

MINUTES
Pacific Fishery Management Council
Red Lion Hotel Vancouver at the Quay
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April 7-11, 2003

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A. Call to Order

A.1 Opening Remarks, Introductions

Dr. Hans Radtke opened the 168th meeting with a brief rundown of the main agenda items. Note: The Council held a closed session on Monday, April 7. It was noted the Council Chairman reserved the right to change the public comment time limit if necessary.

A.2 Roll Call

Dr. Donald McIsaac called the roll. Mr. Tim Roth, (non-voting) was not available on Tuesday for agenda items A and B. Dr. David Hanson, Parliamentarian, was not available for the first day of the Council meeting (conflict with North Pacific Fishery Management Council meeting).

Members Present at Time of Roll Call

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

Members Absent at Time of Roll Call

Stetson Tinkham

A.3 Executive Director's Report

Dr. McIsaac reviewed the items under the informational tab. With respect to the Channel Islands Marine Sanctuary (CINMS) letter, he stated that absent Council direction otherwise, the staff would respond to CINMS with a letter stating that the Council is ready to engage in the process as proposed by CINMS. Mr. Phil Anderson made a comment on Informational Report 2 (mass marking meeting with Senator Norm Dicks). He noted the letter indicated the team was not only to look at what production might be marked this year, but a multi-year implementation strategy - including funding. Mr. Bill Robinson made some comments on the Magnuson-Stevens Conservation and Management Act (MS-Act) issue. He also spoke about the CINMS letter and stated that the response should indicate that it is the Council's understanding that the 60 and 120 day deadlines in the CINMS timeline pertained to the time within which the Council should respond as to their interest in participating in the particular part of the process and not a deadline for the Council's final response. Mr. Eric Larson also spoke to the CINMS letter timetable for interaction with the Council. Additionally, he noted that the CINMS designation document might be changed to allow CINMS to create marine reserves and spoke to the effect of that designation document change on broader CINMS authority over fishing activities.

A.4 Council Action: Approve Agenda

The Council approved the agenda as shown in Exhibit A.4, April Council Meeting Agenda with the following changes: delete agenda items C.1 and delete E.9. Mr. Anderson noted under groundfish management E.3, the potential for inseason management actions - there are a number of different issues and it may indeed take some additional time than what was originally allotted. (Motion 1)

B. Administrative Matters

B.1 Annual U.S. Coast Guard Report (04/08/03; 8:30 am)

B.1.a Introductory Comments

RADM Erroll Brown reported that as of March 1, 2003, the Coast Guard is under the Department of Homeland Security and not the Department of Transportation as in the past. The cutters are performing two missions: both homeland security and fisheries. Major offshore cutter hours have been increased. There have also been increases in partnerships with the Oregon State Police and Washington Department of Fish and Wildlife (WDFW).

RADM Brown also spoke about the difficulty of enforcing the depth-based groundfish fishery requirements.

B.1.b U.S. Coast Guard Enforcement Report

CDR Fred Myer and Lt. Greg Casad provided a PowerPoint presentation of the 13th Coast Guard District's 2002 fisheries enforcement report. (Report on file at the Council office).

B.1.c Council Discussion on U.S. Coast Guard Enforcement Report

The Council discussed enforcement of the rockfish conservation areas with RADM Brown, who noted that cooperation with the other fishery agency enforcement personnel makes their efforts more efficient.

Mr. Anderson thanked RADM Brown for the support of his staff and resources in the 13th District which are being used to aid WDFW in both enforcement and management of regulations.

B.2. Planning Session on Enhancing Communication with Fishing Communities (04/11/03; 8:08 am)

B.2.a Agendum Overview

Ms. Jennifer Gilden provided the agendum overview and introduced Ms. Flaxen Conway.

B.2.b Report on Enhancing Communication with Fishing Communities

Ms. Conway gave a presentation "*An Investment in Trust: Communication in the Commercial Fishing and Fisheries Management Communities.*"

Mr. Steve Copps commented NOAA Fisheries has been working with Ms. Conway, Ms. Ginny Goblirsch, and Ms. Gilden. He noted NMFS's support for improving communications. He asked for Council guidance for the future.

Mr. Dave Ortmann commented that in order to take these recommendations, this has to be a "top down" process. As individuals, we are not likely to do much. To be effective we need a program development, direction, and funding.

Ms. Vojkovich commented that talking to people to explore the issues like this is very helpful. In California, the core issues are the same as in Oregon and Washington, but how we implement things may be different.

In California we have made communication a top priority. We have dedicated personnel who produce information for fishing communities and the public, and have developed an extensive website and a quarterly newsletter. We have been trying to survey people on what works and what doesn't, what kind of information people need, where they get it, etc., so we can target our measly communication dollars and maximize staff time and talents. Communication is difficult for many people. It takes a personal commitment; making that commitment, and displaying that commitment, is the basis for change.

Ms. Conway said she appreciated Ms. Vojkovich's comments. She believes this commitment has to happen at every level - top down, bottom up, individual, and to communities and back. It is important to take the energy and time to do this. It's true that resources are slim. Resources can be financial, or they can be time and personal commitment. Part of the challenge we face is to assign more of our resources to this topic on all levels.

Mr. Cedergreen noted that Ms. Conway had said something about possibly doing a similar study in the recreational fishing community. He guesses that such a study would find a lot of the same views and concerns about management as in the commercial fishery.

Mr. Anderson noted that WDFW Director Jeff Koenings has made improving communications with customers a very high priority for the agency. He will provide the report to WDFW's public relation personnel.

Mr. Bohn asked whether the essence of good communication is that it "takes two." Is there a way to deal with the vast apathy in the general public?

Ms. Conway said she is not sure if she sees more apathy, but she does see information overload. People are exposed to more and more information all the time. As humans we try to filter out what is necessary and what is not. The challenge is trying to make a match between what is being communicated and the priorities of the audience. As we get more information overload, the ability to receive goes down. It's an iterative process - it changes all the time; you need to use different methods to reach different people. The challenge is figuring out who the audience is, whether we are communicating clearly, how people will use this, how we know if they are using the information, etc. Also, for the record, the things you thanked us for in the report were the participants' views.

Mr. Robinson asked if it would be useful for the Council to develop a formal communication plan, probably at very little cost, that would lay out some things the Council and agencies could do? Would it be helpful to take this a step further?

Ms. Conway said yes, that would be very useful. Working together to create the plan may be more useful than actually having the plan. "Planning is priceless, plans are useless."

Mr. Tim Roth said USFWS is currently going through the process of dividing the national plan for fisheries to a local level. He is one member of the drafting team doing that work. He believes *Investment in Trust* will have some applicability to this effort and to the other agencies working within the Council process.

B.2.c Reports and Comments of Advisory Bodies

SAS

Mr. Don Stevens presented Exhibit B.2.c, Supplemental SAS Report. He also noted the SAS appreciates the great working relationship between the staff, STT, and the SAS.

GAP

Ms. Gilden read Exhibit B.2.c, Supplemental GAP Report.

CPSAS

Ms. Gilden read Exhibit B.2.c, Supplemental CPSAS Report.

HC

Mr. Stuart Ellis provided Exhibit B.2.c, Supplemental HC Report.

B.2.d Public Comment

None.

B.2.e Council Discussion on Report on Enhancing Communication with Fishing Communities

Dr. McIsaac remarked about the Council efforts to improve the website. He acknowledged Ms. Gilden's work in writing content and Ms. Krause's technical work in making the website accessible to people with low connection speeds. The Council has made some progress, but we heard testimony this week about the lack of communication. He asked Ms. Conway if she had recommendations to give to the Council.

She replied she did not have any specific recommendations at this time. She noted the Council has done more than make improvements to the website - for example, developing information on how the Council process works. There is room to teach people about how they can play a role in the Council process. The first place to start would be to continually review the recommendations in the document, looking at where are we making progress in our efforts to improve communications, promote trust, share data, improve data gathering, etc. She offered to spend some time thinking about this and asked if she and the Council could do this together.

Dr. Radtke said that would be useful.

Mr. Robinson again asked if it would be fruitful for those with expertise and interest in this area to come forward at a future meeting with a list of recommendations or even a draft communication plan for the Council to consider?

Mr. Brown noted that while communicating is important, content is also important. The title of the document is "An Investment in Trust." You have to communicate information and be trustworthy as well. We routinely hear the fishermen say they don't feel like we trust them, and they don't trust us. We communicate that distrust well. It is not that we are not effective, but we need to think about what it is we are communicating.

Ms. Vojkovich wondered if we have asked our advisory panels how communication might be enhanced during the week at Council meetings. Has that been explored?

Dr. McIsaac noted the Council staff would write that down and look into it.

Dr. Radtke said on a national level, this Council is seen as having one of the most open processes of all the Councils. Some of this is due to the strength of Sea Grant and the universities in communicating with the fishing industry.

Mr. Anderson, responding to Mr. Brown's comments, said that during the last three years we have worked really hard in Washington to improve communication and trust, and our listening to our groundfish, salmon and CPS industry folks. WDFW has made substantial progress in building a trusting relationship in both directions. That doesn't mean we always agree or run up against hard decisions. We are not where we need to be, but we have made substantial progress in building a more trusting and understanding relationship.

Mr. Robinson asked the Council if they would like a small group to put together a list of recommendations based on this document. Perhaps they could meet with each of the advisory bodies at the June meeting

and seek recommendations and prepare a list of recommendations or a draft communication plan to bring to the Council at the September meeting.

Ms. Vojkovich agreed with Mr. Robinson's comments and would be happy to help with that, as long as planning meetings were held at Council meetings (evenings, perhaps) and not elsewhere. She will bring some documentation that she has that might help the group move towards developing a plan.

Dr. Radtke said we will take this as Council direction. Dr. McIsaac said the Council seemed to agree with Mr. Robinson's recommendation.

B.3 Legislative Matters (04/11/03; 9:35 am)

B.3.a Agendum Overview

Mr. Waldeck provided the agendum overview.

B.3.b Legislative Committee Report

Mr. Waldeck read Exhibit B.3.b, Supplemental Legislative Committee Report.

B.3.c Reports and Comments of Advisory Bodies

None.

B.3.d Public Comment

None.

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

Mr. Alverson thanked legislative staff from the offices of Senator Murray, Senator Cantwell, Senator Wyden, and Congressman Baird for attending portions of the Council and Legislative Committee meetings. He asked Council staff to send thank you letters to the congressional offices and to invite congressional staff to the June meeting in Foster City, California.

Mr. Brown spoke briefly to the West Coast groundfish fishery buyback program, notably expressing appreciation to Mr. Pete Leipzig for his work on the buyback program.

The Council discussed individual fishing quota programs (IFQ). Magnuson-Stevens Fishery Conservation and Management Act guidelines for IFQ programs could be delayed due to competing legislative priorities. Since the IFQ moratorium ended last year, there are no new restrictions on development and implementation of new IFQ programs. The Council encouraged West Coast fishing interests, notably the groundfish trawl industry, to consider initiating plans for IFQ programs in West Coast fisheries. Specific to the West Coast groundfish trawl fishery, the Council discussed several complicating factors that would need to be addressed in developing an IFQ program. These include allocation, bycatch in mixed stock fisheries and the need for improvements in reporting and monitoring of total catch. As workload allows, the Council expressed willingness to work with industry participants to help facilitate program development.

Mr. Waldeck stated he would draft a brief article for the Council newsletter to inform the public of the legislative and IFQ matters discussed by the Council. The Council concurred.

B.4. Appointments to Advisory Bodies, Standing Committees, and Other Forums (04/11/03; 9:50 am)

B.4.a Agendum Overview

Dr. John Coon provided the situation summary (Exhibit B.4). He noted that there was no Council action necessary as no nominations had been received for the HMSAS and SSC vacancies. He also reported that

there are two temporary replacements on the Habitat Committee (HC)--Ms. Arlene Merems (ODFW) for Mr. David Fox and Mr. Scott Marshall (IDFG) for Mr. Gregg Mauser. Mr. Richard Stoll will be replacing Mr. Paul Heikkila as the HC representative to the Programmatic EIS Oversight Committee.

B.4.b Appointments to Advisory Bodies

B.4.c Reports and Comments of Advisory Bodies

None.

B.4.d Public Comment

None.

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

Mr. Bohn requested clarification of the situation in which the CPSAS noted that one of its positions had no vote in the decision on sardine allocation. Dr. Coon said that was due to the fact that the person in that position was absent and had already used an alternate earlier this year. The Council only pays for one alternate a year. Also, we will review the COPs in September and if there are issues of people being absent we can deal with them at that time.

B.5. Staff Work Load Priorities (04/11/03; 9:54 am)

B.5.a Agendum Overview

Dr. Mclsaac provided a summary of Supplemental Staff Workload Priorities (Exhibit B.5.a).

B.5.b Council Discussion and Guidance on Staff Work Load Priorities

Council members held a combined discussion of B.5 and B.6 (see below under B.6.) and gave guidance to the Executive Director and Chairman.

B.6 June 2003 Council Meeting Agenda

B.6.a Agendum Overview

Dr. Mclsaac provided a summary of two supplemental documents providing an outline of the Council meeting agendas for June, September, and November (Exhibit B.6.a) and a more detailed draft of the June Agenda (Exhibit B.6).

B.6.b Consider Agenda Options

This agenda item was combined with agenda item B.5. Mr. Anderson stated the three meeting agenda outlook is very helpful and a good place to start in the pursuit of better long-term planning. However, he suggested that the Council needs to look at some alternative management strategies that include a broader scope than just meeting-to-meeting priorities. A prime example of the problems raised by our current piecemeal approach is the unexpected implementation of the groundfish observer data and its resulting repercussions. He asked that the June agenda include an item to consider alternative management strategies. Mr. Brown and Mr. Alverson agreed.

B.6.c Reports and Comments of Advisory Bodies

Mr. Rod Moore, GAP Chairman, said it had worked out well to have advisory body presentations on Monday include the Council and advisory bodies so it did not have to be repeated during the Council meeting. With regard to the June agenda, he asked that HMS be moved to Tuesday and not all of the groundfish agenda

occur on one day so the GAP can focus on the "big" agenda items. He reported the GAP agreed to start on Sunday at 1 p.m. for the June meeting.

B.6.d **Council Action:** Identify Priorities for Advisory Body Consideration and Adopt Final Agenda for the June 2003 Council Meeting

Mr. Anderson moved and Mr. Hansen seconded a motion (Motion 34) to approve the draft agenda as provided in Supplemental Draft June Agenda (Exhibit B.6) with the addition of the session on alternative management strategies. Motion 34 passed.

C. Salmon Management

C.1 National Marine Fisheries Service (NMFS) Report on Salmon Management

Removed from agenda (see Motion 1).

C.2 Identification of Stocks Not Meeting Escapement Goals for Three Consecutive Years (04/08/03; 8:51 am)

C.2.a Agendum Overview

Mr. Chuck Tracy provided a summary of the agendum.

C.2.b Report of the Salmon Technical Team (STT)

Mr. Dell Simmons presented Exhibit C.2.b, supplemental STT Report.

C.2.c Reports and Comments of Advisory Bodies

SSC

Dr. Peter Lawson provided Exhibit C.2.c, Supplemental SSC Report.

C.2.d Public Comment

None.

C.2.e **Council Action:** Identify Any Actions Necessary Under the Council's Overfishing Review Procedure

Mr. Anderson noted the Grays Harbor (Chehalis River) predictor has performed poorly in recent years. The comanager-agreed inriver harvest rate objective is less than 10%. The 2003 harvest rate is projected to be just over 8%. There are no target fisheries on this stock in the comanagers management plan. A Grays Harbor Control Zone will be proposed under C.5 to provide additional protection.

C.3 Establish Salmon Model Documentation and Evaluation Process (04/08/03; 9:08 am)

C.3.a Agendum Overview

Mr. Tracy provided a summary of the agendum.

C.3.b Reports and Comments of Advisory Bodies

SSC

Dr. Lawson provided Exhibit C.3.b, Supplemental SSC Report.

Mr. Anderson asked if the SSC recommendation for an SSC seat on the MEW would compromise the SSC evaluation of the models in the Salmon Methodology Review process, as indicated in their testimony in March, 2003. Dr. Lawson responded that the SSC had additional discussion on the topic. There was a desire for the MEW to have SSC expertise, and the SSC felt that participation at a level similar to the groundfish stock assessment involvement would allow adequate independence of the SSC to provide an objective review.

STT

Mr. Simmons provided Exhibit C.3.b, Supplemental STT Report.

Mr. Larson reiterated CDFG's desire to be involved in the MEW process.

Mr. Anderson asked if the STT was advocating representation from the SSC. Mr. Simmons responded yes. He added that the specificity in the situation summary on membership was probably too rigid, that a core group of agency members would be more appropriate, which could draw on other expertise as necessary.

Mr. Anderson stated that another scenario would be to ensure broad representation in the MEW with subcommittees appointed for specific tasks.

C.3.c Public Comment

None.

C.3.d **Council Action:** Confirm Model Evaluation Work Group Membership and Adopt Salmon Model Documentation and Evaluation Process

Mr. Alverson moved (Motion 2) to establish the Model Evaluation Work Group (MEW) membership. Mr. Donald Hansen seconded the motion.

Dr. McIsaac asked for the Council to establish the participants (how many seats, and from where, and any recommendations of personnel).

Mr. Alverson asked the Chairman to come back to the Council in June with a recommendation.

Mr. Anderson indicated that he wants to know the specifics of the group composition prior to voting. The situation summary has a composition, and he felt CDFG needs to be added to that group, as well as USFWS and/or NOAA Fisheries.

Mr. Tim Roth indicated that the USFWS would like to be part of the MEW.

Mr. Robinson said NOAA Fisheries would like to participate in the standing committee; he felt for consistency and continuity, NOAA Fisheries would like an agency position.

Mr. Anderson asked for a friendly amendment that would add the following entities to be represented on the MEW: WDFW, NWIFC, CRITFC, ODFW, CDFG, USFWS, NOAA Fisheries, STT and the SSC. Mr. Alverson and Mr. Donald Hansen accepted the friendly amendment.

Mr. Anderson requested that specific job titles or expertise not be included with the positions so that the MEW could identify the expertise they need from each of the entities.

Mr. Brown asked if the STT and SSC positions were intended to be separate individuals from the agency positions. Mr. Anderson responded that one person could fill both an agency and an STT or SSC role.

Mr. Bohn asked if the MEW work priorities were included in the motion. Mr. Anderson replied no, that the MEW should set priorities.

Mr. Harp asked if Canadian representation was part of the motion. Mr. Anderson responded no, but stated that it did not preclude the MEW from bringing that expertise in.

Mr. Tracy stated that Canada Department of Fisheries and Oceans (DFO) has identified someone that could interact with the MEW.

Motion 2 passed.

Dr. McIsaac stated the Council may want to discuss the process of establishing priorities, goals, and schedules. Mr. Anderson responded that the MEW should discuss those subjects at its initial meeting, as well as workload for the MEW members, and report back to the Council.

Mr. Tracy requested some guidance on submission of nominees and scheduling of the first meeting. Dr. McIsaac responded that the typical process for solicitation of Council committee members could be followed, or if an initial meeting was desired immediately, agencies could submit names directly to the Executive Director.

Mr. Anderson said the agency representatives should provide names to the Executive Director or the Council Chair.

Mr. Donald Hansen asked about the likely duration of the committee. Mr. Simmons responded that it would be a long-term committee with numerous tasks.

Mr. Larson requested that names not be submitted at this time.

Mr. Harp stated that the NWIFC does have a member in mind, but has not yet discussed the issue with CRITFC.

Dr. Radtke summarized the guidance: nominees will be submitted by the agencies to the Executive Director. The Council concurred.

C.4 Methodology Review Process for 2003 (04/08/03; 10:07 am)

C.4.a Agendum Overview

Mr. Tracy summarized the agendum.

C.4.b Report of the Scientific and Statistical Committee (SSC)

Dr. Lawson presented exhibit C.4.b, Supplemental SSC Report .

C.4.d Reports and Comments of Advisory Bodies

STT

Mr. Simmons presented Exhibit C.4.d, Supplemental STT Report.

Mr. Anderson stated that WDFW plans consideration of a 2004 mark selective chinook fishery in Areas 5 and 6, and asked if that would affect the priority rank of items #2 and #3 on the SSC list. Mr. Simmons stated

that the if additional modification to the Chinook FRAM were not being considered prior to 2004 selective fisheries, it may be appropriate to switch the priority of items #2 and #3.

C.4.c Recommendations of the States, Tribes, and Federal Agencies

Tribal

Mr. Harp presented Exhibit C.4.c, Methodology Review Process.

States

Mr. Anderson recommended the priority of items #2 and #3 on the STT report (Chinook FRAM for mark selective fisheries and Coho FRAM fisheries for Canadian stocks) be switched.

C.4.e Public Comment

None.

C.4.f **Council Action:** Establish 2003 Schedule and Methodologies to be Reviewed

Mr. Anderson moved (Motion 3) to adopt the list of methodology review issues for 2003/2004 as shown in Exhibit C.4.d, Supplemental SSC Report - with the revisions to items #3 and #4 as recommended by the STT (Exhibit c.4.d, Supplemental STT Report); and the changing of priorities by changing the order of items #2 and 3 (moving item #3 to item #2 and item #2 to item #3). Mr. Larson seconded the motion. Motion 3 passed.

C.5. Tentative Adoption of 2003 Ocean Salmon Management Measures for Analysis (04/08/03; 10:45 am)

C.5.a Agendum Overview

Mr. Donald Hanson chaired this agenda item.

Mr. Tracy provided a summary of the agendum.

C.5.b Update on Estimated Impacts of March 2003 Options

Mr. Dell Simmons referred the Council to Table 5 of Preseason Report II to provide updates for Option I. Objectives are now projected to be met for lower Columbia River natural tule chinook, Thompson River coho, Hood Canal coho, and Columbia River upriver coho allocation.

C.5.c Summary of Public Hearings

Mr. Bohn reported there were 15 people who testified at the Coos Bay, Oregon hearing. Mr. Caito reported 46 people attended and 17 testified at the Eureka, California hearing, the best turnout they have had in a long time, most in favor of option 1. Mr. Cedergreen reported 16 people attended and six testified at the Westport, Washington hearing, most in favor of option 1.

C.5.d Summary of Written Public Comment

Mr. Tracy provided Exhibit C.5.d, Supplemental Summary of Written Public Comment.

C.5.e Recommendations of the U.S. Section of the Pacific Salmon Commission

Mr. Harp provided Exhibit C.5.e, Recommendations of the PSC.

C.5.f Recommendations of the North of Cape Falcon Forum

Mr. Anderson presented Exhibit C.5.f, North of Falcon Recommendations.

C.5.g Recommendations of the Klamath Fishery Management Council (KFMC) (04/08/03; 1:35 pm)

Mr. Dan Viele provided Exhibit C.5.g, Supplemental KFMC Report.

C.5.h Report of the California Fish and Game Commission (CFGC)

Mr. Eric Larson provided a summary of the CFGC process for Mr. Bob Treanor. Two public hearings were held on the Klamath river fishery, one in Crescent City on March 25, and one in Weaverville on March 26. The CFGC adopted regulations at their April 4 meeting in Visalia. The CFGC adopted Option I for the ocean salmon recreational fisheries with a range of days open for the KMZ to allow flexibility within the Council process.

C.5.i NMFS Recommendations

Mr. Robinson presented Exhibit C.5.j, Supplemental NMFS Guidance.

C.5.j Tribal Recommendations

Mr. Harp presented Agenda Item C.5.j, Tentative Adoption of Treaty Troll.

Mr. George Kautsky provided comments for the Hoopa Valley Tribe. He stated that the Hoopa Tribe is supportive of Option I and of the concept of full utilization. The tribe is concerned about impacts on Klamath spring chinook from early season ocean fisheries in Oregon and California. The Tribe is also concerned with the absence of controls or triggers for the commercial fisheries in the Fort Bragg area.

Mr. Harold Blackwolf offered the following comments:

The tribes still question the wisdom of proceeding with a selective fishery in Areas 5 and 6 on the Strait of Juan de Fuca. We have not had an opportunity to review potential impacts of this fishery on Columbia River stocks. We hope to be able to do so soon.

We are concerned along with others that there is not a forecast for Snake River fall chinook yet. It appears unlikely that a forecast can be developed in time for this year's Council process. There are still technical problems with the run reconstructions for the past three years. Tribal staff will continue to work with the state and federal staffs on these problems, and develop methods to provide these forecasts on a timely basis.

It appears that the tribes and states are going to be able to reach agreement on a plan for 2003 fall chinook Columbia River fisheries with the package of ocean fisheries currently under consideration. We hope to conclude this agreement soon so we have more time to devote to solving long term management issues as well as working toward salmon recovery.

This concludes my statement.

C.5.k State Recommendations

None.

C.5.l Reports and Comments of Advisory Bodies (04/08/03; 1:42 pm)

SAS

Messrs. Don Stevens, Jim Olson, and Duncan MacLean provided the commercial options as shown in Exhibit C.5.l, Supplemental SAS Report. Messrs. Steve Watrous, Ron Lethin, Jim Welter, and Craig Stone provided the recreational options as shown in Exhibit C.5.l, Supplemental SAS Report.

Mr. Bohn asked if the reduction in the Oregon KMZ commercial fishery quota from 4,000 to 3,000 in September and the size limit change from 30 inches to 28 inches were to address potential 2004 credit card issues. Mr. Stevens responded yes.

Mr. Anderson requested a specific allocation for the June 26-30 commercial fishery north of Cape Falcon.

Mr. MacLean provided Exhibit C.5.I, Supplemental SAS Report 2.

Mr. Roth remarked that the Coleman NFH marking program is not being eliminated, just reduced, due to funding issues.

C.5.m Public Comment

Mr. Steve Westrick, Westport Charterboat Association; Westport, Washington
Mr. Duncan MacLean, troller, El Granada, California

C.5.n **Council Action:** Tentatively Adopt Management Measures for 2003 Ocean Salmon Fisheries (04/08/03; 2:28 pm)

Motions 4 through 7 utilized Exhibit C.5.I, Supplemental SAS Report

Mr. Anderson moved (Motion 4) to tentatively adopt for STT analysis the options for the commercial and recreational fisheries north of Cape Falcon as presented in Exhibit C.5.I, Supplemental SAS Report, with the following changes: page 3, control zone definitions (C.4.a), change the latitude referenced on the second line to read "48° 10' N. Lat."; also under the control zone definitions, pages 4 and 7, add a new control zone entitled the Grays Harbor Control Zone, with the area defined as the ocean area from the Westport Lighthouse to Buoy #2 to Buoy #3, to the Grays Harbor north jetty, closed beginning Aug. 16th for both commercial and recreational salmon fishing; the page 1 language under the U.S./ Canada border to Cape Falcon commercial fishery beginning *State regulations require...* be modified after consultation between WDFW and ODFW to ensure accurate monitoring and timely accounting of salmon catch. Mr. Cedergreen seconded the motion.

Mr. Anderson stated the Cape Flattery Control Zone boundary of 48° 10' N. Latitude is consistent with recent years, coincides with the Area 3/4 boundary, and would preserve the integrity of data for future management decisions. The Grays Harbor Control Zone has been used to provide protection to returning Grays Harbor fall chinook, which are projected to return at less than the spawning escapement objective.

Motion 4 passed.

Mr. Bohn moved (Motion 5) to tentatively adopt for STT analysis the options for the commercial and recreational fisheries south of Cape Falcon to Humbug Mt, Oregon, and in the KMZ (Humbug Mt., Oregon to Horse Mt., California) as presented in Exhibit C.5.I, Supplemental SAS Report with the following changes: Page 1, Cape Falcon to Florence South Jetty and Florence South Jetty to Humbug Mt., change the ending date on the 27 inch minimum size limit to September 30; Page 2, Humbug Mt. to OR/CA border 2004 opening date to March 15. Mr. Brown seconded the motion. Motion 5 passed.

Mr. Larson moved (Motion 6) to tentatively adopt for STT analysis the options for the commercial and recreational fisheries in California south of Horse Mt. as presented in Exhibit C.5.I, Supplemental SAS Report with the following changes to page 2 Horse Mt. to Point Arena: change the July opening dates to July 3 and July 18; change the starting date for the July landing restriction to July 3; insert language specifying no landing restrictions beginning July 18. Mr. Thomas seconded the motion. Motion 6 passed.

Mr. Harp moved (Motion 7) to tentatively adopt for analysis by the STT a treaty troll fishery with a coho quota of 90,000, and a chinook quota of 60,000. The fishery would consist of a May/June chinook only fishery and a July/August/September all species fishery. The chinook quota would be split 50% into each fishery (30,000 in May/June and 30,000 in all species). Gear restrictions, size limits and other appropriate

regulations would be as stated in previous Salmon Technical Team analyses. Mr. Bohn seconded the motion.

Mr. Harp emphasized this is a tentative measure, and he may be looking at other alternatives for quotas pending model results.

Motion 7 passed.

Mr. Anderson moved (Motion 8) to adopt the definitions of fishing gear for tentative analysis as shown in Exhibit C.5, Attachment 1. Dr. Radtke seconded the motion. Motion 8 passed.

Mr. Tracy noted that under Exhibit C.4.c, methodology review process, Mr. Harp requested the Council provide direction to the STT to provide impact analysis specific to both Council and PSC requirements.

Mr. Harp moved (Motion 9) that the Council direct the STT and SSC to provide relevant algorithms, procedures for parameter estimation and validation, and data as recommended by the STT beginning in 2004. Mr. Bohn seconded the motion. Motion 9 passed. Mr. Anderson opposed the motion. Dr. Radtke abstained.

C.6 Clarify Council Direction on 2003 Management Measures

C.6.a Agendum Overview

Mr. Tracy provided a summary of the agendum.

C.6.b Reports and Comments of Advisory Bodies

Mr. Simmons provided Exhibit C.6.b, Supplemental STT Report.

C.6.c Council Guidance and Direction on 2003 Salmon Management Measures

Mr. Bohn directed the STT to change language on page 1, U.S./Canada Border to Cape Falcon, regarding landing salmon south of Cape Falcon to say, *in Garibaldi* rather than *south of Cape Falcon or in adjacent areas*.

Mr. Anderson directed the STT to change language on page 1, U.S./Canada Border to Cape Falcon, to include a chinook quota of 800 for the June 26-30 open period.

Mr. Larson requested removal of the second paragraph on page 2, Horse Mt. to Pt. Arena; and addition of language in page 4 (C.7.b.) to allow consideration of inseason recommendations to open commercial seasons for all salmon except coho prior to May 1 in the area between Horse Mt. and Point Arena, California.

C.7 Final Action on 2003 Salmon Management Measures (04/10/03; 9:48 am)

C.7.a Agendum Overview

Mr. Tracy provided a summary of the agendum.

C.7.b STT Analysis of Impacts

Dell Simmons presented Exhibit C.7.b, Supplemental STT Report.

C.7.c Comments of the KFMC

None.

C.7.d Reports and Comments of Advisory Bodies

None.

C.7.e Tribal Comments

Mr. Harp presented Exhibit C.7.e, Tribal Comments, Final Action on 2003 Measures.

Mr. Harp stated that the final action about to occur represents the conclusion of the North of Falcon process. The state and tribal comanagers completed an agreed package of fisheries plans for 2003. The negotiations between the comanagers and many constituent groups began prior to the March Council meeting and concluded today with an agreed package that includes all fisheries from the ocean to terminal areas in Puget Sound and the Washington coast. We have spent considerable time in the North of Falcon process defining fishing strategies to address conservation concerns for Puget Sound and coastal coho and chinook stocks. The agreed package of fisheries meets our management objectives that have been previously communicated to the Council. The agreed fishing plan represents a careful balance between all fishery interests and the conservation needs of the stocks. The plan is a product of a lot of hard work and respectful negotiations between all interest groups, tribal and state comanagers, and federal agencies responsible for ESA implementation. That concludes my statement on behalf of the 20 tribes of western Washington and the four tribes of the Columbia River.

C.7.f Public Comments

Mr. Dave Bitts, Humboldt Bay Fisherman's Marketing Association, Eureka, California
Mr. Don Stevens, Oregon Salmon Commission, Newberg, Oregon

C.7.g. **Council Action:** Adopt Final 2003 Salmon Management Measures

Mr. Anderson moved (Motion 25) to adopt the commercial and recreational measures for the area north of Cape Falcon as indicated in Exhibit C.7.b, Supplemental STT Report, with the following changes: page 6 U.S./Canada Border to Cape Alava recreational fishery, change *chinook retention allowed through July to chinook retention allowed July 1-31*. Mr. Cedergreen seconded the motion. Motion 25 passed.

Mr. Bohn moved (Motion 26) to adopt the commercial and recreational measures for the area Cape Falcon to Horse Mt., California as indicated in Exhibit C.7.b, Supplemental STT Report. Mr. Brown seconded the motion. Motion 26 passed.

Mr. Larson moved (Motion 27) adopt the commercial and recreational measures for the area south of Horse Mt., California as indicated in Exhibit C.7.b, Supplemental STT Report. Mr. Thomas seconded the motion. Motion 27 passed.

Mr. Harp moved (Motion 28) to adopt the ocean treaty troll fishery measures as described in Agenda Item C.7.e, Treaty Ocean Troll, Adopt Final Measures. Mr. Bohn seconded the motion. Motion 28 passed.

Mr. Harp asked for confirmation from the STT if the Council's fisheries met the obligations of the PST, specifically the ISBM components. Mr. Simmons responded that the Council's proposed management measures were well under PSC impact rates, and further that the STT will continue to report that information annually to the Council.

Mr. Anderson moved (Motion 29) to adopt the definitions of fishing gear as defined in Exhibit C.5., Attachment 1 and authorize Council staff, NMFS, and the STT to draft and revise the necessary documents to allow implementation of the recommendations in accordance with Council intent. Mr. Alverson seconded the motion. Motion 29 passed.

C.8 Clarification of Final Action on Salmon Management Measures *(If Necessary)*

This agendum was not necessary.

D. Habitat Issues

D.1 Essential Fish Habitat Issues (04/08/03; 4:19 pm)

D.1.a Agendum Overview

Ms. Jennifer Gilden provided the agendum overview and pointed out proposed letters on Klamath flows and Federal Energy Regulatory Commission (FERC) relicensing issues.

D.1.b Report of the Habitat Committee (HC)

Mr. Stuart Ellis provided Exhibit D.1.b, Supplemental HC Report.

Dr. McIsaac asked about Battle Creek pre-spawning mortality. The report said that stretch of the creek could support 35,000-40,000 spawners. There used to be a 40,000 spawner goal for all of the Hanford Reach above McNary Dam and the lower Snake as well. Could you speak to that? It looks like a disastrous situation.

Mr. Ellis said he suspected that a zero or two has been added to that figure, and that the number of spawners is probably lower.

Regarding Dr. Parrish's white paper and the desire to have him present it to the HC in June, Mr. Anderson asked if the HC discussed where they would like to go with this after the Parrish presentation? Is there any avenue in mind for considering marine reserves?

Mr. Ellis said there was a wide variety of opinions on marine reserves within the HC membership. Some are quite supportive, while others are less so. In general, the HC is doubtful the issue will go away, and the general objective is to follow the issue and be aware of what's going on. We expect the Council may need to get more involved in this in the future. We feel it is important to track this.

Mr. Robinson commented that the letter to Secretary Norton regarding Klamath flows refers to six actions recommended by the Council in its November letter, and comments that we are unaware of any progress towards accomplishing those. I want to indicate that with respect to the first recommendation, reinitiation of consultation, there is an expectation that will happen after new information becomes available.

D.1.c Reports and Comments of Advisory Bodies

None.

D.1.d Public Comment

Mr. Joel Kawahara, commercial salmon fisher, Washington (regarding the lack of recovery for Snake River fall chinook and the Salmon Report Card.)

Dr. McIsaac asked about the Salmon Report Card's "F" grade for hatcheries and harvests, and whether Mr. Kawahara had any comments on the fishery management grades included in the report card.

Mr. Kawahara said he didn't know the reasoning behind the grades for fishery management.

Mr. Paul Englemeyer, National Audubon Society, Yachats, Oregon (supported the direction of the HC on the FERC and Klamath letters; urged plan for dealing with salmon net pens.)

Mr. Phil Kline, Oceana, Washington, DC, and Mr. Geoff Shester, Oceana, Juneau, Alaska (Mr. Shester spoke on EFH EIS; suggested alternative proposed to North Pacific Fishery Management Council regarding bycatch caps, no-trawl areas, and monitoring and science). (Mr. Kline spoke on dam removal, the process for adopting HAPC, and the need to protect coldwater corals).

Dr. Mclsaac asked if Mr. Kline could identify any candidate areas for coldwater corals that could be investigated and documented.

Mr. Kline said that NMFS has a draft map of coldwater corals that has not been released yet. He encouraged NMFS to complete and release the map.

Mr. Robinson said that Oceana is participating in the EFH EIS process, and that the Council welcomes their participation.

Tribal Comment

Mr. Dave Hillemeier, Yurok Tribe on Klamath River water issues. Encouraged the Council to send the letter to Secretary Norton. There is a high probability of more juvenile fish kills. It is important the Secretary work on long-term issues for Klamath water flows. He felt the current "water bank" idea in the Klamath would be ineffective.

Mr. Mike Orcutt, Hoopa Valley Tribe said he supports the Habitat Committee and Mr. Hillemeier's comments. He acknowledged there have been a lot of cooperative solutions to remedy the situation, and many different groups have been involved. He supported the HC letter and strongly encouraged it be sent. He updated the Council on current action and litigation in the Klamath/Trinity, and supported increased flows in both rivers.

D.1.e **Council Action:** Consider HC Recommendations

Ms. Gilden reviewed the Council tasks and noted the Klamath letter reinforces what has been sent in the past.

Mr. Mallet moved and Mr. Anderson seconded a motion (Motion 10) to transmit the letter to FERC, as shown in Exhibit D.1, Supplemental Revised FERC letter. Motion 10 passed.

Mr. Harp moved and Mr. Bohn seconded a motion (Motion 11) to transmit the letter to the Secretary of Interior on the Klamath flow management as shown in Exhibit D.1, Supplemental Attachment 4. Motion 11 passed.

Dr. Radtke moved and Mr. Anderson seconded a motion (Motion 12) to support the HC hearing more about the issue of net pens, and other related issues that also have the risk of compromising the genetic integrity to ESA listed salmon. Motion 12 passed.

Mr. Larson asked about bringing in Dr. Parrish. Ms. Gilden said there was a request to bring in Dr. Parrish in June. Dr. Mclsaac asked if the Council wanted to discuss this, and said that if the Council wanted to, Dr. Parrish could be scheduled to come talk in June.

Mr. Larson said CDFG would be involved in this marine reserves issue and asked that Dr. Parrish attend the June meeting. It could be a joint meeting on a Monday.

Mr. Bohn asked about the purpose of the meeting. Would he provide new information outside of his white paper? Mr. Waldo Wakefield said the HC wanted to hear Dr. Parrish expand on his white paper and answer questions. And since the June meeting would be held in his area, the HC felt it would be a good idea to invite him.

Mr. Anderson asked what activity the Council would eventually undertake regarding Dr. Parrish's

presentation. Does the Council want the HC to do additional research work based on the concepts of Dr. Parrish's paper? If yes, then we should have the HC do that. If we don't want them to work on it, why have the HC listen to this particular presentation?

Mr. Larson said that marine reserves are an ongoing process for CDFG, but advised that this issue will be before the Council in the future. He felt that it would be beneficial to this Council.

E. Groundfish Management

E.1 NMFS Report on Groundfish Management (04/09/03; 8:06 am)

E.1.a Regulatory Matters

Mr. Robinson gave a quick update on the U.S./Canada Pacific whiting negotiations. Since the March meeting they have had some conference calls to exchange language and are in the stage of getting back together with the advisors to finish the deal. They are trying to conclude the agreement within the next two or three weeks. The implementing legislation would then be worked on once the agreement is in place.

The VMS proposed rule is being reviewed at NMFS Headquarters with a tentative publication date of April 25 with the 30-day comment period to follow. Around mid-June they will prepare a final rule to go to NMFS Headquarters, with the final rule published in the Federal Register near the end of June. Due to the fact the rule requires the purchase and installation of equipment, there will be a 60-day "cooling-off period" which will allow those vessels that are required to carry VMS to purchase and install equipment.

The Northwest Region is continuing to work on regulations to implement multi-year management now that the annual specifications workload has eased somewhat. They will try to complete that as quickly as they can.

The whiting shore-based EFP was issued on March 21. They would like to eliminate the need for that EFP by completing the rulemaking for FMP Amendment 10, which has been in the works for some time. This would bring the FMP requirements as specified in Amendment 10 under the regulations instead of an annual EFP.

There has been an increased interest in obtaining EFPs since the beginning of the year. NOAA Fisheries has been discouraging those based on a lack of availability of set-asides for key overfished groundfish stocks.

Last September one of the EFP set-asides was for a California shelf flatfish trawl EFP. In November, this EFP was put on hold pending further development of the application and study. NMFS has just received an EFP application from CDFG for a shelf flatfish trawl gear selectivity study. The application detailed a study of cutback headropes and other gear modifications to allow rockfish to escape as well as caps, a 100% observer coverage requirement, and full retention of rockfish. He provided it as part of his report since there is no slot on the agenda for EFP recommendations from the Council to NOAA Fisheries. NMFS would like to get the Council's recommendations before approving the EFP. He suggested asking Ms. Vojkovich of CDFG if there were questions. Ms. Cooney added there will be a notice of receipt of the application with request for comments in the Federal Register. Mr Robinson provided further details on the CDFG EFP application. There would be a monthly 100 pound EFP cap on bocaccio canary, and yelloweye rockfish, and a 50 pound monthly cap of cowcod per vessel with a monthly cumulative cap for all vessels of 500 pounds of bocaccio, canary, and yelloweye rockfish and a 100 pound cap on cowcod. The cap for all vessels fishing for the duration of the EFP is 1,000 pounds of bocaccio, canary, and yelloweye rockfish and 250 pounds of cowcod. Fishing under the EFP would occur between the end of July and the beginning of October. Ms. Marija Vojkovich said that there was a set-aside of 1.5 mt of bocaccio, 1.3 mt of canary, 0.5 mt of cowcod, and 1 mt of yelloweye for this EFP, although the impact is expected to be considerably less than the set-aside.

E.1.b Stock Assessment Review (STAR) Schedule Changes

Dr. Elizabeth Clarke reviewed the schedule for upcoming STAR Panel reviews of new assessments for POP, widow, bocaccio, and black rockfish. The STAR-light review schedule was changed from the end of April to the end of May (May 28-29). However, the updated darkblotched rockfish assessment results will be available to the GMT before their May meeting. The next STAR Panels will be in September to review new assessments for lingcod and cabezon to be used for 2005-06 management.

Dr. Clarke stated survey activities will go as planned. There will be a hydroacoustic survey this summer. The first combined shelf and slope survey will go on this year and will become an annual survey.

E.1.c Reports and Comments of Advisory Bodies

None.

E.1.d Public Comment

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

E.1.e Council Discussion on NMFS Report on Groundfish Management

There was no further Council discussion on this item.

E.2. Report on the Bycatch Workshop and Observer Data Update (04/09/03; 8:28 am)

E.2.a Agendum Overview

Dr. Ed Waters provided the situation summary.

E.2.b NMFS Report

Drs. Clarke and Hastie each provided a Powerpoint presentation. Both are available at the Council office.

E.2.c Reports and Comments of Advisory Bodies

SSC

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

SAS

Mr. MacLean provided Exhibit E.2.c, Supplemental SAS Report.

GAP

Mr. Rod Moore provided Exhibit E.2.c, Supplemental GAP Report.

GMT

Ms. Michele Robinson provided Exhibit E.2.c, Supplemental GMT Report.

E.2.d Public Comment

Mr. Joe Easley, Oregon Trawl Commission, Astoria, Oregon
Mr. Duncan MacLean, Humboldt Bay Fisherman's Marketing Association, El Granada, California
Mr. Phil Kline, Oceana, Washington, DC

Ms. Karen Garrison, Natural Resources Defense Council, San Francisco, California
Mr. Peter Leipzig, Fisherman's Marketing Association,
Mr. Kenyon Hensel, commercial fisherman, Crescent City, California
Mr. Steve Bodnar, Coos Bay Trawlers Association, Coos Bay, Oregon
Mr. Peter Huttula, Pacific Marine Conservation Council, Astoria, Oregon
Mr. Tom Ghio, Ghio Fish Company, Salinas, California
Mr. Rhett Webber, Westport Charterboat Association, Westport, Washington
Mr. Bill James, nearshore fisherman, California
Mr. Allan Hightower, trawler, Neah Bay, Washington
Mr. Chris Dorsett, Ocean Conservancy, San Francisco, California
Ms. Kathy Fosmark, Pebble Beach, California

E.2.e Council Discussion on Report on the Bycatch Workshop and Observer Data Update
(04/09/03;10:29am)

Mr. Brown questioned Dr. Hastie about the issue of stratification.

Mr. Alverson said we should use this information from the observer data and felt it was appropriate to make that policy decision inseason. He moved and Ms. Vojkovich seconded a motion (Motion 13) that for the remainder of the 2003 season, as soon as feasible have the bycatch rates used in the model be replaced with the rates from the observer program. (Motion 13)

Mr. Alverson referenced the SSC's and GMT's comments on this issue. There is a concern that if we don't do this by June, the last four months could be "zeroed out" for the trawl fleet.

Mr. Brown stated he would vote against the motion. If it was for the 2004 season he would be in favor of it; but for this year's season it is not fair to shut anybody down on such short notice.

Mr. Anderson said that for us to ignore this data at this point in time would be a big mistake. And for us not to make some changes would be a mistake. He did not view it as just a problem for the trawl fleet. There may be some other areas to try to reduce anticipated mortality of species such as canary, bocaccio and some others. He thinks the idea that we could wait until 2004 to incorporate the outcome of the data analysis is not realistic; it is incumbent upon us to make some changes in our management strategies. He understands and appreciates the perspectives relative to the preliminary nature of the analysis and the rates currently being projected may change between now and June. We need to wait to make the decision on whether or not to use the new rates for target species. Given that, the numbers we have projected for bycatch mortalities are significantly higher than what we have planned for; it is unlikely those changes would be of a magnitude to get us out of the position we are in today. If we wait until June when the numbers are firmer with less variance we will be out of options in terms of management responses and having to consider drastic measures. We need to take action to minimize to the maximize extent we can mortality for these overfished species. We need the GAP and GMT to bring forward some options to consider. The motion suggests we would replace the rates - that would be premature; but it's not premature to change our management strategy.

Mr. Bohn said their state meeting this morning was totally spent on this item and the next agenda item. They talked about the downside of waiting - the possibility of closing the whole thing in June. The SSC's statement is direct toward using the data and using it now. The GMT message is there is weakness in the information - the information is not quite ready and not fully analyzed. However, he is faced with the frustration that if we don't do something now we would be in a very difficult decision in June. The motion today says to use it now. Mr. Bohn said we should take into account what we heard, along with the scorecard and consider how significantly higher it is. It makes it look like it will be impossible to get numbers back in the vicinity of the numbers from the September meeting.

Mr. Robinson agreed with a lot of what Messrs. Anderson and Bohn already said (hard decision; social economic impacts for M-S Act; confidence information is correct). There is a high level of confidence that the trend and magnitude will be sustained once the information is finalized. The precision of the estimates

may be different, but given the SSC, GMT, and bycatch workshop recommendations - the trend is likely to be confirmed. The potential cost of failing to heed the information is failure to manage as close to the rebuilding standards and OYs as we can. He asked Mr. Alverson whether the motion implies adopting specific rates or just the general trend and magnitude of the information and hope that the issue of precision gets clarified in June. He was not comfortable assuming the information is precise, but feels we can use the implications of the information now to try to take some degree of action to slow down the catch.

Mr. Donald Hansen said he heard Mr. Leipzig say if we wait until June there will not be "wiggle room"; these numbers will be tweaked and refined and will cause shutdowns. He will probably support the motion but not sure he will go with the rates.

Mr. Brown said there seems to be confusion regarding the result of the action. If we were to use the old model for 2003 we would be using those projections for 2003. If it was only for 2004 we would have time to think about it and process the information. The real question is whether or not we're going to use the new model for 2003 - if we don't, those other concerns are not legitimate.

Mr. Anderson on the motion, said if we would look at using these rates and identifying them as preliminary rates to be used in the bycatch model to make further decisions (with the GMT/GAP to make recommendations) he felt that would enable them to have a target to shoot for (with the understanding of further analysis and refinements). If we don't make a decision, we won't give them a target to shoot for. He would like that as a friendly amendment to the motion.

Mr. Alverson said he was not sure what the difference is on what your recommending? He is not clear what the amendment would do? Mr. Anderson said that rather than adopting the rates for 2003, we would adopt them as preliminary rates for 2003 inseason and replace them in June if adjustments are recommended. Mr. Alverson asked Mr. Robinson that if Dr. Clarke has information updates and recommends these bycatch rates be adjusted, wouldn't this come forward with or without this motion?

Mr. Robinson said yes it would - and the intent would be for the refinement of the info. He felt Mr. Anderson's clarification identifies this as preliminary – the real issue here is how we use these rates (for next agenda item).

Mr. Alverson asked for clarification on the friendly amendment. Dr. McIsaac restated the motion and the friendly amendment as follows: For the remainder of the 2003 season, as soon as feasible, replace the bycatch rates used in the model with the rates from the observer program; use these rates for team modeling purposes as a preliminary indicator of the magnitude of adjustments needed for the 2003 inseason management. Mr. Robinson replied he believes the level of coverage for the other aspects of the fleet is at a "pilot level"; the majority of the work for June will be refining the trawl observer data (Dr. Clarke nodded in agreement).

Dr. McIsaac called for the role (Motion 13). 10 yes; two no. Motion 13 passed.

E.3 Status of Groundfish Fisheries and Consideration of Inseason Adjustments (04/09/03; 11:02 am)

E.3.a Agendum Overview

Mr. Burner previewed the situation summary and Council action.

E.3.b Groundfish Management Team (GMT) Report

Dr. Hastie said GMT evaluation of what actions would be needed for inseason management is dependent on Council decisions made under agenda item E.2. The GMT has started looking at alternatives using the new observer data and will convey the results to the GAP for discussion. The GMT is in the process of updating all aspects of the bycatch scorecard and will provide a report to the Council at the next opportunity. There will be some difficult choices made to bring the total mortality estimates in the bycatch scorecard within acceptable levels. The GMT encourages the Council to provide any guidance on resolving conflicts

between bycatch projected for trawl and other sectors of the fishery. GMT intent is to continue meeting and fleshing out options to take to the GAP and meet with them as soon as possible today. They do not have any specific inseason proposals to present at this time.

E.3.c Reports and Comments of Advisory Bodies

GAP

Mr. Moore said the inseason process is an iterative one and the GAP is planning to meet later in the afternoon to review options with the GMT. Following guidance from Council on the last agenda item, the GMT/GAP will draft statements and provide recommendations to the Council under Agenda Item E.8. He requested the Council consider revising the inseason agenda items for the balance of the week to allow additional consideration.

EC

CPT. Mike Cenci provided Exhibit E.3.c, Supplemental EC Report.

E.3.d Public Comment

Mr. Barry Cohen, fisherman/processor, Cambria, California

Mr. Phil Kline, Oceana, Washington, DC

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

Mr. Joe Easley, Oregon Trawl Commission, Astoria, Oregon

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

E.3.e **Council Action:** Consider and Adopt Groundfish Inseason Adjustments, if Necessary

Dr. Mclsaac recommended the Council provide guidance on the previous motion and advice from advisory bodies and the public to the GMT/GAP. Under Agenda Item E.8 on Thursday, the Council will hear recommendations for inseason adjustments from the GMT/GAP as well as further public comment. As a further check and final review of inseason adjustments, Agenda Item E.8 will be revisited on Friday.

Mr. Donald Hansen asked if there are enough GAP members available to resolve inseason issues. Mr. Moore said there are enough members, a few had to leave but we have been waiting to reconvene with the GMT. Mr. Hansen asked if there was anything else the Council could do to help the GAP. Mr. Moore said you can clone Dr. Hastie.

Mr. Anderson requested that at least people from Washington be looking for all possible savings of canary rockfish regardless of fishing sector when considering inseason management proposals.

Mr. Brown considered the preliminary bycatch projections and necessary reductions and stated the GAP may have to seriously consider closing the trawl fishery inside 200 fathoms, transferring part of those savings to another sector, probably the shrimp fishery.

Mr. Burner and Dr. Mclsaac reviewed the schedule for inseason adjustments this week. Mr. Moore requested that Thursday's agenda item be moved to later in the day to allow more time.

Mr. Bohn asked if the starting point would be to run an analysis of the total reduction in bycatch if we were to use the 75 fathom line coastwide beginning May 1. Dr. Hastie said one of the options we started looking at would be moving the line to 75 fathoms in May and then assess trip limit changes for flatfish to prevent exceeding the scorecard total by June. Preliminary results suggest that these actions would result in very small limits and would more than likely exhaust the set asides for the non-whiting trawl fishery.

Mr. Brown said he saw figures floating around on trip limit levels and one of the suggestions was to move the line into 50 fathoms accompanied by some horrendous reductions in nearshore sole. Going back to the

figure in the rebuilding plan for canary rockfish that states 50 fathoms as the shallowest part of its range, why are such low limits required for flatfish inside 50 fathoms. Dr. Hastie replied stated the figures Mr. Brown is referring to likely were in association with a 75 fathom line and limits could be raised in association with a 50 fathom line.

Mr. Anderson asked Dr. Hastie to keep in mind fisheries for other species that may be going on or closed in those areas for some particular reason.

Mr. Moore told Mr. Anderson the GAP considered recreational issues and the bag limits for canary are virtually non-existent in Washington and Oregon. Mr. Moore requested the state of Washington share any concepts they are considering. Mr. Anderson said the Washington GMT representatives may have some suggestion and he would not foreclose looking at bag limit changes as a means of reducing canary rockfish mortality.

Mr. Brown stated the biggest loss of changing the line in the north is the loss of Dover sole. He also asked the advisory bodies to look at the possibility of moving the outside line shoreward as a way to provide Dover sole opportunity particularly for the smaller vessels.

E.4 Review of the Process for Setting 2004 Groundfish Specifications (04/09/03; 1:06 pm)

E.4.a Agendum Overview

Mr. John DeVore provided a PowerPoint presentation.

E.4.b Reports and Comments of Advisory Bodies

GMT

Mr. DeVore read E.4.b, Supplemental GMT Report.

GAP

Mr. DeVore read Exhibit E.4.b, Supplemental GAP Report.

E.4.c Public Comment

None.

E.4.d **Council Action:** Adopt a Three-Meeting Process or a Two-Meeting Process for Setting 2004 Groundfish Specifications

Mr. Robinson addressed the concept of a three-meeting process and a four-month emergency rule (see Exhibit E.4.b, Supplemental NMFS Report). Given the complexity and the length of time it takes to do rule making for proposed management measures, there is not enough time to do a four-month emergency rule. We did a two-month emergency rule last year and it took from September to December 31. In addition, there is a burdensome review process for emergency rule making. We found out last year it was harder than ever to get it through the review process at NOAA Fisheries Headquarters.

Mr. Bohn moved and Mr. Caito seconded a motion (Motion 14) to adopt a two-meeting (June and September) process for proposing and adopting 2004 groundfish regulations.

Mr. Bohn said he was reluctant to make this motion as he was a proponent of the three-meeting process. He noted once we get into the multi-year management, we will go into a three-meeting process.

Ms. Cooney said emergency rule making is not a smaller, expedited rule making process, but the start of the proposed rule without public notice and comment. A separate NEPA document is required for an emergency rule and it needs to be ready and processed before the emergency rule can be implemented.

Mr. Robinson said he was in complete agreement with Mr. Bohn and he is not a fan of the two-meeting process and looks forward to the multi-year management with a three-meeting process.

Dr. McIsaac talked about staff workload should this motion pass. If the Council wants to go this way, Dr. McIsaac will spend some time with Mr. Robinson between now and Friday to discuss the impacts on staff workload.

Motion 14 passed.

E.5 Groundfish Fishery Management Plan (FMP) Amendment 16 - Rebuilding Plans (04/09/03; 1:29 pm)

Mr. DeVore summarized this agenda item.

E.5.a Process and Standards

Dr. Kit Dahl gave a PowerPoint presentation on Amendment 16-1, an assessment of process and standards alternatives for incorporating rebuilding plans into the FMP or regulations.

E.5.b Rebuilding Plans

Mr. DeVore gave a PowerPoint presentation on rebuilding plans. He summarized the proposed content and schedule for rebuilding plans including Amendment 16-2, rebuilding plans for darkblotched rockfish, Pacific ocean perch, canary rockfish, and lingcod.

E.5.c Reports and Comments of Advisory Bodies

GMT

Mr. DeVore reported the GMT stood by their previous report from the November 2002 Council meeting.

SSC

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

E.5.d Public Comment

Mr. Peter Huttula, Pacific Marine Conservation Council, Astoria, Oregon

E.5.e **Council Action:** Adopt Groundfish Fishery Management Plan (FMP) Amendment 16 Elements for Public Review

Mr. Robinson addressed the evolution of process and standards issue 1 and specifically option 1d. This option was put forward by the NMFS Northwest Region staff after consultation with NMFS Headquarters and Council staff. It maintains flexibility by specifying T_{TARGET} and the harvest control rule in regulations. All the other rebuilding parameters would be incorporated into the FMP as an historical record of what was considered when rebuilding plans were first put in place. The FMP would not need to be changed when biological parameters change as a result of new stock assessments. These descriptive parameters would be originally specified in the FMP, but they would not be controlling the rebuilding strategy. The strategic parameters that are specified in regulations would drive the rebuilding program.

Mr. Bohn moved and Mr. Anderson seconded a motion (Motion 15) to specify Alternative 1d as the preferred alternative. He said this provided flexibility and echoed Mr. Robinson's earlier comments.

Motion 15 passed.

The Council briefly discussed the other issues in the process and standards environmental assessment and agreed that the preferred alternatives for those issues still stand.

Mr. Robinson provided a motion in writing ("Motion for Agenda Item E.5") with several FMP housekeeping measures he wanted added to Amendment 16-1. His motion in writing would add the following mandates: 1) The NMFS Groundfish Observer Program would become mandatory, 2) Section 4.5.3.4 would have new language explaining that approved rebuilding plans will be fully implemented in management measures, and 3) Section 2.1 of the FMP would have new language that clarifies rebuilding goals in consistent fashion with the Sustainable Fisheries Act. Objective 3 would be modified to make the rebuilding plan requirement explicit. He offered this for Council staff guidance.

Mr. Brown did not agree to the motion language as stated for objective 3 unless the following language was appended, "... unless analysis shows harvest under a mixed stock exception. Mr. Robinson said he was not comfortable with that alternative language.

Mr. Robinson moved to adopt for public review the language in Agenda Item E.5 (Motion 16) Mr. Mallet seconded the motion.

Mr. Brown further discussed the need for his suggested language for objective 3. Since the mixed stock exception is part of the National Standard Guidelines, it should not be ignored in the FMP. Mr. Bohn asked why is that addition objectionable? The intent of the modification recognizes a mixed stock exception would have to stand up to the analysis. Ms. Cooney suggested adding language to objective 3 to say "... as required by the Magnuson-Stevens Act". Mr. Bohn asked for a friendly amendment to include the suggested language by Ms. Cooney. Both the maker and the seconder agreed.

Motion 16 passed.

Ms. Cooney explained for the need to clean up the FMP regulatory language on the allocation process. She said she would help draft this modified language.

Mr. Alverson said he was concerned with the language in goal 1 in the Motion for Agenda Item E.5, "to prevent any net loss of habitat". In looking at the Magnuson-Stevens Act, the extent of EFH protection is characterized "to the extent practicable". Mr. Robinson pointed out that is existing language that has been in the FMP for a long time and he was not inclined to change it. He thought perhaps sometime in the future it can be revisited when habitat issues or other goals and objectives are considered.

Mr. Alverson moved to reconsider Motion 16 (Motion 17). Mr. Brown seconded the motion. Motion 17 passed.

Mr. Alverson moved and Mr. Brown seconded a motion (Motion 18) to amend Motion 16 to say the words "prevent to the extent practicable any net loss of habitat". The Council discussed this motion and two contrary points were raised. While there was some concern with amending the FMP in areas where rebuilding plans are not addressed, there is a lot of discussion of EFH in the rebuilding plans and Amendment 16-2.

Dr. Radtke asked for a vote on motion 18. Motion 18 passed.

Mr. DeVore directed the Council's attention to Amendment 16-2. Council staff is seeking guidance on how to structure the alternatives including which stocks should be analyzed under the Mixed Stock Exception alternative. Dr. McIsaac referred to the SSC statement where widow rockfish was not recommended to be analyzed under the Mixed Stock Exception alternative. Mr. DeVore confirmed bocaccio, canary rockfish,

and yelloweye rockfish should be analyzed under the Mixed Stock Exception alternative since they are binding constraints on various sectors of the fishery. The SSC does not believe that widow rockfish would constrain fisheries. Mr. Brown disagreed and said a case could be made for widow rockfish under a Mixed Stock Exception.

Ms. Vojkovich moved and Mr. Bohn seconded a motion (Motion 19) to put the rebuilding plans out for public review the way they are currently structured with darkblotched rockfish not analyzed under a Mixed Stock Exception alternative. Mr. Bohn said he understood the motion to include a Mixed Stock Exception analysis for bocaccio, canary rockfish, yelloweye rockfish, and widow rockfish; Ms. Vojkovich agreed.

Mr. Brown noted the economic section is not done in the preliminary draft of Amendment 16-2. Mr. DeVore said the economic analyses will be in the amendment package for public review. Mr. Robinson said he preferred a stock complex analytical treatment for the Mixed Stock Exception, but that is not available. He wished we had more approaches/choices for rebuilding plans.

Mr. Brown asked Mr. DeVore if the cumulative effects analyses would be available before June? Mr. DeVore said the cumulative effects chapter would not be available in the May public review draft, but would be in the draft that goes into the June briefing book.

Motion 19 passed.

Mr. Robinson addressed the NMFS letter criticizing the proposed timeline for completing rebuilding plans (Exhibit E.5.c). He said the Council and NMFS Northwest Region staff will work to prioritize and address concerns over the schedule.

E.6 Vessel Monitoring System (VMS) (04/09/03; 4:01 pm)

E.6.a Agendum Overview

Mr. Burner provided the agendum overview.

Mr. Robinson reviewed the schedule for VMS implementation as reported under agenda item E.1. NMFS is trying to implement the program as quickly as possible and concluded that a 30-day comment period would provide more time at the end of the implementation process for vessel owners to make purchases and install the equipment. Mr. Robinson noted several previous opportunities to comment on the proposed program making a 30-day comment period adequate for public feedback.

E.6.b Reports and Comments of Advisory Bodies

GMT

Mr. Burner read Exhibit E.6.b, Supplemental GMT Report.

GAP

Mr. Moore provided Exhibit E.6.b, Supplemental GAP Report.

EC

CPT. Cenci provided Exhibit E.6.b, Supplemental EC Report.

Mr. Bohn asked about the EC position on the length of the comment period. Cpt. Cenci responded that from an enforcement perspective, the sooner VMS is implemented the better.

Ms. Vojkovich requested clarification on the fourth paragraph of the EC statement and information on how other VMS programs handle the issue of drifting or breakdowns that result in incursions.

Mr. Steve Springer, SAIC, NMFS, responded that the fourth paragraph specifically speaks to vessels being able to turn the equipment on and off. There are no other programs he is aware of where any fishing is allowed within a closed area, this is a unique feature of this program.

Mr. Anderson quoted sections of the GMT statement referring to the use of VMS data by state scientists and enforcement personnel outside of the federal government. What is the status of data accessibility.

Cpt. Cenci reported the current understanding is that the MSA prohibits the disclosure of VMS to anyone other than a federal agent. There are joint enforcement agreements between the states and NMFS. There are efforts to address this language and possibly change this determination.

Mr. Alverson asked about the ability to get some VMS track signatures from the NPFMC that are reported to clearly show the difference between vessels drifting and actively fishing. He requested this information be explored and presented at the June meeting.

Cpt. Cenci's understanding is that drifting and towing signatures look very similar and it would be difficult to visually verify drifting vessels. Mr. Springer felt there was information from Western Pacific fleets that support Cpt. Cenci's statement.

Mr. Brown asked about the equity of only requiring VMS equipment for a portion of the fishery. Cpt. Cenci stated that this is a pilot program and expansion is likely.

E.6.c Public Comment

Mr. Phil Kline, Oceana, Washington, DC

Mr. Steve Bodnar, Coos Bay Trawlers Association, Coos Bay, Oregon

E.6.d **Council Action:** Consider the Next Steps in the VMS Implementation Process

Mr. Brown said several of the groups brought up the idea of extending the public comment period for 60 days. It is truly more important that we implement VMS correctly rather than quickly. Mr. Brown moved and Mr. Bohn seconded a motion (Motion 20) to extend the VMS public comment period for 60 days. Motion 20 passed. Mr. Robinson abstained.

Mr. Robinson said they would take the Council's advice under advisement and consult with NMFS staff and come back with the decision quickly.

Mr. Alverson reiterated his request for some examples of VMS signatures from the NPFMC for presentation at the June meeting, particularly in regards to comparisons of vessels drifting. Mr. Robinson said it is a reasonable request if there is any information that would help the enforcement groups running the program.

Mr. Brown understands the concerns of the industry and the enforcement consultants hesitation. He gave some scenarios of speeds of towing versus drifting and expressed safety concerns and rough weather issues. There are situations where vessels have little choice in direction.

Mr. Robinson said that the signatures may be helpful for the enforcement folks on how to apply their resources but they will still have to verify signatures represent certain activities. Effective enforcement is vital to the existence of RCAs.

Mr. Alverson he was concerned about this due to his experiences with the NPFMC. The regulations become almost like a "money maker" when they are very difficult to comply with.

Ms. Vojkovich said she wanted to make sure that we can effectively enforce the regulations. She would like to see a report detailing the protocols and procedures being developed between the agencies for joint enforcement so we know who is going to do what and how when VMS is implemented.

E.7. Standards and Criteria for Approving Exempted Fishing Permits (EFPs) (04/10/03; 8:05 am)

E.7.a Agendum Overview

Mr. DeVore provided the agendum overview. He recommended that Ms. Michele Robinson brief the Council on the GMT-proposed standards and criteria for approving EFPs.

Ms. Michele Robinson briefed the Council on the GMT-proposed standards and criteria for approving EFPs (Exhibit E.7 Supplemental Revised Attachment 2, and Exhibit E.7 Supplemental Attachment 3).

Dr. McIsaac asked if the advisory bodies saw Attachment 2 or Supplemental Revised Attachment 2 and Ms. Robinson answered the latter. Mr. Robinson liked the data description and methodology section. He asked if the GMT considered coordination of state and federal scientists in recommending the sampling design for EFPs? Ms. Robinson said no, but she thought that would be helpful.

Ms. Vojkovich asked if the June briefing of EFPs as proposed in the GMT timeline (Exhibit E.7 Supplemental Attachment 3) was for past year's EFPs? Ms. Robinson said yes. Mr. Robinson thought the proposed schedule seems to work well for the Council process, but what about individual-sponsored EFPs that might come out of phase with this schedule? Ms. Robinson said the GMT had a limited discussion about this and they struggled with the potential proliferation of EFPs. Therefore, the GMT recommends that all EFP applications adhere to this schedule.

Dr. McIsaac questioned whether the proposed schedule meshes well with the new multi-year management process. Is Year 1 in the proposed timeline 2003? Ms. Robinson said yes. How would this schedule work for the 2005-2006 management period? Ms. Robinson explained the Council would receive draft EFP applications in September 2004 when final OYs are set. Final EFP applications would be approved by the Council in November. The Council would set two 1-year EFP set-asides in April or June 2004 for the 2005-2006 management period. Dr. McIsaac asked if the EFP set-asides would be annual and Ms. Robinson answered yes.

E.7.b Reports and Comments of Advisory Bodies

GMT

Ms. Robinson read Exhibit E.7, Supplemental GMT Report.

GAP

Mr. DeVore read Exhibit E.7.b, Supplemental GAP Report.

EC

CPT. Cenci provided Exhibit E.7.b, Supplemental EC Report.

There was some discussion regarding the EC recommendation to deny future EFP participation to those who are convicted of fishery violations. Concern was raised regarding denying EFP participation to those with minor violations. This concern was somewhat alleviated when it was pointed out that the EC language was "... may be denied ...", not "... will be denied ...".

SSC

Mr. Jagielo provided Exhibit E.7.b, Supplemental SSC Report.

Mr. Jagielo was asked if the SSC considered a scoring system or evaluation criteria for deciding the scientific merits of EFP proposals? Mr. Jagielo replied no, the SSC envisioned a more generic review of EFP proposals.

E.7.c Public Comment

None.

E.7.d **Council Action:** Adopt a Criteria and Standards for Approving EFPs

Ms. Robinson was asked to answer more Council questions regarding the GMT proposal. Dr. McIsaac stated he would prefer a synchronization of EFP and specifications decisions with final decisions for both occurring at the same meeting. He thought the proposed timeline did not appear to mesh with the multi-year management decision-making process? Ms. Robinson said he had characterized the schedule correctly. The EFP set-aside would not be based on EFP applications. A release of these set-asides could be decided in September to re-allocate that amount of harvest back to directed fisheries. She maintained it would be hard for state sponsors to develop EFP proposals in November 2003 for 2005-2006.

Mr. Anderson thanked the GMT for developing the proposal on this issue but expressed some concern on the timeline. He was not sure he was ready to vote on the timeline portion of the proposal because he shared the concerns relative to multi-year management.

Mr. Anderson moved and Mr. Alverson seconded a motion (Motion 21) to approve the COP protocols as shown in Exhibit E.7, Supplemental Revised Attachment 2 with the following modification: "under other considerations", substitute the language of the EC from their report.

Mr. Brown asked if he could assume the EC language will reflect the potential of losing EFP privileges, not other privileges? Mr. Anderson replied yes, the language is flexible to allow consideration of extenuating circumstances. Mr. Bohn suggested incorporating language to the effect that EFP application review would be coordinated with state and federal scientific, management, and enforcement staffs. This was agreed to by Mr. Anderson and Mr. Alverson.

Motion 21 passed.

Mr. Bohn thought the schedule and timeline piece of the GMT-recommended COP was appropriate for year one (2004). He thought the greater challenge was to link the COP timeline with the multi-year management schedule. Mr. Anderson agreed that the year one schedule is appropriate. More thought needs to be put into how to best coordinate EFP applications and multi-year management decisions. He expressed the need for the Council to decide how far out in front we need to be to develop EFPs. Mr. DeVore said the GMT will be contacting their state representatives. They will have more discussion and come back to the Council with some other ideas on the timeline at the June Council meeting.

E.8 Final Action on Groundfish Inseason Management

E.8.a Agendum Overview

Note: this agenda item was taken up twice - first for the initial tentative adjustments and second for the final inseason adjustments.

Mr. Burner noted that at this time there was an update by the GMT and GAP. The GAP and GMT chairmen reported they did not have any tentative inseason adjustments at this time and their primary focus would be inseason actions for May and June. They were asked by Dr. Radtke about a timeframe. The GMT replied 3 p.m.

The Council returned to this agenda item on 04/10/03; 4:02 pm and Mr. Burner provided an agendum overview.

E.8.b Reports and Comments of Advisory Bodies (04/10/03; 4:03 pm)

Dr. McIsaac reviewed the revised schedule for this agenda and suggested that if the regulatory package presented is complicated in nature or requires further adjustments the Council could revisit the issue and take final action on Friday.

GMT

Ms. Robinson provided Exhibit E.8.b, Supplemental GMT Report. Dr. Jim Hastie provided explanation for the numbers in the tables of that report.

GAP

Mr. Moore provided Exhibit E.8.b, Supplemental GAP Report.

EC

CPT. Mike Cenci provided Exhibit E.8.b, Supplemental EC Report.

E.8.c Public Comment

Mr. Joe Easley, Oregon Trawl Commission, Astoria, Oregon
Mr. Tom Ghio, Ghio Fish Company, Salinas, California
Mr. Phil Kline, Oceana, Washington, DC
Mr. Robert Briscoe, Jr., Washington Trawlers Association,
Mr. Bud Femling, Washington
Mr. Allan Hightower, trawler, Washington
Ms. Janice Green, Recreational Fishing Alliance,

E.8.d **Council Action:** Consider and Adopt Groundfish Inseason Adjustments, if Necessary

Dr. McIsaac said the Council should take final action on inseason adjustments at this time. Given the complexity, he said the NMFS and Council staff will put the motion into writing overnight for GAP and GMT review. He concluded that Council intent should not include the expectation of new options development or additional modeling. The Council will review the written motion as final business on Friday.

Mr. Burner pointed out a correction of the GMT statement on page 5. It should read "South of 40° 10' N. latitude., not 38° N. latitude.

Mr. Alverson asked the GMT about bycatch data for target species collected during the observer program and whether modeling forecasts of trip limits and total mortality of target species have been adjusted accordingly. Dr. Hastie said the NWFSC has not had time to evaluate those results. Mr. Alverson then talked about discard levels for sablefish in the trawl fleet appearing much higher than previously anticipated and asked about the timeline for incorporating these new data. Dr. Hastie said NMFS would not have time between now and June to do that. He is not ready to comment on the discard implications of the observer data at this time. The emphasis at this stage has been to develop our analysis to sufficiently estimate total bycatch for the overfished species for this process. Dr. Hastie cautioned against drawing conclusions from the raw observed data before further analyses can be completed. Mr. Alverson asked if they were satisfied with the discard rates for the whole fleet of the overfished species. Dr. Hastie said those are not discard rates, but total bycatch rates. The GMT estimates total mortality of overfished species as a function of the target species catch. The GMT is not attempting to predict how much of the species is discarded and how much is retained.

Mr. Brown asked for the rationale behind requiring a vessel to choose between large and small footrope in Option 1 north of 40° 10' N. lat. Dr. Hastie said that part of the rationale was to encourage vessels capable of fishing offshore to do so, thereby reducing mortality for canary rockfish. This would have the additional benefit of dampening the effect of those vessels that remain in the significantly reduced area inshore.

Cdr. Fred Meyer, reminded the Council about his letter to Dr. McIsaac about the risk that potentially applies to the smaller trawlers having to fish outside of 200 fathoms.

Mr. Anderson asked if the analysis of the options as presented assumes the lines would go in place effective May 1 - notwithstanding the B platoon piece. Dr. Hastie said the effective implementation of the 200 fathom line was modeled as of July 1. North of 40° 10' N. lat., the GMT assumed that the fishery would be closed inside of 250 fathoms beginning May 1 and that the 50 fathom line would be established within three weeks. However, the fishery was modeled as if the 50 fathom line was in place on May 1 because it was assumed that participants would be able to catch the two-month cumulative limit before the end of the period at the end of June.

Mr. Burner reviewed the Council's task and suggested the Council work from the GMT Report.

Mr. Anderson moved and Mr. Brown seconded a motion (Motion 33) to adopt, using Supplemental GMT Report E.8.b, the groundfish trawl trip limit changes reflected in Option 1 for north of 40° 10' N. lat. and the option indicated for south of 40° 10' N. lat. This includes the distribution of total mortality presented in the scorecard on pages 2 and 3 of the document. The motion includes the retention of yellowtail rockfish in the salmon troll fishery north of 40° 10' N. lat. as identified on page one. This motion does not include adjusting the regulations for recreational fishing on the slope in the south. The motion includes concurrence with the GMT's recommendation on the proposed corrections to the RCA boundaries and their recommendation on the line changes for the "B" platoon. By including the scorecard values on pages 2 and 3 the motion recognizes the change of the canary set aside in the EFPs. Additionally, working from Supplemental GAP Report Exhibit E.8.b, the motion includes the GAP language on page two recommending a deferral of the scientific research plan for the Southern California hook-and-line survey.

Dr. Radtke intervened and asked Mr. Anderson to explain his motion.

Mr. Anderson first acknowledged the GAP and the GMT for their hard work and noted that they complete in the last 36 hours a task that has taken three meetings in the past. Under the stress, it was an incredible job done with a horrific situation that has affected peoples' lives financially and otherwise. North of 40° 10' N. lat. he had concerns about pushing the trawl fleet inside of 50 fathoms for reasons identified by the GMT but he is hoping to preserve a small opportunity for all sectors of the trawl industry. The small footrope restrictions will likely limit inshore effort to the traditional small boat fleet. This fleet operates primarily in the north where impacts to the crab resource should be minimized. On the EFP issue, we have people in the trawl fleet and WDFW that have made a significant investment in looking at alternative fishing strategies with benefits for the coastwide fleet. There has been a lot of gear experimentation and he views it as an investment in the future and hopes it pays dividends to the broader trawl fleet. He knows the GMT did not add these to the values of the original scorecard, but the team recognized that changing the line would all but preclude us from doing the EFP.

Mr. Moore stated that for Option 1, the GMT recommendation is identical to the GAP, with the exception of raising the yellowtail bycatch limit to 10,000 pounds per two months. There was tentative agreement on this issue and the GAP statement intended to reflect the change but does not.

Mr. Alverson said we are down to four or five species that the industry relies on. He heard the GMT is going to be looking at recalibrating the bycatch numbers by the June meeting and this is a work in progress. It seems to me, we need to know where we are on our directed fishery; in particular sablefish. We should have some forecast of total mortality of target species at the June meeting. He did not think that was an unreasonable request.

Mr. Robinson recognized the good faith of the industry in the face of hardship and the hard work of the GMT and commended the cooperative efforts and the precautionary approach. He expressed disappointment that the motion include the GAP language calling for deferral of the Southern California hook and line survey. NMFS staff have worked hard on the statistical design of this pilot program, the projected bycatch is extremely low and is within the specifications in the scorecard, there have been years of pressure to increase surveys in this area, and the results will be informative. Additionally, the survey is divided into spring and fall periods with time between to assess impacts. Therefore, Mr. Robinson requested a friendly amendment to remove the scientific research piece from the motion, allowing him to support it. Mr. Anderson accepted the removal as friendly amendment.

Mr. Brown asked if the bocaccio impacts from the NMFS hook and line survey are shown on the scorecard and if so, he would accept the amendments as the second. Mr. Robinson confirmed that the scorecard includes estimates for the spring and fall portions.

Mr. Donald Hansen stated he would appreciate it if the bocaccio survey stayed in as the first study in 26 years in this area and the results would be useful.

Mr. Alverson asked Mr. Robinson if target species total mortality is going to be presented in June along with the usual catch to date information. Mr. Robinson said he would have to defer to the GMT on that one.

Dr. Hastie replied the GMT doesn't measure total catch inseason right now, rather landed catch. Currently the landings for every major target species are running lower than the bycatch model projected.

Mr. Anderson said the trip limit structure presented along with the fishery structure for the fixed gear sectors take into account total mortality estimates and that these estimates stay within the sablefish OY for sablefish. Dr. Hastie concurred. Dr. Hastie believed that as part of the annual specifications process, each sector is held accountable for their estimated total mortality.

Mr. Robinson corrected his response to Mr. Brown. The estimate for the shelf survey presented the current scorecard and includes estimates for trawl surveys and the spring portion of the hook-and-line survey. The fall survey is contingent upon favorable results in the spring.

Mr. Brown said that did not change his concurrence to the friendly amendment.

Motion 32 passed.

E.8 Final Action on Groundfish Inseason Management (04/11/03; 11 am)

Mr. Burner walked the Council through Exhibit E.8.d, Supplemental GMT/GAP Report on Council Action with the corrections to period 6.

Mr. Anderson asked how long the changes in the lines will take, specifically changing 100 fathom line to the 50 fathom line? He asked if the trawl fishery north of 40° 10' N. latitude will remain closed shoreward of 250 fathoms until the new lines are in place. Mr. Burner said that is correct.

Mr. Brown said a very specific notice to that effect needs to go out to the fleet to avoid confusion.

Mr. Robinson said they have an extensive distribution system and will get that word out. He said it is NMFS intent that the interim closure and the implementation of the revised trip limits outside of that line will take affect on May 1. Discussions with NMFS staff suggest the new lines could be in place by then, but there are no guarantees.

Mr. Alverson, referring to the option for small footrope in the far column asked why boats fishing shallower than 50 fathoms were provided 3,000 pounds sablefish.

Mr. Burner suggested that small footrope vessels are not restricted to shallow areas and Dr. Hastie explained the 3,000 pound value was proposed by the GAP to avoid discard problems for people participating in that fishery.

Mr. Caito asked if south of 38° vessels be allowed to fish between 150 and 200 fathoms or will the fishery be closed until the new line is implemented. Dr. Hastie said they would be able to fish as shallow as 150 fathoms throughout period 3 until the 200 fathom line is in place. We did not just want to close everything outside until the 200 fathom line could get described. The fishery was modeled as if it were open outside of 150 fathoms for all of period 3 so the impact estimates are likely conservative.

E.9. Status of the Groundfish EFH Environmental Impact Statement

This agenda item was dropped from the agenda. See Motion 1.

F. Pacific Halibut Management

F.1 Adopt Final 2003 Incidental Catch Regulations for the Salmon Troll and Fixed Gear Sablefish Fisheries (04/10/03; 9 am)

F.1.a Agendum Overview

Mr. Tracy provided an overview of the agendum.

F.1.b Reports and Comments of Advisory Bodies

GAP

Mr. Tracy read Exhibit F.1.b, Supplemental GAP Report.

F.1.c Public Comment

Mr. Jim Olson, salmon troller, Auburn, Washington
Mr. Doug Fricke, Washington Trollers Association, Hoquiam, Washington
Mr. Don Stevens, Oregon Salmon Commission, Newberg, Oregon
Mr. Joel Kawahara, fisherman, Quilcene, Washington

F.1.d **Council Action:** Adopt Final Annual Incidental Halibut Harvest Restrictions for the Salmon Troll and Fixed Gear Sablefish Fisheries

Mr. Bohn moved (Motion 22) to adopt the final 2003 incidental halibut catch regulations for the salmon troll fishery the measures presented in Option 1a, Exhibit F.1, Situation Summary. Mr. Brown seconded the motion.

Mr. Bohn stated that his recommendation of a landing limit of 25 halibut per trip in the salmon troll fishery was based on concern that the fishery has turned into a halibut target fishery. It would also help preserve halibut opportunity in the July and August salmon fishery period.

Mr. Cedergreen stated that the salmon troll halibut quota is intended to be caught in the May-June time frame according to the Area 2A Catch Sharing Plan, and that under the status quo landing limit of no more than 35 halibut per trip, the quota was not taken until late August in 2002. With a lower chinook quota in 2003, the halibut quota may not be taken by the end of the salmon season

Dr. Radtke called for a role call vote for Motion 22. Motion 22 failed.

Mr. Cedergreen moved (Motion 23) to adopt the final 2003 incidental halibut catch regulations for the salmon troll fishery the measures as presented in Option 1a combined with Option 2, Exhibit F.1, Situation Summary. Mr. Anderson seconded the motion. Motion 23 passed.

Mr. Anderson stated that if there was a desire to spread the halibut catch out over the May/June and summer fishery time frame, and weight the two periods equally, that should be addressed in the process to modify the catch sharing plan (CSP).

Mr. Alverson moved (Motion 24) to adopt for the final 2003 incidental halibut catch regulations for the commercial sablefish fixed gear fishery north of Point Chehalis the measures in Option 1a combined with Option 2 as presented in Exhibit F.1, Situation Summary. Mr. Harp seconded the motion. Motion 24 passed.

G. Coastal Pelagic Species Management

Vice-Chairman Mr. Donald Hansen chaired Agenda items G.1, G.2, and G.3.

G.1 NMFS Report on Coastal Pelagic Species Management (04/10/03; 10:30 am)

G.1.a Informational Update

Mr. Svein Fougner reported there were no updates.

G.2 Approve Final Regulatory Amendment and Analysis for Changes to the Sardine Allocation (04/10/03; 10:31 am)

G.2.a Agendum Overview

Mr. Dan Waldeck provided the agendum overview.

G.2.b Reports and Comments of Advisory Bodies

CPSMT

Dr. Sam Herrick provided a brief overview of the *Analysis of Sardine Harvest Guidelines Allocation Options 2003*. The presentation is on file at the Council office.

CPSAS

Mr. John Royal provided Exhibit G.2.b, Supplemental CPSAS Report.

G.2.c Public Comment

Ms. Vanessa DeLuca, State Fish Company, San Pedro, California
Mr. Neal Guglielmo, sardine fisherman, San Pedro, California
Mr. Curt England, England Marine Supply, California
Ms. Dayna Gunderson, Astoria, Oregon
Mr. Nick Jervokovich, Gig Harbor, Washington
Mr. Darrel Capp, Astoria, Oregon
Mr. Ryan Capp, sardine fisherman, Bellingham, Washington
Mr. Tom Libby, Point. Adams Packing Company, Hammond, Oregon
Mr. Steve Lovejoy, commercial sardine fisherman, Seattle, Washington
Mr. Richard Mayer, Marcus Food Company,
Mr. Peter Guglielmo, Southern California Seafood Company, San Pedro, California
Mr. Reid MacIntyre, West Bay Marketing, Inc., Astoria, Oregon

Mr. Mike Okeneski, Pacific Seafoods, Woodland, Washington
Mr. Jerry Thome, Astoria Holdings, Astoria, Oregon
Mr. Leif Nelson, (no data)
Mr. Rob Zuanich, Purse Seine Vessels Association, Seattle, Washington
Dr. Eric Fruits, EcoNorthwest (representing Astoria Holdings), Portland, Oregon
Ms. Heather Munro Mann, for West Coast Seafood Processors Association, Newport, Oregon
Ms. Diane Pleschner, California Wetfish Seafood Producers Association, San Pedro, California

G.2.d Council Action: Adopt Regulatory Amendment to the Coastal Pelagic Species (CPS) FMP

Ms. Vojkovich moved and Mr. Thomas seconded a motion (Motion 30) for the Council to adopt Alternative 4 as shown in Exhibit G.2, Situation Summary, where the initial allocation on January 1 is 66% to the southern subarea and 33% to northern subarea; the subarea dividing line is Pt. Piedras Blancas; re-allocation is 50%-50% on September 1; and coastwide reallocation on December 1.

Ms. Vojkovich noted that the estimated 10% increase in harvest in the CPSMT analysis is just that, an estimate, and should be used as a tool for comparing the alternatives, but not for hard predictions of total landings by sector. Alternative 4 is similar to what was used to address the 2002 closure of the northern fishery, and provides a win-win situation for all sectors. She noted the biomass has not been increasing and harvest guidelines have declined in recent years. If the CPSMT projections hold (i.e., the estimated 10% increase), the 2003 harvest guideline could be achieved. She understands that fishing communities in Oregon and Washington are depressed, but is concerned that the rate of growth in the northern fishery is not sustainable (i.e., 50% increase in landings). The FMP recognized the potential for a northern fishery and provided for a minor fishery in the north, but also included safeguards (limited entry and allocation) for the southern fishery, which is perceived by some to be the traditional sardine fishery.

She opined Alternative 4 would not result in negative impacts to any sector. The only negative is that there will be 1400 mt of the harvest guideline left unharvested. And Alternative 4 would prevent early closures.

For these reasons, Ms. Vojkovich recommended adoption of Alternative 4 as preferred.

Mr. Anderson was opposed to the motion. He felt that, based on the CPSMT analysis under Alternative 4, the northern subarea (Monterey, California; Oregon; and Washington) would receive, in total, almost 20,000 mt less than what is projected to be caught in these areas). He believed the likelihood of early closure of the northern fishery was very high under Alternative 4, as noted during public testimony. Under Alternative 4, the southern fishery is projected to catch about 54,000 mt, but would be allocated 73,000 mt. He did not see Alternative 4 as a win-win outcome. He has heard discussion about the need for conservation and precaution, and statements of declining biomass. However, the stock assessment authors noted, while projected biomass declined, the general trend was stable and possibly increasing. Thus, he did not agree with the characterization that the resource is declining.

Mr. Anderson also noted the overall outcomes of the various alternatives were similar, but the manner in which each of the alternatives is structured will make a big difference. He stated that if the current motion fails he is prepared to make another motion for adoption of Alternative 3.

Mr. Fougner asked Mr. Anderson about the basis for the harvest and allocation amounts he stated? Did they take into account the September 1 reallocation? Mr. Anderson stated that under Alternative 4 a much greater amount than had been caught in recent years would go to the south, the northern allocation would be less than is projected to be caught in the north.

Mr. Bohn was not in favor of the motion. He noted that Alternative 4 would not satisfy the purpose of the management action. That is, Alternative 4 would not prevent the socio-economic problems the management action was aiming to solve. He felt the relative benefits of Alternative 3 to the north, compared to the modest loss to the south, made it the preferred alternative.

Ms. Vojkovich stated that the 10% projected increases are conservative estimates. If the Pacific Northwest expanded by 20% the impact on southern California could be substantial.

Ms. Vojkovich asked Dr. Hill (CPSMT) about the status of the stock. Dr. Hill responded harvest guidelines have been declining and the biomass trend is increasing, but relatively flat. In the survey data, egg production estimates show lower egg densities, which could be from changes in the spawning distribution of the stock or timing of the survey.

Mr. Anderson asked Dr. Hill if there were biological concerns that should be considered in making this allocation decision. Dr. Hill stated that there was insufficient information about the sardine stock, especially the northern portion of the stock, to say definitively if there was a conservation concern.

Dr. Radtke was not in favor of the motion. Under the harvest guideline control rule, the fishery is sustainable and efforts should be made to catch all of the available harvest. He noted the economic importance of the fishery.

Mr. Ortmann said he could abstain and not vote on this issue. However, the evidence he's seen shows an opportunity to do something positive for a fishery when customarily the opposite is true. He has been convinced there could be economic benefits to the Pacific Northwest, without undue impact on southern California. Thus, he was not in favor of the motion.

Mr. Fougner said he supported the motion. It is consistent with the objectives of the FMP and the limited entry program. Alternative 4 also recognizes the historic dependence of the southern fishery, which should be protected from early closure.

Mr. Donald Hansen called for a roll call vote. Motion 30 failed; 5 yes, 9 no.

Mr. Anderson moved (Motion 31) and Mr. Bohn seconded the motion, that the Council adopt Alternative 3 as presented on page 5 of Exhibit G.2.b, the CPSMT Report. Alternative 3 includes changing the allocation dividing line from Point Piedras Blancas to Point Arena, and re-allocation of unused quota 80%-20% on September 1 and coastwide on December 1. As an interim measure, this allocation regime would be in place for 2003 and 2004, and extended to 2005 if the 2005 harvest guideline were at least 90% of the 2003 harvest guideline.

Ms. Vojkovich asked if Alternative 3 would establish a "routine action." Ms Cooney responded that this action was to establish management schemes for up to three years, not to establish a routine action.

Ms. Vojkovich asked about whether the time frame in the motion would tie the Council's hands down the road. That is, would the Council be locked into this scheme for the defined period? Ms. Cooney responded that this action, if approved and implemented, would be in place until it is changed. If a change is desired, the Council and NMFS would likely have to go through another rulemaking process, although, if compelling need was demonstrated, an emergency rule could be pursued.

Mr. Fougner noted that, once the new allocation system is implemented, it might be very difficult to demonstrate the occurrence of an emergency, and need for an emergency rule, unless something dramatically different occurred in the fishery.

Motion 31 passed. 12 yes, 2 no.

Mr. Waldeck noted remaining items were guidance to staff for finalizing the regulatory amendment and, possibly, indicating Council intent to move forward with a formal FMP amendment to address allocation for the long term.

Ms. Vojkovich, relative to the guidance for an FMP amendment, said she felt it important to consider mechanisms that provide flexibility for allocation decisions on a year-to-year basis. This could include alternatives for allocations during years of high biomass, high harvest guidelines, and high coastwide availability; and alternatives for periods when biomass is lower. That is, a range of allocation scenarios tied to sardine population dynamics and availability to the various sectors, which could prevent having to re-consider the allocation question each year.

Mr. Anderson agreed with Ms. Vojkovich's comments.

In terms of finalizing the regulatory amendment, Mr. Fougner stated Southwest Region would work with the CPSMT and Council staff.

G.3 CPS Stock Assessment Terms of Reference (04/10/03; 3:50 pm)

G.3.a Agendum Overview

Mr. Waldeck provided an overview and reviewed the briefing book items.

G.3.b Reports and Comments of Advisory Bodies

SSC

Mr. Waldeck read the SSC statement.

CPSAS

Mr. Waldeck read the CPSAS statement.

CPSMT

Mr. Waldeck noted the CPSMT had spoken to this issue in March 2003.

G.3.c Public Comment

None.

G.3.d **Council Action:** Approve CPS Stock Assessment Terms of Reference

Mr. Brown asked about the SSC statement that the "rebuilding parameters" described in the draft terms of reference were from the groundfish STAR terms of reference and not appropriate for CPS. Mr. Waldeck said yes, the intent of the SSC was to point that out and suggest a change.

The Council approved the terms of reference for a CPS STAR process (Exhibit G.3, Attachment 1) with the changes suggested by the SSC and the CPSAS. (Motion 32 made by Dr. Radtke, seconded by Ms. Vojkovich). Motion 32 passed.

4 P.M. PUBLIC COMMENT PERIOD (04/08/03; 4:08 pm)

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

Mr. Peter Huttulla, PMCC. Report about the EcoTrust organization.

Dr. Tom Welsh, recreational salmon angler. Spoke about deceptive reporting practices of NOAA Fisheries. He said they have failed to recognize the four lower Snake River Dams and that hydropower operations have placed fisheries in jeopardy. Suggested the Council write a letter to NOAA Fisheries and that they issue an errata on this fishery.

Mr. Dave Bitts, for PCFFA, spoke about the decline of the fish of the Eel River (pike minnow dispute between NOAA Fisheries and CDFG).

Mr. Kenyon Hensel, Crescent City, California. Spoke about his letter to the Council regarding the rockcod conservation area.

ADJOURN

The meeting adjourned on Friday, April 11, 2003 at 11:21 am.



Council Chairman

September 8, 2003

Date