

MINUTES

Pacific Fishery Management Council
Doubletree Hotel
2001 Point West Way
Sacramento, CA 95815
916-929-8855
March 6-11, 2005

MINUTES..... 1

A. Call to Order 5

 A.1 Opening Remarks, Introductions 5

 A.2 Roll Call..... 5

 A.3 Executive Director's Report..... 5

B. Administrative Matters 6

 B.1 Approval of Council Meeting Minutes 6

 B.1.a Council Member Review and Comments 6

 B.1.b Council Action: Approve June, September, and November 2004 Minutes 6

 B.2 Initial Consideration of April Council Meeting Agenda 6

 B.2.a Agenda Item Overview 6

 B.2.b Reports and Comments of Advisory Bodies 6

 B.2.c Public Comment..... 6

 B.2.d Council Guidance..... 6

 B.3 Council Operating Procedures Document 7

 B.3.a Agenda Item Overview 7

 B.3.b Reports and Comments of Advisory Bodies 7

 B.3.c Public Comment..... 7

 B.3.d Council Action: Review and Approve Proposed Updates to COP Document 8

 B.4 Legislative Matters 10

 B.4.a Agenda Item Overview 10

 B.4.b Legislative Committee Report 10

 B.4.c Reports and Comments of Advisory Bodies 10

 B.4.d Public Comment..... 10

 B.4.e Council Action: Consider Recommendations of the Legislative Committee 10

 B.5 Fiscal Matters 11

 B.5.a Agenda Item Overview 11

 B.5.b Budget Committee Report..... 11

 B.5.c Reports and Comments of Advisory Bodies 11

 B.5.d Public Comment..... 11

 B.5.e Council Action: Consider Recommendations of the Budget Committee..... 11

 B.6 Appointments to Advisory Bodies, Standing Committees, and Other Forums 11

 B.6.a Agenda Item Overview 11

 B.6.b Council Action: Appoint New Members as Necessary 12

 B.7 April 2005 Council Meeting Agenda and Three-Meeting Plan..... 12

 B.7.a Agenda Item Overview 12

 B.7.b Reports and Comments of Advisory Bodies 12

 B.7.c Public Comment..... 12

 B.7.d Council Action: Adopt Final Agenda for the April 2005 Meeting 12

C. Salmon Management 12

 C.1 Review of 2004 Fisheries and Summary of 2005 Stock Abundance Estimates 12

 C.1.a Report of the Salmon Technical Team (STT) 12

 C.1.b Reports and Comments of Advisory Bodies 13

C.1.c	Public Comment.....	13
C.1.d	Council Discussion on Review of 2004 Fisheries and Summary of 2005 Stock Abundance Estimates.....	13
C.2.	Identification of Management Objectives and Preliminary Definition of 2005 Salmon Management Options.....	13
C.2.a	Agenda Item Overview.....	13
C.2.b	Report of the Pacific Salmon Commission (PSC).....	14
C.2.c	Report of the Klamath Fishery Management Council (KFMC).....	14
C.2.d	NMFS Recommendations.....	14
C.2.e	Tribal Recommendations.....	15
C.2.f	State Recommendations.....	16
C.2.g	Reports and Comments of Advisory Bodies.....	16
C.2.h	Public Comment.....	17
C.2.i	Council Recommendations for Initial Options for STT Collation and Description.....	17
C.3	Council Recommendations for 2005 Management Option Analysis.....	19
C.3.a	Agenda Item Overview.....	19
C.3.b	Report of the STT.....	19
C.3.c	Report of the KFMC.....	19
C.3.d	Reports and Comments of Advisory Bodies.....	19
C.3.e	Public Comment.....	19
C.3.f	Council Direction to the STT and SAS on Options Development and Analysis.....	19
C.4	Update on Essential Fish Habitat (EFH) Review Process.....	20
C.5	Council Direction for 2005 Management Options.....	20
C.5.a	Agenda Item Overview.....	20
C.5.b	Report of the STT.....	20
C.5.c	Reports and Comments of Advisory Bodies.....	21
C.5.d	Public Comment.....	21
C.5.e	Council Guidance and Direction.....	21
C.6	Adoption of 2005 Management Options for Public Review.....	22
C.6.a	Agenda Item Overview.....	22
C.6.b	Report of the STT.....	22
C.6.c	Reports and Comments of Advisory Bodies.....	22
C.6.d	Public Comment.....	22
C.6.e	Council Action: Adopt Management Options for Public Review.....	22
C.7	Salmon Hearings Officers.....	24
C.7.a	Agenda Item Overview.....	24
C.7.b	Council Action: Appoint Hearings Officers.....	24
D.	Pacific Halibut Management.....	25
D.1	Groundfish Retention in the Columbia River Subarea Recreational Halibut Fishery.....	25
D.1.a	Agenda Item Overview.....	25
D.1.b	Agency and Tribal Reports and Comments.....	25
D.1.c	Reports and Comments of Advisory Bodies.....	25
D.1.d	Public Comment.....	25
D.1.e	Council Action: Clarify Recommendations for Groundfish Retention Regulations in the Columbia River Subarea Recreational Halibut Fishery.....	25
D.2	Report on International Pacific Halibut Commission Annual Meeting.....	25
D.2.a	Agenda Item Overview.....	25
D.2.b	Summary of Meeting.....	26
D.2.c	Reports and Comments of Advisory Bodies.....	26
D.2.d	Public Comment.....	26
D.2.e	Council Discussion on IPHC Annual Meeting.....	26
D.3.	Public Review Options for the 2005 Incidental Catch Regulations in the	

Salmon Troll and Fixed Gear Sablefish Fisheries	26
D.3.a Agenda Item Overview	26
D.3.b State Proposals for the Salmon Troll Fishery.....	26
D.3.c State Proposals for the Fixed Gear Sablefish Fishery	26
D.3.d Tribal Comments.....	26
D.3.e Reports and Comments of Advisory Bodies.....	26
D.3.f Public Comment.....	27
D.3.g Council Action: Adopt Public Review Options for 2005.....	27
E. Habitat	27
E.1 Current Habitat Issues	27
E.1.a Report of the Habitat Committee (HC).....	27
E.1.b Reports and Comments of Advisory Bodies	27
E.1.c Public Comment.....	27
E.1.d Council Action: Consider HC Recommendations.....	27
F. Groundfish Management	28
F.1 Inseason Management Response Policy	28
F.1.a Agenda Item Overview	28
F.1.b Ad Hoc Groundfish Information Policy Committee (GIPC) Report.....	28
F.1.c Reports and Comments of Advisory Bodies	28
F.1.d Public Comment.....	29
F.1.e Council Action: Adopt Inseason Management Response Alternatives/Draft Policy for Public Review.....	29
F.2 NMFS Report	30
F.2.a Regulatory Activities	30
F.2.b Science Center Activities	32
F.2.c Reports and Comments of Advisory Bodies	33
F.2.d Public Comment.....	33
F.2.e Council Discussion on NMFS Report.....	33
F.3 Terms of Reference for Groundfish Rebuilding Plan Review.....	33
F.3.a Agenda Item Overview	33
F.3.b Scientific and Statistical Committee Report	33
F.3.c Reports and Comments of Advisory Bodies	34
F.3.d Public Comment.....	34
F.3.e Council Action: Adopt Terms of Reference for Groundfish Rebuilding Plan for Public Review.....	34
F.4 Mid-term Optimum Yield (OY) Adjustments Policy	35
F.4.a Agenda Item Overview	35
F.4.b GIPC Report.....	35
F.4.c Reports and Comments of Advisory Bodies	35
F.4.d Public Comment.....	36
F.4.e Council Action: Adopt a Mid-Term OY Adjustment Policy for Public Review	36
F.5 FMP Amendment 18–Bycatch	36
F.5.a Agenda Item Overview	36
F.5.b NMFS Report.....	37
F.5.c Reports and Comments of Advisory Bodies	37
F.5.d Public Comment.....	37
F.5.e Council Guidance on Preliminary Draft Amendment Language and Draft Work Plan.....	37
F.6 Pacific Whiting Management	39
F.6.a Agenda Item Overview	39
F.6.b Perspectives of the Canadian Government.....	39
F.6.c Reports and Comments of Advisory Bodies	39
F.6.d Public Comment.....	40

F.6.e	Council Action: Adopt Stock Assessment, Final 2005 ABC and OY, and Management Measures	40
F.7	Consideration of Inseason Adjustments	43
F.7.a	Agenda Item Overview	43
F.7.b	Reports and Comments of Advisory Bodies	43
F.7.c	Public Comment.....	44
F.7.d	Council Action: Adopt Appropriate Adjustments for 2005 Fisheries.....	44
G.	Coastal Pelagic Species Management.....	45
G.1	NMFS Report	45
G.1.a	Regulatory Activities	45
G.1.b	Reports and Comments of Advisory Bodies	45
G.1.c	Public Comment.....	46
G.1.d	Council Discussion on NMFS Report.....	46
G.2	Fishery Management Plan (FMP) Amendment –Krill Management Update	47
G.2.a	Agenda Item Overview	47
G.2.b	NMFS Report	47
G.2.c	Reports and Comments of Advisory Bodies	47
G.2.d	Public Comment.....	47
G.2.e	Council Discussion and Guidance on Progress of Analysis.....	47
H.	Marine Protected Areas (MPA)	48
H.1	Federal Waters Portion of the Channel Islands National Marine Sanctuary	48
H.1.a	Agenda Item Overview	48
H.1.b	Report of the Sanctuary Staff.....	48
H.1.c	Reports and Comments of Advisory Bodies	49
H.1.d	Public Comment.....	49
H.1.e	Council Discussion and Guidance on Channel Islands NMS Process	50
H.2	Cordell Bank NMS (03/10/05; 4:52 pm).....	51
H.2.a	Agenda Item Overview	51
H.2.b	Report of the Sanctuary Staff.....	51
H.2.c	Reports and Comments of Advisory Bodies	51
H.2.d	Public Comment.....	52
H.2.e	Council Action: Consider Adopting Draft Designation Document Comments and Proposed Cordell Bank NMS Fishery Regulations	52
H.3	Monterey Bay NMS (03/10/05; 6:17 pm)	53
H.3.a	Agenda Item Overview	53
H.3.b	Report of the Sanctuary Staff.....	53
H.3.c	Reports and Comments of Advisory Bodies	53
H.3.d	Public Comment.....	54
H.3.e	Council Action: Consider Adopting Draft Designation Document Comments and Proposed Monterey Bay NMS Fishery Regulations.....	54
I.	Highly Migratory Species (HMS) Management.....	55
I.1	Council Response to Bigeye Tuna Overfishing	55
I.1.a	Agenda Item Overview	55
I.1.b	NMFS Report	55
I.1.c	Reports and Comments of Advisory Bodies	56
I.1.d	Public Comment.....	56
I.1.e	Council Discussion and Guidance.....	56
	4 PM Public Comment Period for Items Not on the Agenda.....	58

A. Call to Order

A.1 Opening Remarks, Introductions

Mr. Don Hansen, Chairman opened the meeting of the Pacific Fishery Management Council on Tuesday, March 8, 2005 at 9 am.

A.2. Roll Call

Dr. Donald McIsaac, Executive Director called the roll:

Mr. Alverson
Mr. Phil Anderson
Mr. Ralph Brown
Mr. Mark Cedergreen
Dr. Steve Freese
Mr. Donald K. Hansen (Chairman)
Dr. David Hanson (Parliamentarian)
Mr. Jim Harp
Dr. Patty Burke
Mr. Jerry Mallet
Mr. Brian Corrigan
Mr. Dave Ortmann (Vice-Chairman)
Mr. Tim Roth
Mr. Roger Thomas
Mr. Daryl Ticehurst
Mr. Eric Larson
Mr. Frank Warrens
Mr. Gordy Williams

Mr. Stetson Tinkham was absent.

A.3. Executive Director's Report

Dr. McIsaac reviewed the four informational reports provided in the briefing book, with particular attention to Informational Report 2, which provided the current status of California Recreational Fishery Statistics (CERFS) estimates for 2004. He also highlighted Informational Report 4 which provided information on the Monterey Bay Aquarium's Seafood Watch program.

A.4 Council Action: Approve Agenda

The Council approved the agenda as provided in Agenda Item A.4 with the following changes: addition of a selective salmon fisheries report from Captain Mike Cenci, WDFW, under item C.1; deletion of item C.4; deletion of the NMFS Report under item F.5; and an addition of a NMFS report under item I.1. (Motion 1)

Mr. Eric Larson commented that he felt Agenda Items H.2 and H.3 are not MPA issues and that some other heading should be used. He also noted the Gulf of Farallones letter is not reflected in this agenda.

Dr. McIsaac, on the Gulf of Farallones, said he would look into the matter and include it as appropriate to the agenda item.

B. Administrative Matters

B.1 Approval of Council Meeting Minutes

B.1.a Council Member Review and Comments

Dr. Burke, wanted to verify that the Council Operating Procedures (COP) for the Allocation Committee are in the packet, as stated in the June 2004 minutes. Dr. McIsaac confirmed they were.

B.1.b Council Action: Approve June, September, and November 2004 Minutes

The Council approved the June, September, and November minutes as shown in Exhibit B.1.a, Draft June 2004 Council Minutes; Exhibit B.1.a, Draft September 2004 Council Minutes; and Exhibit B.1.a, Draft November 2004 Council Minutes (Motion 2).

B.2 Initial Consideration of April Council Meeting Agenda (03/09/05; 4:25 pm)

B.2.a Agenda Item Overview

Dr. McIsaac provided the agenda overview and worked the Council through Agenda Item B.2.a, Supplemental Attachment 1.

B.2.b Reports and Comments of Advisory Bodies

Dr. Hill provided Agenda Item B.2.b, Supplemental SSC Report.

Ms. Ashcraft, for the GMT, noted that final inseason action is scheduled for Wednesday. The GMT asked it be taken on Thursday (with a two step process). Since the GMT wasn't starting until Monday morning, this would make it difficult to provide information to the GAP unless the GMT began meeting Sunday.

B.2.c Public Comment

None.

B.2.d Council Guidance

Mr. Anderson, spoke to Agenda Item B.7.b, the WDFW proposal concerning the spiny dogfish fishery. Instead of moving forward with trying to put a management change into regulations in 2006, WDFW is looking at doing this in 2007/2008, coupled with setting a separate ABC/OY for dogfish and removing it from the other fish category. He would like to replace the proposed agenda item with one of setting a control date for the longline dogfish fishery. It likely would not take more than a half hour.

Mr. Anderson reported that there have been some additional discussions, activities and communications between the states, industry, and stakeholders concerning the essential fish habitat (EFH) EIS and he would like to add an update on those discussions to the June agenda. There will also be new maps available on corals and sponges as he understands. It would also provide an opportunity for the public to comment on the Oceana proposal for areas closed to trawling. One alternative would be to start the Council on Monday to make room for this item.

Ms. Vojkovich said one of the difficulties in this meeting is in helping the public separate MPA issues from sanctuary issues.

Mr. Brown supported Mr. Anderson in asking for an update on the EFH EIS. He also asked about including the potential for disaster relief for salmon, and the denial of a limited entry permit transfer requested by Mr. Kujala. He did not feel the permit issue was a very urgent topic for the Council, but could be deferred to the GAP.

Mr. Williams suggested an overview on the issue of mass marking (the coded-wire-tag database) would be appropriate for the May or June meeting. The Pacific Salmon Commission is investing a lot of time on this issue and it could be of great interest to the Council, as well as the issue of Mitchell Act activities and funding. Mr. Roth said it would be more appropriate for the April agenda since more stakeholders will be attending the April meeting than the June meeting.

Mr. Brown noted the need for a discussion about the potential for changes in the floor (escapement level) for Klamath River fall chinook. Dr. McIsaac said it would be under the salmon methodology review.

Dr. Freese spoke to the issue of clarifying that the Council's control date for trawl individual quotas (IQ), published in the January 9, 2004 *Federal Register*, included processors and other eligible persons. He proposed that the Council could write NMFS a letter requesting clarification and NMFS would respond. In this way there would not be a need to have this issue on the April agenda. The Council concurred.

Mr. Anderson suggested if the Council wants an update on the coded-wire-tag (CWT) system, WDFW could do that in April or June.

B.3 Council Operating Procedures (COP) Document (03/11/05; 9:42 am)

B.3.a Agenda Item Overview

Dr. McIsaac provided the agenda item overview.

B.3.b Reports and Comments of Advisory Bodies

Mr. Moore provided Agenda Item B.3.b, Supplemental GAP Report. LT. Dave Cleary provided Agenda Item B.3.b, Supplemental EC Report. In response to questions, Ms. Cooney agreed, pending further consultation with NOAA GC that any taping/recording of a subpanel meeting could be at the discretion of the subpanel chair.

Dr. McIsaac noted other advisory body statements from the November meeting were provided in the briefing book. He asked the current and former GMT chairs to be available for questions. Dr. McIsaac asked about the number of seats on the GMT (item #6 on page 3 of the GMT statement). He noted that COP 3 lists two seats for the Northwest Fishery Science Center (NWFSC). This has been historically the case, though currently one seat is vacant, and the GMT appears to be recommending that vacancy be made permanent. He asked the GMT about the rationale. Ms. Ashcraft said they were attempting to capture status quo at the time of the review (one NWFSC seat). If the Council wished to make a change, they could add another seat.

Dr. McIsaac also noted that #3 on page 2 of the November GMT report states that the GMT should not be involved in drafting the regulatory language for National Marine Sanctuaries Act provisions. Does this mean the GMT does not want to be involved in developing these regulations when necessary? Ms. Ashcraft and Ms. Culver clarified that it was primarily a semantic clarification that NMFS staff craft the actual regulatory language while the GMT provides alternatives and guidance for the actual regulations.

B.3.c Public Comment

None.

B.3.d Council Action: Review and Approve Proposed Updates to COP Document

Mr. Anderson moved (Motion 20) to adopt the Draft Council Operating Procedures, Agenda Item B.3.a, Attachment 1, as written with the following changes. For COP 1, on page 6 under SSC Reviews for Scientific Merit, add at the end of the fourth sentence, “unless otherwise approved by the Executive Director”. For COP 2, (1) on page 2 under Termination of Members, remove item #4 (“engage in disreputable or criminal behavior”), (2) on page 4 under Staff Responsibilities, replace “necessary” with “assigned”, and (3) on page 7 under Coastal Pelagic Subpanel, increase Oregon and Washington commercial fishery representatives from the current one per each state to three, at least one from each state. [COP 3 will be addressed in a subsequent amendment] For COP 4, on page 2 under SSC Reviews for Scientific Merit, make the same change as in COP 1 (i.e., add “unless otherwise approved by the Executive Director”). [COP 5 will be addressed in a subsequent amendment] Adopt COP 6 and former COP 7, as written (removes old COP 7 for the Groundfish Permit Review Board). [New COP 7 will be addressed in a subsequent amendment] Adopt former COP 8 as recommended (deletes old COP 8 for the Council Performance Select Group). For the New COP 8, which documents the new ad hoc Allocation Committee, at the top of page 2 under Officers, strike the second sentence and everything in the first sentence after “shall be” and complete the sentence with “appointed by the Council chair.” For COP 9, amend it with the recommendations of the GMT on page 3 of their November 2004 report. Adopt COP 10 as amended by the MEW in its November 2004 report (two words under “Purpose”). Adopt COP 11, 12, and 13 as presented. [COP 14 is not included in the motion, Mr. Anderson has issues with numbers 3 and 4 under “Required Documentation”, but has not had time to deal with them.]. For COP 15, in the third paragraph under “Objectives and Duties”, strike “The role of the SSC is primarily one of oversight.” Adopt COP 16, 17, 18, and 19 as presented. Finally, authorize the Executive Director to make any needed edits for consistency and grammar. Mr. Mark Cedergreen seconded the motion.

Dr. Burke asked for a friendly amendment to Mr. Anderson’s motion. She stated that Mr. Anderson has primarily provided original edits to the proposed COP document, a few of which include some advisory body comments. Her purpose is to have reviewed the advisory body comments and her friendly amendment incorporates the desired parts of the advisory body comments consistent with the intent of Mr. Anderson’s motion. Her friendly amendment would be to adopt Agenda Item B.3.a, Attachment 1, as modified by Mr. Anderson, with the following additional changes: (1) modify COP 3 as recommended on pages 1-3 of the November 2004 GMT report, which includes one member from the NWFSC (Dr. Burke suggested Dr. Freese might wish to amend the membership in a later motion); (2) for COP 5, adopt the comments of the EC in its supplemental March 10, 2005 report; (3) for COP 1 and 2, adopt the GAP comments as provided in its November 2004 report as modified by the March Supplemental GAP Report; (4) adopt the SAS comments (September report); (5) adopt the SSC September comments for COP 4; (6) adopt the CPSAS November report for COP 2, consistent with Mr. Anderson’s inclusion of an additional member, but not including the minority report recommendations; and (7) in new COP 7 (Allocation Committee), delete the “General Allocation Principles” (items 1-9) and items 10-12 under “Area Management as Related to Allocation” as this type of specification goes beyond the usual procedural specifications provided in COP. Both the maker of the motion and the seconder agreed to the friendly amendment.

Dr. McIsaac noted that adopting the SAS comments, which supported all the staff changes, would be in conflict with Mr. Anderson’s motion. Dr. Burke clarified that Mr. Anderson’s motion would supersede the SAS recommendations. Mr. Anderson clarified that this would also be the case with regard to his added language to the SSC recommendation on page 6 of COP 1.

Mr. Ortmann proposed a friendly amendment for COP 1, page 7, to delete the fourth bullet under "Structure of Agenda" which states, "Proceed without agency philosophical comments prior to salmon actions." He questioned how you could separate philosophical comments from other comments and why this should only apply to salmon when it was probably unrealistic for any FMP. Mr. Anderson and Mr. Cedergreen agreed to the friendly amendment.

Mr. Anderson noted two issues he did not include that might warrant some thought. In COP 1, page 8, the Council chair and vice chair terms are limited to two consecutive one-year terms. He thought the Council might want to consider more flexibility in the terms. In COP 2, page 3, there is no limit on the terms of officers for our advisory bodies. He did not propose any changes.

Dr. Burke stated that she did not include the CPSMT in her friendly amendment as that report recommends an additional NMFS representative.

Ms. Vojkovich noted there were budget implications to the membership changes and how would those be considered. Dr. Burke noted that there were reductions as well as additions and that we need to first see what the final result is before considering the budget implications..

Dr. Freese proposed an amendment to Motion 20 as follows: in COP 3, page 6, (1) allow the GMT to have the ability to have one or two representatives from the NWR; and (2) on the HMSMT, change the five SWFSC representatives to four SWFSC representatives and one NMFS SWR member. Mr. Harp seconded the amendment to the motion.

In support of his amendment, Dr. Freese stated that there are currently two NWR representatives on the GMT primarily because of the transition of duties from Dr. Hastie to Mr. Merrick Burden. He thought that historically there has only been one NWR member. However, with the current heavy workload there is a need for two and to incorporate both analytical type people and regulatory type people. At some point this may not be the case and it would be beneficial to have the flexibility to use the second member in some other capacity, especially in the future if more work falls on NWR for groundfish due to the Council funding shortfalls.

Mr. Anderson stated the prospect that the groundfish workload will get easier will be far later. There is a huge workload and it seems imperative that NMFS would have a staff member be a part of the GMT as well as having a member with analytical capability. He argued that the number ought to be two and does not believe that takes away from Dr. Freese's flexibility to accomplish other tasks since both members would not have to go to the meetings if there is no need for that.

Dr. McIsaac gave a brief history of the GMT membership and the commitment by the states and the NWR for two members each beginning in 2001.

Dr. Freese acknowledged Dr. McIsaac's explanation of the membership history which he had not been fully aware of and withdrew his amendment. Mr. Harp agreed.

Dr. Freese made a friendly amendment to Motion 20 to change the five SWFSC representatives on the HMSMT to four SWFSC representatives and one NMFS SWR member. The amendment was accepted by Mr. Anderson and Mr. Cedergreen.

Ms. Vojkovich asked the states of Oregon and Washington why the addition of a northwest member to the CPSAS (COP 2, page 7).

Dr. Burke and Mr. Anderson said the intent for the advisors was to have equal representation in the allocation discussions and votes. On a separate issue, Dr. Burke noted that with the Council budget cuts, the states would be subsidizing a larger part of the GMT member travel and thought some consideration should be given to that.

Ms. Vojkovich said she was having a difficult time reconciling the recommendations coming from the CPSAS with the need to put more northwest people on it. California already feels they are at a disadvantage. She did not see where the state of California is monopolizing the things that come out of that committee and cannot vote for the change.

Mr. Brown suggested removing the part of the motion that added the seat on the CPSAS since it was so controversial and dealing with it separately. Mr. Anderson noted it is part of the main motion and asked if he could change the motion. Dr. Hansen noted that the maker of the motion cannot amend the motion.

Mr. Brown made a friendly amendment to Motion 20 to strike the addition of a northwest commercial fishery seat to the CPSAS. Mr. Anderson and Mr. Cedergreen agreed and Motion 20 passed.

B.4 Legislative Matters (03/11/05; 10:47 am)

B.4.a Agenda Item Overview

Mr. Mike Burner provided the agenda item overview.

B.4.b Legislative Committee Report

Mr. Burner provided Exhibit B.4.b, Supplemental Legislative Committee Report.

Dr. Hanson said the Capitol Construction Fund bill is moving and the Council should consider providing feedback. The Committee would have benefited from industry input at their Monday meeting. Mr. Brown suggested Mr. Pete Leipzig might be a good contact for further information on this issue. The Council could request additional language in the law to specify potential uses of vessels forfeited under the CCF.

Dr. McIsaac reviewed Attachment 1 of the report, stating that the worksheet is intended to foster thinking on MSA Reauthorization issues for stronger Council input at the April meeting. A comprehensive Council position on this matter will be useful at the upcoming Council Chairs and Executive Directors meeting. Staff will put together an historical record of Council positions on this matter.

Mr. Anderson mentioned an oversight group that was organized by the Pacific States Marine Fisheries Commission and asked if there has been any new activity of this group. Dr. Hanson stated the group has the direction to follow this issue and may start up again this spring.

B.4.c Reports and Comments of Advisory Bodies

None.

B.4.d Public Comment

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

B.4.e Council Action: Consider Recommendations of the Legislative Committee

Ms. Vojkovich moved and Mr. Warrens seconded a motion (Motion 21) to approve the report of the Legislative Committee. Motion 21 passed.

B.5 Fiscal Matters (03/11/05; 11:41 am)

B.5.a Agenda Item Overview

Dr. John Coon provided the agenda item overview.

B.5.b Budget Committee Report

Dr. Coon provided Agenda Item B.5.b, Supplemental Budget Committee Report.

B.5.c Reports and Comments of Advisory Bodies

None.

B.5.d Public Comment

None.

B.5.e Council Action: Consider Recommendations of the Budget Committee

Mr. Brown asked for clarification about any reconsideration of the apportionment of additional monies provided the regional councils in January. Dr. McIsaac stated there was no change and the \$200,000 from the regions was an entirely different matter.

Mr. Warrens moved and Mr. Brown seconded a motion (Motion 22) to approve the report of the Budget Committee. Motion 22 passed.

Ms. Vojkovich requested information on the timing for developing the 2006 budget and Dr. McIsaac recapped the process. Ms. Vojkovich asked how she might provide input. Dr. McIsaac stated that input at the Budget Committee meetings would be appropriate.

Mr. Anderson expressed dissatisfaction with the budget process and the difficulty of following the issues. He felt the Council as a whole needs to set priorities, especially if we will be seeing these huge budget shortfalls. He felt the Council needs to establish its base priorities and then look at what is still available to use beyond those.

Dr. Hanson said he was uncomfortable not having the Budget Committee meeting be in executive session when the discussion of personnel being laid off occurred. He recommended a closed executive session be used in the future.

Dr. Freese agreed we need to do better planning on who does what, where, when, and how, especially due to the staffing shortage on the Council side.

Mr. Anderson agreed with Dr. Freese's comments and warned that with these cuts it is not going to be business as usual. Some things won't get done.

B.6 Appointments to Advisory Bodies, Standing Committees, and Other Forums (03/11/05; 11:50 am)

B.6.a Agenda Item Overview

Dr. Coon presented the agenda overview.

B.6.b Council Action: Appoint New Members as Necessary

Mr. Melcher moved (Motion 23) to appoint Ms. Gway Rogers-Kirchner to replace Ms. Cyreis Schmitt on the GMT. Mr. Brown seconded the motion. Motion 23 passed.

Dr. Steve Freese moved (Motion 24) to appoint Ms. Carrie Nordeen to replace Ms. Jamie Goen as the NMFS Northwest Region representative on the GMT; appoint Dr. John Field to replace Dr. Xi He as the NMFS Southwest Fisheries Science Center representative on the GMT; and appoint Ms. Elizabeth Petras to replace Ms. Susan Smith on the HMSMT; this last appointment representing a change of the NMFS seat from the Southwest Fisheries Science Center to the Southwest Region. Mr. Harp seconded the motion; Motion 24 passed.

B.7 April 2005 Council Meeting Agenda and Three-Meeting Plan (03/11/05; 1:30pm)

B.7.a Agenda Item Overview

Dr. McIsaac provided the agenda item overview.

B.7.b Reports and Comments of Advisory Bodies

None.

B.7.c Public Comment

None.

B.7.d Council Action: Adopt Final Agenda for the April 2005 Meeting

The Council members worked with the Executive Director to finalize the April 2005 meeting agenda.

Mr. Roth and Mr. Williams noted the need to have a report on salmon mass marking. Mr. Roth and Mr. Anderson agreed to provide informational reports on mass marking for the April briefing book.

Ms. Vojkovich asked for a clearer interpretation of what the Council action is for each agenda item. She also expressed a desire to use a different more general term than MPA for marine sanctuary issues. Dr. McIsaac responded that we could change the term, but also explained some of the complexities of changing the category, including website set-up, etc.

Mr. Anderson and Mr. Brown brought up the issue of using EFH to protect species that we don't manage in regard to meeting National Marine Sanctuary protection objectives and asked Ms. Cooney to explore this issue and some possible language that could be used. Ms. Cooney said she would work with Council staff to see how far we can go on the EFH issue.

C. Salmon Management

Mr. Ortmann chaired the salmon agenda items.

C.1 Review of 2004 Fisheries and Summary of 2005 Stock Abundance Estimates (9:20 am)

C.1.a Report of the Salmon Technical Team (STT)

Mr. Simmons, STT Chair, presented a summary of the Review of 2004 Ocean Salmon Fisheries and Preseason Report I: Stock Abundance Analysis of 2005 Ocean Salmon Fisheries.

Mr. Melcher asked if the STT has reviewed the estimate of 52% age-4 harvest rate for Klamath River fall chinook. Mr. Simmons responded that the STT is confident the methodology used is sound and although there may be some update in the data used, it is unlikely to change the final estimate significantly. The data for contact rates were primarily responsible for the estimate so greatly exceeding the prediction; in many areas, the observed values for 2004 were near the high end of observed contact rates, and in some areas exceeded previously observed contact rates.

Mr. Roth asked if the Central Valley Index prediction was based on jack counts that were outside the historical range and if that would affect the reliability of the prediction. Mr. Simmons responded that the STT had looked at the predictor and agreed with Mr. Roth's assessment.

Mr. Anderson observed that Washington coast coho forecasts not using jack counts to predict future abundance did not show the same decline in predicted abundance that the Columbia River late coho stock has shown, and asked if there was concern that the coastal stocks may be over-predicted. Mr. Simmons noted that the STT had not considered that outcome, but agreed that it was possible.

Mr. Anderson noted the Grays Harbor fall chinook forecast was low and would be a focus of both ocean and inside fishery development in 2005.

CPT Mike Cenci gave a PowerPoint presentation on selective fisheries enforcement off the coast of Washington.

C.1.b Reports and Comments of Advisory Bodies

Dr. Peter Lawson presented the report of the SSC (Agenda Item C.1.b, Supplemental SSC Report).

Dr. McIsaac asked if the recommendation is for a methodological review or a review of the input data. Dr. Lawson responded that a data input review is not being suggested, but the KOHM appears to be performing poorly in this aspect.

Mr. Brown asked if it was appropriate to include outliers in data sets. Dr. Lawson responded that it should if it was a true event and could reasonably be expected to be repeated. Furthermore, confidence intervals or some measure of variability should also be reported, which was not being done at this time.

C.1.c Public Comment

Mr. Duncan MacLean, troller, El Granada, California

Mr. Don Stevens, Oregon Salmon Commission, Newberg, Oregon

C.1.d Council Discussion on Review of 2004 Fisheries and Summary of 2005 Stock Abundance Estimates

None.

C.2. Identification of Management Objectives and Preliminary Definition of 2005 Salmon Management Options (03/08/05; 11:09 am)

C.2.a Agenda Item Overview

Mr. Chuck Tracy presented the agendum overview.

C.2.b Report of the Pacific Salmon Commission (PSC)

Mr. Jim Harp presented Agenda Item C.2.b, Supplemental PSC Report.

C.2.c Report of the Klamath Fishery Management Council (KFMC)

Mr. Curt Melcher reported the KFMC met Sunday and Monday. He noted the Klamath Act is due to expire September 2006. The KFMC will cease at that time if that Act is not reauthorized, however, the technical work will continue on an ad-hoc basis. The KFMC discussed 2004 age-4 ocean harvest rate, which was under-predicted; the Klamath River Technical Advisory Team (KRTAT) did not find errors in their analysis. The 2004 spawning escapement level, which was less than the 35,000 floor for the first time since 1999, was discussed. The KFMC did not have consensus recommendation for specific allocation among the sectors, primarily because of the potential for the California Fish and Game Commission to change the in-river allocation percentage. The KFMC asked the KRTAT for several modeling assignments to frame 2005 seasons using the 2004 allocation structure for all sectors, then modifying ocean fisheries based on arbitrary rules to meet the spawning escapement floor; the reductions to meet the floor were draconian. The KRTAT was then directed to use that as a base to produce model runs for larger in-river allocation scenarios, maintaining the tribal share, and reducing California ocean fisheries to meet the spawning escapement floor. The increase to the in-river quotas were modest, on the order of a few hundred fish. The KFMC also asked for a cost-benefit analysis associated with shifting the effort to the in-river recreational fishery. Additional model runs were made to assess how far escapement would be below the floor in order to meet tribal subsistence needs. Finally, the KFMC initiated a review of the 35,000 spawning escapement goal relative to the biology of the stock.

Mr. Larson reiterated the regulatory authority of the CFGC to manage in-river fisheries and state allocations (Agenda Item C.2.a, Supplemental Attachment 3). He recommended the KFMC and the Council include a range of in-river allocations in the ocean fishery management options.

Mr. Harp noted that increasing the in-river allocation from 15% to 17% is significant in terms of ocean fishery impacts. He recommended the KFMC proceed with a review of the 35,000 spawning escapement floor.

Mr. Brown asked if the KFMC was close to consensus on deviating from the 35,000 floor for 2005. Mr. Melcher responded there were at least two individuals adamantly against deviating from the floor in 2005, and a motion was not made.

Mr. Hansen asked what the trade-off between ocean catch and in-river catch was. Mr. Melcher responded 100 to 200 fish foregone in ocean harvest translated to one fish for in-river recreational allocation.

C.2.d NMFS Recommendations

Dr. Peter Dygert presented Agenda Item C.2.d, Supplemental NMFS Report. Dr. Dygert further reported that the observed ocean harvest rate on age-4 Klamath fall chinook has been greater than predicted by the KOHM in each of the three years since its last revision. The observed harvest rate has exceeded the ESA consultation standard for California coastal chinook the past two years, and NMFS will therefore reinitiate consultation on the ESU. The consultation will examine the use of Klamath fall chinook as a surrogate for the ESU, as well as reviewing the KOHM to ensure the ESA consultation standard can be met in the future. Other subjects may include the role of forecasting error in meeting the management objectives. For the immediate future, NMFS recommends the STT review the deviation in recent years and propose an appropriate buffer to ensure the standard is not exceeded again in 2005. Dr. Dygert advised the Council that pending the outcome of the reinitiated consultation; it is possible that inseason action may be necessary to achieve compliance with a new standard, if one is set; however the likelihood of such action can be reduced by use of an appropriate buffer during the preseason process.

Mr. Roth asked about the timeframe for reinitiation of consultation. Dr. Dygert replied it would not be completed by May 1, thus the advice relative to the possibility of inseason action if an adequate buffer were not adopted.

Mr. Melcher asked if OCN would be used as a surrogate for LCR coho in establishing acceptable harvest rates or if LCR FRAM stocks would be used. Dr. Dygert replied that although NMFS is aware that there may be potential utility in using the LCR FRAM stocks, for now, OCN will be used as the indicator stock for ocean harvest rates.

Mr. Anderson asked what the process would be to take inseason action subsequent to reinitiated consultation, and noted it may be advantageous to develop a plan, analogous to the groundfish information policy committee strategy. Dr. Dygert replied there is no current strategy to modify the preseason plan, but NMFS would be seeking advice from legal council and others on that issue.

Dr. McIsaac asked if the reinitiation of consultation had begun or would be contingent on further development of technical information by the STT or others. Dr. Dygert replied there are a number of events that lead to reinitiation, including exceeding the standard, or new information. He believes both of those criteria have been met, and the process has been triggered.

Dr. McIsaac then asked if the criteria was reached last year when the consultation standard was exceeded. Dr. Dygert replied consultation was not reinitiated last year, although perhaps it should have been, but there may have been some debate as to what constitutes "new information" However, when the objective is no more than 16% and the result is 52%, the threshold has clearly been reached

C.2.e Tribal Recommendations

Mr. Anderson presented Agenda Item C.2.e,f, Supplemental WDFW/Tribal Recommendations.

Mr. George Kautsky, Hoopa Valley Tribal Fisheries, observed the harvest allocation objective of 50%-50% sharing between tribal and non-tribal fisheries was 16%-48% in 2004, and has averaged 30%-70% over the last five years. Despite this, the Hoopa Valley Tribe does not support fishing below the spawning escapement floor. The Tribe also supports use of the KOHM to manage the stock, but agrees with the SSC that a review of some model components may be warranted. The tribe believes reducing the spawning escapement floor because the habitat can no longer support that production is an inappropriate strategy, and plays into the hands of those who would trade fishery resources for other water uses. He noted the recent success in reestablishing flows in the Trinity River.

Mr. Bruce Jim presented testimony of the Columbia River treaty tribes (Agenda Item C.2.e, Tribal recommendations).

Messrs. Ed Johnstone and Mel Moon presented Agenda Item C.2.e, Supplemental Quinalt/Quileute/Hoh Recommendation.

Messrs. Russell Svec, Dave Somes, and Hap Leon provided Agenda Item C.2.e, Supplemental Revised Makah Recommendations.

Mr. Harp presented Agenda Item C.2.e, Supplemental Tribal Recommendations, with the following changes: the quotas for chinook under Option II would be 40,000 and under Option III would be 24,000.

C.2.f State Recommendations

Mr. Anderson, WDFW, observed Snake River fall chinook impacts will be the primary constraint in fisheries north of Cape Falcon and a potential change in the Canadian catch ceiling will not be known until the April meeting. The Council options will include size limit changes to help reduce those impacts; however, fisheries south of Cape Falcon will also play a role. Puget Sound chinook stocks are impacted at low rates in Council area fisheries, but there is not much room for error, and the State of Washington is approaching 2005 management with the intent of not increasing impacts on Puget Sound chinook stocks of concern. The Grays Harbor fall chinook stock is at or below the escapement objective, and although Council fisheries do not impact this stock at significant levels, some measures can be taken to further reduce impacts. The Columbia River late coho forecast is a concern and balancing inside and ocean needs will be a challenge.

Mr. Melcher noted Klamath fall chinook will constrain fisheries south of Cape Falcon. The Oregon Fish and Wildlife Commission will likely provide guidance for ODFW to be conservative with regards to Lower Columbia River coho, which are listed as endangered under the Oregon State ESA, and proposed for listing under the Federal ESA. However, given constraints associated with Columbia River late coho, chinook fisheries, and other coho stocks, it is unlikely additional measures will have to be taken. Mr. Melcher also brought the Council's attention to Agenda Item C.2.f, Supplemental ODFW Report on the Integration of Management in Ocean and Columbia River Fisheries.

Mr. Larson, CDFG, asked if it would be appropriate to include in one option, an increased allocation to Klamath in-river recreational fisheries to cover the contingency of possible California Fish and Game Commission action. Ms. Cooney replied that would be appropriate. He noted that most of the impacts for California fisheries would fall on the commercial fishery, and to a lesser extent, the KMZ recreational fishery. He requested the SAS consider constraining other recreational ocean fisheries as well to offset some of those impacts.

C.2.g Reports and Comments of Advisory Bodies

SAS members presented Agenda Item C.2.g, Supplemental SAS Report.

Mr. Olson (SAS) noted:

Pg. 2, Option III should be seven days per week.

Pg. 3, Option III, the sentence *All fish caught north...*, should be stricken, also the phrase *South of Ledbetter Point*, in the next sentence.

Mr. Melcher noted the proposed closure of April 15 for the Cape Falcon to OR/CA border commercial fishery would require inseason action, and asked what the proper process would be to take that action. Mr. Tracy replied that the Council could make a recommendation to NMFS under this agenda item since the proposal was included in the SAS report and there was an opportunity for public comment under this agenda item.

Mr. MacLean (SAS) noted:

Pg. 5, Option III for the OR/CA border to Humboldt South Jetty should read closed;

Pg. 5, Option III for Horse Mt. to Navarro Head, the areas should be Bruhel Point to Navarro Head, and no fish caught in other areas could be landed in the area;

Pg. 5, Option II for Horse Mt. to Pt. Arena. should be Sept. 1-30 with a 27 inch total length chinook minimum size limit;

Pg. 5, Option II for Pt. Arena to Pigeon Pt. and Pigeon Pt. to Pt. Sur, the minimum size limit should be 26 inches;

Pg. 5, Option I for Fort Ross to Pt. Reyes, there should be a 6,000 fish quota;

Pg 6, Option II for Pt. Sur to U.S. Mexico border, the minimum size limit should be 26 inches total length.

Mr. Larson observed that the proposed change of a 6,000 quota for the Fort Ross to Pt. Reyes area would have to be modeled as if the entire area from Point Arena to Pigeon Pt. were open, and likewise the Bruhel Pt. to Navarro Head area would have to be modeled as if the entire Horse Mt. to Pt. Arena area were open. Mr. Larson observed the Pt. Reyes fishery is proposed for October 3-21; however, the NMFS Biological Opinion for Sacramento winter chinook prohibits fisheries later than October 15. Mr. MacLean replied the intent was to have two weeks fishing time to target on Sacramento stocks.

Mr. Watrous (SAS) noted:

Pg. 11, Option III for the Neah Bay subarea, add a provision for an inseason call no later than July 27 to consider opening seven-days-per-week.

Mr. Melcher asked if the intent was that if an inseason call was not made prior to July 27 that a seven-day-per-week fishery would be precluded. Mr. Watrous replied no; just that initial consideration shall take place prior to July 27.

Mr. Sorenson (SAS) noted:

Pg. 14, Option III for the selective coho fishery, the start date should be July 5;

Pg. 14, Option I for the Cape Falcon to Humbug Mt. area, add when fishing for salmon in the Stonewall Bank groundfish conservation area during all-depth halibut days, only trolling will be allowed.

Mr. Larson asked if any of the options allowed for additional allocation to Klamath in-river recreational fisheries. Mr. Welter replied no, that the proposed seasons already represented a substantial reduction from 2004.

Mr. Stone (SAS) noted:

Pg. 14, Option II for the Fort Bragg area was closed in mid July except for the weekend of July 16-17.

Mr. Larson asked if the Fort Bragg closures in options II and III were to provide additional commercial opportunity. Mr. Stone replied that the closures were to provide both commercial and recreational opportunity.

Mr. Larson then asked if the chinook minimum size limits for both the San Francisco and Monterey areas should be 20 inches total length. Mr. Stone replied yes.

C.2.h Public Comment

Mr. David Bitts, Eureka, California

Mr. Duncan MacLean, Half Moon Bay Fishermen's Association, El Granada, California

C.2.i Council Recommendations for Initial Options for STT Collation and Description (03/08/05; 3:40 pm)

Mr. Melcher moved (Motion 3) to recommend the SAS proposed March and April 2005 season structure for the Cape Falcon to Florence South Jetty, the Florence South Jetty to Humbug Mt., and the Humbug Mt. to Oregon/California border areas, including the landing restrictions requiring fish caught in Oregon to be landed in Oregon, or in the case of the latter area, in the ports of Gold Beach, Port Orford, or Brookings, Oregon (Agenda Item C.2.g, Supplemental SAS Report), as an inseason action to be taken by NMFS. Mr. Brown seconded the motion.

Mr. Anderson asked if the landing restrictions were because there was no sampling of catches that are landed in Crescent City. Mr. Larson replied sampling does not normally occur during periods when the California fishery is closed, but sampling could be arranged if necessary.

Mr. Melcher stated significant landings from Oregon did occur in 2004, which were not sampled.

Motion 3 passed.

Mr. Anderson moved (Motion 4) the entire SAS proposed package for the non-Indian fisheries contained in Agenda Item C.2.g, Supplemental SAS Report, with the changes noted above, be adopted for tentative analysis by the STT. Mr. Donald Hansen seconded the motion.

Mr. Larson made a friendly amendment to delete the Fort Ross to Pt. Reyes commercial fishery in Option I; change the boundaries of the Horse Mt. (or Bruhel Pt.) to Navarro Head commercial fishery to Horse Mt. to Pt. Arena; and to include in at least one of the options, an assumed Klamath in-river recreational allocation of 20%, with necessary modification to season dates. Mr. Anderson and Mr. Hansen agreed to the friendly amendment.

Mr. Melcher made a friendly amendment that all modifications to accommodate the proposed 20% Klamath in-river recreational allocation option be made in California fisheries. He added it may be difficult to distinguish between modifications to meet existing constraints and those to meet an alternative allocation proposal. It may be more instructive to have the STT and SAS first develop the former, then proceed with the latter.

Dr. McIsaac asked Mr. Larson if his friendly amendment was to include a fourth option to address the alternative allocation proposal, or if that was to replace one of the options. Mr. Larson replied his intent was to address Mr. Melcher's concern by first developing three options that meet existing constraints, and then develop a subset of options to address the allocation issue.

Vice Chairman Ortmann noted that Mr. Larson's amendment was accepted as a friendly amendment. Mr. Melcher's amendment was seconded by Mr. Brown.

Mr. Melcher's amendment was accepted as a friendly amendment.

Mr. Tracy noted consideration of including additional options could impact the STT workload, and suggested the Council consider developing the third option with a 20% in-river allocation assumption based on Option II, after modification by the SAS and STT to meet existing constraints.

Mr. Larson moved to amend the motion to restrict the recreational 20% inriver allocation to a sub-option of Option III, essentially resulting in four options for the STT to model. Mr. Anderson and Mr. Hansen accepted Mr. Larson's amendment as a "friendly" amendment.

Mr. Anderson noted the four options could be narrowed to three later.

Motion 4, as amended by the friendly amendments, passed.

Mr. Harp moved (Motion 5) the initial treaty-Indian troll options be modeled as follows:

- Option I - 60,000 coho and 60,000 chinook;
- Option II - 55,000 coho and 40,000 chinook;
- Option III - 40,000 coho and 24,000 chinook.

All options would have 50% of the chinook allocated to the May/June chinook directed fishery and 50% to the July/August/September all-species fishery, and that the management trigger for Interior Fraser coho impacts in Area 4/4B be included as recommended by the STT.

Mr. Anderson seconded the motion; Motion 5 passed.

C.3 Council Recommendations for 2005 Management Option Analysis (03/09/05; 4:53 pm)

C.3.a Agenda Item Overview

None.

C.3.b Report of the STT

Mr. Simmons presented Agenda Item C.3.b, Supplemental STT Report. He noted there was no option for the 20% Klamath in-river recreational fishery because the STT was unable to get the 15% allocation options to meet constraints.

C.3.c Report of the KFMC

None.

C.3.d Reports and Comments of Advisory Bodies

None.

C.3.e Public Comment

Mr. Jerry McGahan, salmon fisherman, Chico, California

Mr. Daniel Platt, Salmon Trollers Marketing Association, Fort Bragg, California

Mr. Dean Estep, salmon troller, Fort Bragg, California

Mr. Keith Olson, salmon troller, Fort Bragg, California

C.3.f Council Direction to the STT and SAS on Options Development and Analysis

Mr. Melcher recommended the STT and SAS work toward structuring fisheries to meet the floor and a 50%/50% California/Oregon troll share of Klamath fall chinook impacts.

Mr. Larson agreed with Mr. Melcher's recommendation and gave further direction to extend the analysis with a 20% Klamath in-river recreational allocation based on Option III by reducing California commercial and recreational fisheries as necessary.

Mr. Anderson (referencing Agenda Item C.3.b, Supplemental STT Report) noted language was added for north of Cape Falcon commercial fisheries requiring vessels to report catch on state fishery tickets. He directed the STT to delete the requirement that only one coho may be kept in north of Cape Falcon recreational fisheries for Option III on pages 10 and 11. He noted Snake River fall chinook had not met the NMFS ESA consultation standard yet, but would address that over the course of negotiation in the North of Falcon forum as per footnote e/ on page 21. There is an analogous situation for Interior Fraser coho. Finally, ODFW and WDFW will be meeting with Columbia in-river parties to discuss late coho escapement issues the following week and felt any changes to ocean quotas could be discussed at that time. He also directed the STT to change on page 2, Option III, the language "south Of Leadbetter Point" to "within the area", and to change on page 3, Option II, the date for potential non-mark-selective coho retention from August 1 to September 1. Mr. Anderson noted for Ms. Cooney, the STT has changed the modeling approach for selective fisheries to be consistent with the Salmon FMP.

Mr. Larson asked for a legal opinion on the issue of restricting landings to the state in which they were caught relative to interstate commerce rules. Ms. Cooney replied that in the past the restrictions were made for a rational management system, however, she would like to consult with others before giving a definitive answer.

Mr. Simmons requested clarification on the 50%/50% California/Oregon troll share of Klamath fall chinook impacts. Mr. Larson replied within a percentage point either way for now, given that California would need to make the initial cuts to meet that objective. Mr. Melcher recommended a stepwise approach beginning with reducing California fisheries to achieve the Klamath River fall chinook spawning escapement floor, then addressing the 50%/50% California/Oregon troll share, which may require adjusting both California and Oregon fisheries.

Mr. Larson noted the large abundance of Central Valley chinook and expressed the desire to see those fish utilized and not wasted. Mr. Brown replied that perhaps an option of a 10% in-river recreational allocation would help address Mr. Larson's desire.

C.4 Update on Essential Fish Habitat (EFH) Review Process

This item was removed from the agenda (see Motion 1).

C.5 Council Direction for 2005 Management Options (03/10/05; 7:11 pm)

C.5.a Agenda Item Overview

Mr. Chuck Tracy presented the agenda item overview.

C.5.b Report of the STT

Mr. Allen Grover, STT Vice Chair presented Agenda Item C.5.b, Supplemental STT Report, noting changes from Agenda Item C.3.b. He also noted Options IIIa and IIIb were derived from Option II by first increasing the Klamath in-river recreational allocation to 20%, then restricting California ocean recreational fisheries only (Option IIIa) or commercial and recreational fisheries (Option IIIb) to meet other constraints.

Mr. Warrens asked if the STT could model an option with a 10% in-river allocation option to display the economic trade-off between ocean and in-river fisheries to the public and the California Fish and Game Commission. Mr. Grover replied the STT could model that scenario.

Mr. Anderson (referencing Agenda Item C.5.b, Supplemental STT Report) noted for the purpose of allowing public comment, he will recommend changing page 3, Option IIIa to add the language "Beginning August 11 vessels fishing south of Leadbetter Point may use all legal gear limited to no more than four spreads per line." following the sentence stating "Gear restricted to plugs 6 inches or longer...".

Mr. Melcher noted for the purpose of allowing public comment he will recommend inseason action to again modify the dates of the March and April portion of the Cape Falcon to Oregon/California border commercial fisheries to be open Marcy 15 to 25 and April 1 to 15 for all areas. The purpose of the modification being allowing some additional opportunity in May and June.

Mr. Brown noted a discrepancy in Table 2, page 16, Options I and II, for the selective coho fishery for the days closed south of Humbug Mt. Mr. Tracy replied the dates should be July 5-11 rather than July 11-20 or July 11-29.

C.5.c Reports and Comments of Advisory Bodies

None.

C.5.d Public Comment

Mr. Joel Kawahara, troller, Seattle, Washington
Mr. Steve Wilson, troller, Federal Way, Washington
Mr. Don Stevens, Oregon Salmon Commission, Newberg, Oregon
Mr. Mark Newell, Oregon Salmon Commission, Toledo, Oregon
Ms. Kathy Fosmark, representing her family, Pebble Beach, California
Mr. Dave Bitts, PCFFA, Eureka, California

C.5.e Council Guidance and Direction

Mr. Melcher moved (Motion 17) to recommend inseason action changing the Cape Falcon to Oregon/California border commercial fishery open dates in March and April to March 15-25 and April 1-15. Mr. Warrens seconded the motion; Motion 17 passed.

Mr. Anderson moved (Motion 18) to change page 3, Option IIIa following the sentence stating "Gear restricted to plugs 6 inches or longer", to add the language "Beginning August 11 for the area between Leadbetter Point and Cape Falcon, a subarea quota of 5,000 coho will be established. Vessels fishing in the area will be subject to a 75 coho per open period landing limit and may use all legal gear limited to no more than four spreads per line". Mr. Cedergreen seconded the motion; Motion 18 passed.

Mr. Warrens moved (Motion 19) to have the STT model an option with a 10% Klamath in-river recreational allocation. Mr. Thomas seconded the motion.

Mr. Larson stated his appreciation for Mr. Warrens' efforts to improve ocean fisheries, but noted the issue was a California issue, which Mr. Larson needed to handle with the California Fish and Game Commission (CFGC), and that modeling a 10% allocation would not be helpful, and did not represent a realistic approach to the problem. Mr. Larson's main concern was that at a 15% allocation, there was sufficient fish for the in-river fishery to survive, but a 10% allocation would destroy the fishery and that economy for 2005. He noted he would communicate the position of the Council to the CFGC, but did not support the motion

Mr. Thomas disagreed with Mr. Larson's position and stated the CFGC needed to understand the economic impacts of their decision on the coastal economies. Increasing the allocation of Klamath fall chinook to the ocean fisheries would be a bigger stimulus to the state economy than if the small number of guides on the Klamath River received the allocation.

Mr. Ticehurst stated his support for the motion, and noted that most of the benefit of increasing the ocean allocation would fall to the commercial fleet since at a 15% inriver allocation; most of the coast would have a full recreational season

Mr. Warrens expressed appreciation of Mr. Larson's position, but felt the economic cost/benefit ratio of the choice would be in favor of reducing the in-river allocation. He also noted the analysis would be for the Council's benefit in adopting a final package of options to go out for public review the following day.

Mr. Larson asked how the allocation would be applied. Mr. Warrens recommended the STT determine how best to display it, but requested a comparison from high to low.

Motion 19 passed (9 yes, 4 no).

Mr. Simmons requested guidance on which option to modify for the 10% in-river allocation assumption. He suggested a continued modification of Option III.

Mr. Warrens suggested a substitute for Option IIIa.

Dr. McIsaac recommend the STT follow the north of Cape Falcon arrangement with Option I being the most liberal and assuming the 10% in-river allocation, Option II with the 15% allocation, and Option III with the 20% allocation. He noted that the Council would still have the opportunity to mix and match components of any of the Options at the April Council meeting.

Mr. Larson recommended eliminating Option IIIa and modeling Option I with the 10% inriver allocation.

Mr. Brown noted the purpose was for comparison, and unless all proposed regulations north of the Oregon/California border were identical, the comparison would be less instructive.

Mr. Tracy noted that Options IIIa and IIIb were based on Option II with modification of only California fisheries to accommodate the 20% in-river allocation. He recommended replacing Option IIIa with the 10% option so Option II, IIIa and IIIb would all have identical proposed regulations north of California.

Mr. Larson accepted Mr. Tracy's advice. The Council concurred.

Mr. Melcher directed the Oregon SAS members to increase days in May and June to utilize the impacts freed up as a result of Motion 18. The Council concurred.

C.6 Adoption of 2005 Management Options for Public Review (03/11/05: 3:30pm)

C.6.a Agenda Item Overview

None.

C.6.b Report of the STT

Mr. Dell Simmons presented Agenda Item C.6.b, Supplemental STT Report. He noted the assumptions for the Klamath in-river recreational allocation on pages 4 (Table 1) and 16 (Table 2) were in error for Options III and IV; Option III should be 20% and Option IV should be 10%.

Dr. Dygert stated his approval of the STT analysis regarding an appropriate buffer for the California Coastal chinook ESA consultation standard.

C.6.c Reports and Comments of Advisory Bodies

None.

C.6.d Public Comment

Mr. Dave Bitts, salmon troller, Eureka, California

C.6.e Council Action: Adopt Management Options for Public Review

Mr. Anderson, referencing Agenda Item C.6.b, Supplemental STT Report, March 2005, moved (Motion 25) to adopt for public review non-Indian commercial and recreational options for the areas north of Cape Falcon with the following changes:

Page 2-3, all options, add “if required by state law” to the requirement that landings be recorded on a state fish receiving ticket;

Page 12, Option II for the Neah Bay subarea, change the start date to July 1, and for Option III to July 5;

Page 12-15, Option III, for all subareas strike the requirement of no more than one chinook in the bag limit.

Mr. Cedergreen seconded the motion

Mr. Melcher asked for a friendly amendment to add the May-June north of Cape Falcon commercial fishery notice requirement for Oregon vessels landing south of Cape Falcon to the July-September commercial fishery in Option III

Mr. Anderson and Mr. Cedergreen accepted the friendly amendment.

Mr. Larson asked if adopting four options was acceptable, and noted his recollection of Council direction to the STT was for only three options. Mr. Tracy responded his interpretation of Council direction was to model Option I plus three versions of Option II, each with a different in-river allocation, to facilitate comparison, and as a contingency for the outcome of the ESA consultation standard buffer issue. He stated his preference for a final adoption of three options for public review, as recommended in the Council Operating Procedure (COP).

Mr. Anderson noted that there are only three options for the area north of Cape Falcon, and that guidance for release of three options is contained in the COP before the Council.

Motion 25 passed.

Mr. Melcher, referencing Agenda Item C.6.b, Supplemental STT Report, March 2005, moved (Motion 26) to adopt for public review the non-Indian commercial and recreational options in the areas Cape Falcon to Humbug Mt. as shown; recognizing Option IV is identical to Option III in all three areas. Mr. Brown seconded the motion.

Motion 26 passed.

Mr. Warrens, referencing Agenda Item C.6.b, Supplemental STT Report, March 2005, moved (Motion 27) to adopt for public review, all four options in the area south of Humbug Mountain. Mr. Ticehurst seconded the motion.

Mr. Ticehurst supported providing the full range of analyses for the CFGC to facilitate their decision making process, and allow the public to make informed recommendations at the upcoming CFGC meeting. This would also not artificially constrain the Council’s process

Dr. Dygert asked if there is a firm mandate for adopting only three options. Ms. Cooney replied there is a strong recommendation for good operations, but there are no legal requirements.

Mr. Brown noted COP 10 requires release of no more than three options which meet all of the Salmon FMP conservation and allocation objectives, and that only Options II, III, and IV meet the latter requirement.

Motion 27 passed, with Mr. Larson abstaining.

Mr. Larson, referencing Agenda Item C.6.b, Supplemental STT Report, March 2005, moved (Motion 28) to adopt for public review the, non-Indian commercial options in the area from OR/CA border to the U.S./Mexico border, and recreational options from Humbug Mt. to the U.S./Mexico border, with the following corrections:

Page 4 and 16, Option III; Supplemental Management Information, the Klamath River recreational fishery allocation should be 20%, and for Option IV it should be 10%.

Mr. Thomas seconded the motion (Motion 28)

Mr. Melcher asked for a friendly amendment to include the area between Humbug Mountain to the Oregon/California Border for the commercial fishery. Mr. Larson and Mr. Thomas accepted the friendly amendment.

Motion 28 passed.

Mr. Harp, referencing Agenda Item C.6.e, Supplemental Tribal Motion, March 2005, moved (Motion 29), to adopt the treaty Indian options for public review as presented with Option IV being the same as Option III. Mr. Anderson seconded the motion.

Mr. Tracy asked if Mr. Harp intended to include in his motion the management triggers for Thompson coho on page 21, Table 3 in Agenda Item C.6.b, Supplemental STT Report, March 2005. Mr. Harp stated that he did intend to include those in his motion.

Motion 29 passed.

C.7 Salmon Hearings Officers (03/11/05; 11:55 am)

C.7.a Agenda Item Overview

Dr. Coon presented the agenda item overview.

C.7.b Council Action: Appoint Hearings Officers

The following Hearings officers were appointed by consensus:
Westport, Washington, March 28, 2005 – Mark Cedergreen,
Coos Bay, Oregon, March 28, 2005 – Ralph Brown,
Fort Bragg, California, March 29, 2005 – Roger Thomas.

The Coast guard representative indicated staff will be assigned at a later date.

Dr Freese indicated NMFS staff will also be assigned at a later date.

D. Pacific Halibut Management

D.1 Groundfish Retention in the Columbia River Subarea Recreational Halibut Fishery (03/8/05; 5:05 pm)

D.1.a Agenda Item Overview

Mr. Tracy presented the agenda overview.

D.1.b Agency and Tribal Reports and Comments

Mr. Anderson stated a preference that vessels originating trips out of Columbia River ports operate under concurrent regulations as much as possible.

D.1.c Reports and Comments of Advisory Bodies

LT Cleary presented Agenda Item D.1c, Supplemental EC Report.

D.1.d Public Comment

None.

D.1.e Council Action: Clarify Recommendations for Groundfish Retention Regulations in the Columbia River Subarea Recreational Halibut Fishery

Dr. Burke moved (Motion 6) to adopt the retention regulations in the Columbia River subarea recreational halibut fishery as shown in Agenda Item D.1.e, Supplemental Motion. Mr. Anderson seconded the motion

Dr. Burke noted the difference between a groundfish retention and a groundfish landing restriction would not comply with the EC request, and result in different regulations north and south of Cape Falcon, but the compromise was reached to address Washington's needs.

Mr. Anderson recognized the action was not an ideal enforcement situation, but was an interim solution, which WDFW and ODFW will discuss again during the next catch sharing plan revision cycle in the fall. The use of a groundfish landing restriction would allow vessels fishing out of Westport but south of Leadbetter Point to retain true cod and return to Westport, while not normally intermixing with the fleet fishing out of Columbia River ports.

Ms. Cooney asked if the language for "when halibut are onboard" was included. Dr. Burke replied the language was directly out the catch sharing plan, but including the language may add clarity.

Motion 6 passed.

D.2 Report on International Pacific Halibut Commission (IPHC) Annual Meeting (03/08/05; 5:21 pm)

D.2.a Agenda Item Overview

None.

D.2.b Summary of Meeting

Mr. Anderson reported the IPHC adopted the recommended changes to the Area 2A Catch Sharing Plan. The reduction of Area 2A quota from 2004 levels was slight, and still represented near record high levels. There were three reasons for the reduction: 1) the Area 2A/2B split was reduced from 12% to 11% based on the IPHC setline survey; 2) Area 2A halibut bycatch estimates in the groundfish fishery was slightly higher; and 3) the allowable halibut harvest rate was reduced from 25% to 22.5%. The season starting date was set at February 27, which will affect only tribal fisheries in Area 2A. The setline survey in 2005 for Area 2A is in jeopardy due to funding constraints. The IPHC also confirmed that halibut fillets are not allowed aboard a commercial vessel fishing for halibut.

D.2.c Reports and Comments of Advisory Bodies

None.

D.2.d Public Comment

None.

D.2.e Council Discussion on IPHC Annual Meeting

None.

D.3. Public Review Options for the 2005 Incidental Catch Regulations in the Salmon Troll and Fixed Gear Sablefish Fisheries

D.3.a Agenda Item Overview

Mr. Tracy presented the agenda overview.

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

Mr. Anderson recommend Option 1a be status quo and Option 1b be the same except the landing limit would be 40 instead of 35.

Dr. Burke stated Oregon supports the status quo option.

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

Mr. Anderson recommend Option 1 be status quo and Option 2 be the same except the landing limit would be 150 lbs (dressed weight) halibut per 1,000 lbs (dressed weight) sablefish instead of 100 lbs (dressed weight) halibut per 1,000 lbs (dressed weight) sablefish.

D.3.d Tribal Comments

Mr. Harp presented Agenda Item D.3.d, Supplemental Tribal Comments.

D.3.e. Reports and Comments of Advisory Bodies

Mr. Jim Olson, SAS, recommended status quo for the salmon troll fishery regulation.

D.3.f Public Comment

Mr. Steve Wilson, salmon troller, Federal Way, Washington
Mr. Joel Kawahara, salmon troller, Seattle, Washington

D.3.g Council Action: Adopt Public Review Options for 2005

Mr. Anderson moved (Motion7) to adopt for public review options for the 2005 incidental halibut catch in both the salmon troll fishery and the fixed gear sablefish fishery as follows.

Salmon Troll Fishery

Option 1a Beginning May 1, 2005, allow license holders one halibut per three chinook landed, allow one additional halibut to be landed without meeting the 1:3 ratio, and limit each landing to 35 halibut.

Option 1b Beginning May 1, 2005, allow license holders one halibut per three chinook landed, allow one additional halibut to be landed without meeting the 1:3 ratio, and limit each landing to 40 halibut.

Option 2 Designate the "C-shaped" yelloweye rockfish conservation area in the North Coast subarea (Washington Marine Area 3) as an area to be voluntarily avoided for salmon troll fishing to protect yelloweye rockfish.

NOTE: Option 2 may be combined with either Option 1a or 1b.

Fixed Gear Sablefish Fishery

Option 1 Beginning May 1, 2005, allow license holders 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.

Option 2 Beginning May 1, 2005, allow license holders 150 pounds (dressed weight) of halibut per 1,000 pounds (dressed weight) of sablefish, and allow two additional halibut in excess of the 150 pounds per 1,000 pounds ratio per landing.

Mr. Alverson seconded the motion; Motion 7 passed.

E. Habitat

E.1 Current Habitat Issues (03/08/05; 5:37 pm)

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

Mr. Stuart Ellis provided the report of the Habitat Committee.

E.1.b Reports and Comments of Advisory Bodies

Mr. Jim Tuggle provided the SAS report.

E.1.c Public Comment

None.

E.1.d Council Action: Consider HC Recommendations

The Habitat Committee report was accepted by the Council.

F. Groundfish Management

F.1 Inseason Management Response Policy (03/09/05; 9:17 am)

F.1.a Agenda Item Overview

Mr. John DeVore provided the agenda overview.

F.1.b Ad Hoc Groundfish Information Policy Committee (GIPC) Report

Mr. DeVore highlighted the recommendation of the GIPC from their January 25-26 meeting (Agenda Item F.1.b, Attachment 1):

Management measures should not be liberalized until the June Council meeting at the earliest unless data or model errors warrant earlier consideration.

F.1.c Reports and Comments of Advisory Bodies

Mr. DeVore reported the GMT comments are the same as last November 2004: The GMT recommends the Council adopt a policy such that, in general, inseason adjustments which would relax regulations not be considered prior to the June Council meeting. The GMT believes inseason adjustments should remain on every Council agenda, so the Council has the opportunity to adopt more restrictive measures, if necessary. As such, the Council would have the opportunity to consider liberalizing regulations in March and April, if there are exceptions to this policy which would warrant consideration (for example, in response to a data correction).

Mr. Rod Moore provided the comments of the GAP (Agenda Item F.1.c, Supplemental GAP Report). The primary GAP recommendation is to allow inseason adjustments in April.

Mr. Brown asked about the timing of 2004 inseason adjustments that led to over-attainment of darkblotched rockfish. Mr. Moore explained there was a liberalization of minor slope rockfish trip limits in April, an inadequate review of the fishery in June, and discovery of the problem at the September meeting where trip limits were significantly decreased and the RCA extended. Mr. Brown asked if the timing of a management adjustment was not as important as adequate monitoring of the fishery. Mr. Moore said yes, but thought adjustments should not be considered in March.

Mr. Alverson noted the GMT and GIPC recommended the first inseason adjustment should occur in June. Did the GAP consider different timing for adjusting deep-water vs. shallow-water fisheries? Mr. Moore said the GMT has tried to develop responsible deep-water and shallow-water seasonal trip limits. There may be a future need to decrease summer shallow species' trip limits in April. The GMT believes a June adjustment is better because there is more data available. Dr. Burke noted the GMT could still review fishery data in April, but not act until June. Mr. Moore said there may be a need for an initial adjustment in April to slow down the fishery to prevent over-attainment. Mr. Brown said waiting until June could be too late to slow down the fishery. Mr. Anderson stated the GIPC recommendation is to not liberalize management until June. The policy recommendation does not prevent decreasing management measures in April. Mr. Moore said the GAP may have misunderstood. However, the GAP may want to liberalize some measures in April.

F.1.d Public Comment

Mr. Kenyon Hensel, Hensel's, Crescent City, California

Mr. Gerry Richter, Point Conception Groundfish Fishermen's Association, Santa Barbara, CA

Mr. Jim Bassler, nearshore fisherman, California

F.1.e Council Action: Adopt Inseason Management Response Alternatives/Draft Policy for Public Review

Mr. Brown said Mr. Anderson's clarification was helpful. This would be a fairly flexible policy, but still would not fit all situations. He wants to allow for exceptions in this policy.

Ms. Vojkovich asked when June inseason adjustments could be implemented. Dr. Freese deferred to Yvonne de Reynier. Ms. de Reynier said liberalizing a new trip limit typically occurs by the second month of the following management period. However, a trip limit cannot be effectively decreased by the second month of the following period since the fleet tends to attain their trip limits in the first month upon hearing of an intended decrease. Dr. McIsaac asked Ms. de Reynier, given the June Council meeting is the 13th-17th, could inseason changes be in effect on July 1? Ms. de Reynier said, depending on the complexity of an inseason adjustment, they might be able to implement it by July 1, although this is a challenging schedule.

Ms. Vojkovich asked about new data and models, specifically the California Recreational Fishery Survey (CRFS), and when California recreational management measures might be liberalized? Since this is a new program, we may want to include CRFS as an exception to the policy for this year and next.

Mr. Ticehurst thought this policy could compel some to start the season with a more liberal suite of management measures.

Dr. Freese said we need to better understand the new GMT inseason tracking tools. Mr. DeVore said the GMT will be providing their report on inseason tracking tools under agenda item F.7 at this meeting.

Mr. Anderson asked how much information we need to decide a liberal management action. In April, we only have catch monitoring information for January and February. Many believe this is not enough information to depart from preseason expectations. Only downward adjustments should be considered in April. By June, there is time to effectively liberalize management measures. Mr. Anderson thought Ms. Vojkovich issue of new catch projection methodologies is a different question. He recommended against confusing these two issues when developing this policy.

Mr. Ticehurst asked if this policy would preclude consideration for liberalizing California recreational management measures earlier than June. Mr. Anderson said not necessarily. He said we should have a separate discussion on whether or not we are going to use CRFS data before June to consider more liberal measures for this fishery.

Ms. Vojkovich thought the recommended policy deals with a threshold of data before considering an adjustment. This thinking makes the policy clearer.

Mr. Brown noted the data has gotten better in groundfish management, but it is more difficult to use the data to the extent we do. There is no stability in the fishery or the management regime. We need to redesign the fishery and go to ITQs to rectify this problem.

Ms. Vojkovich asked if adjustments to management measures for the following year can be considered in November. Mr. Anderson asked if this is allowed in the FMP. Mr. DeVore said the FMP does not preclude an inseason adjustment in November for the following season.

Mr. Brown moved and Mr. Warrens seconded a motion (Motion 8) to adopt the recommendation of the GIPC, with the following change (in italics): “Management measures should not be liberalized until the June Council meeting at the earliest unless data *errors* or model errors warrant earlier consideration.”

Dr. Freese asked if the draft policy recommended in the motion excludes data updates. Mr. Brown’s assumption and intention is that it would not respond to updated projections, only data errors. Ms. Vojkovich asked if the intent of the policy is to address the fact we don’t have enough data in the system to make a decision, where does the concept of data error or model error come in? Mr. Brown said the problem in this is, for example, if you don’t have correctly specified sablefish tier limits in April, you will have a hard time correcting them in June since the primary sablefish season is then underway.

Motion 8 passed.

F.2 NMFS Report (03/09/05; 10:14 AM)

F.2.a Regulatory Activities

Dr. Freese noted the following notices were published in the *Federal Register* since the last Council meeting: closure of the 2004 catcher-processor fishery for Pacific whiting; proposed rule to implement an industry fee system for repaying a Federal loan partially financing a fishing capacity reduction program in the Pacific Coast groundfish fishery; notice of intent to consider expansion of VMS; final rule on biennial specifications and management measures for the Pacific Coast groundfish fishery; proposed rule to approve and implement changes to the Pacific Halibut Catch Sharing Plan; final rule on annual management measures for Pacific halibut fisheries; and a Notice of Availability for the Essential Fish Habitat EIS. He explained that the Northwest Region was actively working on expansion of VMS and implementation of the shoreside whiting EFP. There was a February 22 planning meeting in Portland for the shoreside whiting EFP involving camera monitoring and sampling issues. Dr. Elizabeth Clarke will speak to the camera monitoring project. The Northwest Fishery Science Center (NWFSC) did find funds to place cameras onboard shoreside whiting vessels this year and to analyze that data. NMFS is still discussing how to sample this year’s shoreside whiting fishery, who pays for the sampling, and how these data will be presented.

Dr. Burke requested a summary of the proposed trawl buyback rule. Dr. Freese said one of the remaining issues to resolve is how to collect fees for the loan repayment. Processors have commented, which may engender another proposed rule. Given this delay, we may not start collecting fees until late 2005. Dr. Burke asked if NMFS would be pursuing retroactive fees and Dr. Freese said no.

Mr. Alverson asked about IFQ fees for the sablefish tier program and resolution of remaining Amendment 14 issues. Dr. Freese said he did not consider the sablefish tier program an IFQ. Mr. Alverson said there is a 3% fee for the permit. Dr. Freese said NMFS is developing a policy on permit fees at the national level. He added that NMFS still needs to consult with the states to get fish permit numbers recorded on fish receiving tickets to implement the outstanding portions of Amendment 14. Ms. Cooney explained that the permit stacking provisions of Amendment 14 are a de facto IFQ.

Mr. Anderson asked about the proposal for collecting trawl buyback fees and fees for state permits? Are there any state obligations for collecting these fees? Dr. Freese said there is no state obligation to collect these fees. They will work with processors to get this done. Mr. Anderson asked if processors were expected to collect fees on Dungeness crab permits and Dr. Freese said yes. He will provide a better overview of this issue in April.

Ms. Vojkovich asked for a projection of when the Amendment 10 provisions would be implemented. Dr. Freese said the shoreside whiting fishery will likely be operating under an EFP in 2005 and 2006. NMFS needs to analyze the experimental camera system. They still haven't found the funds for cameras in 2006. They may require fishermen to fund this. Dr. Burke asked if California fishermen will have cameras in 2006 and Dr. Freese said yes. Mr. Alverson asked about the costs of camera systems and noted the Archipelago systems are expensive. Dr. Freese said he doesn't know the costs, but Dr. Clarke might. He added that he would like to convene a meeting with industry on the shoreside whiting EFP at the April Council meeting. Dr. Burke stated the states have a problem with the evolving nature of these regulations. ODFW is particularly stressed with continuing the EFP. Who will do this work when it is a federally-managed system? She noted that states can't afford to fund the program. Dr. Freese agreed with Dr. Burke and said money is hard to find. We need a careful analysis of costs and who will fund the system. Mr. Brown added that we need to understand how much monitoring is adequate and noted that exact (100%) monitoring is expensive.

Mr. Dayna Matthews spoke about the VMS meetings held in January and February. They were not well attended with the exception of Astoria, Port Orford, and the California Small Boat Owners Swap Meet. Comments received from the public came from representatives for three gear sectors: HMS, salmon trollers, and Dungeness crab. These sectors have a history of landing groundfish. While landing groundfish is illegal in the Washington and Oregon crab fisheries, it is allowed in California. How to expand VMS to the salmon troll fleet will be an issue at the April Council meeting. The VMS Committee recommended VMS for the salmon troll fleet in their alternatives. He noted there is confusion with the drifting issue as it pertains to VMS alternatives. Currently, there is a prohibition for drifting in the RCA for the limited entry trawl and limited entry fixed gear sectors that are restricted by RCAs. This prohibition does not apply to the salmon troll, HMS, and other fleets not under an RCA restriction. Therefore, the drifting prohibition is not part of the proposal if they are required to use VMS. The issue of a preferred alternative from the Council also came up during the VMS hearings. It was determined there was not a specific preferred alternative that came from the September 2004 meeting. The most focus at the public meetings was on the three alternatives recommended by the advisory bodies.

Mr. Cedergreen asked how the hearings were noticed. Mr. Matthews said they relied upon the states.

Dr. Burke first thanked NMFS for setting up the meetings and encouraged more public outreach of this sort. She stated, although there was not a preferred alternative decided by the Council, there was a specific set of options set out by the Council not fully captured in the Council's Newsletter or in the Council's meeting minutes.

Mr. Brown believed one problem in the VMS expansion process is that open access fisheries are small and those fishermen are not as engaged in the Council process. Mr. Matthews agreed.

Ms. Vojkovich echoed Dr. Burke's compliments to NMFS regarding their efforts to engage the fishing public on VMS. She asked for feedback on the possibility of California Dungeness crab fishermen being required to carry VMS. Mr. Matthews said it may come down to a choice for these fishermen to either carry VMS or not land federally-managed groundfish. Mr. Alverson asked what groundfish species they typically land and Mr. Matthews said lingcod and some rockfish. Mr. Brown said it used to be legal for trawlers to catch up to 500 lbs. of crab. Is that part of the problem? Mr. Matthews said no. Mr. Brown thought it was still legal for limited entry trawlers to land some crab in California and that it tends to occur around the San Francisco area.

F.2.b Science Center Activities

Dr. Clarke discussed observer program issues and reiterated observers are used to count bycatch and discard and are not part of the VMS issue. She has asked her observers to watch for and record previously discarded fish (i.e., fish that were discarded and caught in trawls a second time). The limited entry trawl, fixed gear sablefish, and non-sablefish observer data reports are now posted on the NWFSC website.

The report on the electronic monitoring camera project will be discussed in depth at the April meeting. The project was fairly successful with most of the discarding observed on the last tow and by a minority of vessels in the fleet. They have requested funds for one more year for this project from Headquarters, but she did not expect these funds would be available. She expects costs for camera monitoring will come down with increased competition. She recommended any analysis of costs focus on the Canadian fleet where cameras are required.

Dr. Clarke said reviewers for most of the scheduled Stock Assessment Review (STAR) Panels have been selected. She extended thanks to the Southeast and Northeast Fishery Science Centers for providing independent reviewers. The first STAR panel to meet was hake in February and the next one is in April to review three flatfish stock assessments. The report from the data workshop is in the briefing book.

Personnel at the NWFSC have also been busy planning this year's surveys. The annual bottom trawl survey will commence soon. The biggest concern is rising fuel costs, which will dramatically impact the fixed survey budget.

Dr. Burke asked Dr. Clarke about the camera monitoring project. She would like to discuss this with the NWFSC and the Northwest Region. Is the camera project still a state project? She said we need to think creatively about doing this project next year given the bleak state and federal funding outlook. Dr. Clarke said they have most of the answers they need now, but there are a few outstanding questions that need to be researched next year. The research component of this project is not holding up Amendment 10 rule-making. Dr. Burke hopes the goal could be met to move this out of an EFP process. Dr. Freese apologized for not factoring this into the planning process; we should be talking with the states on this project. Dr. Clarke said typing of cameras may take time, but this process can commence immediately.

Mr. Brown asked if the Rogers paper on estimated groundfish species catch composition by foreign vessels on the west coast has been reviewed and published. Dr. Clarke said the document has been thoroughly reviewed and has been published as a NMFS technical memorandum.

Dr. John Field provided a brief overview of Humboldt squid presence off the west coast. There are large numbers of Humboldt squid now off the central and northern California coast. This has occurred in the past, most recently in the 1930s. He has been collecting squid stomach samples from charter fishermen and finding some rockfish (shortbelly and smaller slope rockfish), hake, ratfish, and other Humboldt squid. They usually eat other forage. They are capable of eating larger fish (i.e., 4-5 year-old hake). He roughly estimates a 7-10 million mt biomass of Humboldt squid off the coast. They typically live one to two years and they grow fast with a high consumption diet. Mr. Ticehurst asked if their distribution is temperature-driven. Dr. Field said they prefer warmer waters and appear to invade northern waters during mild El Niño events.

F.2.c Reports and Comments of Advisory Bodies

None.

F.2.d Public Comment

Ms. Kathy Fosmark, Alliance of Communities for Sustainable Fisheries, Pebble Beach, California
Mr. David Jincks, Midwater Trawlers Cooperative, Newport, Oregon

F.2.e Council Discussion on NMFS Report

Dr. Burke referred to the letter from Mr. Scott McMullen to NMFS in the briefing book. The letter recommends the use of the port liaison project to obtain better EFH data. Dr. Burke said this is a great example of cooperative research and recommended CDFG review these data.

F.3 Terms of Reference for Groundfish Rebuilding Plan Review (03/09/05; 1:04pm)

F.3.a Agenda Item Overview

Mr. DeVore provided the overview for this agenda item. First order of business is to discuss the terms of reference as the analytical tool.

F.3.b Scientific and Statistical Committee Report

Dr. Kevin Hill provided Agenda Item F.3.b, Supplemental SSC Report.

Mr. Brown asked Dr. Hill to elaborate on the SSC evaluation of the B_{25%} overfished criterion. Dr. Hill said the SSC discussed the interpretation of rebuilding simulation results. Using mode, median, or mean statistics leads to different conclusions. Mr. Brown asked if the SSC discussed whether B_{25%} is an appropriate criterion and Dr. Hill said no.

Mr. Brown asked if the Management Strategy Evaluation (MSE) simulation is overly simplified and Dr. Hill said yes. Mr. Brown asked how this could be inconsistent with modified National Standard 1 guidelines. Dr. Hill said the SSC needs to discuss whether there is a wide enough range of alternatives for rebuilding revision rules and consistency with modified National Standard 1 guidelines. Ms. Vojkovich asked if new National Standard 1 guidelines would be available prior to June and Dr. Hill said no. Ms. Vojkovich asked when the SSC needs guidance on rebuilding revision rules. Dr. Hill anticipated this would be an iterative process between the Council, SSC, and other advisors starting in April.

Ms. Vojkovich asked why waiting to June to adopt a rebuilding analysis Terms of Reference would not hamper the stock assessment process. Dr. Hill said the SSC will not review rebuilding analyses prior to June. However, he acknowledged additional guidance could be given to rebuilding analysis authors earlier. Dr. Freese asked if the Council could finalize a rebuilding analysis Terms of Reference with the MSE evaluation tool by June. Dr. Hill said the MSE tool won't be finalized by June since it is being developed by scientists who are busy working on assessments and STAR Panels. Dr. McIsaac asked if the delay was due to the effort to revise National Standard 1 guidelines and Dr. Hill said no. Other competing work is the cause for the delay. Dr. McIsaac asked if the analytical tool for evaluating rebuilding progress is separate from the policy elements (i.e., revision rules). Dr. Hill said he doesn't anticipate a problem with delaying the Terms of Reference since only minor changes are expected. He thought the SSC could have a supplemental draft Terms of Reference before the Council in April.

Dr. McIsaac asked if the $B_{25\%}$ criterion discussion could lead to different overfished thresholds and Dr. Hill said no. The issue is how the rebuilding simulation results are interpreted. Dr. McIsaac stated that the November Council meeting is when a range of OYs is decided. It might be better to resolve this issue by September. Wouldn't waiting until after the November Council meeting to resolve this issue be problematic? Dr. Hill said the timing of STAR Panel meetings this year is problematic. Some of the final assessments and rebuilding analyses won't be available until late this year. This is a workload issue.

F.3.c Reports and Comments of Advisory Bodies

Ms. Susan Ashcraft provided Agenda Item F.3.c, Supplemental GMT Report.

Mr. Moore provided Agenda Item F.3.c, Supplemental GAP Report.

Mr. Brown asked if the GAP recommendation is to not adopt a single P_{MAX} (rebuilding probability within the maximum allowable time period) for all species and Mr. Moore said yes. Dr. McIsaac asked if the GAP had reviewed the SSC's statement and Mr. Moore said no.

F.3.d Public Comment

None.

F.3.e Council Action: Adopt Terms of Reference for Groundfish Rebuilding Plan for Public Review

Dr. Freese asked to hear from the NWFSC if they have any thoughts on the issues raised by SSC, GAP, and GMT. Dr. Clarke said specifying rebuilding revision rules is a policy decision that can be delayed. However, the Terms of Reference and the evaluation tool are needed by the stock assessment authors by June at the latest. She suggested a revised Terms of Reference be provided in a supplemental packet for the April Council meeting.

Dr. McIsaac asked how that proposed schedule would affect assessments scheduled for review at the April and May STAR panels. Dr. Clarke said the SSC reviews rebuilding analyses, not the STAR panels.

Mr. Brown asked how much review Dr. Punt's rebuilding simulation model has received? Dr. Hill said the SSC has reviewed and endorsed the rebuilding simulation program and a number of the SSC members have used this model. Mr. Brown thought it might be appropriate to have a STAR panel review the rebuilding simulation model. Dr. Clarke said she and some of her NWFSC colleagues initially discussed the concept of a STAR panel reviewing both stock assessments and rebuilding analyses. However, this idea was dismissed since a rebuilding analysis is developed from a final assessment base model. She felt this would be an excellent exercise for an off year planning activity. Mr. DeVore noted that documentation of Dr. Punt's rebuilding simulation program was published in the NMFS Fishery Bulletin and incorporated in the March briefing book as Agenda Item F.3.a, Attachment 3. This publication could be considered a vehicle for a national peer review of this model.

Mr. Anderson asked how delaying the Rebuilding Analysis Terms of Reference would impact the GMT and SSC workload. Ms. Ashcraft said the GMT was planning to review new stock assessments and rebuilding analyses at their May meeting. Mr. Anderson asked if the GMT meeting could be rescheduled from May to July. Ms. Ashcraft said they do not have a July meeting scheduled, but this could be done.

Mr. DeVore said the appropriate action is to decide when the modified Terms of Reference should be brought to the Council. The SSC recommended June and Dr. Clarke recommended April (supplemental to the April briefing book). Dr. Hill said the SSC did talk about the April supplemental deadline. He would have to consult with the current groundfish subcommittee chair and others to see if they could meet the deadline. Dr. McIsaac noted supplemental submission is not the best way to present material to the SSC and the Council. Dr. Hill agreed with Dr. McIsaac and stated the SSC generally does not like receiving and reviewing supplemental materials.

Ms. Vojkovich said she is supportive of what Dr. Hill said about the GMT-requested items, as well as a joint session on Monday of the April Council meeting. However, she believes the joint session should be devoted to a Terms of Reference discussion rather than a discussion about rebuilding revision rules. Rebuilding revision rules can be discussed later in the year. Mr. Anderson agreed with Ms. Vojkovich's priorities. Although it is not ideal, we need to approve a new rebuilding analysis Terms of Reference at the April meeting.

Ms. Vojkovich moved and Mr. Anderson seconded a motion (Motion 9) to provide the GMT recommendations to the SSC for incorporation in the Terms of Reference.

Motion 9 passed.

F.4 Mid-term Optimum Yield (OY) Adjustments Policy (03/09/05; 2:11 pm)

F.4.a Agenda Item Overview

Mr. DeVore provided the agenda item overview.

F.4.b GIPC Report

Mr. DeVore provided highlights of the Groundfish Information Policy Committee (GIPC) Report (Agenda Item F.1.b, Attachment 1). He noted there were some comments and edits to this report made by Ms. Eileen Cooney, which were inadvertently not incorporated into the report.

F.4.c Reports and Comments of Advisory Bodies

Mr. DeVore reported the GMT endorsed the GIPC recommendations as noted in the GIPC report, but did not have a written statement.

Mr. Moore provided Agenda Item F.4.c, Supplemental GAP Report.

Dr. McIsaac asked about the GAP statement regarding jeopardized rebuilding targets that would require a mid-term OY change. Mr. Moore said the GAP was essentially supporting the GIPC recommendation.

F.4.d Public Comment

Mr. Kenyon Hensel, Hensel's, Crescent City, California

F.4.e Council Action: Adopt a Mid-Term OY Adjustment Policy for Public Review

Ms. Vojkovich asked Ms. Cooney how an OY adjustment can be legally made. Ms. Cooney said such an adjustment would need to be analyzed ahead of time during the biennial specifications and management measures decision process. She noted it is hard to consider all permutations beforehand.

Mr. Anderson moved and Mr. Alverson seconded a motion (Motion 10) to adopt, for public review, a mid-term optimum yield policy as described in Agenda Item F.4.a, Attachment 1 (FMP excerpt) with the following modification: change the sentence, "If the Council determines that any of the ABCs or OYs set in the prior management process ..." to read, "If the Council determines that any of the ABCs or OYs set for the current biennial management cycle ...".

Ms. Cooney said the modified language in the motion means the same thing as the existing language in the approved FMP. Mr. Anderson asked if the Council desires to adopt the GIPC recommendations, then a motion is not required? Ms. Cooney said yes, if you want to change any of the amendatory language, she recommends this be pursued in the next amendment (Amendment 18).

Dr. McIsaac recommended the Council needs to determine what change is significant and what would trigger an OY change.

Mr. Anderson considered Ms. Cooney's comments and withdrew his motion (Motion 10). The existing FMP language gives us the flexibility to determine whether or not new rebuilding specifications would suggest a mid-cycle OY correction. He felt we don't need to take any action at all, since the FMP gives us the flexibility to react inseason should that need arise.

Mr. DeVore pointed out the significance of the next steps and triggers are part of the revision rules policy discussion under Agenda Item F.3. Developing policies for revising rebuilding plans may be the best way for specifying triggers for mid-term OY changes for overfished species.

F.5 FMP Amendment 18–Bycatch (03/09/05; 3:04 pm)

F.5.a Agenda Item Overview

Dr. Kit Dahl provided the agenda item overview. Referring to Attachment 1, he advised the Council to focus on sections 6.4 and 6.5, particularly section 6.5.3.2, which describes the sector and individual vessel total catch limit program. The definition of total catch limits is given beginning on the bottom of page 41 and continuing on to page 42.

Attachment 2 extracts Chapters 6 and 11 of the current FMP for reference purposes.

Attachment 3 is a straw man work plan put together by Council staff. The first two sections are an enumeration of what has been going in to-date. He advised the Council to focus on section 3.1.1.

F.5.b NMFS Report

This agenda item was cancelled.

F.5.c Reports and Comments of Advisory Bodies

Ms. Ashcraft provided Agenda Item F.5.c, Supplemental GMT Report.

Mr. Moore provided Agenda Item F.5.c, Supplemental GAP Report.

F.5.d Public Comment

Mr. Chris Dorsett, The Ocean Conservancy, San Francisco, California

Ms. Karen Garrison, NRDC, San Francisco, California

F.5.e Council Guidance on Preliminary Draft Amendment Language and Draft Work Plan

Mr. Harp provided comments as shown in Agenda Item F.5.e, Supplemental Tribal Comments. It was noted in his statement that treaty fisheries would not be an appropriate sector for total catch limits on overfished or other bycatch species.

Mr. Alverson said he was confused on this work product, is this to establish authority to do sector splits, or to actually define specific sector splits?

Dr. Dahl said that the amendatory language provides the broad guidance to the Council as to what types of management tools are available, while specific management measures would be implemented through federal regulations. Biennial harvest specifications are one rulemaking process that could be used to implement such regulations.

Ms. Cooney noted that the FMP amendment would also describe ongoing Council activities related to bycatch monitoring and mitigation.

Dr. Burke asked, if the FMP language only references overfished species, does that prevent the Council from using other available tools to mitigate bycatch of non-overfished species? Dr. Dahl replied that if the amendatory language specifically refers to overfished species it would be more difficult to use these tools for non-overfished species.

Mr. Brown, on the last point, emphasized that Chris Dorsett and Karen Garrison (public comment) were correct in stating that bycatch is not just an overfished species issue. Also it seems that the language proposed by the GMT would fit in very well when the Council implements things like ITQ programs. Therefore, it seems the Council needs to have the ability to use these measures for all species, not just overfished species, or the Council will be lacking in the tools they need. Donald Hansen agreed.

Mr. Anderson, reviewing the Allocation Committee minutes, the GAP and GMT reports, and public testimony, made the following recommendations: the FMP amendment should provide the authority to use total catch limits for all species; the definition for the term total catch limit should be included in the list of definitions in Chapter 2; the 10 sectors identified by the Allocation Committee and listed in the amendatory language should be used; and as to the issue of whether vessel catch limits should be tradable, he has no recommendation.

As to the workplan, he concurred with the GMT recommendation to add darkblotched rockfish to the list under the limited entry trawl subsectors; establish separate catch limits for the trawl sector subsectors for canary and widow rockfish; include the non-sablefish endorsed fleet either separately or in combination with the sablefish endorsed fleet for canary and yelloweye rockfish catch limits; and provide more flexibility in defining the recreational fishery subsectors. He also recommended that in terms of the work plan overfished species should be prioritized first, recognizing the Council would want to address other species at some point.

Ms. Vojkovich referenced the GMT report as to the number of sectors and asked Mr. Anderson about the flexibility the Council would have in defining other subsectors, as he suggested would be done for the recreational sector. Mr. Anderson responded by stating if the Council did an initial allocation of bycatch for overfished species according to the sectors described in the Allocation Committee report, there would be the option for the Council to break them up into different sectors at a later time. But it needn't be done at this time. However, as recommended by the GMT, the non-sablefish-endorsed limited entry fixed gear subsector should either be identified or included with the sablefish-endorsed limited entry subsector.

Dr. Dahl noted that the draft amendatory language provides authority for the Council to further subdivide the 10 sectors identified there. Mr. Anderson said that the flexibility provided by the draft language pointed out by Dr. Dahl provides what is necessary to address what he was thinking about.

Mr. Brown referenced the description of the sectors on pages 37-38 of Agenda Item F.5.a., Attachment 1 (draft amendatory language) in relation to the GAP recommendations about the at-sea whiting, mothership, and other trawl sectors. Further consideration is needed of the definitions of sectors and how this all works among trawl portions of those sectors. Catcher boats delivering to motherships and shore-based whiting vessels also participate in the general limited entry trawl sector. Furthermore, any limited entry trawl vessel outside of the whiting sector can land whiting as part of the overall trawl fishery. Could a vessel participating under a cap for a whiting fishery sector potentially take a portion of that cap into the general limited entry trawl fishery for use there? This needs further discussion. In reference to the possibility that individual vessel total catch limits be tradable, he recommended that the amendatory language be carefully crafted to allow either circumstance at both the vessel and sector level.

Mr. Alverson asked Mr. Anderson if his guidance was that the Council has the authority to do sector splits, which would be specified during the biennial process. Mr. Anderson said yes.

Dr. Burke recapitulated Mr. Anderson's recommendations as follows: use the GMT recommendations in Agenda Item F.5.c., Supplemental GMT Report; the Allocation Committee recommendations in their minutes (Agenda Item F.5.c, Attachment 1, page 15); items 1 and 2, but not 3 on page 1 of Agenda Item F.5.c, Supplemental GAP Report, taking into consideration the comments just made by Mr. Brown about transferability (tradability); and the first recommendation on page 2 of the GAP Report, which references the workplan, noting that the second recommendation is more of a comment rather than guidance.

In reference to the issue of tradability, Dr. Dahl noted that the description of individual vessel caps on page 36 of Agenda Item F.5.a, Attachment 1 (draft amendatory language) (read by Dr. Dahl) could be modified, based on Mr. Brown's comments, to make it more ambiguous as to the issue of tradability. Mr. Brown then said he would prefer inserting a definition of total catch limits in the definitions section of the FMP that would state that they may be sector or individual and may be tradable or non-tradable.

Dr. Burke reviewed the recommendations as she stated them previously, which was confirmed as the Council's consensus. She then asked, in reference to the last line in the GMT Report about adding black rockfish and cabezon as specific recreational cap species, if it makes sense to leave the authority to deal with nonoverfished species for later and not try to name these species now?

Mr. Alverson said, in reference to developing the Council's authority to use catch limits, he thought the GMT cautioned that there is an issue of how to deal with catch reporting in real time. He wondered if that would be discussed in the future.

Mr. Anderson referenced the work plan (Agenda Item F.5.a, Attachment 3) in terms of recommendations: the first bullet at the top of page 5, we talked about adding darkblotched rockfish to that; under the second bullet we talked about adding all limited entry fixed gear to that; and under the third bullet we have not yet talked about adding lingcod to the proposed canary and yelloweye rockfish limits. Turning to the issue raised by Dr. Burke in reference to black rockfish and cabezon, he said it seems that on targeted species we have made ad hoc allocation decisions through the use of the "scorecard." The Council should keep separate the allocation of targeted species from the establishment of catch limits for non-target (bycatch) species.

Ms. Vojkovich asked, in reference to Mr. Anderson's last comment: whether cowcod fit, as an overfished species and should they be included in the work plan as part of the recreational subsector limits? Mr. Anderson said it can be added to the work plan. Ms. Vojkovich said she might add it at a different time after the work plan is developed a little bit more fully.

Chairman Hansen asked Dr. Dahl if he had enough guidance and he said yes.

F.6 Pacific Whiting Management (03/10/05; 9 am)

F.6.a. Agenda Item Overview

Mr. DeVore provided the Agenda Item overview. The Pacific whiting assessment model has not changed from last year's assessment. The new assessment (Agenda Item F.6.a, Attachment 1) is an update from last year's assessment.

F.6.b Perspectives of the Canadian Government

Mr. DeVore read the perspectives of the Canadian government (Agenda Item F.6.b, Supplemental Canadian Government Report) into the record.

F.6.c Reports and Comments of Advisory Bodies

Dr. Jim Hastie provided Agenda Item F.6.c, Supplemental GMT Report. Dr. Kevin Hill provided Agenda Item F.6.c, Supplemental SSC Report.

Mr. Brown asked for clarification of the SSC statement regarding the 50:50 chance in the assessment decision tables. Dr. Hill explained the results in the decision tables are median estimates.

Mr. Alverson asked about SSC concerns with age 3+ biomass trends. Dr. Hill said the SSC was concerned with the potential danger of future decline until there is evidence of strong recruitment.

Dr. McIsaac asked if it was the SSC conclusion that model scenarios with $q < 0.6$ are unlikely and Dr. Hill said yes. Mr. Anderson asked how long have whiting assessments had a $q = 1.0$ assumption. Dr. Hill said many years. Mr. Anderson asked if a $q = 0.8$ model produces a higher harvest rate than a $q = 1.0$ model and Dr. Hill said yes.

Mr. Rod Moore provided Agenda Item F.6.c, Supplemental GAP Report.

Dr. McIsaac noted the GMT said there would be an incentive to race for fish if a higher OY is specified and caps are established. Did the GAP discuss this? Mr. Moore said that markets and fleet logistics will not contribute to a race for fish. Participants know the consequences of exceeding a cap and therefore won't race for fish.

Dr. Burke asked how many processing plants have 100% sampling coverage of shoreside whiting landings. Mr. Moore said he would expound on this during the public comment period.

Dr. McIsaac asked if there was an incentive to minimize bycatch. Mr. Moore said yes. A low whiting OY will contribute to a race for whiting. A higher OY will ease the pressure to race for whiting. There is a potential to race for fish with the thought that a bycatch cap may be attained early regardless of the whiting OY. Mr. Brown asked if there was any incentive to the fleet with a lower bycatch-based whiting OY and Mr. Moore said no.

F.6.d Public Comment

Mr. Mike Hyde, American Seafoods, Seattle, Washington

Mr. Dan Waldeck, Pacific Whiting Conservation Cooperative, Portland, Oregon

Mr. Barry Cohen, Olde Port Fisheries/Del Mar, Cambria, California

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

Mr. David Jincks, MidWater Trawlers Cooperative, Newport, Oregon

Mr. Dave Wright, Pacific Seafood, Newport, Oregon

Mr. Joe Bursch, Supreme Alaska Seafoods, Seattle, Washington

F.6.e Council Action: Adopt Stock Assessment, Final 2005 ABC and OY, and Management Measures

Mr. Anderson moved and Mr. Cedergreen seconded a motion (Motion 11) to adopt the stock assessment for Pacific whiting as shown in Agenda Item F.6.a., Attachment 1.

Motion 11 passed.

Mr. Anderson moved and Mr. Alverson seconded a motion (Motion 12) to set the coastwide ABC and OY consistent with the $q = 1.0$ model and an $F_{40\%}$ harvest rate; coastwide ABC = 364,842 mt (U.S. ABC = 269,545 mt) and U.S. OY = 269,069 mt.

Mr. Anderson said setting specifications based on the $q = 1.0$ model is the most risk adverse strategy according to the decision tables in the assessment. Less conservative harvest specifications risk future decline of the whiting stock.

Dr. Burke was not in favor of the motion. Page 26 of the assessment suggests the $q = 1.0$ model is not realistic. The whiting fleets are well monitored which reduces the risk of bycatch problems. Now we have close to real-time reporting of the shoreside catch and an expectation of increased sampling in shoreside plants. Despite last year's disaster tow, we have observed less than 7.3 mt of canary rockfish bycatch in the fishery. The choice of models that range between $q = 0.6$ and 1.0 is now a policy call. Logbooks are now mandatory for the at-sea and shoreside fleets. She also wanted to hear from Mr. Harp to get the tribal perspective. Mr. Anderson said the proposed harvest specifications in his motion are still higher than bycatch-based specifications. These are two separate issues.

Mr. Brown moved and Mr. Warrens seconded an amendment to motion 12 to use the $q = 0.8$ (coastwide ABC = 432,100 mt, U.S. ABC = 319,235 mt, and U.S. OY = 316,904 mt). Mr. Warrens was in favor of the amended motion since it was consistent with the Canadian and GAP recommendations. Dr. Freese spoke against the amendment and expressed concern it could risk the future status of the whiting stock.

Dr. Burke requested elaboration of the shoreside whiting video monitoring program from Dr. Clarke. Dr. Clarke explained there were 26 vessels equipped with cameras, of which 24 fished. They monitored 1,730 tows, 327 of which had an estimated discard of >100 lbs. There was no indication of selective dumping of nets. Of the 327 discard events observed on video, 320 were on the last tow. Some vessels were discarding 40% of the time, while others were discarding <5% of the time. She said we still need to define full retention and determine the ability to use video monitoring as an enforcement tool. Dr. Burke asked what percentage of the total poundage were discards. Dr. Clarke said she did not have that figure in hand, but knew it was a small percentage.

Dr. Burke noted the mothership sector has been voluntarily observed, but is that now mandatory? Dr. Clarke said yes. Dr. Burke asked if logbooks are required. Dr. Clarke said no, the logbook program is voluntary, but there is a 90% compliance rate with the request to fill out logbooks.

Mr. Alverson said he was against the amendment and supports the main motion. He did not have a bycatch-based concern with the mothership sector, but was concerned about the future health of the whiting resource.

Dr. Burke asked Mr. Moore, as a member of the STAR Panel, if he had concerns with future whiting recruitment. Mr. Moore said the whiting stock exhibits highly variable recruitment. Whiting biomass is driven by infrequent strong recruitment. Dr. Burke asked whether he shared Mr. Alverson's concern with the projected downward trend in whiting biomass. Mr. Moore said this issue was not fully explored since this was an updated assessment. Results of the updated assessment were sensitive to assumptions of q . The STAR Panel and the SSC concluded all q values between 0.6 and 1.0 were equally plausible.

Ms. Vojkovich asked about salmon interactions in this fishery. She assumes some of this fishery impacts Klamath River salmon and would like to know the projected impacts. Dr. Burke said the expected salmon impacts are almost insignificant with about 400 salmon caught in the shoreside fishery. Mr. Warrens added the impacts in the whiting fishery are mostly to juvenile salmon. Salmon impacts in this year's whiting fishery won't affect this year's salmon fishery and does not raise a problem this year with Klamath River salmon stocks. Dr. Burke said Agenda Item F.2.a., Supplemental NMFS Report shows a 0.04% salmon impact in the 2004 whiting fishery. This is insignificant, especially considering the small difference in whiting OY this year relative to last year. Mr. Brown added that there were 295 salmon caught in the Eureka area in last year's whiting fishery, of which only a small proportion were of Klamath origin.

Ms. Vojkovich said she was not sure if she would vote for the amendment or the main motion. She was encouraged by the enhanced monitoring in the whiting fishery and the relatively healthy biomass. However, she was nervous about departing from the $q = 1.0$ assumption as has been past practice.

Mr. Anderson noted, on the issue of salmon, Agenda Item F.2.a., Supplemental NMFS Report shows 8,802 total salmon caught by all sectors of the 2004 whiting fishery. Mr. Brown said he stands corrected. Ms. Vojkovich asked about inter-annual variability in salmon interaction rates in the whiting fishery. Is the 2004 impact rate considered average, high, or low? Dr. Freese said the allowable threshold established for the whiting fishery in ESA consultation is 11,000 salmon, which has been exceeded a couple of times. Ms. Vojkovich asked what the expected take of Klamath chinook would be in this year's whiting fishery and Dr. Freese said he did not know.

Dr. Burke asked Ms. Carrie Nordeen what conditions might be imposed on the shoreside whiting EFP this year? Ms. Nordeen said they might modify the full retention regulation to require a vessel to return to port if discarding occurs. One idea was to set aside some whiting OY to account for dumping at sea. However, modifying the full retention definition is the current focus.

Dr. Burke asked Mr. Harp how tribal discards are accounted. Mr. Harp called Mr. Joner to the podium. Mr. Joner said the tribes have their own bycatch caps. Dr. Burke asked how tracking of tribal bycatch is done. Mr. Joner explained tribal whiting vessels deliver to a mothership in early June through August and otherwise make shoreside deliveries. The mothership has two observers on board. He felt the bycatch has decreased due to better accounting, higher densities of whiting, and shorter tow times. Shoreside deliveries occurred last year from May 15 to June 15, with a wrap-up after the mothership season ends. The Makah tribe had four whiting vessels that landed shoreside last year in Westport. He observes shoreside deliveries for the tribe and WDFW helps sample the catch (sample rate >10%). The tribal mothership catcher vessels deliver cod ends to the mothership; the cod ends never come aboard the catcher vessel. One of the four tribal whiting vessels also makes shoreside deliveries to a tender in similar fashion as a mothership catcher vessel. The Makah Tribe has a full retention program. Mr. Harp asked about salmon impacts in the tribal whiting fishery. Mr. Joner said the vast majority of salmon caught in the tribal whiting fishery are juveniles. The 2004 tribal whiting fishery impact was 3,740 chinook. Mr. Harp asked if basing management decisions on either a $q = 0.6$ or 1.0 model scenario would result in the same tribal whiting allocation and Mr. Joner said yes. The tribes would be allocated 35,000 mt of whiting under either scenario.

Mr. Ticehurst said he is persuaded the industry is responsibly avoiding bycatch. The issue is whiting conservation. He thought there may be a compromise by setting the OY somewhere between those calculated using a $q = 0.6$ and 1.0 model scenario. Mr. Brown thought the Council should honor the Canadian perspective by setting an OY based on a $q = 0.8$ model. If the U.S. goes with a $q = 1.0$ modeled OY, can the Canadians use a $q = 0.8$ model? Mr. Anderson noted both motions assume an OY above a bycatch-based OY of 208,000 mt. Both proposals rely on bycatch caps. Therefore, the issue is risk to the whiting stock and an OY using a $q = 1.0$ model is less risky. He doesn't believe the whiting OY decision should be based on the Canadian perspective, but by risks to the whiting stock. Mr. Brown agreed with most of Mr. Anderson's comments, but noted the assessment authors did give advice that q was between 0.6 and 1.0 . He feels $q = 0.8$ is a good compromise. Mr. Anderson asked if q can go higher than 1.0 and Mr. Brown said yes.

Chairman Hansen called for a roll call vote on the amendment to the main motion (Motion 12): 6 yes, 7 no. The amendment failed.

Mr. Hansen then called for a roll call vote on the main motion (Motion 12): 10 yes, 3 no. Motion 12 passed.

Mr. DeVore said deciding 2005 whiting management measures is the next action for this agenda item.

Mr. Anderson said the Council may want to consider splitting out the estimated tribal impacts from the specified bycatch caps and setting bycatch caps solely for the non-tribal whiting sectors. An alternate approach would be to keep a canary OY reserve for the whiting fishery beyond the established cap. He also wants to understand the legal constraints on cameras and logbooks with a goal to ensure real-time reporting of total catch. Are shoreside deliveries sampled robustly? How is this tracked? He also wanted affirmation that camera monitoring would occur this year. Ms. Vojkovich asked if he was considering changes only to the canary rockfish cap and Mr. Anderson said he was contemplating a change in the canary and widow rockfish caps.

Mr. DeVore reviewed the Council discussion up to this point and described the impact estimates used to calculate the current canary and widow rockfish bycatch caps.

Ms. Cooney said NMFS cannot currently mandate camera monitoring, but it can be a condition of the shoreside whiting EFP. Dr. Burke asked if the Council can recommend mandating logbooks. Ms. Cooney said yes, although she said we should take a little time to figure out what we are trying to do and recommend it at another meeting. Dr. Burke said she wants to initiate that process. Dr. Freese asked if she wanted mandatory logbooks on catcher-processor vessels or catcher vessels that participate in the mothership sector. Dr. Burke said she wanted logbooks mandated for catcher vessels delivering to motherships as well as vessels in the catcher-processor fleet. Dr. Freese asked if a better motion would be to suggest we explore expanding the voluntary logbook program and have NMFS bring back more information at the next council meeting. Dr. Burke said that would be fine.

Mr. Anderson moved and Mr. Cedergreen seconded a motion to set the widow bycatch cap in the non-treaty whiting fishery at 200 mt (Motion 13). Motion 13 passed.

Mr. Anderson moved and Mr. Cedergreen seconded a motion to set the canary bycatch cap in the non-treaty whiting fishery at 4.7 mt (Motion 14).

Mr. Brown noted that 5.2 mt of canary were taken in last year's non-tribal whiting fisheries according to Agenda Item F.2.a, Supplemental NMFS Report. He questioned whether a tribal bycatch cap should be considered as well. Mr. Anderson said the tribal number in the scorecard is not a cap, but an estimated impact. Mr. Brown said the primary difference is that last year we were able to allow the sectors to go over their estimated take of these species a bit, but there is a cap specified for this year's fishery. Mr. DeVore said that changing the cap inseason is a routine management measure and noted deciding measures to minimize canary bycatch will always be a balancing act.

Motion 14 passed.

Dr. Burke moved and Mr. Warrens seconded a motion (Motion 15) to ask NMFS to pursue information regarding the best approach for a mandatory logbook program for catcher vessels in the mothership sector, and report back at the next meeting. Motion 15 passed.

Ms. Vojkovich said she wanted a June agenda item to discuss the possibility of a season change in the California shoreside whiting fishery. Dr. McIsaac said that should be taken up under Agenda Item B.7.

F.7 Consideration of Inseason Adjustments (03/10/05; 1:59 pm)

F.7.a Agenda Item Overview

Mr. DeVore provided the agenda item overview.

F.7.b Reports and Comments of Advisory Bodies

Ms. Ashcraft and Dr. Hastie provided Agenda Item F.7.b, Supplemental GMT Report.

Mr. Alverson asked if there were any size estimates available for sablefish discards. Dr. Hastie said there was some average weight data available, but it has not been analyzed yet.

Mr. Anderson asked if it was the GMT's recommendation to specify the groundfish retention regulations adopted under Agenda Item D.1 or those recommended in the GMT report. Ms. Ashcraft said the GMT report recommends the same retention regulations adopted under Agenda Item D.1.

Mr. Rod Moore provided Agenda Item F.7.b, Supplemental GAP Report.

Mr. Brown asked Mr. Moore to expand on the GAP comment that the GMT, EC, and GAP take different approaches to recommending trip limits. Mr. Moore said the GMT approaches the issue by how impacts can be modeled, the EC is concerned with enforceability, and the GAP is concerned with what works on the water. The GAP is simply recommending greater GMT-EC-GAP coordination.

F.7.c Public Comment

Mr. Bob Ingles, Golden Gate Fishermen's Association, Hayward, California

Mr. Kenyon Hensel, representing Crescent City Harbor, Crescent City, California

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

F.7.d Council Action: Adopt Appropriate Adjustments for 2005 Fisheries

Ms. Vojkovich briefly reviewed the new California Recreational Fishery Survey (CRFS) program and referred to Informational Report #2, CDFG 2004 Recreational Fisheries Data. She noted this program was established to provide more accurate catch and effort estimates than the old Marine Recreational Fisheries Statistical Survey (MRFSS). The largest changes made in the CRFS program are: 1) effort in the private boat fleet is estimated from a direct count (similar to salmon effort estimation methodology) instead of a phone survey method; 2) all sampling and reporting is stratified by the target species in the recreational trip; 3) data is collected on a finer geographic scale; 4) an angler license database was established for low-effort modes (i.e., beach/bank, private ramps, etc.), CDFG will establish an electronic angler license database to be implemented in January 2007; and 5) a 300% increase in angler sample rate. Table 1 of the report gives statistics of the sampling and Table 3 depicts catch estimates by mode and species. She explained the 2004 lingcod catch was low due to the 30-inch size limit. The widow rockfish estimate may be revised, but the higher than expected estimate was due to some CPFV targeting which has since been curtailed. The yelloweye estimate is incorrect (too high) because one sample was incorrectly assigned to the wrong fishing mode. This year CDFG will refine the angler license database and the random dialing survey methodology.

Ms. Vojkovich noted the CFGC will meet next week to consider changes to the California recreational groundfish fishery. The CDFG director now has authority to adjust sport fisheries inseason. She intends to bring the Council's feedback to the CFGC and will ask them not to act on groundfish seasons until after the April Council meeting. In the meantime, CDFG will revisit the 2003 MRFSS estimates, review the 2004 CRFS and Coastside Fishing Club data, and consider the 2004 and 2005 season structures.

Mr. Brown asked if differences in MRFSS and CRFS will affect CPUE trends used in stock assessments. Ms. Vojkovich said she was not clear yet whether new CRFS estimates can be calibrated to past MRFSS estimates. Mr. Brown said recreational catches are often used to track removals in stock assessments.

Dr. Burke asked how long it might take CDFG to do the analyses. Ms. Vojkovich said some of these analyses are ongoing while calibration of estimates is more of a long-term process. CDFG is asking the RecFIN Data Committee to analyze and calibrate these estimates. She is hoping this will be done in time to use in the analysis of 2007-2008 specifications and management measures.

Dr. Burke asked what species comprise the Other Nearshore Rockfish group in the north. Ms. Vojkovich replied blue rockfish plus an assortment of a few other species. Dr. Burke asked if the 6.6 mt harvest target is a state-specified one and Ms. Vojkovich said yes. This was an allocation decision for California recreational fisheries north and south of 40°10' N latitude. Mr. Cedergreen asked what is "number of fish measured" in Table 1 and Ms. Vojkovich replied length measurements. Mr. Cedergreen asked about the 14.6 mt of widow estimated in the 2004 California recreational fishery. Ms. Vojkovich said the estimate was based on one vessel targeting widow rockfish in southern California; that sample expands to a fleet-wide impact estimate of 14.6 mt.

Mr. Ticehurst explained there is a 20-40 fm open depth zone in central California and kayakers are asking for an exemption to allow them to fish in the 0-20 fm zone.

Ms. Vojkovich asked if the Council would consider adjusting 2005 California recreational seasons and, if so, could this occur in April? Dr. Burke said she was enthused by these preliminary CRFS estimates, but recommended a deliberate approach to adjusting California recreational seasons. Mr. Anderson said the consideration would be based on the magnitude of recommended changes. He stated he now has more confidence in California recreational estimates. Mr. Alverson said he thought the new inseason management policy was to not liberalize management measures until June. Ms. Vojkovich said the policy will be revisited in April when it will be considered for final adoption. Mr. Ticehurst thought minor adjustment in season length can be made given monthly catch updates. Mr. Anderson explained the new recommended policy was based on the concept of not acting with only a couple of months of catch data. Using CRFS estimates for considering inseason adjustments is notably different since it represents a year of data.

Mr. DeVore pointed out the GMT recommendations for inseason adjustments are on page 9 of the GMT Report.

Dr. Burke moved and Mr. Anderson seconded a motion (Motion 16) to adopt the GMT recommendations as shown on page 9 in Agenda Item F.7.b, Supplemental GMT Report.

Ms. Cooney asked if we can assume the halibut recommendations from Agenda Item D.1. apply? Mr. Anderson said yes. The Oregon halibut regulations apply to fisheries south of Leadbetter Point.

Motion 16 passed.

G. Coastal Pelagic Species Management

G.1 NMFS Report (03/09/05; 8:10 am)

G.1.a Regulatory Activities

Working from Agenda Item G.1.a, NMFS Southwest Regional Office Report, Ms. Tonya Wick provided an update on 2004 Pacific sardine landings, 2004-2005 Pacific mackerel landings, Pacific sardine 2005 harvest guideline, salmon bycatch and biological assessment, CPS observer program, and the EFH five-year review.

G.1.b Reports and Comments of Advisory Bodies

None.

G.1.c Public Comment

None.

G.1.d Council Discussion on NMFS Report

Ms. Vojkovich asked about NMFS plans for a synoptic cruise which has not been done for several years. The CPSAS has been requesting such research. Mr. Helvey stated that there is a vessel in the Pacific Northwest currently. The SWFSC is considering using two vessels next year to complete a comprehensive survey from Canada to Mexico.

Mr. Thomas asked if there were plans to expand the observer program from Morro Bay to San Diego to include squid vessels in the San Francisco area. He was concerned about striped bass and salmon interceptions in these fisheries.

Ms. Wick stated that NMFS has an observer in Monterey for this purpose but nothing for north of that. NMFS is aware of these incidental catch issues and is interested in increased observations in California.

Ms. Vojkovich reported that the California Fish and Game Commission recently adopted the squid fishery FMP. The decision included a prohibition on squid fishing in the Gulf of the Farallones NMS, therefore, problems with vessels fishing in this area have been resolved. This action was not in response to salmon bycatch issues. Mr. Thomas reiterated his request for observers as squid boats still operate in the area outside the NMS.

Mr. Anderson asked if the detailed analyses currently underway for sardine fisheries in the Pacific Northwest were being conducted for fisheries in California. Ms. Wick stated NMFS is equally concerned about salmon interactions in the south and was reviewing what data is available. With limited observer data in California, NMFS focused on dockside sampling and found no incidence of salmon bycatch in the southern fisheries. The ongoing ESA consultation is limited to the northern fisheries; however, NMFS intends to increase observations in California. Mr. Anderson reminded the Council that WDFW started its own observer program for sardine fisheries as using dockside sampling to determine the bycatch of a prohibited species like salmon is not effective. He was supportive of efforts by NMFS to increase at-sea observations in California. Ms. Wick spoke in support of the WDFW program stating that NMFS is not only looking at the design of the program but is nearly solely reliant on the data in this latest consultation. Ms. Wick stated that the sardine fishery is a volumetric fishery making observation difficult as catch is pumped directly into the hold. A complete sampling program needs to include both at-sea and dockside observations.

Responding to Mr. Anderson, Ms. Wick reported that California sardine fisheries in January and February, 2005 are considerably lower when compared to 2004. Mr. Hansen reported the reduced landings are largely driven by the bad weather in California.

Ms. Wick and Ms. Petras reported to Ms. Burke and the rest of the Council that the NMFS Biological Opinion on the 2005 sardine fishery relative to salmon bycatch is not yet available and could be available for the April meeting.

Mr. Brown requested that fishermen need to be put on notice about reducing bycatch. Ms. Wick stated that NMFS has been and will continue to work with industry as the pilot program in California is expanded into a full program.

Mr. Alverson asked about funding for the pilot project and Ms. Wick replied there were difficult decisions about what observer programs to fund with limited resources but, the CPS program will continue until February 2006.

Dr. McIsaac asked for further definition of sea bird “interaction” in the observer data. Ms. Wick stated the observers have been trained to limit interactions in many categories, but generally includes instances when a bird has entered the purse seine but is not necessarily caught in the net. Dr. McIsaac stated that this could be a favorable interaction for the sea bird and yet is grouped with all interactions. Ms. Wick reported that there were no fatalities and the report will provide more detailed descriptions of the various interactions.

Mr. Brown requested better use of the term bycatch, noting that the sardine fishery would be more appropriately referred to as an incidental catch fishery.

G.2 Fishery Management Plan (FMP) Amendment –Krill Management Update (03/09/05; 8:38 am)

G.2.a Agenda Item Overview

Mr. Mark Helvey referred the Council to Agenda Item G.2.a, Attachment 1 and reviewed the status of krill management.

G.2.b NMFS Report

Mr. Helvey highlighted the three broad alternatives as part of the analysis (Phase I). Based on guidance from the Council, NOAA Fisheries would launch Phase II which would incorporate public comments, draft regulations for Council’s final adoption, and complete the required environmental compliance/economic analyses.

Mr. Helvey also briefed the Council on the draft outline of an Alternatives Analysis for the krill regulatory amendment and noted there has been some funding support from the National Marine Sanctuaries.

G.2.c Reports and Comments of Advisory Bodies

None.

G.2.d Public Comment

None.

G.2.e Council Discussion and Guidance on Progress of Analysis

Dr. McIsaac asked about the presented schedule. The options as presented refer to the overall process of how to address krill harvest rather than specific analyses of whether or not krill should be harvested and in what areas. Mr. Helvey reported that the actual analyses of different levels of harvest will come at a later stage and will be presented to the Council. Dr. McIsaac stated a Council preference for relatively quick action on krill while the three schedule options show various completions in 2006. Mr. Helvey stated that the options are presented due to consideration of the ongoing sardine allocation process and a desire by NMFS to allow for CPSMT and CPSAS review of krill issues without delaying ongoing efforts.

Ms. Vojkovich asked about the MSA requirement for and MSY determination for managed species and asked about an MSY or proxy for krill. She noted that this process for squid took two years and would be surprised if this requirement can be addressed in the schedule presented.

Mr. Helvey stated that the contractor for this work does not feel that this will be a large delay and that additional information will be forthcoming in April.

Mr. Brown expressed concern about proceeding with krill management and characterized the effort as a low priority when you consider the Council's limited budget situation. There are no major plans to start a krill fishery anywhere and the Council has many other large tasks competing for time and funds.

Mr. Helvey replied that funding is coming from the National Marine Sanctuary Program and is anticipated to cover the majority of the necessary funds for this project. NMFS has not taken CPSMT involvement into account at this time, but considers the CPSMT role as one of review.

Dr. Burke asked about Council direction in November 2004 regarding a CPS FMP amendment for krill.

Dr. McIsaac asked Mr. Burner to review Council action in November relative to this issue. Dr. McIsaac noted what the minutes reflect. Mr. Burner reviewed the motion from November where the Council, working from Agenda Item H.4.b, NMFS Report, voted to adopt 'Option 2', which would incorporate krill as a management unit species in the CPS FMP. Dr. McIsaac stated that the Council choice for the CPS FMP route was based on the commitment of NMFS and the Council anticipated a minor role from the CPSMT in the development of the amendment.

Mr. Alverson asked if the Council is also addressing krill issues through the groundfish EFH process. Dr. McIsaac said there was initial consideration of krill under the EFH process and that krill are included in the range of EFH alternatives under analyses. Seeking a shorter implementation of krill management, the Council adopted the position of pursuing krill management through the CPS FMP process.

Dr. Dahl added that the draft EIS for groundfish EFH includes a discussion of what the Council considered. It notes that the Council chose to use the CPS FMP as the vehicle for krill management and that krill was not chosen as a preliminary preferred alternative. The Council will identify a final preferred alternative in June.

Dr. Burke noted the lack of CPSAS or CPSMT attendance and input at this meeting and asked what minimal guidance NMFS would need at this time.

Mr. Helvey noted that all three options have the same scheduled update for the April meeting and that the Council could readdress this issue at that time as necessary. Mr. Burner noted the CPSAS and CPSMT are scheduled to attend the April Council meeting.

H. Marine Protected Areas (MPA)

H.1 Federal Waters Portion of the Channel Islands National Marine Sanctuary (NMS) (03/10/05; 3:26 pm)

H.1.a Agenda Item Overview

Mr. Burner provided the agenda item overview.

H.1.b Report of the Sanctuary Staff

Sean Hastings provided an overview of the designation letter (Agenda Item H.1.b. CINMS Letter).

Mr. Anderson asked if one of the reasons for the proposed changes to the CINMS Designation Document was a lack of confidence in bringing proposed regulations to the Council for regulatory action and achieving the goals of the Sanctuary. If adopted, this proposed change would still require the Sanctuary to provide the Council the opportunity to draft fishing regulations, but if those regulations are deemed to not meet the goals and objectives of the Sanctuary, the Sanctuary could implement regulations under the NMSA.

Mr. Hastings reported that the Sanctuary feels that the authority under the MSA is not broad enough to protect all species but the NMSA does. The Sanctuary feels the cooperation of the Council and the Sanctuary under the NMSA would provide a broader authority. A DEIS is being drafted currently that will weigh the benefits and limits of MSA and the NMSA. The change to the Designation Document would not go into effect until the completion of this NEPA process. Mr. Hastings reminded the Council that the NMSA requires coordination with the Council, preventing the Sanctuary from going forward with future MPAs or fishing regulations without working with the Council.

Mr. Larson asked about the Council's specific recommendations on the DEIS, including a requested analysis of the various management mechanisms regarding MSA and NMSA, and that the Council will have a chance to review and comment on the DEIS prior to any changes to the Designation Document being implemented.

Dr. McIsaac asked if the NEPA process will include an array of alternate Designation Document changes that would correspond to the range of alternatives proposed by the Council. The letter before the Council now only proposed one change. Mr. Hastings responded that there are three possible outcomes that will be analyzed in the DEIS. Based on the three alternative MPA proposals, there will need to be a Designation Document change. All of the other alternatives will require no changes to the Designation Document.

Mr. Helvey conveyed concerns from both the Southwest and Northwest Fisheries Science Centers regarding the effect of these actions on future research activities. Mr. Hastings stated that the types of activities allowed in the Sanctuary would be specified in regulations and would likely be patterned under existing language developed under the State of California MPA process that would allow scientific activity if properly permitted.

Mr. Larson expressed appreciation for the efforts of the Sanctuary staff in working with the State of California and the Council on these matters.

H.1.c Reports and Comments of Advisory Bodies

Mr. Moore provided Agenda Item H.1.c, Supplemental GAP Report. Mr. Ellis provided Agenda Item H.1.c., Supplemental HC Report. Mr. Don Stevens provided Agenda Items H.1.c, H.2.c, and H.3.c, SAS Report. See agenda item H.2.c for additional advisory body comments.

H.1.d Public Comment

Ms. Kathy Fosmark, Alliance for Communities for Sustainable Fisheries, Pebble Beach, California
Mr. Craig Helms, The Ocean Conservancy, San Francisco, California
Dr. Liz Clarke, Northwest Fisheries Science Center, Seattle, Washington

H.1.e Council Discussion and Guidance on Channel Islands NMS Process

Mr. Larson asked the Council members what they would like to achieve at this time. He suggested the Council staff summarize the comments heard that will ultimately result in a response letter. Dr. McIsaac said the Cordell Bank and Monterey Bank NMS process was set in November and clearly indicated a March and April 2005 process. The Channel Islands matter was not on the agenda in November. The Council has received the consultation letter which began the 60-day comment period. Under the tasks listed for the Council at this meeting is one to consider drafting a response or treat it like the other two sanctuaries with a two meeting process with final recommendations approved in April.

Mr. Larson said the State of California has been working cooperatively with CINMS on the same letter from the Sanctuary and has similar concerns. California is eager to keep the process moving forward as the MPAs are considered for federal waters. California anticipates additional information on this issue in the DEIS and expects the Council and the state will have the opportunity to review and comment. The State of CA will be commenting on this letter.

Mr. Anderson said his interest in this is primarily the result of the fact we have a large sanctuary area off the Washington Coast and what we do here will likely set a precedent in the future. First, relative to the Olympic NMS, a number of fisheries, including salmon, groundfish, and shrimp fisheries, take place within the Sanctuary boundaries. He cannot speak directly to the Channel Islands issue, but he knows that the support for creation of the Olympic NMS received by fishing communities was predicated on the understanding that the Sanctuary would not get into the fishery management business. He is sensitive to the issues brought forward by Mr. Hastings and understands the concern for species not directly under state or federal authority. One option would be to provide the authority to regulate species not in state waters or under Council authority. That type of an intermediate option might preserve the Council's authority to manage the fisheries under its FMPs; would provide the opportunity to react to Sanctuaries' proposals, while giving the Sanctuary the authority to manage species not covered by a state or federal FMP.

Mr. Brown wasn't sure if the Council did or did not have the full ability to implement marine reserves. Ms. Cooney said we have never fully explored in detail how we would do a marine reserve under the MSA. She stated that we would need to tie the need to a federally managed species while considering state authorities. The NEPA process is looking at the factual-based information when addressing these types of questions and she is hoping someone from her office or GCF could work with the Sanctuaries on the documents.

Messrs. Brown and Thomas were in agreement with Mr. Anderson's comments and both feel that support for NMS included the understanding that the Sanctuaries will not manage fisheries.

Mr. Harp stated that the tribes continue to make every effort to hold the Olympic NMS to promises of Sanctuaries not getting into the fishery management business.

Mr. Warrens supported Dr. Clarke's comments and stressed the importance of NMS not being any impediment to research surveys. He reiterated and agreed with many of the comments previously made by Council members and he is not interested in changing any of the Designation Documents at this time. Mr. Cedergreen and Mr. Alverson concurred.

Mr. Larson said we seem to be debating the Designation Document change when we are being asked to comment on the letter. The state is interested in getting the evaluation for marine reserves completed so that we can all make a reasoned decision on how MPAs should be implemented in federal waters at the CINMS. He would like us to go forward with a whole suite of options for evaluation without limiting future potential.

Mr. Brown said the public and advisory bodies have spoken to not change the Designation Document; and that is what the response should be.

Mr. Burner summarized the range of options that have been voiced today and asked if the Council would like Council staff to summarize these options in preparation of a final recommendation in April. Dr. McIsaac reviewed the recommendations he has heard so far. Dr. McIsaac recommended that the Council at least determine if they intend to respond, and if so, should the comments heard today be summarized for public review in April.

Mr. Anderson said he thinks we should respond, we talked about the potential elements that would be contained in the response. The deadline for a response is April 15 and we should ask Council staff to summarize the alternatives for us to look at in the April meeting where the Council will look at putting together a final response.

Mr. Larson said he would like to get a better understanding of how the sanctuary would respond to our comment letter containing any of our alternatives discussed today. He reiterated CDFG would like the Council to encourage this process to go forward.

Mr. Brown said the comments from this Council seem focused on giving up as little authority as possible, which was the commonality of all of the comments today. The question of how to proceed and under what authority needs to be addressed and he would like to see an answer to that question in April.

Dr. McIsaac said we will prepare the materials with the range of possibilities discussed here and bring it to the April meeting.

H.2 Cordell Bank NMS (03/10/05; 4:52 pm)

H.2.a Agenda Item Overview

Mr. Burner provided the agenda item overview.

H.2.b Report of the Sanctuary Staff

Mr. Dan Howard and Ms. Anne Walton, Sanctuary staff, reviewed the schedule and the proposed actions.

Mr. Larson thanked the Sanctuary staff for their work with the State of California.

H.2.c Reports and Comments of Advisory Bodies

Mr. Ellis provided Agenda Item H.2.c, Supplemental HC Report. After hearing the information today, the Habitat Committee was under the impression that the Designation Document changes were the best way to achieve habitat protection. However, the HC is not as concerned with the mechanism for this protection.

Mr. Roth, as an HC member, reiterated that the HC is supportive of protecting the bottom habitat, but does not at this time have a preference on how you get there.

Mr. Moore provided Agenda Item H.2.c, Supplemental GAP Report.

Mr. Merrick Burden and Ms. Michele Culver provided Agenda Item H.1.c, H.2.c, and H.3.c, Supplemental GMT Report.

Lt. Dave Cleary provided Agenda Item H.1.c, H.2.c, and H.3.c, Supplemental EC Report.

See agenda item H.1.c for additional advisory body comments.

H.2.d Public Comment

Ms. Kaitilin Gaffney, The Ocean Conservancy, Santa Cruz, California

Ms. Kathy Fosmark, Alliance of Communities for Sustainable Fisheries, Pebble Beach, California

H.2.e Council Action: Consider Adopting Draft Designation Document Comments and Proposed Cordell Bank NMS Fishery Regulations

Mr. Larson stated that the State of California concurs with the Cordell Bank NMS on the need for protection of habitat on Cordell Bank. We have not made a determination on the best way to achieve this. He reported that California awaits the analysis of the various regulatory mechanisms for protecting the habitat before making a determination of a favored approach.

Mr. Brown asked if gear like purse seine and vertical hook and line gear that does not touch the bottom would be prohibited. Ms. Walton said the intent was to prohibit gear that directly target and impact bottom habitats. The Sanctuary does not have a complete understanding of all the gear types and appreciates the efforts of the Council and the EC in understanding what gears to specifically address.

Mr. Brown asked Ms. Cooney if the Council can clearly prohibit the use of groundfish bottom trawls and longlines because they are in our FMP as we have done with the RCAs. He assumes we cannot prohibit the use of something like pink shrimp gear or other gear not targeting non-FMP species. Ms. Cooney said that through the EFH process, bottom tending gears could be considered for prohibition, regardless of target.

Mr. Alverson voiced his support for pursuing the necessary habitat protections through the ongoing groundfish EFH approach as this would keep the Council involved with the process and would maintain the Council's authority for the regulation of fishing.

Dr. McIsaac reviewed the potential schedules for addressing EFH through the MSA and asked what the schedule would look like under the NMSA. Ms. Walton said it is difficult to predict exactly, but a DEIS is planned to be released in late summer and the federal rulemaking process could take up to an entire year after that.

Mr. Larson said it is not in the interest of the State of California to delay the Council's process or authority. It would seem the overwhelming opinion of the Council is to not look at a Designation Document change as an option which limits the opportunities during the NEPA process just mentioned. California would prefer to move forward with a full suite of options, including those being considered here today.

Mr. Anderson added he thinks we need to be responsive to what the Sanctuary is asking to achieve with their objectives. He would like our EFH process to continue and upon completion, he would favor reviewing any additional needs of the NMS rather than take several separate actions at this time. He recognizes the time to complete this process and he is willing to commit to maintain the current restrictions inside the 50 fm area on Cordell Bank. This approach would show we are responding and cooperating with the Sanctuary in a matter that is consistent with our goals and objectives. He referred to the GMT report as a proposed timeline.

Mr. Burner stated that continuing the closures at Cordell Bank under MSA until the EFH process is completed is a good approach, but if the GMT is recommending any additional alternatives in conjunction with the EFH DEIS there could be a requirement to circulate the revised document with an ensuing 45-day comment period jeopardizing the court ordered timeline.

Ms. Cooney clarified that some of the proposals are covered in the current range of alternatives and doing supplemental analyses may not hold up the current EFH process.

Mr. Anderson said Ms. Culver of the GMT went over this with Mr. Copps and he said this was doable. Dr. McIsaac said the Council has the opportunity to include this question into the summary of comments at this meeting for review and resolution in April.

H.3 Monterey Bay NMS (03/10/05; 6:17 pm)

H.3.a Agenda Item Overview

Mr. Burner provided the agenda item overview.

H.3.b Report of the Sanctuary Staff

Mr. Bill Duoros, and Mr. Huff McGonigal provided the Sanctuary report.

Mr. Larson confirmed that a Designation Document change is necessary for extending the Sanctuary boundary to include Davidson Seamount. He then asked if inclusion of the Davidson Seamount through a change in the Sanctuary Designation Document coupled with Council regulatory action to prohibit fishing in that area would meet the goals and objectives. Mr. Douros stated the Sanctuary has concerns about accomplishing comprehensive protection of the habitat through Council action under MSA authority, but the Sanctuary is open to these mechanisms should the analyses of this option result in a finding of adequate protection.

Dr. McIsaac asked for further clarification on the Sanctuary position on protecting Davidson Seamount through MSA authority under the Council's FMPs. Mr. Douros stated that the Sanctuary understands that not all of the species living at the seamount fall under the jurisdiction of the FMPs.

H.3.c Reports and Comments of Advisory Bodies

Mr. Stuart Ellis provided Agenda Item H.3.c, Supplemental HC Report.

Mr. Larson asked if the HC considered aquaculture species when discussing introduced species. Mr. Ellis responded that the HC did not discuss aquaculture and did not feel that aquaculture was the concern of the HC. Rather the HC was focused on invasive species.

Mr. Rod Moore provided Agenda Item H.3.c, Supplemental GAP Report.

Mr. Merrick Burden provided the portion of Agenda Item H.1.c, H.2.c, H.3.c, Supplemental GMT Report that pertained to the MBNMS.

Sgt. Dave Cleary reiterated the Enforcement Consultants position from November 2004.

See agenda item H.1.c for additional advisory body comments.

H.3.d Public Comment

Ms. Kaitilin Gaffney, The Ocean Conservancy, Santa Cruz, California

Mr. David Bitts, PCFFA, Eureka, California

Mr. Bob Strickland, United Anglers of California, San Jose, California

Ms. Kathy Fosmark, Alliance of Communities for Sustainable Fisheries, Pebble Beach, California

H.3.e Council Action: Consider Adopting Draft Designation Document Comments and Proposed Monterey Bay NMS Fishery Regulations

Mr. Brown asked how far the Council's authority can go to protect habitat through the EFH process would it include things such as oil and gas mining? Ms. Cooney said no, our authority is just for fishing, but we can comment on other matters. Mr. Brown stated that at this time it looks like Sanctuary requests may go beyond MSA authority. He also addressed the public comments relative to legal take of species within the Sanctuary that could become illegal if the possession language in the Designation Document was included.

Mr. Douros clarified that the Designation Document changes regarding the possession of Sanctuary resources is specific to those resources that were taken in violation of the law.

Mr. Ticehurst said it seems the Council is being consulted about the fishing regulatory language within the Designation Documents. We can regulate fishing within any of the areas being discussed and Council comments on the consultation letter should state that.

Mr. Larson said the State of California does not have an opinion on this item at this time but supports the protection of habitat of the Davidson Seamount. The State of California will be having a meeting in late-March to develop a recommendation that can be shared with the Council in April.

Mr. Anderson asked Ms. Cooney if the Sanctuary has the ability to control the collection of corals and sponges and other habitat structures within the Sanctuary boundaries. Ms. Cooney said she did not know. Mr. Douros said the MBNMS has the authority to regulate the collection of corals and sponges, but not collection of corals and sponges during routine fishing.

Dr. McIsaac stated the staff can put together a summary of Designation Document recommendations for the April meeting. Dr. McIsaac reviewed the Council's November recommendation to not address fishing regulations for the Davidson Seamount until the issue of inclusion of this area within the MBNMS is resolved. It would be useful for the Council to revisit this position at this time.

Mr. Anderson stated it was his understanding the Designation Document changes needed accompanying regulation proposals to go along with the proposed expansion of the Sanctuary. Dr. McIsaac said that has been the position of the Sanctuary staff as presented at the November 2004 meeting. The Council's position in November was contrary to this.

Mr. Anderson said he thinks there are benefits to fisheries resources by offering protection to habitats that are included in this discussion. He is not opposed to incorporating these into the MBNMS provided the fishery resources continue to be managed by the State of California or the Council under MSA.

Ms. Cooney clarified that the NMSA requires the consideration of both the extension of the boundary and any proposed fishing regulation concurrently.

Mr. Anderson recommended not making final Council recommendations at this time and requested the Council staff summarize the options discussed today.

Mr. Burner said he will include such a summary in the next briefing book and the Council is scheduled to address this matter again in April.

I. Highly Migratory Species (HMS) Management

I.1 Council Response to Bigeye Tuna Overfishing (03/11/05; 8:00 am)

I.1.a Agenda Item Overview

Dr. Kit Dahl read the situation summary. He noted that although the NMFS Report was shown on the situation summary, it had been omitted from the proposed agenda. When adopting the agenda, the Council added this item. (The agenda order shown here reflects the revised agenda.)

I.1.b NMFS Report

Mr. Mark Helvey presented the NMFS proposal for how the Council could address the requirement in the Magnuson-Stevens Act (MSA) to respond to overfishing. He said the Council could either undergo a plan amendment or develop proposed regulations; NMFS' view is that a plan amendment is the best way to proceed. Based on discussions with NMFS Pacific Island Regional Office (PIRO) and Headquarters, NMFS determined that the MSA requirement could be satisfied by amendments to both the WPFMC Pelagics FMP and the PFMC HMS FMP. Those actions would contain two things. First, an FMP amendment would contain a plan for the development of U.S. proposals to multilateral organizations; for the PFMC this would be the Inter-American Tropical Tuna Commission (IATTC) and for the WPFMC it would be the Western and Central Pacific Fisheries Commission (WCPFC). He noted that this is a Pacific-wide issue, thus the mention of both councils and multilateral bodies. Second, the Council would recommend conservation and management proposals for the domestic fishery consistent with the proposals of these multilateral organizations. This would be a collaborative process working with the State Department, the PIRO, and the two international forums. He offered the help of the SWR in preparing any such amendment. Initial consideration could occur at the June meeting with final adoption at either the September or November meeting. GC has not yet come to a conclusion on the proposed process, but he felt this type of amendment would be viable. NMFS has a draft document titled "Strategy to End Overfishing of Bigeye Tuna in the Pacific Ocean," which they are internally reviewing. Eventually it will be shared with the Department of State and after that NMFS would share it with the Council.

Ms. Vojkovich asked if the plan amendment he is proposing is one that would strictly establish a process to collaborate with the WPFMC to engage with the international organizations in the Pacific. Mr. Helvey said she was correct; it was a strategy or action plan that focuses on process. Ms. Vojkovich then asked if any management measures that might have to be established would occur through the normal process, involving the HMSMT, HMSAS, and rulemaking. Mr. Helvey replied in the affirmative. Finally, Ms. Vojkovich asked if NMFS was working out how specifically the Councils might be involved in this process, such as which person or committee would be involved. Mr. Helvey said the strategy is not at that level of detail; that would be left up to the councils.

Mr. Craig Heberer summarized Agenda Item I.1.b Supplemental Attachment 2, the NMFS Report on HMS FMP activities.

Mr. Anderson said he was trying to figure out what role the Council has in implementing the plan. In reference to the report he asked how the HMSMT would be involved in the various implementation activities. He felt that no role had been identified for them with respect to these activities. He hoped this reflected the past shortfall in funding limiting team activities and not how things would be conducted in the future. Mr. Helvey replied that NMFS needed advisory body input now that they are active; there was no intent to leave them out. Mr. Anderson thought that the way of doing business had to be changed: NMFS should not implement the FMP on their own but should work in partnership with the Council to do this.

Ms. Vojkovich said she had been asking NMFS to provide the necessary funding for Council implementation of the HMS FMP. She suggested at the June meeting the Council could have a work plan describing HMSAS and HMSMT involvement. Mr. Helvey responded he thought such an activity should occur even sooner. He mentioned that the General Advisory Committee (GAC) to the U.S. IATTC delegation would be meeting on May 12 and getting input from the advisory bodies would be useful. NMFS recommended the advisory bodies begin developing some recommendations or negotiating positions for presentation at the May 12 meeting.

Dr. McIsaac noted that very recently there had been a resumption of some funding for HMS activities. Having not seen this proposal, he thought the Council's understanding was that the HMS advisory bodies' roles would be very similar to the role played by advisory bodies under the other FMPs. He thought putting an item on the April agenda for planning FMP implementation would be appropriate. The FMP has a management cycle, developing a SAFE report, adopting amendments, etc., very similar to all the other FMPs.

I.1.c Reports and Comments of Advisory Bodies

None.

I.1.d Public Comment

Mr. Pete Dupuy, Federation of Independent Seafood Harvesters, Tarzana, California

Mr. Wayne Heikkila, Western Fishboat Owners Association, Redding, California

Mr. Doug Fricke, fisherman, Hoquiam, Washington

Mr. Joel Kawahara, troller, Seattle, Washington

I.1.e Council Discussion and Guidance

Mr. Anderson said there is fair amount of work to deal with bigeye overfishing this next year. Furthermore, with respect to reacting to the potential for albacore overfishing, an issue brought forward by Mr. Fricke in public comment, he was concerned that we use our available resources prudently and plan to have enough resources to deal with the albacore issue if it comes forward later on.

Referencing the November 9, 2004, letter from Ms. Kitty Simonds, Executive Director of the WPFMC (Agenda Item I.1.a, Attachment 3), Mr. Anderson said the last line of that letter references a joint meeting of the Councils in 2005. He asked for further information on this.

Dr. McIsaac said there had been some communication between the two councils about addressing issues of common interest, such as international cooperation. He had responded to Ms. Simonds that PFMC funding was uncertain and our response would depend on that funding. Referencing the budget committee report, he said there will be some funds for HMS, but they are not sufficient to fund a joint meeting. He said he will be meeting with Ms. Simonds in a couple of weeks and will provide an update at the April meeting if there is a way to do it.

Dr. Burke, talking to Mr. Helvey, noted that the Council had received information at the April or June meeting last year about albacore, suggesting a need to limit fishing effort because of overfishing concerns. Since then the Council hasn't heard a lot about this, she asked for an update in April or June about what is in process with regard to this issue. This could allay some concerns about what could happen to fisheries.

Mr. Helvey said the International Scientific Committee for Tuna and Tuna-like Species in the North Pacific Ocean (ISC) is meetings in a few weeks to report on the current stock status of tuna species, including albacore. It may be part of the NMFS report in April. Getting back to Dr. Burke's comment on albacore, if the advisory bodies are once again active, they could begin addressing concerns about albacore in a proactive manner.

In reference to advisory body recommendations in advance of the May GAC meeting, Mr. Brown said any such response should cover more than just the bigeye overfishing issue as a way to leverage more funding for dealing with how to deal with overfishing of HMS species, anticipating a similar situation for albacore. However, a May deadline for a response doesn't give us an option of when that occurs.

Ms. Vojkovich asked for regular updates of what is going on in terms of research or generally about meetings and other activities, such as junctures where the Council may be asked to be involved.

Dr. McIsaac asked Mr. Helvey about the timing of a Council response to the bigeye overfishing notification. The notification letter identifies a June 14 deadline for Council action, but the Council meeting starts on June 12. Would an HMS item on the June agenda be sufficient to satisfy the response deadline and how does that relate to the May deadline he mentioned? Mr. Helvey said the May date is reference to the GAC's May 12 meeting. If the HMSMT or HMSAS could meet early and present the information to the Council in April that would be a way to get this process started early. In regard to the June 14 date, Mr. Helvey noted the MSA language says the Council "shall prepare" a plan amendment, so it's a matter of interpreting that term.

Ms. Cooney said it's a matter of dealing with reality and the Council should start working on this based on the proposal put forward by NMFS in June. The statute says take action by the deadline, which the Council will do, and then move along on development at a reasonable pace.

Dr. McIsaac said, in relation to the IATTC matter, Council members could provide comments in April, but there could also be some discussion of how Council members could be involved between the April and June meetings.

Mr. Brown said his understanding of the MSA was that the Council had to develop a plan within two years unless some international activity superseded it. Therefore, it's imperative to get involved with the international forums for both bigeye and albacore tuna. Otherwise we may end up having to take unilateral action.

Dr. Dahl summarized by saying the Council would like an agenda item in April to do intermediate scale planning on HMS activities including the advisory body. Another recommendation was to have the advisory bodies to meet. They probably can't come to the April meeting, but could come to the June meeting. They could also meet prior to the May 12 date mentioned earlier.

4 PM Public Comment Period

4 PM Public Comment Period for Items Not on the Agenda

Mr. Joel Kawahara, Seattle, Washington. Spoke on the Columbia River 2004 biological opinion. He had strong opinions against the biological opinion.

Mr. Zeke Grader, Pacific Coast Federation of Fishermen's Associations, San Francisco, California. Mr. Grader made a request for disaster assistance for Pacific coastal and tribal communities resulting from 2002 Klamath River salmon kills. Dr. Steve Freese said he would review the situation and would come back with a report at the Council's April meeting.

Mr. Steve Bodnar, Coos Bay Trawlers Association, Coos Bay, Oregon. Spoke about increasing encounters of previously discarded fish and how they are being accounted for. He talked about observers not pulling their own weight (personality conflicts, observer not tending to housekeeping duties). He also spoke about wild fish being the safest food source in the US and how it is not being promoted.

Mr. Paul Kujala, Oregon Ocean Seafoods, Warrenton, Oregon. Mr. Kujala owns a small fishing business in Warrenton and put in a request to NMFS to transfer their groundfish LE permit based on keel length which was denied by NMFS. Mr. Kujala came before the Council to ask for their approval based on financial and safety reasons as described in his public testimony labeled 4 P.M. Public Comment, March 2005.

Mr. Brown spoke to the issue; he originally took part in the discussions for the lengths. He did not know the condition of the boat, we do know that overcapacity is an issue and would hate to see that overcapacity program erode and become undone. Mr. Kujala said that limits to individual boats are in place, and did not believe that capacity issue affects it. Mr. Brown said the capacity does have to do with it. Mr. Brown said we should get our ITQs done first, that would be the ultimate solution to the problem. Dr. McIsaac said this could be put on the April agenda for the GAP to take on as an appeals process.

Mr. Don Stevens, Oregon Salmon Commission, Newberg, Oregon. Mr. Stevens spoke about VMS. He mentioned that the affected salmon vessels were not notified of the public meetings on VMS. He said NMFS failed to inform the affected parties of the public meetings or the Council preferred alternative. Mr. Stevens requested that VMS not be talked about, but to renote and rehold the public meetings with the written information in plain English.

Mr. Joseph Bogarth, Save our Wild Salmon Coalition, Portland, Oregon. Mr. Bogarth urged the Council to more publicly and actively insert itself regarding the direction of Federal salmon policies. He talked about the new policies – EFH designation rule, Columbia river policy decisions, Columbia River Biological Opinion, etc.

Mr. Jim Harris, Oceana, Juneau, Alaska. Mr. Harris reported that at the request of Council members and advisory bodies from the last meeting, they are meeting with those folks during this week.

Mr. Duncan MacLean, salmon troller, El Granada, California. Mr. MacLean spoke on the subject of VMS. He has not seen a cost-benefit analysis of the program. The safety factor he feels is a little bit on the bogus side as well. His problem with VMS is that the enforcement consultants did not even have the decency to come to the SAS and answer their questions and give a presentation on the use of VMS.

ADJOURN, March 11, 2005 at 4:18 pm



Council Chairman

June 17, 2005

Date