Commission (PSC) Coho Fishery Regulatory Assessment Model (FRAM) for 2004 Salmon Management (03/09/04; 10 am)

C.1a Agendum Overview

Mr. Chuck Tracy presented the agendum overview.

C.1.b Reports and Comments of Advisory Bodies

STT

Mr. Dell Simmons presented Exhibit C.1.b, STT Report., STT Comments on the PSC Regional Coho Planning Model.

Dr. Gary Morishima provided a PowerPoint presentation on the history and development of Pacific salmon management and the models used to assist in that process.

C.1.c Public Comment

None.

C.1.d Council Discussion of PSC Coho FRAM Status for 2004

Mr. Harp stated that the revised FRAM is acceptable for use.

Mr. Anderson agreed, stating that given our approach to approving the revised coho FRAM identified in November and in view of the STT reports and Mr. Harp's comments, Council approval is in place for the use of this FRAM for this year.

C.2 Review of 2003 Fisheries and Summary of 2004 Stock Abundance Estimates (03/09/04; 10:53 am)

Mr. Tracy presented the situation summary.

C.2.a Report of the Salmon Technical Team

Mr. Simmons briefed the Council on the 2003 Salmon Review and Preseason Report I.

C.2.b Reports and Comments of Advisory Bodies

WDFW

Captain Mike Cenci provided Exhibit C.2.b, Supplemental WDFW Report.

SSC

Dr. Bob Conrad provided Exhibit C.2.b, Supplemental SSC Report.

C.2.c Public Comment

None.

C.2.d Council Discussion on Review of 2003 Fisheries and Summary of 2004 Stock Abundance Estimates

Mr. Anderson noted that the SSC recommendation to the STT (table formatting and providing estimates of variance for stock forecasts) for future documents are not Council recommendations, but should be incorporated if the STT thinks them appropriate. However, he expressed concern regarding the workload associated with those tasks, especially the latter.

Mr. Larson noted the poor forecast for age-3 Klamath fall chinook and suggested the Council attempt to conserve that year class in 2004 fisheries to reduce impacts on 2005 fisheries.

C.3. Inseason Management Recommendations for Seasons Prior to May 1 for the Commercial Fishery Between Horse Mountain and Point Arena (Fort Bragg Area)

This agenda item was dropped on Tuesday, March 9, 2004.

C.4. Identification of Management Objectives and Preliminary Definition of 2004 Salmon Management Options (03/09/04; 1:17 pm)

C.4.a Agendum Overview

Mr. Tracy presented the situation summary.

C.4.b Report from the PSC

Mr. Harp provided Exhibit C.4.b, Supplemental PSC Report.

Mr. Gordy Williams, ADFG, agreed with Mr. Harp's comments on the CTC (chinook issue), and stated that the primary area of concern for ADFG is the effects of chinook mass marking on the integrity of the coded-wire-tag data base. He stated that the U.S. section of the PSC is working on additional definitions for the habitat attachment to the 1999 agreement to bring forward at the bilateral meetings next winter.

C.4.c Report of the Klamath Fishery Management Council (KFMC)

Mr. Dan Viele presented Exhibit C.4.c, Supplemental KFMC Report.

Mr. Alverson asked if the 51%/49% CA/OR troll impact sharing recommendation was different than in the past. Mr. Viele responded that it is very similar to the outcome of the 2003 season. Mr. Larson responded that having the shares specified preseason will help the process significantly this year.

C.4.d NMFS Recommendations

Mr. Bill Robinson presented a summary of Exhibit C.4.d, Supplemental NMFS Recommendations (ESA guidance). Mr. Robinson noted that guidance on Snake River fall chinook is unchanged due to the status of litigation and negotiations on summer spill.

Mr. Anderson noted the Snohomish fall chinook rebuilding exploitation rate (RER) of 18% in the NMFS guidance is different from the rate recommended in the co-manager's resource management plan, which based on conversion of FRAM output of 24%, would be 21%. He asked if the 18% is a new RER or if it comes from new FRAM output. Mr. Robinson responded the 18% is a conversion from the 24% FRAM output, and does not represent a new RER standard, but perhaps there is some technical differences on how the conversion is calculated.

Mr. Anderson asked if NMFS would consider an option with Council area Snake River fall chinook impacts at 2003 preseason projected levels. Mr. Robinson responded that reinitiating of consultation to increase allowable harvest impacts is not appropriate.

C.4.e Tribal Recommendations

Mr. Mike Orcutt (Hoopa Valley Tribe) supported the KFMC concept of full utilization. He requested the STT provide a model run showing the tribal share absent any ESA constraints. He also asked that the STT examine the potential effects on the KOHM of changing to a boat limit.

Mr. Dave Hillemeier (Yurok Tribe) noted the low forecast for age-3 Klamath fall chinook, and recommended the Council consider measures to protect this brood, including increased minimum size limits, and reduced late season fisheries.

Mr. Terry Courtney (Warm Springs Tribe) and Mr. Stuart Ellis (Columbia River Intertribal Fish Commission) presented Exhibit C.4.e (Supplemental Tribal Recommendations 2).

Mr. Harp provided Exhibit C.4.e, Supplemental Preliminary Tribal Recommendations.

C.4.f State Recommendations

WDFW

Mr. Anderson noted some of the management issues in developing 2004 fishery regulations are (1) Interior Fraser (Thompson River) coho, which must be managed for southern U. S. impacts of no more than 10%; (2) obligations under U.S. v. Oregon and U.S. v. Washington to share harvest with the treaty tribes, including providing 50% of the coho originating above Bonneville to that location; (3) OCN coho which must be managed for an exploitation rate of no more than 15% to be consistent with the Salmon FMP; (4) meeting the Snake River fall chinook consultation standard, (5) issues relative to Puget Sound chinook, and (6) managing Columbia River natural tule chinook for a 49% RER.

ODFW

Mr. Coenen summarized Exhibit C.4.f, Attachment 1, stating Columbia River coho, which is listed under the Oregon State ESA, will not constrain ocean fisheries over what is required for OCN coho under the Salmon FMP.

CDFG

Mr. Larson urged the SAS to take into consideration the low age-3 Klamath fall chinook forecast and to consider measures to protect that brood. He also noted there is a difference between state and Federal law regarding boat limits, and asked for reconciliation of the two.

Tribal/State

Mr. Harp presented Exhibit C.4.e, Supplemental WDFW/Tribal Recommendations.

C.4.g Reports and Comments of Advisory Bodies

SAS

The SAS presented exhibit C.4.g, Supplemental SAS Report:.

C.4.h Public Comment

Mr. Don Stevens, Oregon Salmon Commission, Newberg, Oregon
Mr. Duncan MacLean, Humboldt Bay Fisherman's Marketing Association, El Granada, California
Mr. Doug Fricke, Washington Trollers Association, Hoquaim, Washington
Mr. Joel Kawahara, salmon troller, Quilcene, Washington

C.4.i Council Recommendations for Initial Options for STT Collation and Description

Mr. Anderson asked for the following changes to Exhibit C.4.g, Supplemental SAS Report:

- Page 9, Recreational Option I north of Cape Falcon, change the chinook minimum size limit to 24 inches for all subareas to be consistent with historical limits.

- Page 10, Recreational Option III, Queets River to Leadbetter Pt. include “any coho or chinook landed in the Westport subarea from 7/2 thru 7/30 will count against the Westport coho quota or chinook guideline”.

Mr. Coenen recommended the central Oregon recreational fishery coho quota under Option I be reduced if necessary to achieve the OCN exploitation rate objective. He then asked that flexible delivery language for the north of Cape Falcon commercial fishery be included with the STT analysis if such language can be worked out with the SAS and Enforcement Consultants. Mr. Anderson asked if Mr. Coenen was making any specific recommendations for the central Oregon recreational coho quota. Mr. Coenen replied that he was requesting the STT to make the necessary adjustment in Option I to achieve the 15% OCN exploitation rate objective. Mr. Anderson observed that the north of Cape Falcon recreational fisheries reduced coho quotas from 2003 levels to contribute to the OCN impact reduction, and stated that he felt a reduction in the central Oregon fishery options to something like 75,000 would be appropriate to balance impacts between the states. Mr. Coenen responded by suggesting the STT model central Oregon recreational coho quotas of 75,000, 65,000 and 55,000 for Options I, II, and III, respectively.

Mr. Larson asked the STT to model the California troll fishery with a 26 inch chinook size limit for all options. The increase to 27 inches could then be added at a later time to help reduce take on the age-3 Klamath fall chinook. He also asked for clarification from the Enforcement Consultants on the language for the California portion of the KMZ commercial fishery regarding the requirement that all fish caught in the area must be landed in the area. He also asked the EC to recommend a solution to the discrepancy between state and Federal regulations for boat limits.

Mr. Harp presented Exhibit C.4.i , Supplemental Tribal Management Options.

Mr. Robinson asked the EC to determine if the Federal regulations would need to be specific to the adjacent state waters or if a single Federal regulation could cover the entire area.

Mr. Anderson requested NMFS consider possible footnotes for Snake River wild (SRW) fall chinook impacts that will allow realistic, yet flexible, options for public review in light of the uncertainty regarding assumptions of Canadian and Alaskan fisheries. Mr. Robinson replied that NMFS is firm in ensuring SRW conservation objectives are met, but suggested that different assumptions regarding northern fisheries impact rates could be modeled to establish a broader range of options.

C.5 Update on Mitchell Act Hatchery Needs (03/09/04; 5:24 pm)

C.5.a Agendum Overview

Mr. Tracy presented the agendum overview.

C.5.b Report of the Policy Group

Mr. Randy Fisher reported that the Policy group met in August to discuss long and short term funding needs for Mitchell Act facilities. He noted there was a \$3.3 million shortfall for FY2004, but that Norm Dicks and Patty Murray of the Washington Congressional delegation were able to get the money restored to the budget. For 2005 and 2006, the budget request is for \$16.5 million, similar to recent years.

NOAA Grants Office is asking that a NEPA compliance document be developed for Mitchell Act Fisheries, either independently or in combination with other Columbia River hatchery programs. The basin-wide hatchery review has been delayed, so in the interim the strategy developed in August to maintain level

funding should be continued. When the basin-wide review is completed there should be more opportunity to agree on appropriate production levels, which would be the basis for more intense lobbying. In the meantime, the states have directed the PSMFC to continue to lobby for Mitchell Act funding.

Mr. Terry Courtney, Jr provided the following statement:

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

The Mitchell Act was originally enacted in 1938 to “provide for the conservation of the fishery resources of the Columbia River”¹. The Mitchell Act hatchery program originated to mitigate for the production lost due to the construction of dams on the Columbia River. It is important to remember that this mitigation obligation can not go away so long as the dams are in place.

Mitchell Act program funding has been flat in the past few years. Because of increased costs, flat funding for this program has dramatically cut the benefits of program. In 2003, USFWS was forced to eliminate the on-station coho releases at Willard Hatchery because of inadequate funding. Once again, a legislative rider that requires all production from federally funded hatcheries to be mass marked was passed by Congress, but no new funding was included with this mandate. This requires hatchery managers to use Mitchell Act hatchery funding to mass mark fish. This means there will be less money available to actually produce the fish. Past cuts in Mitchell Act programs have resulted in greater losses of above Bonneville production relative to below Bonneville production. This has been discriminatory to the tribes.

The Mitchell Act hatchery program needs to be fully funded, but it also must be reformed by the co-managers. The tribes support funding the hatchery program at 25 million dollars for fiscal year 2005, but only as part of a long term comprehensive reform of the program carried out by the co-managers. The tribes consider this amount a minimum appropriate level of funding. Only agreed to marking programs developed by the co-managers should be conducted as part of the overhaul of Mitchell Act hatchery production. Five million dollars or 20% of enacted funding should be contracted to the tribes for new or expanded supplementation projects, in addition to the programs carried out by the tribes. Additionally the Mitchell Act screening program should be funded at 20.6 million dollars for screens and passage programs as identified in the Federal Caucus Plan. Funding at any amount less than this would be inadequate to meet the needs of treaty and non-treaty fishermen dependent on these programs.

The tribes want Mitchell Act funds to produce fish “In Kind - In Place”. By this we mean that funds should not simply be used for lower river programs. Most of the Mitchell Act hatcheries have been built in the lower river. In order to mitigate for lost up-river natural production, fish need to be produced in all parts of the basin. Additionally hatchery operations need to be reformed so that they can aid in restoration and utilize production to supplement natural runs. The last significant changes to the Mitchell Act program have come from tribal coho programs that were included in the Columbia River Fish Management Plan back in 1988. These coho programs have assisted in the restoration of naturally spawning coho in the Yakima, Umatilla, Klickitat, and Clearwater Rivers. These coho provide benefits to treaty and non-treaty fishermen alike.

Mitchell Act funds should be used for conservation and restoration purposes. Funds should not be used to mass mark fish so they can be caught in non-Indian selective fisheries. All fishermen, treaty and non-treaty should be able to benefit from this production.

In closing the tribes hope the Council recognizes the critical importance the Mitchell Act plays in almost all Council area fisheries. By supporting the tribal position on Mitchell Act funding, the Council can help ensure that all fishermen can share in the benefits of the program and the Council can help work towards restoration of salmon populations.

C.5.c Reports and Comments of Advisory Bodies

None.

C.5.d Public Comment

Mr. Duncan MacLean, Humboldt Bay Fisherman's Marketing Association, El Granada, California

C.5.e Council Discussion and Guidance on Mitchell Act Hatchery Needs

Mr. Anderson observed that when different groups were lobbying for different funding levels, it was difficult to be successful. He advocated the strategy of lobbying for level funding for now to reduce the mixed messages congressional staffs were getting.

Mr. Roth reported that due to current funding shortfalls, Willard National Fish Hatchery is scheduled to be mothballed, coho juveniles were released in January rather than April, no eggs were taken, and production has been shifted to Eagle Creek Hatchery, which displaced some Clackamas Economic Development Commission (CEDC) production. The net results are a reduction of 2 million coho smolts, which will begin to affect fisheries in 2007.

C.6 Council Recommendations for 2004 Management Option Analysis (03/10/04; 5:09 pm)

C.6.a Agendum Overview

Mr. Tracy presented the situation summary.

C.6.b Report of the STT

Mr. Simmons provided Exhibit C.6.b, Supplemental STT Report: Collation of Preliminary Salmon Management Options for 2004 Ocean Fisheries.

C.6.c Report of the KFMC

None.

C.6.d Reports and Comments of Advisory Bodies

None.

C.6.e Public Comment

None.

C.6.f Council Direction to the STT and Salmon Advisory Subpanel on Options Development and Analysis

Mr. Coenen stated that ODFW was working on some language for flexible delivery language in the north of Cape Falcon commercial fisheries and will provide that language to the SAS and STT for review prior to inclusion in the option package. He asked the SAS and STT to work together to shape the management measures for the KMZ fisheries so the Klamath fall chinook escapement floor would be met. Finally, he informed the Council that up to 10 wild coho may be taken in the KMZ for genetic sampling, and that mortality would be accounted for in the harvest impact modeling.

Mr. Anderson asked that the flexible delivery language for north of Cape Falcon not be included in all three options. Mr. Coenen agreed.

Mr. Larson reiterated Mr. Coenen's request for the KMZ fisheries to meet the Klamath spawning escapement floor and to also meet the KFMC recommendation of the CA/OR troll share in Option II.

Mr. Anderson requested the STT, SAS, and tribes work on Option II for north of Cape Falcon fisheries to achieve mutual objectives.

Mr. Tracy asked if there was a specific objective at this time. Mr. Anderson did not want to be more specific at this time.

C.7 Salmon Fishery Management Plan Amendment Issues (03/11/04; 3:50 pm)

C.7.a Agendum Overview

Mr. Tracy presented the agendum overview.

C.7.b Report of the Sacramento River Winter/Spring Work Group

Mr. Viele presented Exhibit C.7.b, SRWSC Workgroup Report: Recommendations for developing fishery management plan conservation objectives for Sacramento River winter chinook and Sacramento River spring chinook. He also asked the STT to review the Workgroup report, and to provide the report to the SSC for informational purposes.

Mr. Thomas asked if there were plans to reconvene the steering group, which included industry representatives. Mr. Viele responded that he thought it would be appropriate to reconvene the steering group after the STT review.

C.7.c Proposals of the Agencies and Tribes

Mr. Coenen reported ODFW desires the OCN workgroup matrix be formalized as the Council conservation objective for OCN coho to assist in recovery planning. He also was concerned about future allocation issues south of Cape Falcon if coho recover sufficiently to allow increased exploitation rates. ODFW proposed to begin a scoping process for utilizing coho in the future, and to develop a schedule and set of standards for coho allocation south of Cape Falcon including, potentially, wild fish as they recover.

Mr. Anderson said there are several potential FMP amendment considerations for the state of Washington and the co-managers. The first subject would be to reexamine the process by which fisheries transition from non-selective to selective. The second subject is making conservation objectives for Puget Sound consistent between the Salmon FMP and the Puget Sound resource management plan submitted to NMFS by the co-managers. The third subject is making conservation objectives for Puget Sound coho consistent between the Salmon FMP and those used by the co-managers. And finally, making conservation objectives for Washington coastal coho consistent between the Salmon FMP and those used in the Pacific Salmon Commission process.

Mr. Harp agreed with Mr. Anderson in regards to the Washington coastal coho conservation objectives.

C.7.d Reports and Comments of Advisory Bodies

None.

C.7.e Public Comment

None.

C.7.f Council Discussion and Guidance on Salmon Fishery Management Plan Amendment Issues

Mr. Larson requested the STT review the SRWSC Workgroup Report.

Mr. Anderson requested Mr. Tracy and Mr. Milward discuss procedures relative to transitioning from non-selective to selective fisheries. Council concurred.

C.8 Council Direction for 2004 Management Options (If Necessary) (03/11/04; 4:19 pm)

C.8.a Agendum Overview

Mr. Tracy presented the agendum overview.

C.8.b Report of the STT

Mr. Simmons presented Exhibit C.8.b, Supplemental STT Report.

Mr. Harp asked if Canadian WCVI fisheries are modeled close to their limits. Mr. Simmons responded that they are modeled at 2003 actual levels, which were very close to 2003 limits, but that 2004 limits will not be set until later in March.

Mr. Anderson observed that the effect of reducing the north of Cape Falcon quota in half had a minimal effect on reducing exploitation rates on Puget Sound chinook, and that by reducing the quota to zero, the conservation objectives would still not be met. Therefore, most of the impact reduction necessary to achieve Puget Sound chinook conservation objectives would have to be negotiated in the North of Falcon forum and likely come from Puget Sound fisheries.

C.8.c Reports and Comments of Advisory Bodies

EC

Cpt. Mike Cenci presented Exhibit C.8.c, Supplemental EC Report.

Ms. Cooney noted that there was conflicting language between the EC report and the codified Federal regulations regarding boat limits and bag limits. She suggested the boat limit language be included as an option, with a note stating the process to change Federal regulations may not be complete by May 1, and that state and Federal regulations may conflict in the interim.

Mr. Larson asked if the EC reviewed landing language for the KMZ commercial fishery requiring all fish caught in the area to be landed in the area. The EC informed the Council that the issue was a technical matter which had been resolved within the enforcement community.

C.8.d Public Comment

None.

C.8.e Council Guidance and Direction for 2004 Management Options (If Necessary)

Mr. Anderson recommended no adjustment in Option I to meet the Snake River fall chinook consultation standard at this time because of the current uncertainty in levels of Canadian and Alaskan fisheries, but suggested including a footnote with the options indicating the possibility of needing to reduce Council area fishery impacts if final estimates of northern fisheries result in projected impacts greater than the consultation standards. He also indicated the intent of the co-managers was to achieve the Puget Sound chinook consultation standards, but to achieve that primarily through negotiations on Puget Sound fisheries occurring in the North of Falcon forum. However, he noted that the differences in some exploitation rate standards between the co-manager submitted resource management plan and the NMFS guidance letter would have to be resolved first.

Mr. Robinson concurred with Mr. Anderson's suggestion for Puget Sound chinook. He was not comfortable with any option that did not meet the Snake River fall chinook consultation standard based on the current assumptions for Canadian fisheries and stock forecasts. However, he also indicated that if those assumptions changed such that impacts became available, he was not opposed to shaping management measures in April, prior to final adoption, to utilize those impacts in Council area fisheries.

Mr. Anderson related his understanding of the option process to Mr. Robinson, which is that the range of TAC options adopted for public review represent sideboards, within which the final alternative was to fall. He asked if there was additional flexibility to, for example, increase the north of Cape Falcon chinook TAC in April if Snake River impacts were available. Mr. Robinson replied that he agreed with Mr. Anderson's view, and stated that a footnote associated with the snake River fall chinook impacts as previously described by Mr. Anderson would be acceptable.

Mr. Anderson requested ending dates for the recreational fishery between the Queets River and Leadbetter Pt. be changed to: Option I - September 30; Option II - September 19; and Option III - September 12.

C.9 Adoption of 2004 Management Options for Public Review

C.9.a Agendum Overview

Mr. Tracy provided the agendum overview.

C.9.b Report of the STT

Mr. Dell Simmons presented Exhibit C.9.b, Supplemental STT Report.

Mr. Anderson said he was concerned the language relative to Snake River fall chinook impacts in Option I was not explicit enough. Mr. Robinson agreed, and also stated that item 4 under supplemental management information for the north of Cape Falcon commercial fishery regarding Puget Sound chinook should reference NMFS guidance rather than consultation because the consultation process would not be completed until after a final alternative was selected at the April Council meeting. Mr. Harp noted there will not be additional negotiations in the PSC forum, but additional information will be forthcoming from Canada. Mr. Simmons indicated the STT would work with NMFS and co-manager staffs to incorporate the desired changes.

C.9.c Reports and Comments of Advisory Bodies

None.

C.9.d Public Comment

Mr. Raymond Monroe, Oregon Salmon Commission, Pacific City, Oregon

C.9.e Council Action: Adopt 2004 Salmon Management Options for Public Review

Mr. Robinson asked if Option I not meeting the U.S. v. Oregon coho allocation objective was a concern. Mr. Coenen replied that the issue would be addressed in the North of Falcon forum, and that the objective would be met during selection of final management measures at the April Council meeting. Mr. Anderson agreed. Mr. Harp also agreed.

Mr. Warrens moved (Motion 19) that the delivery language in Option II for the July to September commercial fishery north of Cape Falcon be included in the May to June fishery for the same area. Mr. Coenen seconded the motion.

Ms. Cooney requested the delivery language in all Options include the statement that this is required by state regulations. Mr. Warrens and Mr. Coenen accepted Ms. Cooney's suggestion as a friendly amendment to Motion 19. Motion 19 passed.

Mr. Anderson moved (Motion 20) that the options, as presented in Exhibit C.9.b, Supplemental STT Report and revised, be adopted for public review. Mr. Alverson seconded the motion. Motion 20 passed.

Mr. Jim Harp moved (Motion 21) that the options for the 2004 treaty ocean troll salmon seasons as provided in C.9.e, Supplemental Revised Treaty Troll Options, March 2004, be adopted for public review. He stated that it is possible that the tribes would request the Council adopt a treaty-Indian troll quota at the April Council meeting lower than the quota options adopted at this time. Mr. Frank Warrens seconded the motion. Motion 21 passed.

C.10 Salmon Hearings Officers (03/12/04; 10:33 am)

C.10.a Agendum Overview

Mr. Tracy presented the agendum overview.

C.10.b. Council Action: Appoint Hearings Officers

The Council appointed and Chairman Donald Hansen confirmed the following officers to the three salmon hearings on salmon season options:

Date/Time/Day	Location	Council
March 29, Monday 7 p.m.	Chateau Westport Beach Room 710 West Hancock Westport, WA 98595	Mark Cedergreen (Hearing Officer) Phil Anderson Jim Harp Peter Dygert (NMFS) US Coast Guard Rep.
March 29, Monday 7 p.m.	Red Lion Hotel South Umpqua Room 1313 N Bayshore Drive Coos Bay, OR 97420	Ralph Brown (Hearing Officer) Neal Coenen Chris Wright (NMFS) US Coast Guard Rep.
March 30, Tuesday 7 p.m.	Tradewinds Lodge & Restaurant Convention Room 400 S Main Street Fort Bragg, CA 95437	Roger Thomas (Officer) Eric Larson Dan Viele (NMFS) US Coast Guard Rep.

D. Enforcement Issues

D.1. U.S. Coast Guard Fishery Enforcement (03/09/04; 3:30 pm)

D.1.a U.S. Coast Guard Report

RADM Garrett provided a powerpoint presentation (hard copy on file at Council office).

D.1.b Reports and Comments of Advisory Bodies

None.

D.1.c Public Comment

None.

D.1.d Council Discussion on U.S. Coast Guard Fishery Enforcement

Mr. Anderson acknowledged and thanked the Coast Guard for their commitment to joint enforcement efforts.

Mr. Larson thanked them for including District 11 information in their presentation.

E. Groundfish Management

E.1 NMFS Report (03/10/04; 8:06 am)

E.1.a Regulatory Activities

Mr. Bill Robinson reported on the regulatory activities published in the *Federal Register* since the November Council meeting. These publications include an EIS Notice of Availability (NOA); a proposed rule and letter of approval for Amendment 16-2; inseason adjustments to 2003 commercial and recreational fisheries to protect lingcod and canary rockfish; results of the trawl buyback program, proposed; emergency, and final rules implementing 2004 management measures and harvest specifications; advanced notice of proposed rulemaking for an individual quota program; approval of the WDFW and ODFW EFPs for 2004; the final rule for Amendment 16-1; and a NOA for the draft Bycatch Programmatic Environmental Impact Statement. Mr. Robinson presented a report on the results of the buyback program (Exhibit E.1.a, Supplemental Buyback Analysis) including the extent of latent permits purchased by individuals who were initially bought out. Mr. Robinson requested Council review of the report and asked the Council to consider the issue as an April agenda item. Mr. Robinson referred the Council to a letter from NMFS relative to individual processor quotas (Exhibit E.1.a Supplement NMFS IPA Letter) providing rationale for the NMFS recommendation that the current IQ program and NEPA analysis not include an alternative for processor quotas. Mr. Robinson also highlighted a change in the 2004 management measures for California recreational fisheries taken by NMFS in consultation with CDFG in response to the substantial overages in lingcod harvest in these fisheries in 2003. Finally, Mr. Robinson referred the Council to a report by NMFS OLE concerning the implementation of the VMS program (Exhibit E.1.a NMFS VMS Report). The report highlights the effectiveness of VMS as a monitoring tool and reports success in the initial phase of implementation.

E.1.b Science Center Activities

Dr. Elizabeth Clarke gave an update on the Northwest Fisheries Science Center Activities since the November Council meeting. The Western Groundfish Conference was hosted by Canada in Victoria and went well, with a great deal of participation. Thanks to the work of ODFW and OSU, the meeting will be hosted in Oregon in 2006. Regarding the observer program, the second report of the trawl observer data is posted on the website at the beginning of February as well as the data summary of the sablefish endorsed fixed gear observer data. The NWFSC is collaborating with the region to develop a pilot program for cameras on shore-based whiting vessels. A search is underway to find a contractor to provide cameras for the entire fleet during this pilot program.

Regarding survey activities, the final planning process for the shelf/slope survey is ongoing, including a request for Alaska class vessels to participate in a project to calibrate the old triennial survey data.

The NWFSC is preparing to train survey personnel in May including safety training. The center will also be hosting a workshop to review safety requirements during research operations and will be requesting industry input in the process.

The NWFSC will not be doing the hydro-acoustic survey for whiting this year but there will be some acoustic work to address the calibration issues brought forward by the STAR panel.

Regarding cooperative research, the budget has not been approved. The center is planning a workshop on writing proposals for cooperative research and will continue to support the Port Liaison Project as it expands from an Oregon program to a coastwide program. Dr. Clarke encouraged researchers to work with the Port Liaison Project if they are considering projects that would benefit from fisherman help. Additionally, there

is a workshop planned for Friday of this week to determine the best plan for a collaborative study to develop a whiting specific survey.

Regarding stock assessments, Dr. Clarke will be meeting with the SSC this week to discuss the details on three workshops planned for this year concerning the use of recreational CPUE indices as well as data needs and modeling methods. Details will be presented under agendum E.3.

Dr. McIsaac asked Dr. Clarke about a recent Department of Labor ruling and its potential effect on the observer program. Dr. Clarke reported that the ruling is being reviewed by NMFS and could effect the way the observer program treats overtime pay. NMFS is still researching the ruling, but early reviews suggest substantial increases in costs if the ruling applies to the observer program. The NPFMC has written a letter requesting further information. Dr. Clarke will provide a copy of the letter to the Council and Chairman Hansen directed Executive Director, Dr. McIsaac to compose and send a similar letter.

E.1.c Regional Bycatch Plans

Ms. Yvonne de Reynier and Dan Viele provided summaries of Northwest Region and Southwest Region Bycatch Plans (Exhibit E.1.c). Mr. Robinson felt these plans complement and add value to work on bycatch that the Council is already doing and NMFS is looking for feedback on these plans, perhaps in April.

E.1.d Reports and Comments of Advisory Bodies

None.

E.1.e Public Comment

None.

E.1.f Council Discussion on NMFS Report

Ms. Vojkovich noted that the NMFS priority on open access groundfish issues in their 2005 planning is something she supports. It looks like at least it is on the agenda to be worked on in 2005.

E.2 Lingcod and Cabezon Stock Assessments for 2005-2006 (03/10/04; 9:21 am)

E.2.a Agendum Overview

Mr. John DeVore provided the agendum overview.

E.2.b Reports and Comments of Advisory Bodies

SSC

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

GAP

Mr. DeVore read Exhibit E.2.b, Supplemental GAP Report.

E.2.c Public Comment

Mr. Mike McCorkle, Southern California Trawlers Association, Santa Barbara, California
Mr. Chris Dorsett, The Ocean Conservancy, San Francisco, California

E.2.d **Council Action:** Approve Lingcod and Cabezon Stock Assessments for 2005-2006

Ms. Vojkovich moved (Motion 3) that the Council adopt the lingcod assessment as revised in Exhibit E.2.a, Attachment 2 and adopt the cabezon assessment with the model recommended by the SSC as provided in Exhibit E.2.b, Supplemental SSC report. Mr. Anderson seconded the motion.

In response to a question, Mr. DeVore clarified that the north/south dividing line for lingcod was at the International North Pacific Fisheries Commission (INPFC) boundary between the Columbia and Eureka areas near Cape Blanco. The dividing line for cabezon is at the California/Oregon border (42° N.). Motion 3 passed.

With regard to lingcod, Mr. Anderson suggested that the GMT be given the latitude to modify the range of optimum yields (OYs) adopted in November in a manner consistent with the stock assessments just adopted for lingcod. He wanted to insure that we could look at options for both a coastwide OY as well as northern and southern OYs. He clarified that he would leave the GMT with flexibility to determine where the dividing line is set.

Ms. Vojkovich asked for the GMT to consider the 60/20 projections in their discussions with regard to cabezon.

In response to questions regarding the need for a new assessment if the dividing line is not at the Columbia/Eureka management border, Mr. DeVore said he did not think it would require a new assessment as the GMT has routinely done this type of action for other stocks without it posing a problem.

Ms. Vojkovich wanted to make sure there is no semantic issue relative to OYs or harvest guidelines that would create problems by referring to “regional OYs” in the federal rule arena. Mr. Robinson said the most important thing is that the Council needs to make it clear whether or not they are going to manage the OY separately or coastwide.

E.3 Stock Assessment Planning for 2007-2008 Fishery Management (03/10/04; 10:35 am)

E.3.a Agendum Overview

Mr. DeVore provided the agendum overview as outlined in the situation summary (Exhibit E.3, Situation Summary).

E.3.b NMFS Recommendations

Dr. Elizabeth Clarke provided a powerpoint presentation with recommendations for the stock assessment process for 2007-2008. She stated there could be 22-23 stock assessments divided into species groupings with no more than five species per group.

In response to questions and concerns, Dr. Clarke explained that the workshops would be a time for the authors to get together on similar species and similar data issues and discuss the data sources and produce a list of data sources they plan to use for all of their assessments which could be circulated in the scientific

and Council communities for further review and refinement. Somewhat the same idea of the preassessment workshops that have taken place in the past. The GMT request to add skates and dogfish into the data workshop would probably have to wait for the next cycle. Identifying “data gaps” could be done in a separate workshop to not overload the assessments. On the issues of gopher rockfish and kelp greenling, Dr. Clarke said she would have to review the data inadequacies and report back at the April meeting. She answered further questions with regard to the reasons some assessments would be full assessments and others just updates.

Dr. Burke asked what is different next year that would allow us to do 22 or 23 assessments when so much time and controversy has gone into a few assessments in the last few years? Dr. Clarke said it is because of multi-year management. The only thing that is going to help this next time is some upfront work in the way of workshops to get authors more organized, get the data sources and modeling issues worked out early on in the process rather than at the last minute. She is not sure if it can be done. If it can be done, this timeline is the way to do it. We are pushing the envelope here. This is the process of getting them done and reviewed, but not into the management process at Council meetings. She is not sure how you would do that, having new info on 20 species hitting the Council process on the “same day” basically. She did not have a good idea on how to work that in.

Dr. Burke asked if these were additional staff or resources within the science center? Dr. Clarke said they have one new staff member (a stock assessment coordinator) who will be getting the authors together and the workshops together as well as the star panels. They actually used a stock assessment analyst FTE to do this (Ms. Stacy Miller).

Dr. McIsaac, with regard to the timeline and the GMTs comments in November, noted these stock assessments will be due in November 2005 to the Council. The GMT recommendation is to accelerate that so they are due in September. Dr. Clarke noted it is difficult to meet the schedule and not impact peoples field work if they are not only analysts but field biologists, as well as meet the Council calendar (GMT meetings, summer vacations, Council meetings).

E.3.c Reports and Comments of Advisory Bodies

SSC

Mr. Jagielo provided Exhibit E.3.c, Supplemental SSC Report.

GMT

Mr. Brian Culver provided Exhibit E.3.c, Supplemental GMT Report.

GAP

Mr. Rod Moore provided Exhibit E.3.c, Supplemental GAP Report.

E.3.d Public Comment

Mr. Michael Deach, longliner, Lopez, Washington

E.3.e Council Discussion and Guidance on Stock Assessment Planning for 2007-2008 Fishery Management

Council members discussed the pros and cons of adding or deleting assessments for several different species and how to prioritize the selection. Gopher were suggested as an indicator species for California sport fisheries. Kelp greenling were also suggested as a possible addition as a key indicator species.

Dr. Clarke said they could attempt to prioritize the assessments according to the GAP's list, but the species with updates have to be on the list. She suggested the Council provide further direction for limiting and prioritizing the list and she could provide more information and a refined list in April.

Mr. Anderson, working from the SSC list in Table 1, noted that the SSC deletes arrowtooth, bank rockfish, and chilipepper. He suggested removing yellowtail (update) as we have been harvesting far below the OY for yellowtail. For yelloweye (listed for an update), he noted WDFW and NWFSC would be working on this and would like to provide flexibility to potentially look at some other data sources (such as submersible work) which could result in the need for a full assessment. He is interested in having the flatfishes, including petrale and starry flounder to have assessments because the catches have been higher in the past few years. He did not have an opinion on splitnose and greenling.

Mr. Brown questioned the rationale for assessing shortbelly. He said he understood the rationale for having it was that the species was largely unfished and could be used as an indicator for ocean survival and environmental conditions and its impact on groundfish species. However, there is too much we don't know about the conditions stimulating the recruitment of shortbelly and he suspects we're about 30 years away from that and it could require a great amount of work with very little benefit.

Based on Council comments, Dr. McIsaac summarized the changes to the proposed assessments using the list in Table 1 from Exhibit E.3.c, Supplemental SSC Report: remove yellowtail, add gopher, and add greenling. This brings the list to 23. Mr. Brown asked that a look be taken at the choice between updates or a full assessment. It would seem like we would be able to reduce workload with more updates.

Mr. DeVore noted that there appeared to be agreement that arrowtooth, chilipepper, and yellowtail assessments be deleted. It has been suggested that shortbelly be deleted and that gopher and greenling be added.

Mr. Anderson understood that Dr. Clarke would take a look at the shortbelly issue and report back in April. He was still interested in doing an update for flatfish species such as petrale and English sole, and confirmed that bank rockfish should be deleted.

Dr. McIsaac confirmed that the Council recommends Dr. Clarke review the proposed assessments provided in the SSC report (with deletion of yellowtail, addition of gopher and greenling; and consideration of a full assessment for yelloweye and updates for English and petrale sole), mesh it with available data and workload, and confirm the assessments in April. With regard to cabezon (southern stock), Dr. Clarke stated she believes the SSC would recommend that it be updated in view of questions about the most recent assessment.

Mr. DeVore said that the SSC thought it would be advisable to have the STAR panels help decide on full vs. updated assessments

E.4 Status of Groundfish Fisheries and Inseason Adjustments (03/10/04; 1:23 pm)

E.4.a Agendum Overview

Mr. Mike Burner provided the agendum overview.

E.4.b CDFG Report on California Recreational Fisheries

Ms. Susan Ashcraft and Ms. Debra Aseltine-Nelson provided Exhibit E.4.b, Supplemental CDFG Report and Exhibit E.4.b, Revised Supplemental CDFG Report (*2004 Inseason Changes for California's Recreational Fishery for Presentation at March 2004 Council Meeting*).

Dr. Burke identified the mortality sources listed in the letter from CDFG to NMFS and asked if these sources of mortality, including release mortality and non-compliance are included in the impact analysis or would they need to be considered in a buffer. Ms. Aseltine-Nelson reported they were not included. Dr. Burke stated this would serve as justification for a significant buffer. Ms. Ashcraft stated that the analysis is conservative in other aspects as it assumes a 10 month season where there are two month closures scheduled, but how these factors balance each other cannot be quantified. Several Council members asked about the treatment of release mortality as well as the accounting of illegal retention during fishery closures. Ms. Aseltine-Nelson reported that the base data contains MRFSS estimates of landed catch and catch that was released dead. Additional mortality estimates for fish reported released alive that eventually died were not included. It was clarified that a potential closure in November and December, 2004 would be a closure to lingcod retention and not to groundfish fishing. Hook and release mortality during this proposed closure has not been estimated and could be considered as part of a buffer.

Mr. Robinson requested clarification on the estimated savings based on the described reductions in lingcod opportunity as a means of describing the magnitude of the precautionary buffer. Ms. Robinson clarified that as part of the estimate, the GMT would recommend a release mortality rate of 5%. CDFG agreed to work on the estimate and report back later during this agendum.

E.4.c Report of the Groundfish Management Team

Ms. Michele Robinson provided Exhibit E.4.c, Supplemental GMT Report.

Mr. Brown confirmed with Ms. Robinson that there is no observer data specifically for Cordell Bank but, the habitat type is consistent with known preferences of overfished rockfish. Mr. Brown did not agree that equity in this case should mean the same closed areas, rather equity should be in terms of measured reduction in impacts to overfished species. Ms. Robinson concurred and stated the original intent was to close the Cordell Banks to all commercial fisheries based on potential impacts and the management lines developed through the regulatory process did not accomplish this.

E.4.d Reports and Comments of Advisory Bodies

GAP

Mr. Rod Moore provided Exhibit E.4.d, Supplemental GAP Report.

Mr. Brown asked if the GAP statement implies VMS should be expanded to recreational vessels. Mr. Moore stated that the GAP felt that if the goal is to protect the integrity of the closed areas, then all potential violators should be considered.

Mr. Cedergreen asked if the statements on page one relative to regional management were reflective of a unanimous opinion of the GAP. Mr. Moore recalled that it was.

Mr. Robinson asked if the GAP had the opportunity to discuss the lingcod issues in the California recreational fisheries. Mr. Moore stated the GMT and CDFG were deliberating up to the time of this agenda item and did not have time to discuss the matter with the GAP, therefore, the GAP statement does not include the issue.

EC

Captain Mike Cenci provided Exhibit E.4.d, Supplemental EC Report.

Mr. Warrens asked how option two would be enforced, how would enforcement personnel identify whether groundfish were taken in a legal area. Captain Cenci responded the EC feels there is adequate patrols on the water to enforce recreational fisheries.

E.4.e Public Comment

Mr. Bill James (speaking for Kenyon Hensel), Northern Open Access Fisherman, Crescent City, California
Mr. Darby Dickerson, fisherman, Port Angeles, Washington
Mr. Bob Ingles, Golden Gate Fisherman's Association, Hayward, California
Mr. Charlie Noggle, Fishing Vessel Owner's Association, Snohomish, Washington
Mr. Mellvin de la Motte Jr., Central Coast Fisheries Conservation Coalition, San Luis Obispo, California
Mr. Dan Wolford, Coastside Fishing Club, Los Gatos, California
Mr. Chris Dorsett, The Ocean Conservancy, San Francisco, California
Mr. Randy Frye, Recreational Fishing Alliance, Sacramento, California
Mr. Paul Clampitt, longliner, Fishing Vessel Owner's Association, Edmonds, Washington
Mr. Michael Deach, longliner, Lopez, Washington
Mr. Bob Strickland, United Anglers of California, San Jose, California
Mr. Bob Osborn, United Anglers of Southern California,, Huntington Beach, California
Mr. Bill James, commercial fisherman, Keizer, Oregon

E.4.f **Council Action:** Consider Inseason Adjustments in the 2004 Groundfish Fishery

Mr. Anderson, (Motion 4) referring to Exhibit E.4.c, Supplemental GMT Report, page 5, moved to adopt the following GMT Recommendations:

Recommendation number 1 (reword the last phrase to read "and recommend to CA a change in state regulations to conform to federal regulations"), 3, 4, 5, skip 6, and add a seventh to approve Option 2 in Exhibit E.4.d, Supplemental EC Report; also, include recommendation 2 for the GMT report but, modify the Cordell Banks closure descriptions to be consistent with the GAP recommendation.

Mr. Bob Alverson seconded the motion.

Mr. Brown confirmed with Mr. Anderson that GMT recommendation number 6 was not included in the motion.

Mr. Robinson asked for the latitude to work with EC to make sure their language for Option 2 conforms to the federal regulations. Council members concurred.

Ms. Vojkovich and Mr. Robinson agreed to work to ensure regulatory language for the CCAs is correct and in concurrence between state and federal regulations.

Motion 4 passed.

Relative to the recreational issue, Ms. Vojkovich stated that several questions and analyses were requested under E.4.b and perhaps it would be wise to provide the GMT more time and to come back tomorrow.

Mr. Anderson asked to broaden the discussion. He stated he is not envious of California's dilemma and the data they have to work with. However, he is concerned about the implications and jeopardies for Washington fisheries due to early attainment of OYs. In looking at the lingcod question, he understands the GMT has not had an opportunity to review the analysis, but he is also not at all certain they have time to do that given what they have to do for tomorrow's agenda. Mr. Anderson is apprehensive of sending that assignment back to them tonight. He thinks at some point we need to demonstrate some confidence at this juncture that the recommendation coming back from CDFG is going to accomplish the objective relative to lingcod. There is the issue of the buffer and he would be more comfortable if it was larger than what is estimated to be currently provided. Mr. Anderson stated he has also been focused on the other species recognizing the canary catch estimate is over 18 mt and the scorecard has 8.9 or 8.3 mt. Additionally, black rockfish is a matter of concern.

Ms. Vojkovich appreciated Mr. Anderson's comments and concerns. CDFG is taking the new data and rerunning the projections to get a better feel to how those might impact 2004 management for all species of concern. We are starting that process and by the April meeting they will possibly have a better idea of what the situation might be or projected to turn out to be.

Dr. McIsaac noted the California Fish and Game Commission (CFG) did delay action on lingcod pending review by the PFMC. The GMT has not reviewed or discussed the analysis. The GMT has been looking into efficiencies and he proposed the GMT discuss it and come back to the Council on Friday morning. Perhaps the GMT could break into subgroups to work on tomorrow's agenda as well as inseason issues.

Dr. Burke echoed Mr. Anderson's comments on the other species of concern, including the problem of looking at a solution which may impact canary negatively. As she looks at the projections and actual catch and the MRFSS situation, we don't have an adequate buffer and cannot afford to close the coast. She does not have a lot of confidence that the GMT would have the time or the available data to fully assess the issues between now and Friday.

Mr. Robinson said we have to take action on lingcod and transmit a recommendation to the CFGC because we have federal size and bag limits starting April 1, 2004. We want to avoid having differences between the state and federal regulations regarding lingcod; for the rest of the species there will not be an inconsistency. Mr. Robinson agreed the GMT workload is huge and stated that moving forward with the analyses we have now, he would suggest a conservative (risk-averse) approach.

Mr. Anderson said if he was forced to make a choice today, he would choose an option with a November-December closure to lingcod, with a size limit close to 30 inches. He has considered the issues for all overfished species in California recreational fisheries and if we learn more as we go through the coming weeks and identify a reason to modify the closure at the end of the year we would have time to do that.

Dr. Burke stated that as the analysis stands, the buffer would be about 50 mt and she is hearing that may not be conservative enough.

Mr. Robinson stated the 50 mt figure originated with the original analysis provided by CDFG that led to the federal action to implement the one fish bag limit and 30 inch size limit in federal regulations. There is additional time to analyze and implement the closure at the end of the year.

Dr. Burke said the buffer started at 50 mt and now it is down to 13 mt.

Mr. Robinson expressed concern with the uncertainty in these estimates and would be uncomfortable with a buffer of less than 50 mt. He was in agreement with what Dr. Burke and Mr. Anderson were proposing.

Mr. Burner noted that some of the numbers in the CDFG report in the table under Option 2 are erroneous. If the Council would like to pursue a decision on this issue that is based on these numbers, the Council should revisit those values with CDFG.

Dr. Burke said we have known this problem existed for a long time and argued for a conservative approach until the GMT has had the time to review and perhaps re-analyze the impacts while trying to account for additional fishing pressures addressed today.

Ms. Vojkovich said the reason we looked for an option with size limits less than 30 inches was due to concerns about canary rockfish. More time on the water in pursuit of lingcod means more interaction with other species. Identifying the size of the buffer this early in the season is a dilemma.

Mr. Anderson asked Ms. Vojkovich if she is suggesting that Option 2 would be accomplished with a different size limit than 30 inches. Ms. Vojkovich said yes, and recommended a lower size limit because of potential canary impacts. She would like this discussion to take place in the GMT. However, she does not feel that there is adequate data to assess these types of trade offs.

Mr. Anderson was concerned we don't have any data to tell us what the corresponding consequences are for canary rockfish. He proposed taking an action at this time to match the federal regulations with a 30 inch size limit and a one fish bag limit with the addition of the November-December closure as a placeholder. This allows the GMT, CDFG, and the Council to consider the impacts of these actions to all species of concern and if there is a justification to modify the action in April we could do that.

Ms. Vojkovich asked what are we gaining by closing the end of the season at this time.

Mr. Robinson said there are two things of concern. One is conforming state regulations to federal regulations to eliminate confusion. The second is having confidence that taking all of the sources of mortality into account, the season structure put in place April 1 will keep fisheries within the OY. Mr. Robinson did not feel convinced at this time that these regulatory changes, including the two month closure is even enough.

Mr. Ticehurst, with regard to the two-month closure at the end of the year, those numbers in the table are wrong and we don't know what the buffer amount would be. All of those numbers have an error and are subject to recalculation. It is hard to say what that two-month buffer would be.

Mr. Anderson said that the calculations under Option 2 are in error, not the calculations under Option 1; and if that is correct we can assume that adding a closure to Option 1 will provide us an additional buffer.

Mr. Anderson moved (Motion 5), relative to the California recreational fishery, that effective April 1, modify the size limit for lingcod, increasing it from 24 to 30 inches; change the bag limit from two to one fish; and close the last two months of the year (Nov/Dec) to the retention of lingcod; additionally, request the CFGC to take reciprocal action for state regulations.

Dr. Burke reinforced that we really have not addressed the other rockfish species.

Ms. Vojkovich said her confidence in a smaller buffer is greater than other Council members. She is confident the new recreational data system in California will give better tracking of recreational catches. She hopes that Council members will remain receptive to new information and maintain the flexibility to revisit these issues later in the year.

Mr. Anderson said there is no pleasure in this whatsoever for anybody and is anxious to make decisions in the future based on better information. He urged CDFG to continue to look into impacts to other overfished species and he is hopeful the new data will help the Council in future decisions.

Motion 5 passed. (Messrs. Roger Thomas and Darryl Ticehurst voted no).

Mr. Burner said there is one other request from CDFG in the recommendations on the first page of Exhibit E.4.b, Supplemental CDFG report relative to bag limit changes.

Ms. Vojkovich moved (Motion 6) that the Council recommend to NMFS to change the federal regulations to reflect the changes in bag limits as presented by California. Mr. Roger Thomas seconded the motion. Mr. Robinson asked if the motion was just for the bag limit changes and did not include recommendations on boat limits. Ms. Vojkovich understood there was some discussion under the salmon agenda items relative to boat limits and she did not include boat limits in her motion.

Motion 6 passed.

E.5. Pacific Whiting Management (03/11/04; 8:54 am)

E.5.a Agendum Overview

Mr. DeVore provided the agendum overview from the briefing book exhibit.

E.5.b Perspectives of the Canadian Government

Mr. Robinson read the Canadian statement into the record (E.5.b, Pacific Whiting Management: Perspectives of the Canadian Government Regarding the 2004 Pacific Hake (Whiting) Fishery). Canadian Government officials were not allowed to testify before the Council due to legal constraints within their own government.

E.5.c Reports and Comments of Advisory Bodies

SSC

Mr. Jagielo provided Exhibit E.5.c, Supplemental SSC Report.

GMT

Ms. Michele Robinson provided Exhibit E.5.c, Supplemental GMT Report.

GAP

Mr. Moore provided Exhibit E.5.c, Supplemental GAP Report.

E.5.d Public Comment

Mr. Mike Okeniewski, Pacific Seafoods, Woodland, Washington
Mr. Jan Jacobs, Pacific Whiting Conservation Cooperative, Seattle, Washington
Mr. Mark Cooper, Midwater Trawlers Cooperative, Toledo, Oregon
Mr. Rod Moore, West Coast Seafood Processors Association, Portland, Oregon

Tribal

Mr. Steve Joner provided comments on behalf of the Makah Tribe. He expressed concerns about constraining the Makah whiting harvest for reasons other than whiting conservation. However, the tribe recognizes the need to limit the bycatch of widow and the challenge which that creates. The tribe is encouraged by the commitment from NMFS and the observer program to address the question of bycatch in the Makah fishery and to resolve the differences in bycatch estimates. The tribe is agreeable to the range of whiting allocations presented in the GMT report and will continue to do their best to take their whiting with the least amount of rockfish bycatch.

E.5.e **Council Action:** Adopt Stock Assessment, Final 2004 Acceptable Biological Catch and Optimum Yield, Exempted Fishing Permit, and Management Measures

Dr. McIsaac asked Ms. Cooney to characterize the nature of the action the Council would have to take to constrain the whiting fishery based on bycatch (widow rockfish) impacts—which might include “inseason action” and/or “emergency action”. Ms. Cooney believes this would not be an inseason action, but would fall into the emergency category. The Council would be setting a reasonable whiting level that is believed to be within the allowable widow bycatch number. If this turned out to be insufficient, an emergency rule to close would be required.

Mr. Robinson said the first step in the process is setting the coastwide ABC/TAC. The $q=1.0$ value is status quo. To over ride status quo, there has to be a superior alternative based on scientific advice. There really isn't an alternative to $q=1.0$; everybody realizes it may not be the true state of nature, but there is no indication there is anything else better. It is hard to see a strong reason to move away from that. He noted the SSC comment on “looking forward”, where they say “if management actions are incorrectly based on a $q=0.6$ (and the true state is more like $q=1.0$) there is a greater than 50% chance the stock will decline below the overfished threshold in 2006. In contrast, if management actions are based on a $q=1.0$ model (and that is not the true state of nature), the stock has a greater than even chance of still being above the overfished threshold in 2006. Therefore, he recommends we stay with $q=1.0$.

Mr. Anderson moved and Mr. Alverson seconded a motion (Motion 9) to accept the new whiting stock assessment and establish a U.S. ABC of 514,441 mt; a U.S. OY at 250,000 mt; and strongly encourage industry members participating in the whiting fishery to identify and share widow “hotspots” and avoid those areas when conducting their whiting fishing activities.

Mr. Brown asked the maker of the motion to include writing a letter to NMFS to request that they reconsider the overfishing declaration on whiting. Mr. Anderson did not oppose it, but asked it be under a separate motion.

Before going further on the decision, Mr. DeVore asked Ms. Robinson to make a slight correction to Table 1 in the GMT statement regarding the sector allocations. Ms. Robinson stated the sector allocations and mother processor values are not correct, but the totals relative to the OY are correct - but the split for the at-sea portion is not as depicted in the table. The sector allocations are in federal rule; all other values in the table are correct.

Mr. Anderson spoke to the rationale behind the motion. In terms of setting the ABC and q factor, he echoed Mr. Robinson's previous comments, the statements from the SSC, and the intent of the US/Canada whiting treaty. He noted there has been a lot of debate about what types of bycatch assumptions to use to calculate the whiting OY. In listening and speaking with industry members this week, he believes they have demonstrated their ability to respond to concerns about bycatch (e.g., yellowtail). Using the weighted average and an OY of 250,000 mt of whiting produces a widow bycatch of 211 mt.--an acceptable level of risk and within the available bycatch (220 mt.).

Motion 9 passed.

Based on the new whiting assessment, the Council agreed to formally recommend that NMFS remove whiting from the overfished list. Hindcasting based on the new assessment indicates that perhaps the stock was never overfished in the first place.

Mr. Anderson stated there were some additional recommendations in the GMT report. With regard to #5, we can consider that in April. There was also a brief discussion earlier on item #6 to identify inseason management actions as emergency actions if there was need to close the whiting fishery due to bycatch impacts. If they did need to close and if such an action were contemplated between council meetings, there should be identification of a process for a conference call. He asked Ms. Cooney to provide comments on that later in this meeting or at the April meeting.

Mr. Robinson said we can give some thought to that: two alternatives - emergency rulemaking now to set up the structure to do it later in the year; or proceed with the scorecard and if it appears it will be exceeded inseason, then use emergency rule making at that time to close it later.

Mr. Robinson reminded the Council of the new requirement for the shoreside whiting sector under the Shoreside Whiting Exempted Fishing Permit in 2004.

F. Pacific Halibut Management

F.1. NMFS Report (03/10/04; 5:24 pm)

F.1.a Status of Council Management Measure Recommendations for 2004

Ms. Yvonne deReynier summarized Exhibit F.1.a, Attachment 1: Proposed Changes to the 2004 Pacific Halibut Catch Sharing Plan and Exhibit F.1.a, NMFS Report: NMFS Update on 2004 Pacific Halibut Management.

F.1.b Reports and Comments of Advisory Bodies

None.

F.1.c Public Comment

None.

F.1.d Council Discussion on Status of Council Management Measure Recommendations for 2004

None.

F.2. Report on International Pacific Halibut Commission (IPHC) Annual Meeting (03/10/04; 5:27 pm)

F.2.a Agendum Overview

Mr. Tracy presented the situation summary.

F.2.b Summary of Meeting

Mr. Anderson presented Exhibit F.2.b, Supplemental Meeting Summary.

F.2.c Reports and Comments of Advisory Bodies

None.

F.2.d Public Comment

None.

F.2.e Council Discussion on Report on International Pacific Halibut Commission (IPHC) Annual Meeting

None.

F.3 Public Review Options for the 2004 Incidental Catch Regulations in the Salmon Troll and Fixed Gear Sablefish Fisheries (03/10/04; 5:35 pm)

F.3.a Agendum Overview

Mr. Tracy presented the situation summary overview.

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

Mr. Anderson supported the proposals as set forth in Exhibit F.3.e, Supplemental SAS Report.

Dr. Burke supported status quo regulations.

Mr. Larson supported the recommendations of Washington and Oregon.

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

Mr. Robinson asked if there was support for a more conservative option because the sablefish tier limits would increase over 2003.

Mr. Anderson suggested perhaps a ratio of 125 pounds of halibut per 1,000 pounds of sablefish.

Mr. Alverson stated the increase in sablefish tier limits would probably be about 18% to 20% higher this year.

F.3.d Tribal Comments

Mr. Harp provided Exhibit F.3.d, Supplemental Tribal Comments.

F.3.e Reports and Comments of Advisory Bodies

SAS

Mr. Jim Olson provided Exhibit F.3.e, Supplemental SAS Report.

Mr. Tracy asked if the SAS still supported the C-shaped yelloweye conservation area as an area to be voluntarily avoided. Mr. Olson responded yes.

GAP

Mr. Chuck Tracy read Exhibit F.3.e, Supplemental GAP Report.

F.3.f Public Comment

None.

F.3.g Council Action: Adopt Public Review Options for 2004 Incidental Halibut Catch Regulations

Mr. Anderson moved and Mr. Cedergreen seconded a motion (Motion 7) to adopt for public review the proposed 2004 incidental halibut catch regulations for the salmon troll fishery found on SAS Supplemental Report F.3.e, including the designation of the "C-shaped" yelloweye rockfish conservation area in the North Coast subarea off the coast of Washington. Motion 7 passed.

Mr. Anderson moved and Mr. Alverson seconded a motion (Motion 8) to adopt for public review the proposed 2004 incidental catch regulations for the fixed gear sablefish fishery as follows: Option 1 - restrict landing to 150 pounds (dressed weight) of halibut per 1,000 pounds (dressed weight) of sablefish, and allow two additional halibut in excess of 150 pounds per 1,000 pounds ratio per landing; and Option 2 - restrict landings to 100 pounds (dressed weight) of halibut per 1,000 pounds (dressed weight) of sablefish, and allow two additional halibut in excess of the 100 pounds per 1,000 pounds ratio per landing. Motion 8 passed.

G. Habitat

G.1 Current Habitat Issues (03/11/04; 10:32 am)

Ms. Gilden reviewed the situation summary and noted the HC had developed a new letter (Supplemental Attachment 2).

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

Mr. Stuart Ellis provided Exhibit G.1.a, Supplemental HC Report. He also provided Exhibit G.1, Supplemental Attachment 2 (draft letter addressed to Mr. Bob Lohn, Regional Administrator, NMFS, on Columbia River hydrosystem summer spills.)

Mr. Harp asked Mr. Ellis about the timeframe for sending the letter. Mr. Ellis said he believed the decision might be made on April 5. He said that if the Council wanted to weigh in on this topic, it should do so at this meeting.

Mr. Coenen said the way the letter is characterized, this would be a single decision that would suspend summer spill indefinitely. Is this the case? Mr. Ellis said it seems BPA would prefer to discontinue the summer spill program; but they have also said they would like to evaluate the changes, which implies that this is a temporary measure that would be monitored. Whether or not it is temporarily is part of the negotiation.

Mr. Coenen asked, are the summer spill provisions that the Council responded to in the 2000 Biological Opinion (BO) being reconsidered in the BO remand? Mr. Ellis said that as far as he knows, all of the RPAs, including those related to spill, are up for reevaluation. Mr. Coenen then asked, if BPA and the action agencies suspend summer spill, will that decision occur before the BO remand is completed, and before any reanalysis of the spill would be completed? Mr. Ellis said that for the summer of 2004, that is correct. The remand deadline is around late summer or early fall. The BO rewrite will not be done in time. The remand may refer to summer spill, but for the summer of 2004 the decision will be made soon, and that will happen outside of finishing the BO rewrite.

Dr. McIsaac asked about the “38,000 to 95,000 adult chinook” mentioned in the letter. Was there a technical committee on CBFWA that reviewed these numbers? Mr. Ellis said CBFWA hired a consultant to write the report, and wasn't sure about the review. Dr. McIsaac asked if there is something in writing from the BPA referring to harvest reductions as mitigation. Mr. Ellis said there is a BPA PowerPoint presentation that he could provide that refers to harvest constraints being used as mitigation.

Dr. McIsaac asked, could the Council consider this letter in April (in regard to timing)? Mr. Ellis said he believed it could be too late to wait until the April meeting.

Mr. Larson echoed the same concerns over the accuracy of the numbers and suggested the letter could be sent if some of the numbers were left out. He suggested wording that could be used.

Mr. Mallet agreed on the importance of sending the letter. The implications for upper river stocks are obvious, and there are implications for endangered stocks for the ocean fishery as well. He agreed with changing the wording and removing references to the actual numbers. Do some fine tuning and send it without waiting until April; otherwise we will miss some of the “spill period.”

Mr. Ortmann asked if the lower Snake River dams entered into spill considerations here. Mr. Ellis said most of the change would be in the lower mainstem dams. Historically the spill programs for the Snake River dams were dealt with separately. They are managed separately, but the effects are linked.

Mr. Coenen suggested some editorial changes. Mr. Ortmann suggested that before the Council wordsmith the letter, they hear from the advisory bodies and public.

Mr. Larson asked about Klamath Flow issues. Will the HC have a letter out in time for the Council to consider it in April? Mr. Ellis said the HC would provide a letter for the briefing book mailing. Mr. Larson also asked how the operation of PacifiCorp's dams differ from the Iron Gate Dam project, and how the relicensing affects the Iron Gate operation, which is under control of the Bureau of Reclamation. Mr. Ellis said he didn't know. Mr. Larson said this would be important to address in the future. The Iron Gate operation is significant in how it affects water flows on the Klamath, and if we have an opportunity to discuss that in regard to PacifiCorp's relicensing, we should do so.

G.1.b Reports and Comments of Advisory Bodies

SAS

Mr. Duncan MacLean provided Exhibit G.1.b, Supplemental SAS Report.

G.1.c Public Comment

Mr. Joseph Bogaard, Save our Wild Salmon, Seattle, Washington
Mr. Jeff Feagin, Puget Sound Anglers, Fox Island, Washington
Mr. Duncan MacLean, representing PCFFA, El Granada, California
Mr. Joel Kawahara, salmon troller, Quilcene, Washington

Tribal

Mr. Terry Courtney, Jr. and Mr. Stuart Ellis stepped to the podium. Mr. Courtney provided comments on the summer spill program. The BPA and the Power Planning Council have not consulted with the tribes. Also, the rate of smolt stranding is about 2.2 million below McNary Dam; that number is acceptable to the Federal government. The tribes object to unmonitored spill flows and support breaching the dams.

G.1.d Council Action: Consider HC Recommendations

Mr. Coenen noted the HC's recommendation that they come back in April with a letter on the BO remand. A letter could be created that restates the Council's 1999 resolution on the BO. The letter would restate the Council's resolution; support a collaborative process between NOAA Fisheries, the action agencies, states and tribes; and suggest how a new BO could express habitat-related concerns such as flow augmentation, spill, etc. Regarding the summer spills letter, Mr. Coenen said he was uncomfortable about the second to last sentence, which makes a blunt statement of the unacceptability of suspending summer spill. If the BPA were to proceed with this plan, and we found it unacceptable, what do we do? He offered an edit to the letter.

The Council discussed wordsmithing changes to the summer spills letter. Dr. McIsaac suggested that Council staff recraft the letter.

Mr. Mallet moved (Motion 10) to approve the letter as shown in Exhibit G.1, Supplemental Attachment 2 as edited for signature and submission. Mr. Alverson seconded the motion. Motion 10 passed.

Mr. Roth said that USFWS supports the letter. It should also go to BPA, the Army Corps of Engineers, the Bureau of Reclamation, and the US Fish and Wildlife Service. A Council member suggested it go to the NW Power Planning Council as well.

Mr. Gordy Williams noted that Alaska has commented on harvest reductions as well. There were six alternative mitigation processes suggested (to summer spills); the Council should consider if they just want to restrict the letter to harvest restrictions as mitigation.

Dr. McIsaac said that editing would include all of the discussion so far. If the Council wanted staff to review the WDFW letter relative to other mitigation actions and consider that in editing this letter, they would do so. Mr. Ortmann agreed. Motion 10 passed. Mr. Robinson abstained.

Ms. Gilden asked about Council comments on the EFH letter. Dr. McIsaac said that if the Council is interested in taking up the EFH letter and the proposed Klamath letter, they should direct the HC now in order to have them in the April briefing book. The Council concurred and directed the HC to pursue those letters for the April meeting.

Mr. Brown asked if the Klamath Water Users Association had asked to give a presentation to the HC at the April meeting. Ms. Gilden said yes.

G.2 Corals and Living Substrate (03/11/04; 11:34 am)

G.2.a Agendum Overview

Ms. Jennifer Gilden provided the agendum overview.

G.2.b NMFS Report

Dr. Elizabeth Clarke updated the Council on research efforts by NOAA on West Coast corals. They hope to develop a research plan for corals, including monitoring and collection of coral information. They are trying to map the existing information they currently have to provide a background and framework to develop a research plan. They are increasing their collection of coral information; all of the scientists in the monitoring program at the Science Center are using the NOAA protocols for collection of coldwater coral information. So, as much as practical, they are moving forward. She referred the Council to the legislation referred to in the briefing book. This legislation may require mapping coral information. When they have a product they will bring it to the Council and the HC.

G.2.c Reports and Comments of Advisory Bodies

HC

Mr. Ellis provided Exhibit G.2.c, Supplemental HC Report.

Mr. Larson asked if the HC wanted to comment on how this item is related to the next item on the agenda, artificial reefs. Mr. Ellis said the HC didn't discuss them as related topics. Mr. Larson pointed out areas with oil platforms have not been trawled in the last three years, and they are in deepwater habitat areas. Some of the corals do occur in those locations. The relationship between the two topics is important.

G.2.d Public Comment

Mr. David Allison, Oceana, Washington, DC

Mr. Phil Kline, Oceana, Washington, DC

Dr. McIsaac asked whether the legislation discusses things like closed areas where oil platforms have been, and where transitory MPAs have been in effect. Mr. Kline said the legislation doesn't get to that level of detail. The Council should provide input to the senators to let them know its concerns. These issues should be brought up in hearings and later in the process as well. Mr. Kline further discussed the legislation. It has a large research component, including authorization for appropriations for research. Participation from everyone is invited.

G.2.e Council Discussion on Corals and Living Substrate

Mr. Brown said that the director of MCBI, which developed the report that Dr. Clark referred to, is strongly against trawling. With regard to legislation, the protection of habitat and corals is important. He noted that the focus is on mobile bottom-tending gear, rather than the protection of corals. A report by someone at the Alaska Science Center found that in many ways, fixed gear was harder on corals than trawls were, because they tended to fish in tough habitat where corals were likely to be found and where trawls couldn't reach. Corals should be protected from everything, not just mobile gears.

Mr. Alverson said studies had been done by NMFS in Juneau estimating the "footprint" or impact on corals of different gears. Pot gear was at 1%, line gear at 3-4%, and trawl mobile gear at 96% of the impact. But the focus needs to be on the degree of damage and what is being done; not just on "there's a coral, let's close it down." The ability of coral to rebuild itself needs to be taken into consideration, along with dependent fishery resources.

G.3 Artificial Reefs in Southern California (03/11/04; 1:20 pm)

G.3.a Agendum Overview

Ms. Gilden provided the agendum overview.

G.3.b Status Report

Mr. George Steinbach, Executive Director of the California Artificial Reef Endorsement Program (CAREP) provided a briefing on the issue.

Mr. Alverson asked whether platforms would be taken down below the navigable water level, or if they would remain above water. Mr. Steinbach said in the Gulf of Mexico the practice has been to sever the platforms below the waterline at a level to provide adequate clearance for boats - usually around 85 feet below the water line. That is a possibility for the California structures. However, there is some environmental value in retaining that portion of the platform, so we advocate a case-by-case examination.

Mr. Fougner asked if studies were made before and after the removal of the four rigs in the Santa Barbara area to study changes in the presence/absence of fish. Mr. Steinbach was not aware of any formal studies done on this. Post-removal studies have been done, but not pre- and post- comparisons. From diving reports, there was prolific life on the structures before removal, and very little after removal. Mr. Fougner then asked, with regard to the regulations, would they set out a systematic methodology for evaluating case-by-case rig removal, or would they be a general authorization of removal subject to NEPA, etc.? Mr. Steinbach said he wasn't sure, because the regulations are under the purview of NOAA; he guesses it would be closer to the latter than the former. Mr. Fougner said he thought the Minerals Management Service was creating the regulations. Mr. Steinbach said the MMS would be involved; it's possible this will become a MMS regulation. If so, there will be consultation with NOAA.

Ms. Wolfe asked about the depths of the four platforms removed in 1996. Mr. Steinbach thought the depths ranged from 60 feet to 120 feet of water.

Dr. McIsaac noted the Keeney letter suggested these regulations fell under the MMS. Mr. Steinbach said the MMS is the agency responsible for regulating the structures currently. As we move into a post-oil operations mode, we're in uncharted waters. The only example we have is the Gulf of Mexico, where the states are involved. The MMS regulations would need to be modified so that offshore California platforms would have the reefing option available to them. New rules would have to be put into place that fall under NOAA as well. Not sure how that regulatory process will be worked out, but both agencies will need to cooperate. The rigs that this rule would apply to are all in federal waters.

Mr. Fougner said that Mr. Keeney's letter suggests regulations may be changed to allow a nonprofit organization to administer a rigs-to-reefs program. Is CARE the kind of organization that would be interested in doing that administration? Mr. Steinbach said that as currently structured, CARE would have an interest, but probably would not have the management oversight to do this. However, with a different board composition, it might be possible.

Ms. Wolfe asked, in the situation summary there's reference to the NMFS and the Council having been mentioned as candidates on the board of directors authorizing research, conservation and management projects. Dr. McIsaac said that when this was placed on the agenda, there was an expectation that we might be in the middle of a proposed rule on this matter. The Chair and Dr. McIsaac had a meeting with Dr. Hogarth, who brought up the idea of a board administering funding. Dr. Hogarth said the board membership was open and there were ideas put forward that NMFS and the Council could be candidates for seats.

Mr. Alverson asked about the decay rate of these structures once they're cut down. Mr. Steinbach said engineers have estimated that if the structure is below the water line, platforms could last 200-300 years.

G.3.c Reports and Comments of Advisory Bodies

HC

Mr. Ellis provided Exhibit G.3.d, Supplemental HC Report.

GAP

Mr. Moore provided Exhibit G.3.d, Supplemental GAP Report.

Ms. Wolfe said she had been told the platforms can't be removed. Is that accurate? Mr. Steinbach said yes, they can. However, nobody has removed a platform that exceeds about 400 feet of water depth. Some platforms off California are in much deeper water than that, up to 1,200 feet. Some of the techniques to remove them still need to be developed. But in the end, they can be removed if necessary. It will be expensive, and will destroy the marine life that live there.

GMT

Ms. Debra Aseltine-Neilson provided Exhibit G.3.d, Supplemental GMT Report.

Dr. McIsaac asked, with regard to the matter of fishing near these rigs, the statement indicates that fishing is not allowed near the platforms. Is that true for all 26, and if so, how far away from the platforms does the

fishing closure extend? Ms. Aseltine-Neilson said she believed it was due to concerns about being within a certain distance of the rigs, and that it applied to all of them; but she wasn't sure how distant from the rigs people had to stay.

G.3.d Public Comment

Mr. Mike McCorkle, Southern California Trawlers Association, Santa Barbara, California
Mr. Chris Dorsett, The Ocean Conservancy, San Francisco, California
Mr. Duncan MacLean, Humboldt Bay Fisherman's Marketing Association, El Granada, California

G.3.e Council Discussion on Artificial Reefs in Southern California

Mr. Warrens wanted to know if the Gulf Council got involved in these projects in the Gulf, and if there was any record of their deliberations or decisions. Mr. Hansen said he thought they were all state issues, not federal. Mr. Steinbach said there is a National Artificial Reef Plan that was originally written in 1985; in 2002 or 2003 it was updated with involvement of the Gulf and Atlantic Councils. They are involved to some extent.

Ms. Wolfe said, what is the feasibility of requesting a study of this, as suggested by the GAP? Mr. Fougner said he didn't know the process for engaging the National Academy of Sciences in requesting a study, but he would try to find out.

Mr. Mallet said he would like to request that Dr. McIsaac contact his peer in the Gulf Council and find out what they can tell us about their experience with these rigs.

Mr. Hansen said he would like Council staff to track the rule being developed.

H. Marine Protected Areas

H.1 Scientific and Statistical Committee (SSC) Review of Marine Reserves Issues (03/11/04; 2:20 pm)

H.1.a Agendum Overview

Mr. Dan Waldeck

H.1.b SSC Report

Ms. Cindy Thomson provided Exhibit H.1.b, Supplemental SSC Report.

H.1.c Reports and Comments of Advisory Bodies

GAP

Mr. Moore provided Exhibit H.1.c, Supplemental GAP Report.

HC

Mr. Ellis provided Exhibit H.1.c, Supplemental HC Report.

H.1.d Public Comment

Mr. Dan Wolford, Coastside Fishing Club, Los Gatos, California

H.1.e Council Discussion: Consider Adopting SSC Recommendations Concerning Review of Marine Reserves Issues

Mr. Fougner asked if the draft SSC white paper had been provided to Channel Islands National Marine Sanctuary (CINMS) staff for their information? Ms. Thomson noted the draft report had been submitted to the Council for the March 2004 briefing book, but not directly to other parties.

Mr. Fougner suggested the draft SSC report be provided to CINMS staff.

Dr. McIsaac noted the document was publically available on the Council website, and that CINMS would be notified the report was available.

H.2 Update on Other Marine Protected Area Activities (03/11/04; 2:40 pm)

H.2.a Agendum Overview

Mr. Waldeck reviewed the situation summary and briefing material. He read for the record Exhibit H.2.a, Supplemental Staff Report – Supplemental Update on Other Marine Protected Area Activities.

H.2.b Report of the Monterey Bay National Marine Sanctuary

Dr. Holly Price, Monterey Bay National Marine Sanctuary (MBNMS) presented information on several action plans under development at MBNMS. Action plans include special MPAs within MBNMS and habitat impact controls, both of these plans will be developed over the next 2-3 years. Action plans for a ban on krill fishing and inclusion of Davidson Seamount within the MBNMS are on a shorter timeline. MBNMS expects to present information to the Council on krill fishing and Davidson Seamount at the June and September 2004 meetings, respectively.

H.2.c Report on NOAA Workshop

Mr. Waldeck briefed the Council on recent preparations for convening a workshop to discuss science issues underlying MPAs and the role of MPAs in fishery management.

H.2.d Reports and Comments of Advisory Bodies

None.

H.2.e Public Comment

Ms. Kathy Fosmark, Alliance of Communities for Sustainable Fisheries, Pebble Beach, California
Mr. Duncan MacLean, Humboldt Bay Fisherman's Marketing Association, El Granada, California

H.2.f Council Discussion on Update on Other Marine Protected Area Activities

Mr. Brown understands the concerns stated by the fishermen and stated that, personally, he was very concerned with proposed changes to jurisdiction over fishery management matters.

Mr. Svein Fougner asked Dr. Price to clarify what the current actions were.

Dr. Price stated that MBNMS is not currently proposing specific MPAs, i.e., there are no lines on the map. As the special MPA action plan is developed, MBNMS will closely coordinate with the Council and the California Fish and Game Commission. Specific to Davidson Seamount, the information she provided is based on recommendations coming out of MBNMS working groups, which include commercial and recreational fishing representatives.

Relative to Council discussion, Mr. Waldeck noted that, unless the Council had more specific guidance for staff, Council staff will continue to track these issues.

Dr. Price affirmed the intent of MBNMS to present information about krill fishing for Council consideration at the June 2004 meeting.

4 PM Public Comment Period

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

Mr. Bill James, nearshore permit holder, California. Talked about cooperative research. He said there seems to be some research going on without federal oversight (who is funding what?). Given the scant resources, he feels it would be good if the federal scientists could weigh in on the projects that are out there; especially those regarding federally-managed groundfish species. Mr. James also talked about socio-economics and how it has taken the “back-burner”. He would like to see value added benefits; i.e., restaurants, tourism revenue being generated - not just exvessel prices in our documents. He would also like to see the cumulative effects of our regulations - those do not seem to be written up at all. He would like to see some sort of qualitative statement put in the documents. There are real people out there when these regulations are being done.

Messrs. Gary Richter and Tommy Ghio. Talked about the rockfish situation (the vermilion rockfish). They felt the OA fishery is out of control. They have VMS on their boats. We need to level the playing field, and we need to do it now. Need to have the VMS on the OA boats “yesterday”. Mr. Ghio said there is no way to check the vessels and at least with VMS we will all be on the same playing field.

Mr. Steve Bodnar, Coos Bay Trawlers Association, Coos Bay, Oregon. Spoke about VMS, many of those units have an indicator light that they are receiving electricity, they have no way to tell it is actually sending out a signal. The enforcement staff do not have call numbers for the vessels and there is no way for them to get into contact with the vessels in question. Spoke to two instances of problems with the VMS units such as the unit not functioning properly and how that can lead to fines and/or tickets from the enforcement. There are problems with the fact there is no communication.

Mr. Gerry Reinholdt, processor, St. Helens, Oregon. Spoke about salmon marketing. Given the strong marketing structure we have right now with farmed salmon, and the Snake River constraints we’re going to have this year, we will now have to absorb impacts of fisheries that are to the north. This implication will place severe constraints on salmon fisheries which will relate to a higher price in salmon and will cut down on the supply as well. We are asked to cover the impacts - and the price will increase. We are also asked to cover the impacts of the salmon for regions where they are deemed sustainable fisheries. This seems to be highly inequitable. This directly translates to higher prices to the consumer. Salmon are a very valuable commodity right now (people eating more due to mad cow diseases, problems with farmed salmon, etc).

Ms. Dorothy Lowman, consultant to Environmental Defense. Spoke about IFQ issues. IQ's could help address the concerns for West Coast trawl fisheries. Felt it is important to fully fund activities relating to IQ programs. We need to relay this message to Congress. Continue to show how the Council, NMFS, industry, can work together to find other funding sources in addition to federal sources. She urged the council to reconfirm the commitment to the process and identify resources that could be directed toward this effort and that they be identified before March 22 (deadline); and make the best use of our existing scarce resources to build upon the IQ program progress. Mr. Brown noted the Council has been consistent with the use of ITQ's and in particular for the trawl fisheries and it was one of the center pieces of our strategic plan for groundfish. He asked if the staff could find out about direct appropriations for funding of this item.

Mr. Dan Wolford, Coastside Fishing Club, Los Gatos, California. Provided a Powerpoint presentation about rockfish initiatives: expanding on independent rockfish catch assessment and developing study of rockfish release mortality.

ADJOURN

The 172nd Council meeting was adjourned on Friday, March 12, 2004 at 11:30 am.



Council Chairman

June 15, 2004

Date