

MINUTES
Pacific Fishery Management Council
Red Lion Hotel Sacramento
1401 Arden Way
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916-922-8041
April 4-9, 2004

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A. Call to Order

A.1 Opening Remarks, Introductions (04/05/04; 2:30 pm)

Mr. Donald Hansen, Chairman opened the 173rd meeting of the Pacific Fishery Management Council.

A.2 Roll Call

Dr. Donald McIsaac called the roll:

Mr. Bob Alverson
Mr. Phil Anderson
Mr. Ralph Brown
Dr. Patty Burke
Ms. Marija Vojkovich
Mr. Mark Cedergreen
Chairman Donald Hansen
Dr. Dave Hanson*
Mr. Jim Harp
Mr. Jerry Mallet
CDR. Jeff Jackson
Vice Chairman Dave Ortmann
Mr. Bill Robinson
Mr. Tim Roth*
Mr. Roger Thomas
Mr. Daryl Ticehurst
Mr. Frank Warrens
Mr. Gordy Williams

*Dr. Dave Hanson and Mr. Tim Roth were in attendance later in the week. Mr. Stetson Tinkham was absent.

A.3 Executive Director's Report

Dr. McIsaac turned the Council's attention to the two informational reports available in the briefing book. He also announced the Chairman's reception to be held on Wednesday, April 7.

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: remove Agenda Item B.2 as no new budget information was available and the Budget Committee meeting was cancelled; remove Agenda Item C.16 as no new information was available and no policy direction came from the Ad Hoc Trawl Individual Quota Committee meetings. (Motion 1)

B. Administrative Matters

B.1 Approval of Council Meeting Minutes

B.1.a Council Member Review and Comments

None.

B.1.b **Council Action:** Approve November 2003 Minutes

The Council approved the minutes of the November meeting as shown in Exhibit B.1, Draft November 2003 Council Minutes. (Motion 2)

B.2 Fiscal Matters

This agenda item was dropped.

B.3. Appointments to Advisory Bodies, Standing Committees, and Other Forums

B.3.a Agendum Overview

Dr. McIsaac presented the situation summary.

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

Chairman Hansen will consult with appropriate parties and appoint members to the ad hoc groundfish trawl individual quota committee analytical and enforcement work groups. An announcement of the appointments will be made at a later date.

Ms. Vojkovich requested the Council Chairman consider a nominee from CDFG for an economist to sit on the analytical work group.

Ms. Cooney stated she would check with the NOAA West Coast enforcement attorneys to see if one of them would be available to work with the enforcement work group.

B.4. Workload Priorities and Draft June 2004 Council Meeting Agenda (04/09/04; 9:42 am)

B.4.a Agendum Overview

Dr. McIsaac provided the workload and Draft June 2004 meeting materials.

B.4.b Reports and Comments of Advisory Bodies

None.

B.4.c Public Comment

None.

B.4.d Council Guidance on Workload, June Council Agenda, and Priorities for Advisory Body Consideration

Council members held a discussion with the Chairman and Executive Director regarding workload items. Reference documents used were Exhibit B.4.a, Supplemental Attachment 1 (three meeting outlook), Exhibit B.4.a, Supplemental Attachment 2 (draft June 2004 agenda), and Exhibit B.4.a, Supplemental Attachment 3 (Council workload priorities April 12 through June 18).

Agenda Discussion

Mr. Alverson asked about the implementing regulations for Amendment 14 (permit stacking) which include the owner-on-board provision. Mr. Robinson stated NMFS would bring proposed implementing regulations to the September meeting for review and recommendations.

Mr. Anderson recommended the salmon fishery update scheduled for the June meeting be an informational item only rather than having the STT Chairman travel to Foster City. He suggested the Olympic Marine Sanctuary people come to the November Council meeting to provide a briefing.

Mr. Fougner asked to provide informational HMS reports for the June meeting. He asked what was included in the Channel Islands issue—would a draft document be distributed to Council? Dr. McIsaac said their initial selection of a range of alternatives is in the process of internal review. It is expected they would provide some draft information to the SSC and the Council agenda item would be primarily an update of their proposed schedule.

Ms. Vojkovich stated there may be a need for lengthy inseason groundfish management input on Tuesday. For California recreational, they are going to try to front load that discussion prior to the Council meeting to come to some resolution instead of having the GAP start on Sunday.

Mr. Anderson said our process is not going to survive many more of the types of sessions we have had this week with massive inseason management issues on top of 2005/2006 management decisions. We need to make efforts to get the discussions and work completed to the extent we possibly can before the June meeting. Dr. McIsaac noted that we have done some thinking about time management protocols on this and asked that state representatives meet with Council staff to discuss time savings.

Mr. Robinson said we will need to add a check-in for the bycatch EIS for the June meeting and consider how to implement the preferred alternative. (Agreed)

Dr. Burke asked if the Groundfish Information Policy Committee is meeting between now and June? Dr. McIsaac said the group will get together during the month of May.

Council Workload Discussion

Dr. McIsaac said this is not only a “Council staff” workload, but it extends to the Council’s advisory bodies as well.

Mr. Alverson asked if we need to have the American Fisheries Act (AFA) Amendment 15 under delayed action? Could it be dropped? Dr. Hanson stated AFA has basically been dropped in Alaska. The Council agreed to dropped it off the list as well as the full retention pilot program. Ms. Vojkovich said California is unable to work with the near shore delegation issue and to take it off as well.

Mr. Anderson asked to get some understanding of what we would be doing regarding the sardine allocation matter in June and September. Mr. Waldeck replied the CPSMT and CPSAS will meet in May to discuss the Pacific mackerel harvest guideline and at the June meeting the Council would consider an FMP amendment for sardine allocation. Development of a workload matrix and a series of scoping meetings would follow. At the September or November meeting, (if we had scoping sessions during the summer) we would discuss initial alternatives. We may want to add it as a tentative item to the three meeting outlook for November. Final action on any amendment would occur in June of 2005.

Mr. Anderson noted that workload for the open access limitations item is below the dotted line. As we get our 2005/2006 management regime in place, and if we have time to work on it, is that something we could move up and try to address here in the next year or so? Ms. Vojkovich said she would be interested in getting that above the line before starting work on the 2007/2008 management cycle. Dr. Burke said the concept is good, but unless we do something about inseason management policies and procedures, putting things above the line is not a good idea. She said we first need to lighten the loads where we have obvious time crunches (Chairman agreed).

Mr. Anderson suggested an allocation committee meeting prior to the June meeting so they could review the analysis of the alternatives and formulate recommendations for the Council in June. He feels that would be useful and helpful in working through the 2005/2006 management measures.

Dr. McIsaac asked if the Council might want to take a break from groundfish at the November meeting.

Dr. Burke said we need to create a way to make the groundfish workload lighter for our groundfish staff. Mr. Anderson agreed, but we need to work on other issues that we have never been able to get to. Tentatively, we could address the open access limitation issue and put that matter on the November agenda.

Dr. Coon said in November the SSC would be delivering their terms of reference for the STAR panels for the 23 assessments and terms of rebuilding as well.

Dr. McIsaac said there is also a strategic plan formal review that is a candidate during the "off-cycle", perhaps November. Mr. Anderson agreed the review was a good idea, but should not be burdensome and hold back on open access limitation. Dr. McIsaac suggested an introductory discussion for November.

Mr. Brown agreed with Dr. Burke's comments about not burning people out and moving forward with new ideas. We need more of an even flow of groundfish management items.

C. Groundfish Management

C.1 NMFS Report (04/05/04; 2:41 pm)

C.1.a Regulatory Activities

Mr. Bill Robinson reviewed the following regulatory actions taken since the April meeting; March 12 the shore-based Pacific whiting EFP was announced in the *Federal Register*; Amendment 16-2 was approved in January and the regulations that implement those four rebuilding plans have been working their way through the system. He also noted some items in progress: converting the shore-based Pacific whiting monitoring EFP into regulations is underway and NMFS is preparing a draft Environmental Assessment to be available to the public prior to the June Council meeting. NMFS would ask the Council to use June and September Council meetings to develop alternatives and take final action to convert the EFP to regulations for implementation in 2005. The 2004 Pacific whiting harvest specifications (ABC/OY) final rule is going through final review in Washington DC and will be published in the *Federal Register* shortly. Mr. Robinson also updated the Council on Amendment 14, the limited entry fixed gear permit stacking program. The basic components of the program were implemented through regulatory Amendment 14a in August 2001 to get the program started and to allow time for work on more complex regulatory issues. He referred to Exhibit C.1.a, Supplemental NMFS report which describes rationale for delaying implementation of the program due to workload issues (i.e., the focus on annual specifications and rebuilding plans). However, NMFS intends to carry out the remaining provisions of the program following the proposed schedule in the report. This plan

calls for two additional regulatory amendments; 14b will deal with issues of permit ownership interests, certification for mid-season transfers, and a definition of “base permit”; 14c will address owner-on-board provisions, adding a spouse to a permit, at-sea processing, and establishing a fee program. NMFS plans to bring a completed regulatory amendment 14b to the Council in September along with a review of Council decisions relative to the provisions under 14c.

C.1.b Science Center Activities

Dr. Elizabeth Clarke reported on activities of the Science Centers. Base activities continue even though programs are awaiting spending advice and are operating with no budget. A meeting with industry representatives for the new acoustic survey for widow rockfish proceeded very well and the NWFSC has plans for testing techniques for this survey and has submitted spending requests to purchase the necessary gear.

Mr. Guy Fleischer of the NWFSC was given an “Employee of the Year” award by NMFS and will be traveling to Washington DC to accept the award.

The exit interview for the GAO report for groundfish survey activities will be done this Friday. Efforts to calibrate the old triennial survey with the new annual survey continue. To that end the NWFSC plans to use six vessels this summer rather than the usual four. Training for people who plan to help with the surveys this year will be in May.

The University of Washington will be holding an ITQ meeting a part of the Bevan Symposium Series and she is encouraging participation.

The NWFSC is increasing efforts on coral mapping because of some recent petitions submitted to the agency. Finally, PACOS, the Pacific Coast Observer System which is intended to coordinate West Coast scientific activities will meet in May with details coming soon.

C.1.c Reports and Comments of Advisory Bodies

None.

C.1.d Public Comment

None.

C.1.e Council Discussion on NMFS Report

Dr. Burke referred to the Allocation Committee discussion regarding cameras on shore-based Pacific whiting vessels and asked how NMFS plans to handle the camera installations. Mr. Robinson said he did look into the issue and the intent is to mount the cameras at the convenience of the skippers. NMFS will not hold up any fishing activities and will contact vessel owners and schedule a convenient time.

C.2 Groundfish Allocation Recommendations for 2005-2006 Management (04/05/04; 2:54 pm)

C.2.a Agendum Overview

Mr. Mike Burner provided the agendum overview.

C.2.b Ad Hoc Allocation Committee Report

Mr. Burner provided a review of key aspects of the report as contained in Exhibit C.2.b, Supplemental Ad Hoc Allocation Committee Report.

Mr. Anderson asked Ms. Cooney for guidance on the use of allocations and harvest guidelines. He reviewed actions relative to yelloweye rockfish and canary rockfish in the recreational fisheries. He thought of those catch expectations as “ceilings”, not to be exceeded. Washington recreational fisheries added a feature in the management plan where if a catch expectation was to be exceeded, Washington would take action to move the recreational groundfish fishery inside 30 fathoms. In March, the Council decided to include regional management concepts for 2005-2006. He stated there is a real need to leave this meeting with a common understanding of the meaning of the terms such as harvest guideline, allocation, and OY and asked Ms. Cooney if she had guidance on this issue.

Ms. Cooney said the fishery has evolved considerably from the time of coastwide OYs, limited allocation decisions, and simplified trip limits. Managing overfished species and the specification of different regulations for different gear groups has complicated the management regime. We also have the distribution between recreational and commercial fisheries. The FMP section on allocation does not require a three meeting process, but a two meeting process and a notice and comment rulemaking process. Ms. Cooney said the key to developing regional management is a clear representation of the rationale for regional divisions and an explanation of how regional management will be implemented. The easiest short term solution to manage a sector or region for a given harvest without necessarily closing upon attainment is the adoption of a harvest guideline. However, the more complex and/or numerous the regional management strategies, the harder it is to manage the fishery.

Mr. Anderson said at this point in the process we have several tools available that could be placed in one or more options for public review. We can include concepts such as harvest guidelines by sector provided there is a justification for the intent as well as the quantity specified.

Mr. Brown, asked Ms. Cooney if there was different analysis required for a direct quota allocation versus a harvest guideline. Ms. Cooney said allocation decisions are long term actions requiring more discussion, analysis, and justification. The current state of the fishery is shifting from year to year due in part to changing constraining species and short term justifications.

Mr. Alverson asked if allocations, harvest guidelines, or allotments, can be changed from year to year or is there an obligation to carry these agreements into the future.

Mr. Burner said the committees recommendations were for 2005 and 2006.

Dr. Burke commented on the overall use of the scorecard and cautioned against heavy reliance on this one tool for a wide variety of fishery management decisions. She recommended that the GMT look at the current use of the scorecard and consider new and different informational tools in the future.

C.2.c Reports and Comments of Advisory Bodies

None.

C.2.d Public Comment

Mr. Jim Lone, Washington Recreational Fishing Industry Association, Seattle, Washington

Mr. Larry Carpenter (no address on file)
Mr. Rhett Weber, Washington Charter Operator, Westport, Washington
Mr. Daniel Strunk, Pierpoint Sportfishing, Long Beach, California
Mr. Phil Kline, Oceana, Washington DC

C.2.e Council Guidance on Groundfish Allocation Recommendations for 2005-2006 Management

Ms. Vojkovich assured everyone that California has no intention of ever exceeding any harvest limits and has every intention of managing fisheries responsibly and is not interested in having our inability to do that affect other sectors and other peoples' opportunities.

Mr. Cedergreen said he did not think that recreational anglers in Washington believe there is any intent to exceed harvest expectations in California. However, there is a concern when actions taken in the past few years to address impacts to overfished species are lost due to events that happen in other areas.

Mr. Alverson asked Mr. Robinson about the surveys to verify the CRFS program. He is not sure he believes the reports that California exceeded their canary rockfish catch expectations. He questioned the reliability of phone surveys and angler reported catch and asked about the use of a "placebo" fish or a species that does not exist to test the accuracy of angler reported catch reports. Mr. Robinson said he did not know of a phony fish in the survey, but reported on the transition process from MRFSS to CRFS and expressed hope for more timely and more accurate estimates under the new program.

Mr. Anderson said one of the reasons the Council decided to convene the Allocation Committee was to have an opportunity to provide recommendations and direction for 2005-2006 management measures rather than starting from scratch and trying to do it all on the Council floor. The Allocation Committee spent almost two days working on the issues. He felt it would be a mistake to not provide as one set of alternatives for the GMT to analyze, the recommendations that are contained in the report, specifically for black rockfish, yelloweye rockfish, lingcod, canary rockfish, bocaccio and widow rockfish. He would characterize the values as harvest guidelines rather than allocations or quotas or other terminologies. In the case of lingcod where there are separate assessments and OYs, the sequence of five steps in the report would be recommended for the development of harvest guidelines north and south of the Oregon-California border.

Dr. Burke said regional options should be analyzed, and a state by state approach is not always appropriate. The Allocation Committee talked about the issue of needing the stock assessors to consider looking at fish population distributions as a rationale for regional management so that we are not only considering political boundaries.

Ms. Vojkovich spoke about the use of the scorecard, particularly for canary rockfish management. There is confusion in the report as well as the November Council meeting minutes of what scorecard we are asking the GMT to use for alternative catch sharing options. She reviewed 2003 management issues in California, including lifting the constraints of bocaccio and the need for additional canary rockfish rockfish impacts as fishery liberalizations are considered. The use of historical MRFSS data was used at that time and as we started the discussion of 2004 management. She is interested in discussing how we move forward with giving the GMT direction beyond the recommendations of the Allocation Committee on regional management concepts and the use of the scorecard. She said California is expected to take inseason action at this meeting to keep their recreational fishery impacts within a set limit while Oregon and Washington have changed the numbers of estimated canary rockfish impacts on the scorecard, yet California is being asked to remain at the 8.5 metric tons as noted in the Allocation Committee report.

Mr. Brown on canary rockfish, stated the current scorecard reflects a tribal share of approximately 8 metric

tons, equivalent to the expected catch of the entire coastwide trawl fleet. He asked the GMT and GAP to look into this and see if there is a way to redistribute some of these impacts.

Mr. Anderson thought what we were doing at this point is deciding whether or not to give direction to the GMT to use any portion of the Allocation Committee recommendations in developing the 2005-2006 management measure alternatives. We were not precluding the GMT from exploring other alternatives. He suggested that at least one of the alternatives for preliminary consideration be consistent with the recommendations of the Allocation Committee.

Dr. McIsaac asked Mr. Burner, to summarize the canary rockfish alternatives.

Mr. Burner said there are two alternatives presented in the Allocation Committee report, one based on the current version of the scorecard and a second to be based on the values in the scorecard as updated at this meeting. He thinks some more clarification would be helpful to the advisory bodies and Ms. Michele Robinson and Mr. Rod Moore came to the podium.

Ms. Robinson concurred with how Mr. Burner summarized the guidance she has received from the Allocation Committee report relative to the two "scorecards". If the Council would like to give additional guidance, they would welcome it. Mr. Moore said we have not had much opportunity to discuss 2005-2006 in the GAP. On the issue of distribution of canary rockfish to the tribal catch as Mr. Brown referenced earlier, there are some differences how tribal canary rockfish incidental take is calculated. In terms of California recreational fishery options, any further guidance the Council can provide on the use of data systems other than MRFSS or use/non-use of particular base period years would be helpful.

Ms. Vojkovich requested that we start with a clean slate for canary rockfish, the decision the Council made in June 2003 relative to catch sharing based on historical MRFSS data, and use that as one of the alternatives for 2005-2006. Those catch shares were the basis for the catch sharing used in developing the management measures for 2004.

Ms. Robinson asked if Ms. Vojkovich was referring to the 1993-1999 RecFIN data. If so, as part of the Council guidance, the GMT would like to know what value to apply those in calculating catch shares for 2005-2006. Ms. Vojkovich said we would be choosing an OY later this week or leaving the OY alone until we have a better understanding of recreational and commercial sharing.

Mr. Anderson said the 1993-1999 base period is not at all something he is comfortable with using as Washington had begun making substantial changes to bag limits for rockfish at that time and he does not consider that a level playing field. The Council reviewed the values from the Allocation Committee.

Dr. McIsaac stated that business under this agenda is to provide guidance. There is conflicting guidance coming from Council members and he suggested a motion as a means of clarification on this particular portion of the guidance. He clarified that this is only initial guidance to help with the development of alternatives, this is not the last chance to craft alternatives.

Ms. Vojkovich asked if she could include an analysis of the September 2003 scorecard values for canary rockfish impacts as a catch sharing alternative for 2005-2006. The Council agreed to include this option for analysis.

C.3 Groundfish Management Team (GMT) Check-In on Inseason Management Issues (04/05/04; 4:37 pm)

C.3.a GMT Report

Ms. Robinson provided Exhibit C.3.a, Supplemental GMT Report.

C.3.b Reports and Comments of Advisory Bodies

Mr. Moore, and several members of the GAP met with CDFG and suggested additional alternatives to try to see if they could reduce impacts in California recreational fisheries. He agreed that a major issue to be resolved for California recreational fishery management is what base data to use in modeling projected impacts for 2004.

C.3.c Public Comment

Mr. Randy Fry, Recreational Fishing Alliance and Coastside Fishing Club, Sacramento, California

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

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

C.3.d Council Guidance on GMT Check-In for Inseason Management Issues

Dr. Burke asked Ms. Robinson to comment on using the 2003 data as adjusted by CDFG versus using the 2003 and 2002 data. It appears that use of 2003 would be more reflective of 2004. Did the GMT weight these issues and how robust is the 2003 estimate?

Ms. Robinson said the GMT did look at this at length and felt CDFG had a fairly innovative idea in terms of developing a model capable of projecting a 12 month season that is based on the partial year that exists in the 2003 data set. Ms. Robinson said the GMT was struggling because wave 4 data has been characterized as an outlier, but felt CDFG used a good approach when estimating what portion of the wave 4 effort was due to a derby style fishery.

Dr. Burke said she would recommend estimates based on this calibrated 2003 catch data. She could not support using an average of 2002 and 2003 that has not been calibrated.

Ms. Vojkovich asked whether we typically use one year's worth of data to make projections or a range of years.

Ms. Robinson said California has typically used a range of years and used a range of 1995-2000 for setting the regulations in 2004. Washington has always used the previous year catch estimate when modeling the next year, making adjustments where appropriate for changes in bag limits, seasons, etc. Oregon previously looked at 2002-2003 data for 2004 projections but has since changed to using only 2003 data. Dr. Burke confirmed this is the case and clarified that in the past Oregon has always used the prior year for modeling impacts to overfished species and an average for non-overfished species.

Chairman Hansen asked about the need for a buffer for California recreational lingcod fisheries.

Mr. Robinson asked if the initial buffer discussed in March was still necessary. He was assuming the buffer was in response to issues of uncertainty, therefore you could make a credible argument to reduce the buffer if you reduced the amount of uncertainty. Do we have increased certainty now versus what we had last September.

Ms. Robinson said the GMT did not view the differences in the scorecard relative to the OY as conscious decision on the part of the Council to adopt a buffer for lingcod; rather, the difference between the catch projection and OY got expressed as a buffer in the regulations. The GMT has proposed adding a row to our scorecard to specify "buffers" including what fishery they apply to.

Mr. Robinson, asked if the amount of lingcod OY not utilized by fisheries as adopted in September was simply the result of the calculated impacts falling below the OY rather than an intentional creation of a buffer. Ms. Robinson agreed.

Mr. Anderson suggested there should not be a buffer for lingcod. He said we do have more certainty as to what we can expect for 2004 since our numbers for 2003 have been firmed up; and in looking ahead to 2005, the OY even under the low option is expected to double. Given those considerations he did not feel there needs to be a specific buffer set aside for lingcod.

Ms. Vojkovich, pointed out an inconsistency on policy. In March, the California recreational fishery for lingcod was limited by a 30 inch minimum size limit and a one fish bag limit to provide for a buffer, now we are talking about no need for a buffer. It seems to be inconsistent policy.

Mr. Robinson, asked if the alternatives presented reducing the impact on canary rockfish in recreational fisheries would also reduce impacts on lingcod providing an opportunity to identify a buffer. Ms. Robinson said they did not look at lingcod impacts at all. Mr. Robinson asked to see what the savings are for lingcod when the GMT has these values available.

Ms. Cooney stated that the Council should focus on best information and the best approach for not exceeding the OYs. There were buffers applied to canary rockfish in September 2003 to cover uncertainties about new observer data due the following spring.

Dr. Burke said in talking about the March action, it was due to uncertainty in data in California and knowing the lingcod is not recovered. We were trying to figure out a way to assure the Council that California could put something in place that would minimize the chance for large closures later in the season.

Dr. McIsaac said that in March all of the information was uncertain and the necessary analyses required to identify a buffer were not available. At this time, canary rockfish seems to be the pressing issue at this early stage of inseason action and he suggested focusing on ways to reduce canary rockfish impacts and review lingcod management later.

Ms. Vojkovich said California is being asked to take an inseason action to reduce our impacts on canary rockfish to 8.1 metric tons which will likely result in drastic restrictions for the recreational sector. Oregon and Washington are not being held to this same standard. Washington has increased expected canary rockfish impacts 67%. She does not mind having to take inseason action as long as other fisheries that are exceeding their allowance are doing the same.

Dr. Burke stated that this illustrates the limits of the scorecards usefulness and reiterated her support for using the adjusted 2003 data for making estimates for California recreational fisheries in 2004.

Ms. Vojkovich said she feels the 2002 average data, plus the adjusted 2003 data give a more realistic view of what is to come in 2004. Ms. Robinson said they have looked at both in terms of the catch projections. The GMT recommended using the adjusted 2003 catch data only.

Mr. Anderson said it is clear that we need to make some allocation decisions somewhere along the line. Washington's original estimate of 2.5 metric tons of canary rockfish is a value that does not have any savings calculated for our zero bag limit because they were not certain whether the change from a one fish bag limit to zero fish bag limit produced any savings. We don't have a solid estimate of what those savings might be. There are those that believe we should have a buffer on lingcod and he is willing to listen to their arguments and rationale.

Mr. Robinson, on the buffer issue, it seems the additional closures for canary rockfish protection will result in reductions for lingcod as well. Therefore, he thinks it makes sense to model out and make the decisions on canary rockfish and assess the resulting lingcod impacts before determining the need for a buffer.

Dr. McIsaac stated that the GMT has modeled some changes in the commercial fisheries and some in the California recreational fishery. The Council needs to determine what additional modeling exercises they would like the GMT to model before final inseason action on Tuesday.

Mr. Roger Thomas said he would like see the GMT review any proposed Central California closures in May, June, and August above 40°10' N. lat.

Ms. Vojkovich asked the GMT to look at inseason changes for Oregon and Washington to meet the canary rockfish impacts on the September 2003 scorecard to see what kind of inseason adjustment would have to be made.

The Council held the following additional discussion on Tuesday, April 6, 2004.

Regarding the guidance given on Monday, Mr. Anderson thought it was reasonable to use the September 2003 decisions and values for inseason actions as a means to share harvest opportunities and burdens of conservation for 2004. Therefore, he suggested starting with the September 2003 scorecard for recreational fisheries and, taking that total, he calculated the proportion of the recreational canary rockfish impacts that went to each state. There was a 4.5 metric ton buffer in the September 2003 scorecard and he proposed using 2.3 metric tons (about half of the buffer) to distribute proportionally among the three states to come up with new harvest guidelines as follows: 1.72 metric tons for Washington, 6.77 metric tons for Oregon, and 9.32 metric tons for California. Of the 2.3 metric tons remaining in the buffer, he took 1.1 metric tons to cover the additional canary rockfish impacts that resulted from implementation of new observer data in the commercial sectors. An additional 0.6 metric tons is required for proposed trip limit adjustments leaving 0.6 metric tons as a buffer. Working from the foundation and belief that our decision in September was to share the conservation burden and allocation among sectors fairly, he suggested this proposal as guidance to the GMT.

Ms. Vojkovich told Mr. Anderson she appreciated his thought process, and thinks this is a much cleaner way to give direction to the GMT. We are focusing on northern and central California when considering inseason action for canary rockfish savings and requested that the GMT consider restrictions in southern California as well.

Dr. Burke said this is a reasonable approach.

Dr. McIsaac reiterated that the Council would like the GMT to look at the analysis of the canary rockfish impact estimates and have the GMT provide a description of the seasons that would get to those impacts; the second is to look at southern California fisheries currently open out to 60 fathoms and report back what savings there may be in adjusting the depth limits or seasons.

Dr. Burke asked the Council to give the GMT some leeway to drop some analyses that are not consistent with the direction given today and asked if the GMT still needs to address the issue of averaging values between 2002 and 2003 when modeling 2004 recreational fisheries.

Ms. Vojkovich said the issue of averaging is important to California and asked that the GMT put that task as a low priority to allow them to work on the new proposals from today first.

C.4 Observer Data and Model Implementation (04/06/04; 8:32 am)

C.4.a Agendum Overview

Mr. DeVore provided the agendum overview and reviewed the reference documents.

C.4.b NMFS Recommendations

Dr. Jim Hastie provided a powerpoint presentation.

C.4.c Reports and Comments of Advisory Bodies

SSC

Dr. Kevin Hill provided Exhibit C.4.c, Supplemental SSC Report.

C.4.d Public Comment

None.

C.4.e **Council Action:** Approve Observer Data and Model Implementation for 2004 Inseason Management Actions and 2005-2006 Management Measures

Mr. Brown commented that the model tends to be used for two purposes; current estimates of true mortality as a result of our management and the level of observation may be adequate for that purpose; the other is for anticipating effects when we are modeling a future season. The only data available to base projections upon is the current fishery. Therefore, observations are restricted to open areas that are different today when compared to the past and potentially different from the future. We don't have enough information to use the model to consider moving management lines, particularly in the fixed gear fisheries, until more data is collected in the future through experimental fisheries.

Dr. Hastie reported that during the first two years (2000-2001) of observations there were no depth restrictions and there was a block of data collected in areas now closed to the fixed gear fleet. These data indicate higher bycatch rates for yelloweye rockfish, canary rockfish, and lingcod in areas currently closed to fixed gear vessels. Unlike the trawl model, the fixed gear model does not have the benefit of logbook data to provide a more precise indication of effort patterns.

Mr. Alverson referenced the possibility of expanding the fixed gear logbook program in Alaska to the West

coast, and asked about the degree to which those data may help with effort and fishing pattern predictions. Dr. Hastie responded that additional, more comprehensive information on the fleet would be valuable especially if we are able to utilize VMS data to provide better information on the depths vessels are fishing.

Dr. Burke, on the limited entry trawl study, said the SSC has indicated lingcod discard mortality dropped from 70% to 50% and Oregon has done some studies to suggest the rate should be even lower. Did the GMT review this information when recommending the new mortality rate. Dr. Hastie said the GMT tracked past Council decisions and discovered that the Council had been using 50% and speculated that using 70% more recently was an error that treated lingcod consistently with mortality rates for Sablefish. The GMT reviewed available information and recommended 50% as a likely upper bound. He said the GMT will spend time in May to discuss the available information on discard mortality for Sablefish and lingcod to determine if mortality rates currently in use are appropriate. Dr. Burke asked if Council-adopted changes for modeling at this meeting could be revised for modeling the 2005-2006 management alternatives in the future. Dr. Hastie said yes, the final version would be revised to reflect those decisions.

Mr. Alverson moved and Mr. Brown seconded a motion (Motion 3) to approve the models for use in 2004 inseason management and 2005-2006 management decisions (the limited entry trawl bycatch model adopted for management use in 2003 and updated with new observer data, new logbook data, new fish ticket data, and new observer data stratifications as provided in Exhibit C.4.a, Attachment 1; and a new fixed gear primary sablefish bycatch model as provided in Exhibit C.4.a, Attachment 2).

Motion 3 passed.

C.5 Policy on Groundfish Management Information Usage (04/06/04; 1:31 pm)

C.5.a Agendum Overview

Dr. Ed Waters provided the agendum overview (Exhibit C.5.b).

C.5.b Report of the Ad Hoc Groundfish Information Policy Committee (GIPC)

Dr. Waters highlighted the GIPC report.

C.5.c Reports and Comments of Advisory Bodies

GAP

Dr. Waters read Exhibit C.5.c, Supplemental GAP Report.

C.5.d Public Comment

None.

C.5.e **Council Action:** Consider Recommendations of the GIPC

Mr. Anderson moved and Mr. Alverson seconded a motion (Motion 10) to adopt the report of the GIPC as contained in Exhibit C.5.b, Supplemental Report of the GIPC, including the schedule contained in page 4 of that report (the *Draft Proposed Observer Data and Bycatch Model Schedule for Multi-Year Management*).

Ms. Vojkovich questioned whether taking this action today will preclude changing out minds later, for example to resolve conflicts. The Chair responded that this action will not preclude that. Mr. Alverson, in

looking through the schedule on page 4, asked if we will be using 2005 observer data for the setting the 2007 season specifications (i.e., making the decision in November 2006).

Dr. McIsaac said the intent is to also use 2005 observer data for 2006 inseason management as well. Mr. Robinson said that observer data updates will occur each year. In November 2005, observer data collected through 2004 would be used to set the 2007 and 2008 preseason specifications. Mr. Alverson was okay with the explanation.

Mr. Anderson said he understands if we are going to change the data time frame then we need to make that decision and start moving in that direction (i.e., to move to a calendar year). This would assist Dr. Clarke in making plans for the transition.

In response to a question from Ms. Vojkovich, Mr. Robinson clarified that in 11/05 we would be using an entire year of data for 2004, and in 2006 we would also add an additional year of observer data to use for inseason management.

Mr. Robinson confirmed that the data would be cumulative, except if there are significant changes in fishing regimes in which case we may opt to use something else (the point being there would generally be an additional year of data added to the database each year).

Mr. Coenen summarized that this action will begin to regularize the observer data schedule, that the observer data set will become cumulative, and that this will be a long-term structure. However there will also be other factors, as Ms. Vojkovich mentioned, and we will have to learn as we go along to synchronize all the elements of our management process.

Motion 10 passed.

C.6. Groundfish Essential Fish Habitat (EFH) Environmental Impact Statement (EIS) Analytical Model (04/06/04; 1:51 pm)

C.6.a Agendum Overview

Dr. Kit Dahl read the situation summary.

C.6.b NMFS Report

Mr. Steve Copps, NMFS NWR, introduced the report. Mr. Graeme Parks, MRAG America, Inc., described the EFH designation model component of the EFH EIS analytical framework. (The Powerpoint presentation is available at the Council office).

C.6.c Scientific and Statistical Committee (SSC) Report

Dr. Dahl read Exhibit C.6.c, Supplemental SSC Report.

C.6.d Reports and Comments of Advisory Bodies

Habitat Committee

Mr. Stuart Ellis read Exhibit C.6.d, Supplemental HC Report.

GAP

Mr. Phil Kline read Exhibit C.6.d, Supplemental GAP Report.

C.6.e Public Comment

Mr. Phil Kline, Oceana, Washington, DC
Mr. Chris Dorsett, The Ocean Conservancy, San Francisco, California
Ms. Susan Murray, Oceana, Washington, DC

C.6.f **Council Action:** Approve EFH Identification Model and Authorize the Ad Hoc Groundfish Fishery Management Plan (FMP) EIS Oversight Committee to Develop a Preliminary Range of Alternatives

Dr. McIsaac asked Ms. Cooney, about adding an additional seat to the Groundfish FMP EIS Oversight Ad Hoc Committee. He noted that there is no representative from the plaintiffs in the original lawsuit initiating preparation of this EIS and asked if one could be appointed. He further asked if there would be a problem with this, given that the plaintiffs are a party to the settlement outcome related to this EIS. He also noted that the settlement directs that the plaintiffs develop one alternative with a strong conservation purpose for analysis in the EIS. Such an appointment would facilitate direct involvement by the plaintiffs in developing the alternatives. Ms. Cooney said there is no legal harm in doing that. The Council Chairman asked if there are Council concerns with having Mr. Chris Dorsett, The Ocean Conservancy, on the Ad Hoc Oversight Committee. There were none. Mr. Robinson noted that from an efficiency standpoint appointing Mr. Dorsett would be helpful.

Ms. Vojkovich was unclear on why available biogenic habitat data was not being used in the EFH modeling effort described by Mr. Parkes. This question had been raised during public comment. She asked if the data were available and what the status of work was on addressing the biogenic habitat issue. Mr. Copps reminded the Council that a series of public meetings were held as part of developing this model, and this also facilitated gathering available data for use in the model. The Technical Review Committee advised that although there are data on biogenic habitat, it is not suitable for modeling purposes. This does not mean that biogenic habitat is not part of EFH or cannot be addressed outside the model. .

Ms. Vojkovich then asked if the technical advice to use presence-absence data for fish species was given before consideration of including biogenic habitat, and why this type of data could not be used to determine the distribution of biogenic habitat. Mr. Parkes responded by noting that biogenic species are part of the habitat for managed species, rather than species for which habitat is being independently determined. They would thus be part of the substrate GIS layer used as part of the model to identify EFH for managed species. However, the available data for biogenic habitat is not of the type that can be used for mapping the distribution of corals and sponges (biogenic habitat). The presence-absence data are used to compare the distribution of managed fish species in relation to the underlying habitat in order to determine EFH. The idea that because there isn't usable data on the distribution of biogenic habitat in the model means that the areas where they occur are omitted from the analysis and therefore cannot be identified as EFH is a misrepresentation of the analysis. Biogenic habitat is likely to occur within areas that could be identified as EFH with the model.

At the request of Mr. Coenen, Ms. Burke asked that she replace him on the Ad Hoc Oversight Committee. The Chairman agreed. The Chairman also appointed Mr. Dorsett to the committee based on previous Council discussion.

Ms. Vojkovich moved and Mr. Thomas seconded Motion 11 to approve the EFH designation model for use by the Ad Hoc Oversight Committee and EFH EIS team in developing and analyzing preliminary alternatives for EFH designation.

Ms. Vojkovich stated that all of the components of the analytical framework should be completed before the next step occurs. She was unsure if the impacts model is part of this discussion or if that model will come before the Council at a different time. Dr. McIsaac responded that this action pertains to just the EFH identification model component of the analytical framework. The fishing gear impact model component has yet to be reviewed by the SSC. This model will be completed at a later time. If the Council thinks identification of biogenic habitat should be incorporated into the designation model, that discussion should occur now. Otherwise, if there is a presumption that those things will be added at a later date, during the discussion of the motion Mr. Copps should provide his advice about adding additional items. Mr. Copps said for purposes of this discussion, the model is complete and our resources will be focused on the impacts model.

Mr. Ticehurst noted, per the SSC's recommendations, what questions can the model answer? Mr. Paskes said that his question related to the impacts model. Mr. Ticehurst said he has the same question for the identification model. Mr. Paskes described how the model could be used to answer various questions. Mr. Anderson noted that everywhere he has gone in the past two years it has been noted by conservation groups we are not "paying attention to EFH issues and their concerns." He stated that he does not want to leave this decision here, which would lead conservation groups to think we are not going to be looking at this again for five years. If we have additional information on this we need to get it in the model as quickly as possible. Mr. Robinson said some of the confusion comes from the word "complete." The model is conceptually and structurally complete. However, as additional data become available and are added to the model it will become more complete. As soon as data are available it will be added.

Motion 11, approving use of the EFH designation model, passed.

Dr. Dahl asked if the Council wanted to provide further direction on the revised schedule for completion of the EIS. Dr. McIsaac asked Mr. Copps to speak to that. Mr. Copps recommended to link the development of EFH alternatives with the schedule for model completion. The Ad Hoc Oversight Committee could most efficiently meet after the June Council meeting, when the fishing impacts model will be delivered; but they could meet in May if the Council so directed.

Mr. Anderson stated that the Council could have a first look at the alternatives in September and identify a preferred alternative in November. He noted that the revised schedule (Exhibit C.6.b Attachment 3) does not identify action at the November Council meeting. Mr. Copps said the models are structured so that the analysis could happen quickly. If the Council selected a preliminary range of alternatives in September, the analysis could be completed by the November meeting. Dr. McIsaac spoke to SSC review of the fishing impacts model. The groundfish and economics SSC subcommittees would review the fishing impacts model prior to the June Council meeting so that both components could be approved for use by the end of the June Council meeting. Over the summer the Ad Hoc Oversight Committee could meet to develop alternatives. The Council would then consider their recommendations and formally adopt a preliminary range of alternatives for analysis at the September Council meeting. A focused review of the analysis would occur at the November Council meeting. The Council concurred with this schedule.

Mr. Alverson, in listening to the make up of the Ad Hoc Oversight Committee and adding the plaintiffs to it, suggested adding a representative for fixed gear fisheries. It was noted that Mr. Tom Ghio is on the Committee and fulfills this role.

Dr. Dahl summed up the Council action.

C.7 Status of 2004 Groundfish Fisheries and Inseason Adjustments (04/06/04; 3:56 pm)

C.7.a Agendum Overview

Mr. Burner provided the agendum overview.

C.7.b Report of the GMT

Ms. Robinson provided Exhibit C.7.b, Supplemental GMT Report.

C.7.c Reports and Comments of Advisory Bodies

GAP

Mr. Rod Moore provided Exhibit C.7.b, Supplemental GAP Report.

C.7.d Public Comment

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

Mr. Daniel Strunk, Pierpoint Sportfishing, Long Beach, California

Mr. Randy Fry, Recreational Fishing Alliance and Coastside Fishing Club, Sacramento, California

C.7.e **Council Action:** Consider Inseason Adjustments in the 2004 Groundfish Fishery

Ms. Robinson clarified that the California recreational value of 287.8 metric tons on page 4 of the GMT report does not include lingcod savings resulting from the proposed fishing restrictions that achieve the canary rockfish impact of 9.3 metric tons. If the Council recommends implementing those restrictions to decrease canary rockfish impacts, impacts to lingcod would drop 76.9 metric tons from 287.8.

Mr. Thomas stated that the lack of testimony from the industry under this agenda item suggests frustration with the data we are working with and he urged people to try to work with CRFS to get some accurate figures. Mr. Thomas also requested guidance from NMFS on how to proceed with the issue of boat limit under inseason action.

Mr. Robinson said he has not confirmed with Ms. Cooney if this could be done inseason or by way of FMP amendment. Ms. Cooney said the regulations reference boat limits as routine management measures and conformance to state laws would be a rationale for inseason action, but this assumes there is clear understanding of the impacts associated with implementing boat limits.

Mr. Thomas said he did not think impacts would be any greater and cited examples from salmon fisheries.

Mr. Robinson said he would ask the GMT if providing boat limits would change the analysis of impacts. Ms. Robinson said the GMT does not have data available to them at this time to analyze the impacts of boat limits relative to inseason action.

Chairman Hansen concurred with Mr. Thomas' comments, and was surprised there was so little public comment relative to inseason action.

Ms. Vojkovich, on the issue of lingcod, said the number in bold (298.6 metric tons) is the number of tons that in the March inseason action we could identify as being the catch with the inseason action of a 30-inch minimum size limit and a one fish bag limit. In addition to those impacts, we also specifically identified impacts we could not quantify which was represented by the 59 or 60 metric tons difference. She had concerns about not including these unquantifiable impacts in the California recreational fishery estimate as those impacts could then get redistributed to other fisheries.

Dr. McIsaac asked Ms. Robinson to comment on Ms. Vojkovich's comments. Ms. Robinson reported projected lingcod savings of approximately 77 metric tons if the Council takes action on canary rockfish at this time. This savings is greater than the 59 metric tons being discussed as a value needed to buffer against unquantifiable values. Therefore, she is unsure as to how that would result in exceeding the OY of 735 metric tons. If the Council takes action to reduce impacts to canary rockfish, the remaining lingcod savings could be identified as a buffer to cover unquantifiable impacts.

Ms. Vojkovich said Ms. Robinson is correct. However, 287.6 metric tons is not what California is managing its fisheries to achieve, that value is 346.8 metric tons.

Dr. McIsaac said the main chore is to address impacts to canary rockfish. If the lingcod questions remain, they can be addressed in June. He encouraged the Council to complete deliberations on inseason adjustments today.

Ms. Vojkovich requested GMT review of the lingcod impacts. Ms. Robinson said the GMT members present have reported the 287.6 estimate was based on an analysis received at this meeting relative to the inseason March Council action. This represents the quantifiable amount of lingcod. Accounting for the uncertainty as an error margin, the estimate should be revised to the 346.8 metric tons as our best estimate at this time.

Mr. Anderson moved and Mr. Alverson seconded a motion (Motion 12) that the Council adopt, as inseason action, the GMT inseason trawl fishery adjustments incorporated in C.7.b, Supplemental GMT Report April 2004; adopt the increased sablefish tier limits for the primary sablefish fishery; and the minor slope rockfish and splitnose rockfish trip limits south of 40°10' N. lat.; include the combination of alternatives for inseason management needed to reduce the canary impacts in the California recreational fishery; adjust the lingcod number on page 4 such that 287.6 metric tons is replaced with 346.8 metric tons; and that we hold any further guidance on the use of buffers until the June Council meeting when additional harvest data is available.

Ms. Vojkovich understands the motion would mean a closure to all groundfish rather than rockfish and lingcod only. She has some possible fisheries that could be exceptions to those closure periods as a friendly amendment. Mr. Anderson said he is not judging in any way what is being proposed, but feels it would be more appropriate as a separate motion or an amendment to the motion.

Dr. Hanson recommended handling the matter as a separate amendment to the main motion.

Mr. Anderson understands that what we have been referring to as the buffer in our previous decisions, was based on some belief there were catches that we could not quantify specifically. This include preliminary observations out of MRFSS, the fishing allowed out to 30 fathoms in 2004, and public awareness of the adjustment in the size limit. He stated he would like some confirmation on continued need for a buffer.

Ms. Vojkovich agreed with Mr. Anderson's description of the need for a buffer. She stated the motion includes this buffer as part of the 346.8 metric tons value for California recreational lingcod impacts.

Mr. Anderson and Ms. Vojkovich discussed the possibility or revisiting this issue in June.

Chairman Hansen asked for discussion on main motion. Motion 12 passed.

Ms. Vojkovich moved and Mr. Thomas seconded a motion (Motion 13) to make exceptions to the previously adopted recreational closures in California. These exemptions include shore-based anglers, divers, and the take of leopard shark in the greater San Francisco Bay area; fishing for sanddabs is allowed. Additionally, the closures include state managed species (cabezon, greenling) so that the closure would apply to all groundfish species. The state would also take action to close ocean whitefish during these groundfish closure periods. The motion also includes a prohibition for black rockfish retention north of 40°10' N. lat. for the month of May and the months of September through December.

Ms. Vojkovich explained there are no expected impacts to canary rockfish from shore-based or San Francisco Bay fishing activity in California and divers can selectively harvest species by visual identification and avoid species like canary rockfish for which retention is prohibited. Sanddabs have been allowed in closed areas in the past due to the use of small hooks and preferred fishing areas with no impacts to overfished species expected. The closure to the retention of black rockfish north of 40°10' N. lat. is intended to address California potentially exceeding allocations in 2004.

Mr. Burner confirmed that existing gear restrictions for the sanddab fishery would still be in place.

Motion 13 passed.

Mr. Thomas moved that we include a recommendation for new federal regulatory language for the inclusion of boat limits in recreational fisheries. Mr. Ticehurst seconded the motion (Motion 14).

Mr. Robinson asked if this would also apply to Oregon and Washington. Dr. Burke said Oregon has only implemented boat limits for the salmon fishery at this time, but would not have an objection to apply the rule at the state level for all groundfish fisheries. Mr. Anderson said Washington boat limit regulations apply to all fisheries in marine waters.

Ms. Cooney asked Oregon if the federal action on boat limits apply coastwide or just to California and Washington until Oregon state regulations can be addressed. Dr. Burke recommended coastwide regulations as Oregon can act quickly on this matter. Motion 14 passed.

Ms. Cooney clarified, relative to Ms. Vojkovich's motion, some of the items in the motion are for modeling purposes and that regulations effecting shore-based and San Francisco Bay fisheries are not really part of the federal regulations other than simply acknowledging California's intent.

04/08/04; 6:52 pm Council revisited Agenda Item C.7.e

Mr. Burner noted the GMT had a revision to rockfish for the California recreational fishery.

GMT

Ms. Robinson presented Exhibit C.7.b, Supplemental GMT Report 2.

Public

Mr. Daniel Strunk, Pierpoint Sportfishing, Long Beach, California

Mr. Randy Fry, Recreational Fishing Alliance and Coastside Fishing Club, Sacramento, California

Council Action Revisited (7:03 pm 04/08/04)

Mr. Alverson moved and Dr. Burke seconded a motion (Motion 32) to reconsider the motion taken under inseason management (Motion 12). Motion 32 passed.

Ms. Vojkovich moved and Dr. Burke seconded a motion (Motion 33) to amend the main motion (Motion 12) for groundfish inseason adjustments to adopt a 30 fathom depth closure south of Pt. Conception for the months of September and October. This would be in place of the previously defined closure for waters deeper than 40 fathoms for waves three through six.

Mr. Anderson offered a friendly amendment to the motion to prioritize the balance of 37.4 metric tons of lingcod to California recreational fisheries for 2004. Ms. Vojkovich and Dr. Burke accepted the amendment.

Motion 33 passed.

Ms. Vojkovich appreciated the Council gesture to accommodate California recreational fisheries and stated that California is working towards more effective tracking of the fisheries including alternatives to the scorecard.

Mr. Anderson moved and Ms. Vojkovich seconded a motion (Motion 34) to approve the Main Motion (Motion 12) as amended by Motion 33. Motion 34 passed.

C.8 Preferred Alternative Harvest Levels for 2005-2006 Fisheries (04/07/04; 1:05 pm)

C.8.a Agendum Overview

Mr. DeVore provided the situation summary details. Harvest specifications for the four rebuilding species are scheduled to be determined under agendum C.12 and will be automatically added to the decision under this agendum then. The harvest specifications for canary rockfish will be determined in June at the time that final management measures are adopted.

C.8.b GMT Report on the Range of Acceptable Biological Catch (ABC) and Optimum Yield (OY)

Ms. Robinson presented Exhibit C.8.b, Supplemental GMT Report.

Mr. DeVore also noted a typo. The harvest control rules on page 1 for lingcod should read as follows: (F=0.0531 for the north and F=0.0610 for the south).

Mr. Brown asked for the rationale for the proposed reduction for other flatfish when many of the species including English sole are not caught in great numbers given the current legal mesh sizes. Ms. Robinson stated that the GMT was following the Restrepo guidelines for unassessed stocks and noted that the GMT is attempting to correct some previous errors is calculating this OY. This action is not in response to specific concerns for these stocks. However, the GMT is concerned about the levels of harvest in Canada, particularly on Pacific cod. Mr. Brown stated that the guidelines are intended for species where we do not fully understand how conservative our management strategy is and this is not the case for other flatfish as many species are small and not harvested under current mesh restrictions.

Dr. McIsaac, regarding rebuilding year targets for lingcod, asked what the target rebuilding years would be under the previous assessment and under the new assessment and the GMT recommendation of managing to the medium OY with a 70% rebuilding probability. Mr. DeVore said the target year under the GMT

recommendation is 2009 and under the low OY will have to be determined but would be expected to be less than 2009 as stated in the SSC statement from March. Dr. McIsaac said the SSC statement said at the onset of 2004, the stock is 99.3% of the rebuilding target.

Mr. Brown asked if it is safe to say that lingcod are rebuilding faster than expected and that the low ABC/OY levels, with updated parameters for new biomass, are based on the old recruitment and growth rate levels. Mr. DeVore said yes, the harvest control rules adopted under 16-2 were based on the old assessment.

Mr. Robinson, on Dr. McIsaac's comments, said the rebuilding plan is structured on a coastwide OY basis, the assessments are separated into north and south components that are combined into a coastwide consideration. It may be misleading to think of it as 99% rebuild when the abundance in the north is estimated to have exceeded its rebuilding target while the abundance in the south is still considerably below its target.

Ms. Robinson said the GMT would ask the Council to be precautionary when setting the lingcod OY. The Council could achieve this through specification of regional harvest targets or by choosing a lower coastwide OY for lingcod. The new assessment is based largely on one strong year class (1999) and for every 10% increment in P_{MAX} the OY drops about 3%.

Ms. Vojkovich asked if there were any recommendations from the GMT other than lingcod that did not make it into the written report.

Ms. Robinson said the GMT did discuss the cabezon OY in California. The ABC/OY table for cabezon reflects a constant catch of 69 mt for 2005 and 2006 rather than the previous levels of 51 mt and 72 mt respectively. The GMT understands that this is consistent with CDFG recommendations and concurs.

Ms. Vojkovich asked about additional lines with suggested OYs on revised Table 1 of Exhibit C.8.b, Supplemental GMT Report, under minor rockfish south and minor rockfish.

Ms. Robinson said the GMT did take a look at specific OYs for areas in the north and south within minor rockfish. Presented in the tables are the 2004 specifications broken out for nearshore, shelf, and slope categories as well as for areas north and south of 40°10' N. lat. The 2004 values are being carried forward for 2005-2006.

Dr. Burke asked Ms. Robinson to explain some of the concerns regarding lingcod.

Ms. Robinson said several factors were identified by the GMT including the assessments reliance on the strong 1999 year class. Additionally, there are uncertainties in the new assessment and in relative catch projections. Dr. Burke then asked if the GMT considered the expected shift in effort to nearshore areas with the RCA in place. Ms. Robinson said that was brought up and discussed. The plan is to recommend the medium OY for lingcod and address those concerns under 2005-2006 management measures and the GMT would appreciate Council guidance on this concern under the next agenda item.

Dr. Burke asked Ms. Cooney about the implementation of the Restrepo policy and whether Mr. Brown's interpretation of when it should and should not be used is accurate. Ms. Cooney said that the Restrepo policy is a guidance document on scientific matters and would rather have someone else interpret the document. She clarified that the policy is not part of the FMP and therefore it is not required.

Mr. Anderson discussed going from one OY in 2005 to another in 2006 for lingcod and asked about providing some stability by choosing the same OY for both years. Ms. Robinson said yes, the GMT was

looking at the calculation used to determine the medium OY value ($P_{MAX}=70\%$) from which the 2005 and 2006 OYs were derived and the GMT did not consider an alternative with the same OY for both years. Providing stability to the management regime and the fishery would be a policy decision. There is also a fairly significant difference in the whiting numbers and the GMT recommends a range for both years at this time.

C.8.c Recommendations of the States, Tribes, and Federal Agencies

Oregon

Dr. Burke said they are supportive of the GMT direction in general with concerns about the other flatfish OY situation if it is not based on a conservation issue and becomes a limiting factor. Oregon would also like to have some conservative efforts for nearshore management for lingcod.

Washington

Mr. Anderson said he is interested in trying to provide stability to the lingcod OY, while not hitting the 1999 year class harder in the first year followed by fishery reductions as the year class moves through the fisheries. WDFW supports the GMT recommendations on pacific cod in view of the actions and information from Canada and the relative catch in Canada and the US. He would also like to have more discussion relative to Sablefish OYs, because, like lingcod, there appears to be some minor downward trend in sablefish OY as we go from 2005 to 2006.

California

Ms. Vojkovich spoke to the cabezon OY issue and thanked the GMT for considering the direction received from the CDFG. Cabezon, along with 19 other species is included in the California nearshore FMP, which uses a more precautionary harvest control rule. California felt cabezon was not in the same type of classification of rockfish as cabezon are shorter lived and more resilient to handling. The California Fish and Game Commission considered three alternatives for cabezon management, application of the policies as stated in the nearshore FMP Cabezon, application of new harvest control policies, and applying a constant catch strategy knowing that cabezon will be reassessed next year. The Commission recommended to use the constant catch alternative for a three-year time frame (69 mt).

Tribes

Mr. Harp provided Exhibit C.8.c, Supplemental Tribal Recommendations.

Federal

Mr. Robinson recommended, for overfished stocks without new stock assessments, that the Council ensure that ABC/OY decisions adhere to rebuilding plan parameters.

C.8.d Reports and Comments of Advisory Bodies

SSC

Dr. Kevin Hill presented Exhibit C.8.d, Supplemental SSC Report.

GAP

Mr. Rod Moore presented Exhibit C.8.d, Supplemental GAP Report.

C.8.e Public Comment

Mr. Bill James, nearshore commercial fisherman, Salem, Oregon

C.8.f **Council Action:** Adopt Preferred Alternative Harvest Levels (ABCs and OYs) for 2005-2006 Management

Working from Exhibit C.8.b, Supplemental GMT Report, Mr. Anderson, referred to pages 4 and 5, and moved (Motion 16) to adopt those ABCs and OYs for 2005 and 2006 as follows:

- Lingcod, the medium ABC and OY with the OY fixed for both years at 2,414 mt, the value for 2006
- Include all species represented in the tables with a single value
- For species with a range, such as pacific whiting, include the range in the motion
- Delay taking action in widow rockfish, bocaccio, cowcod, and yelloweye until final action on Amendment 16-3 and delay action on canary rockfish until final 2005-2006 management measures are adopted in June
- Include the medium ABC and OY for cabezon
- Include the low ABC and OY for pacific cod
- Do not include in the motion other flatfish and other fish categories.

Mr. Alverson seconded motion 16.

Mr. Robinson asked about sablefish. Mr. Anderson stated that he did not intend to leave out sablefish and recommended including the medium ABC and OY for 2005 and 2006 for sablefish.

Dr. Burke asked for a friendly amendment to delay setting the OYs for other flatfish until the June meeting. (accepted by Mr. Anderson and Mr. Alverson).

Mr. Brown asked about the subareas for lingcod, and asked if the motion is for coastwide harvest specifications. Mr. Anderson said we are locked into a coastwide value due to the rebuilding plan, but the Council could address the use of regional management through the use of harvest guidelines in our management decisions.

Dr. Burke confirmed with Mr. Anderson that all species with a single value in 2005 and 2006, like Dover sole, were included in the motion.

Motion 16 passed.

Mr. Anderson confirmed with Dr. Burke that her friendly amendment was only for other flatfish and did not include the other fish category.

Mr. Alverson moved that we postpone the final decision on other fish until June (Motion 17). Mr. Brown seconded the motion.

Mr. Anderson believes that would be a mistake because the GMT needs to have that value decided at this meeting so they can prepare the 2005-2006 management alternatives and is against the motion.

Motion 17 was withdrawn and Mr. Anderson offered a substitute motion.

Mr. Anderson asked for a substitute motion (Motion 18) to set the other fish value at the low ABC and OY values listed in Exhibit C.8.b, Supplemental GMT Report. Mr. Cedergreen seconded the motion.

Mr. Anderson stated his understanding that the total catches of other fish are substantially below the current OY levels as well as the low OY level in the motion.

Motion 18 passed.

Dr. McIsaac asked Mr. DeVore about the Council action to defer action on harvest specifications on canary rockfish until June. He stated it would seem a number should be in place for purposes of modeling management measures.

Mr. DeVore said the canary rockfish specifications are no different than one another in terms of rebuilding, they have the same target year and the same control rule. The OY varies among the catch sharing options between commercial and recreational fisheries. The final decision on canary rockfish OY needs to be coupled with final decisions on 2005-2006 management measures.

Ms. Vojkovich asked about process of substituting a motion. Dr. Hanson explained the substitute motion (Motion 18) carried the main motion (Motion 17) making the main motion moot. Ms. Vojkovich requested her vote be changed from yes to no. Dr. Hanson stated that a vote cannot be changed but there could be a motion to reconsider.

C.9 Review of Exempted Fishing Permit (EFP) Activities for 2003 and Initial Concepts for 2005-2006 (04/07/04; 10:20 am)

C.9.a Agendum Overview

Mr. Burner summarized the situation paper and explained the Council action.

C.9.b Recommendations of the States, Tribes, and Federal Agencies

California

Ms. Vojkovich stated that California has conducted an EFP testing selective flatfish trawl gear like Oregon and Washington. There have been problems getting people to test fish during the past few years. California is in the process of collecting information required to implement the fishery in regulations. California intends to extend the EFP into 2005 but may not go forward in 2006 depending on participation. The results of the California EFP on selective flatfish trawl gear is presented in Exhibit C.9.b, Supplemental CDFG Report as an informational item.

Mr. Burner stated that under biennial management, the Council will approve management measures for two years and EFP that may not be conducted in 2006 should be considered as a placeholder at this time in the event that the EFP goes forward.

Oregon

Dr. Burke, agreed with the issue of placeholders and noted the results of the 2003 selective flatfish trawl EFP are presented in Exhibit C.10.a, Attachment 2.

Initial concepts for 2005-2006 EFPs are contained in Exhibit C.9.b, Supplemental ODFW Report. Oregon will be conducting research under EFPs as well as letters of acknowledgment (LOAs) in 2005.

Dr. McIsaac asked Mr. Robinson about differences between LOAs and EFPs. Mr. Robinson said scientific research conducted by non-federal organizations is normally acknowledged by an LOA. If the work is designed for the testing of gear, it is not considered research, and needs to be conducted under an EFP. If it is research and not “gear testing” the LOA route might be more appropriate.

Washington

Mr. Anderson referred the Council to Exhibit C.9.c, WDFW Report which described the 2003 EFP activities by WDFW.

WDFW’s proposed EFPs for 2005-2006 were contained in Exhibit C.9.b, Supplemental WDFW Report 2. The three EFPs proposed by WDFW are: arrowtooth flounder (with a proposal to include these provisions in federal regulations for 2005 and 2006), longline dogfish (continue in 2005 and if positive results, then possibly continue in 2006 through the use of “hotspot” management), and midwater pollock (continue in 2005 and provide that fishery through either federal regulations or state regulations in 2006).

Additional supporting materials for converting the EFPs into federal regulations can be found in Exhibit C.10.a, Attachment 2.

Tribes

Mr. Harp provided Exhibit C.9.b, Supplemental Tribal Comment.

C.9.c Reports and Comments of Advisory Bodies

GAP

Mr. Burner read Exhibit C.9.c, Supplemental GAP Report.

C.9.d Public Comment

None.

C.9.e **Council Action:** Provide Guidance on Development of EFPs for 2005-2006

Mr. Burner said the Council has heard the proposed EFPs, and this is the time for the Council to identify any of the proposed EFPs they do not want to include in the management process for 2005-2006.

Mr. Anderson requested the EFPs that have been provided as alternatives by the states be included in our draft alternatives for the 2005-2006 regulation package. He also noted that the results of the EFPs that have been conducted have been a very wise investment in his opinion and will provide fishermen the flexibility that they would not otherwise have had.

Mr. Robinson indicated his staff will work with the state of Washington to try to put together a regulatory package to take the arrow tooth EFP into federal regulations. Given the merit they have in addressing some of the bycatch issues, it will be very much a priority to move these into federal regulations.

Dr. Burke, responding to Mr. Robinson's earlier comments, stated she is hoping NMFS will work with ODFW to better define and differentiate LOAs and EFPs.

C.10 Initial Refinement of Management Measure Alternatives for 2005-2006 Fisheries (04/07/04; 2:18 pm)

C.10.a Agendum Overview

Mr. DeVore reviewed the situation summary and explained the Council task. Dr. McIsaac reviewed the schedule of subsequent meetings and tasks to complete the regulatory process for implementing 2005-2006 management measures.

C.10.b GMT Recommendations

The Council decided to defer soliciting comments, questions and advice from the GMT until C.10.c.

C.10.c Recommendations of the States, Tribes, and Federal Agencies

California

No comments.

Oregon

Dr. Burke encouraged consideration of the selective flatfish trawl with an eye on using it as a mandatory bottom gear inside 100 fm. Considerations for the whiting fishery include analysis of area management strategies (including the "hot spot" management concept) and analysis of a "penalty box" strategy for constraining overfished species. The ODFW will consider regional management of overfished species in their recreational groundfish fishery. They would like to look at status quo with different options for inseason management to respond to overharvest of overfished species. They have concerns about lingcod harvest nearshore and would like the GMT to look at these issues as well.

Washington

Mr. Anderson said WDFW is looking at putting their arrowtooth flounder EFP into regulation. They will also propose small EFPs (with caps for overfished species) for longline dogfish and pollock. They are interested in looking at harvest guidelines (HGs) for overfished species. They are looking at having a recreational groundfish regulatory package similar to the regulatory package that is in place for 2004.

Tribal

Mr. Harp read Exhibit C.10.c, Proposed Treaty Indian Management Measures, which is their proposed 2005-06 regulatory package.

Mr. Anderson asked Mr. Harp if full retention of all rockfish is mandatory in tribal fisheries? Mr. Harp explained that full retention is mandated during open competitive fisheries to avoid discards. The tribes will track attainment of overfished species with inseason monitoring and make adjustments as necessary. Mr. Anderson asked if full retention of rockfish could be mandated in all portions of the tribal fishery? Mr. Harp said the Council could do this, but the effect would be the same. Mr. Anderson asked if the Council were to decide only small footrope trawls could be used nearshore in the non-tribal fishery, would

the tribes use that gear exclusively in their nearshore fishery? Mr. Harp said yes. Mr. Anderson asked what is the rate of tribal observer coverage? Mr. Harp replied 15%. Re-addressing the full retention of rockfish issue, Mr. Steve Joner explained the Makahs require full retention of rockfish. Mr. Harp added tribal fishermen could only sell up to their specified trip limit. Mr. Joner said any landings of rockfish above the trip limit are retained, but trip limits are adjusted down, if needed, to stay within expected impacts on overfished rockfish species. Mr. Brown noted that the bycatch scorecard projects 4.7 mt of a tribal total of 8.0 mt of canary rockfish impacts are attributed to the tribal whiting fishery. How many canary rockfish were observed in last year's tribal whiting fishery? Mr. Joner replied the tribal estimate was <1.0 mt, which was close to that estimated in the NMFS Observer Program.

Federal

Mr. Robinson said when Council members are making HG recommendations for a sector or a region, please be as explicit as possible on the expected regulatory response if an HG is projected to be exceeded inseason in state and/or federal waters.

Ms. Cooney had questions about the proposals for "penalty box" and "widow rockfish hotspot" strategies. She did not know what is meant or how it operates. She will speak with ODFW and the GMT over the next few days. Some of these management measures are extremely difficult to implement.

Dr. Burke clarified ODFW's nearshore lingcod concerns and explained her definition of nearshore is shoreward of the Rockfish Conservation Area (RCA). She wants the GMT to analyze conservative nearshore lingcod harvest limits.

C.10.d Reports and Comments of Advisory Bodies

GMT

Ms. Robinson said the GMT's intent was to receive informal guidance today, with a written statement tomorrow to identify state recreational options, address issues, and provide recommendations on proposed management measures.

GAP

Mr. Moore asked that the GAP be included in discussions relative to the "widow hotspot" issue. The GAP has followed the procedure that has worked in the past of establishing subcommittees based on gear groups to look at proposed management measures. He said the GAP would not have a written statement tomorrow.

C.10.e Public Comment

None.

C.10.f Council Recommendations to Refine Proposed 2005-2006 Management Measure Alternatives for Public Review, and Establish EFP Set-Asides

Ms. Robinson asked for further guidance for the GMT on the following issues:

1) Lingcod Management: The GMT believes there should be a precautionary approach to lingcod management and is supportive of setting aside a portion of the lingcod OY as a buffer against assessment uncertainty and catch projections.

Dr. McIsaac said a buffer could be alternative-specific. The Allocation Committee report provides some guidance. Dr. Burke recommended against a prescribed buffer and the GMT should factor lingcod conservation in their recommended management measures. ODFW has withdrawn new lingcod options. Ms. Vojkovich thought we would get public comment and GAP input on this.

Ms. Vojkovich advised the GMT to look at matching commercial and recreational seasons in California, which can be staggered by area. Ms. Robinson asked if there was a written document with California proposals and Ms. Vojkovich said yes. Ms. Vojkovich said the GMT should construct conservative seasons and try to build a "base" season. Cabezon and greenling management should be status quo. They are interested in combining HGs for these species for the entire state with regional HGs within the state. Lingcod commercial management should be status quo. She wanted the GMT to consider a California recreational lingcod HG with regional HGs within the state. Yelloweye management should be status quo. Canary rockfish should be managed with a state recreational HG with regional HGs within the state. For minor nearshore rockfish, the GMT should consider combining HGs for the shallow nearshore rockfish, deeper nearshore rockfish, and California scorpionfish complexes. The GMT should consider a status quo alternative and alternatives recombining HGs differently by California management region. The CDFG is also interested in exploring different lingcod size limits while maintaining the one fish bag limit.

Dr. McIsaac explained the Council adopted an OY for lingcod from a previously-specified range. When you talk about bag limits and size limits for lingcod, are you asking the GMT to find out what bag limits and seasons would achieve the low OY as well as the medium and high OYs? Ms. Vojkovich said she thought we adopted the OY for lingcod and not a range. Dr. McIsaac then asked Mr. DeVore, for the purpose of the analysis, will there be an analysis of low, medium, and high OYs? Mr. DeVore said there has to be a thorough analysis for all of the alternatives for preferred, low, medium, and high OYs. The document needs to explore all the trade offs. The ultimate decision is a recommendation to the Secretary of Commerce, so one needs to spend just as much energy and analysis on each of the alternatives as one would on the preferred alternative.

Mr. Brown asked Ms. Vojkovich about lingcod commercial status quo. Do you mean status quo in terms of percentage of allocation, or trip limits and landing limits? The effect of the latter interpretation would be the transferring of all of the increase in OY to the recreational fishery. Ms. Vojkovich said allocation has not been discussed, but her intent was to recommend status quo for the recreational fishery.

Mr. Moore asked Ms. Vojkovich if recommendations for staggering seasons regionally should be based on need? If so, for what species and what sectors of the fishery--both commercial and recreational? Ms. Vojkovich said her staff could help the GAP structure recommendations.

Dr. Burke asked if there were more subtleties on the lingcod buffer issue? Ms. Robinson replied, with regard to recommending lingcod HGs, the GMT was looking at the Allocation Committee guidance and the formula for calculating the recreational HGs. The commercial harvest portion would be the residual after specifying recreational HGs, research set-asides, and EFP caps. Should the full residual be used to specify the commercial HG, or should some OY be left in reserve as a buffer?

Mr. Anderson thought we would analyze management measure alternatives for preferred ABCs/OYs. Now there is a different understanding that there is a need to analyze alternative management measures for each of the alternative harvest levels. How can we develop alternative management measures for other alternative harvest levels, especially when one considers the decisions already made (or about to be made) on rebuilding plans? Why would we go through the trouble of developing a range of management measure alternatives for lingcod for high, medium, and low OY harvest levels when we just adopted a range which is consistent with the rebuilding plan. He did understand there is a level of documentation in the EIS. He did not think it was

developing management alternatives around low, medium, and high OYs. Mr. DeVore explained there is a NEPA requirement to analyze alternative harvest levels as well. Mr. Robinson explained that the Council and NMFS are trying to determine the most efficient NEPA process. While there is a need to analyze impacts of all alternative harvest levels, the focus should be on analyzing a range of management measure alternatives designed to attain the preferred harvest alternative. The GMT should start their analysis with the suite of management measures designed to attain the preferred harvest alternative, then scale up or down to understand what it takes to attain the ABCs/OYs which are not preferred. The level of analytical detail for management measures designed to attain non-preferred OYs is not as great a need in the NEPA document.

Mr. Anderson requested clarification on the difference between a preferred harvest level and a final harvest level. Mr. Robinson explained a preferred harvest level is a final OY from the Council perspective, but, from a NEPA perspective, there is a need to document how the OY was decided. Therefore, one needs to analyze management measures for only the preferred OY, while illustrating what would happen if other OYs had been selected. Mr. Anderson asked what species need this additional analysis? Mr. Robinson replied those target species and complexes with a range and lingcod. Whiting is different due to the fact next year's management measures will be deferred until next March. Therefore, there is a need to analyze all three whiting alternative harvest levels. Mr. Moore asked for clarification on the whiting analysis since the range of harvest levels was arbitrarily decided. Mr. Robinson explained the analysis needs to focus on the widow rockfish bycatch implications of alternative whiting harvest levels. Mr. Moore asked how much detail is needed in the analysis of whiting management measures? Mr. Robinson said just a basic management framework for whiting is needed in the EIS.

Ms. Robinson asked Mr. Robinson if it is safe to say other species would constrain attainment of an OY and describe how in the EIS? Mr. Robinson said that approach could be used. Mr. Brown remarked it appears there is a need for two NEPA processes- one for alternative ABCs/OYs and one for alternative management measures. Mr. Robinson said we are doing two NEPA analyses in one NEPA document.

Dr. Burke advised the GMT to analyze an option where lingcod are targeted with hook and line gear shoreward of the RCA, with the caveat that any strategy should avoid unnecessary rockfish bycatch and potential spawning areas. The GMT should analyze options where selective flatfish trawls are used exclusively shoreward of the RCA in areas north of 40°10' N. lat. Also, she proposes to analyze lingcod and canary rockfish HGs at the Oregon-California border rather than specifying state-specific HGs. Finally, the GMT should analyze status quo management measures and HGs for black rockfish.

Mr. Anderson, returning to Ms. Robinson's original question, said the reason for specifying a buffer for lingcod (or any other stock) is uncertainty in stock assessments and catch monitoring. He advised the GMT to quantify enough fish for each sector to account for uncertainty in catch projections.

Mr. Moore asked if non-whiting fisheries should be held harmless in efforts to protect widow rockfish? Mr. Anderson replied that there needs to be at least one alternative where non-whiting fisheries are held harmless.

Ms. Robinson asked how the GMT should allocate OY in a particular region? Mr. Anderson advised the GMT to attempt to account for all sources of mortality in a sector or region. His point reflected the challenge of more complete catch accounting, not allocation.

Ms. Robinson remarked the Allocation Committee provided guidance on a formula for dividing the lingcod OY north and south of the Oregon-California border. In light of this calculation, should the commercial HG be set at the full amount remaining? Mr. Anderson replied the Council should be informed of the remaining yield and allow the Council to decide that question.

Ms. Robinson asked if the GMT should analyze only a selective flatfish trawl shoreward of the RCA and not analyze a combination of small footrope gear and selective trawls shoreward of the RCA. Dr. Burke nodded yes.

2) Canary Allocation: Ms. Robinson asked for direction for calculating recreational HGs for canary rockfish. Ms. Vojkovich said the Allocation Committee suggested the GMT use the March 2004 scorecard impact projections as an analytical basis. However, the Council decided in yesterday's inseason action, to use the proportions (projected impacts by state) from the September 2003 scorecard. She suggested the GMT should use both ratios. These ratios were as follows: March 2004 scorecard- Washington 14.2%, Oregon 39.8%, and California 46%; September 2003- Washington 9.7%, Oregon 38.1%, and California 52.3%. Ms. Robinson said the guidance they were seeking was not relative to the ratios, but to the values that should be used as targets for setting harvest guidelines for the three states. Ms. Vojkovich said they needed to look at the commercial/recreational splits to calculate OYs before HGs can be determined. Ms. Robinson said the OY is calculated based on the commercial/recreational split and allocation is not decided up front. Therefore, the GMT needs to know the recreational HGs before continuing. Dr. Burke moved that we select the same tonnages for recreational HGs as was used in the inseason action yesterday as a starting point. The tonnages were 1.72 mt for Washington, 6.77 mt for Oregon, and 9.32 mt for California. (Motion 19) Mr. Brown seconded the motion. Ms. Vojkovich asked if this motion was in lieu of the option of using the proportions from the March 2004 scorecard and Dr. Burke said yes.

Motion 19 passed.

Ms. Robinson then asked if the GMT's plans on the timing of a written statement was acceptable? Council concurred.

Mr. DeVore then asked about EFP set asides. Mr. Anderson said to use the proposed Washington EFP caps presented in Exhibit C.9.c, WDFW Report in the scorecard. Dr. Burke said to use the proposed Oregon EFP caps presented in Exhibit C.9.b, Supplemental ODFW Report. Ms. Vojkovich suggested the Council needed to decide how to handle EFPs in the scorecard. She stated California would propose no changes for 2005-2006 EFP needs from the past. These EFP caps are as follows: bocaccio 10.0 mt, yelloweye 0.5 mt, lingcod 20.0 mt, cowcod 0.5 mt, and canary 0.5 mt.

C.11 Stock Assessment Planning for 2007-2008 Management (04/07/04; 4:28 pm)

C.11.a Agendum Overview

No agendum overview necessary.

C.11.b NMFS Report

Dr. Elizabeth Clarke provided Exhibit C.11.b, Supplemental NMFS Report (included the tables Dr. Clarke presented in her powerpoint presentation, Table 1 presented on the following page).

Table 1. Stock Assessments and Priorities for the 2007-08 management period.

| Agency | Status | Priority | Species |
|--------|--------|----------|-------------------------|
| SWFSC | update | 1 | Bocaccio |
| NWFSC | full | 1 | Canary |
| SWFSC | full | 1 | Cowcod |
| NWFSC | full | 1 | Darkblotched |
| WDFW | update | 1 | Lingcod |
| NWFSC | update | 1 | Pacific Ocean perch |
| SWFSC | update | 1 | Widow |
| WDFW | update | 1 | Yelloweye |
| NWFSC | update | 1 | Yellowtail |
| NWFSC | full | 2 | Blackgill |
| NWFSC | full | 2 | Cabezon |
| NWFSC | full | 2 | Dover sole |
| NWFSC | full | 2 | English Sole |
| NWFSC | full | 2 | Longspine Thornyhead |
| NWFSC | full | 2 | Pacific Hake |
| NWFSC | full | 2 | Petrals Sole |
| NWFSC | full | 2 | Sablefish |
| NWFSC | full | 2 | Shortspine Thornyhead |
| CDFG | full | 3 | California Scorpionfish |
| SWFSC | full | 3 | Gopher |
| SWFSC | full | 3 | Kelp Greenling |
| SWFSC | full | 3 | Starry Flounder |
| SWFSC | full | 3 | Vermilion |
| NONE | full | 3 | Bank Rockfish |
| NONE | full | 4 | Shortbelly |
| NONE | full | 4 | Splitnose |

Dr. Burke reported that a preliminary assessment of data on kelp greenling by ODFW suggests that this species may be a candidate for a data report rather than a full stock assessment. Dr. Clarke reported that NMFS had similar concerns but scientists at the Southwest Science Center remain optimistic that a full assessment can be accomplished.

Mr. Anderson spoke in favor of a full assessment for yelloweye rockfish rather than an update and suggested reallocating resources from the yellowtail rockfish assessment if necessary to complete the full assessment on yelloweye rockfish. Dr. Clarke appreciated the input and reminded the Council that plans will remain flexible as we move through this aggressive schedule and there may be a few stocks that switch between full assessments and updates.

Ms. Stacy Miller was introduced as the person assisting Dr. Clarke as the stock assessment coordinator for the NWFSC.

C.11.c Reports and Comments of Advisory Bodies

SSC

Dr. Kevin Hill provided Exhibit C.11.c, Supplemental SSC Report.

C.11.d Public Comment

None.

C.11.e **Council Action:** Adopt Final Stock Assessment Planning Regime for 2007-2008 Management

Mr. DeVore noted that in table 1, there was a mistake, the priority for yellowtail is a "2" not a "1".

Ms. Vojkovich recommended adopting the stock assessment planning schedule for 2007/2008 as displayed in Exhibit C.11.b, Supplemental NMFS Report. Mr. Alverson seconded the motion. (Motion 20)

Mr. Anderson would like to provide specific guidance that if we have sufficient data to do a full assessment on yelloweye rockfish that it be one of our priorities. Both the maker and seconder of Motion 20 accepted that as a friendly amendment.

Mr. Brown said there are species such as yellowtail rockfish where harvest levels have not been achieved in recent years making a new assessment a lower priority. English sole was also mentioned as a species in this category because the last stock assessment by Dr. Sampson suggested that the fishery would be unlikely to attain the ABC under the existing regulations. He offered these suggestions as guidance only, not as a friendly amendment.

Dr. Burke asked to add as a friendly amendment that the stock assessment authors provide clear guidance where regional splits in stock populations exists for the purposes of regional management. Maker and seconder accepted. Motion 20 passed.

C.12 FMP Amendment 16-3: Rebuilding Plans for bocaccio, Cowcod, and Widow and Yelloweye Rockfish (04/08/04; 1:18 pm)

C.12.a Agendum Overview

Mr. DeVore provided the agendum overview.

C.12.b Reports and Comments of Advisory Bodies

SSC

Dr. Hill provided Exhibit C.12.b, Supplemental SSC Report.

GAP

Mr. DeVore read Exhibit C.12.b, Supplemental GAP Report.

C.12.c. Public Comment

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

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

C.12.d **Council Action:** Adopt Final Preferred Alternatives for Groundfish FMP Amendment 16-3

Mr. Anderson moved and Mr. Alverson seconded a motion (Motion 27) to adopt the following as preferred alternatives for Amendment 16-3 species rebuilding plans (presented on following page):

| Species | Alternative | Probability | Target Year |
|--------------------|-------------|----------------------|---|
| Yelloweye Rockfish | 3 | P _{MAX} 80% | 2058 |
| Bocaccio | 2 | P _{MAX} 70% | 2023, 2024 or 2029 depending on model variation |
| Widow Rockfish | 1 | P _{MAX} 60% | 2025 and 2031 depending on model variation |
| Cowcod | 2 | P _{MAX} 60% | 2090 |

Mr. Anderson spoke to the motion starting with yelloweye rockfish. The range of target years for rebuilding is fairly wide, from 2054 through 2351. There is very little difference in OYs under the various probabilities, thus minimizing the difference in socioeconomic impacts between alternatives (reference to page 31 of Exhibit C.12.a, Attachment 1). For Bocaccio, there are two different models that give a wide variation of potential OYs, and the motion essentially includes the hybrid model (STATc). The decision table on page 75 of Exhibit C.12.a, Attachment 1 provides a range of probabilities under all three model scenarios that differ depending on which model is the best reflection of the true state of nature. The range if the STATc model were chosen is from 94% to 58%. For widow rockfish, there is some language on page 30 of Exhibit C.12.a, Attachment 1 that discusses the substantial differences in the socioeconomic impacts in the fishery depending on which alternative is selected. In this case, the range of target rebuilding years (2025 and 2028) is not substantial and is the basis for his motion. For cowcod, as noted by Mr. DeVore, there is little difference in the target years of rebuilding, between 2090 and 2095 with a five year difference; this alternative would give us the highest rebuilding probability within that timeframe.

Dr. Burke stated that the target rebuilding years in the motion for widow rockfish may have been incorrect, and proposed 2034 to 2039 as the correct years.

Mr. DeVore encouraged the Council to choose a preferred model for widow rockfish and bocaccio as a specific target rebuilding year and harvest control rule is required. The advice from the SSC and STAR panel was that any of the models were equally plausible and they could not find scientific justification for choosing one model. You have a decision table for bocaccio that shows the outcomes of model choices and while no such table exists for widow rockfish, the range of rebuilding probabilities across the model outputs should help in this decision. Additionally, you can consider the STAT team rationale for choosing the base models for these species.

Dr. Burke, offered a friendly amendment to choose the base model (model 8) for the 60% P_{MAX} probability for widow rockfish due to the detail in the report regarding the Santa Cruz power coefficient and the SSC recommend action for not using a power coefficient larger than 4. The power coefficient for the models presented range from 2 to 4 with model 8 in the middle of the range with a 3, making it the most reasonable to choose.

Mr. Anderson confirmed an OY value of 284 mt under this friendly amendment. Mr. Anderson and Mr. Alverson accepted the friendly amendment.

Mr. Anderson specified the STATc model for bocaccio with an OY of 307 mt (this was the intent and is therefore included in his motion - motion 27).

Mr. Robinson asked if the maker of the motion would consider a friendly amendment to fortify the management tools to include in the FMP amendment to drive the rebuilding of these stocks. The amendatory language in Appendix D of Exhibit C.12.a, Supplemental Attachment 3, recognizes that the groundfish conservation area came into use and references the specifications for the conservation area in Southern California. Since the cowcod conservation area is a principle tool for cowcod conservation and rebuilding, he thinks it would be helpful to include a detailed description of that area in the FMP amendment along with language that says as new information becomes available, conservation area boundaries may be changed or

additional cowcod conservation areas may be set up in federal regulations. This would provide flexibility to change the areas or add areas through the biannual regulatory rulemaking process without amending the FMP.

Dr. McIsaac asked about the channel islands area where marine reserves are under consideration including revisions to the cowcod conservation areas. Mr. Robinson confirmed that the Council could make changes to conservation areas under the normal regulatory cycle under this proposed FMP language.

Mr. Anderson said he is not opposed to Mr. Robinson's friendly amendment, but maybe it should be a separate motion.

Mr. Robinson said he agreed to put his recommendation in a separate motion.

Motion 27 passed.

Mr. Robinson moved and Ms. Vojkovich seconded a motion (Motion 28) to adopt the following:

In the FMP amendatory language at the end of Section 4.5.4.6 (Appendix D, Exhibit C.12.a, Supplemental Attachment 3) on Cowcod and following the description of the Cowcod Conservation Areas as a part of the cowcod rebuilding strategy, insert the following language:

“Given the particular life history characteristics of cowcod, the Council will continue to use species-specific area closures to protect cowcod. As new information becomes available on cowcod behavior and fisheries interactions with cowcod, the boundaries or related regulations concerning the current CCAs may change and additional CCAs may be established by regulation.”

In the FMP amendatory language at the end of Section 4.5.4.8 (Appendix D, Exhibit C.12.a, Supplemental Attachment 3) on Yelloweye Rockfish and following the description of the yelloweye rockfish rebuilding strategy, insert the following language:

“Given the particular life history characteristics of yelloweye rockfish, the Council may continue to use a species-specific area closure or closures to protect yelloweye rockfish.”

Mr. Anderson spoke to the importance of separating the discussions of these two areas because unlike the CCAs, the YRCA is not tied to yelloweye rockfish rebuilding, it only applies to recreational groundfish fisheries, and is based on anecdotal information from recreational anglers.

Don McIsaac confirmed with Ms. Cooney that the language in this motion is consistent with the intent to allow future changes to these conservation areas through a regulatory process without amending the FMP.

Motion 28 passed.

Ms. Vojkovich moved and Mr. Thomas seconded a motion (Motion 29) to task the SSC Groundfish Subcommittee to evaluate and develop the terms of reference for the standards and criteria for periodic review of the rebuilding plans. Motion 29 passed.

C.13 Bycatch Monitoring Program Draft Programmatic Environmental Impact Statement (DPEIS) (04/08/04; 2:49 pm)

C.13.a Agendum Overview

Dr. Dahl read from the situation summary.

C.13.b NMFS Report

Mr. Jim Glock and Mr. Jim Golden provided an overview of the alternatives in the DPEIS (Powerpoint presentation on file at Council office).

C.13.c Reports and Comments of Advisory Bodies

SSC

Dr. Hill read Exhibit C.13.c, Supplemental SSC Report.

GAP

Mr. Moore read Exhibit C.13.c, Supplemental GAP Report.

TIQC

Mr. Jim Seger read Exhibit C.13.c, Supplemental TIQC Report.

HC

Mr. Ellis read Exhibit C.13.c, Supplemental HC Report.

C.13.d Public Comment

Mr. Geoff Shester, (individual) Stanford, California
Ms. Karen Garrison, Natural Resources Defense Council, San Francisco, California
Ms. Janice Searle, Oceana, Portland, Oregon
Mr. Chris Dorsett, The Ocean Conservancy, San Francisco, California
Mr. Phil Kline, Oceana, Washington, DC
Mr. Peter Huttala, Pacific Marine Conservation Council, Astoria, Oregon
Ms. Dorothy Lowman, Environmental Defense, Portland, Oregon
Mr. Bob Osborne, United Anglers of Southern California, Huntington Beach, California

C.13.e **Council Action:** Adopt Final Preferred Alternatives for the Bycatch Monitoring Program Draft Programmatic Environmental Impact Statement (04/08/04; 4:54 pm)

Mr. Robinson directed the Council to Exhibit C.13.b, Supplemental Proposal for Preferred Alternative. He felt that after hearing the advisory body reports, this strawman proposal allows for the introduction of new bycatch measures through the Council process. The proposal for a preferred alternative emphasizes practicality (i.e., implementing many of the program elements will be tempered by their practicability related to either cost or monitoring). It recognizes existing regulations and regulations that have been put in place for a number of years, which was a deficiency in Amendment 13, the original bycatch-related FMP

amendment. It also recognizes the strategic plan goals. Mr. Robinson also talked about how to phase in bycatch mitigation programs.

Ms. Vojkovich, referring to the supplemental preferred alternative paper, asked about depleted groundfish species: Do we have a list of depleted species or the list of emphasis species that is in the DPEIS? Mr. Robinson said he did not have a list of specific species in mind, but referred to those that were overfished or listed under the ESA. Ms. Vojkovich asked about the standardized reporting methodology referred to in the NMFS report. She asked if the lack of consideration of performance standards was an oversight or left out of the proposed alternative on purpose?

Mr. Robinson said that progress on a standardized reporting methodology has been made over the past three years. The issue of performance standards was not addressed because he did not have a feel of what they would be like.

Ms. Vojkovich asked if the Council would still have an opportunity to add performance standards and new reporting formats or methods at some future time. Mr. Robinson responded that nothing would limit or prohibit our ability to do so.

Dr. Burke moved and Mr. Brown seconded a motion (Motion 30) based on Exhibit C.13.b, Supplemental Proposal for Preferred Alternative. Ms. Burke outlined four changes to the Proposal for Preferred Alternative as part of the motion.

Mr. Brown commented on adding the word “commercial” to the description of the alternative as part of the motion. He said, typically the goal of recreational fisheries is to provide opportunity to as many people as possible. You may want to reduce effort, but that is done by bag limits, not by reducing capacity. Commercial fisheries are directly affected by capacity reduction.

Mr. Ticehurst asked to insert “possible future use” in the statement in the last paragraph reading “...alternative 7 would be the support of future use of IFQ programs.”

Mr. Robinson replied by wondering if there is a difference between supporting future use, which is a proactive action, versus supporting the possible use of IFQs. The word “possible use” assumes there has not been a final ruling on the use of IFQs.

Mr. Ticehurst asked that “possible” be added as a friendly amendment. Mr. Brown did not accept it as a friendly amendment. Mr. Brown said you would have nothing to analyze if you keep adding the word “possible” to the description of the alternative. In reference to the discussion of IFQ programs in the description, Mr. Warrens noted that the operative part of the sentence says “appropriate sectors,” which should answer Mr. Ticehurst concern. Mr. Anderson stated that currently there is not an IFQ program for groundfish fisheries. Developing and implementing such a program would require future Council action.

After this discussion and clarification, Ms. Burke withdrew her previous acceptance of the friendly amendment. Mr. Ticehurst withdrew his friendly amendment based on clarification in the discussion.

Motion 30, as passed, reads as follows:

Create a new Alternative 7 that includes elements of Alternatives 1, 4, and 5. Elements from Alternative 1 that would be included in Alternative 7 would be all current programs for bycatch minimization and management, including but not limited to: setting optimum yield specifications, gear restrictions, area closures, variable trip and bag limits, season closures,

establishing landings limits for target species based on co-occurrence ratios with overfished stocks, etc. The FMP would be amended to more fully describe our standardized reporting methodology program and to require the use of bycatch management measures indicated under Alternative 1 for the protection of overfished and depleted groundfish stocks and to reduce bycatch and to reduce bycatch mortality to the extent practicable. These would be used until replaced by better tools as they are developed.

Baseline accounting of bycatch by sector shall be established for the purpose of establishing future bycatch program goals.

Elements from Alternative 4 that would be included in Alternative 7 would be the development and adoption of sector-specific caps for overfished and depleted groundfish species where practicable. We anticipate phasing in sector bycatch caps that would include: monitoring standards, full retention programs, and individual vessel incentives for exemption from caps.

Elements of Alternative 5 that would be included in Alternative 7 would be the support of future use of IFQ programs for appropriate sectors of the fishery. The FMP would incorporate the Strategic Plan's goal of reducing overcapacity in all commercial fisheries.

Ms. Burke asked that we recognize the personnel involved in putting together the EIS.

After discussion of work needed subsequent to Council adoption of the preferred alternative, Dr. Dahl suggested that this issue could be addressed at a future Council meeting, once the FEIS had been completed. Mr. Robinson replied that it would be acceptable to defer further consideration until the June Council meeting. Once the FEIS is finished the Council will begin developing an FMP amendment to implement the Council-preferred alternative.

C.14 Clarify Council Direction on 2005-2006 Management Alternatives (04/08/04; 5:16 pm)

C.14.a Agendum Overview

Mr. DeVore provided the agendum overview and reviewed the briefing book materials.

C.14.b GMT Report

Ms. Robinson read Exhibit C.14.b, Supplemental GMT Report. Mr. Anderson suggested the GMT should specify WDFW's regulatory response for exceeding a yelloweye or canary recreational HG would be to move the fishery to inside the 30 fm line. There was some continuing discussion on how to allocate yelloweye, canary, and lingcod. It was suggested there may be a buffer (i.e., residual yield) for lingcod and yesterday's action on canary allocation was specific. However, the Council has not decided yet how to allocate yelloweye. That decision was deferred until the Council heard from advisors and the public.

Dr. Hastie walked the Council through the trawl trip limit tables in Exhibit C.14.b, Supplemental GMT Report 2. Dr. Hastie asked the Council to remove Table 1 in Attachment 1 of that document as there are two tables with impacts modeled assuming High OYs. He noted the difference in trip limits, the size of the RCA, and the estimated impacts of target and overfished species under the Low and High OY scenarios is driven by the harvest alternatives for sablefish and other flatfish. He also noted that the estimated flatfish impacts south of 40°10' N. lat. are probably too high due to an inflated correction factor. He is in touch with the

PacFIN office and should be able to correct this today. Tomorrow's GMT report should show more accurate impact estimates. He corrected the estimated bocaccio impacts for limited entry trawl. Table 3 should show an estimated take of bocaccio of 47 mt, not 13.6 mt and Table 4 should show 56 mt of bocaccio, not 17.9 mt. Mr. Brown asked Dr. Hastie why the estimated take of Dover sole doesn't seem to match up under the Low OY and High OY scenarios using regular bycatch rates and small and large footrope strategies? Dr. Hastie replied he was trying to strike a balance of estimated bycatch effects using the small and large footrope strategies. Ms. Vojkovich noticed a problem with the estimated bycatch effects. Dr. Hastie stated the effect of a large abundance of individuals in the 1999 year class was not accounted for and the correction will be in tomorrow's GMT report. He also explained the darkblotched estimate needed to be corrected as well.

Mr. Alverson asked about limited entry fixed gear trip limits. Dr. Hastie said the GMT was operating under similar assumptions as in the previous inseason report. These trip limits will be available in tomorrow's GMT report. Mr. Alverson also asked about sablefish tier limits, slope rockfish limits, and open access trip limits. Dr. Hastie said the slope rockfish trip limit increases proposed for limited entry trawl would be the same for limited entry fixed gear. Although he hadn't yet looked at the Daily-Trip-Limit (DTL) limits, they should be close to those presented in September 2003 for 2004 consideration.

Mr. Robinson asked about "hotspot" management for the shoreside whiting sector. Would this only be for the primary whiting season? Ms. Robinson replied yes, the GMT is recommending hotspot management only during the primary season, but the rule, if implemented, would apply to other whiting sectors as well.

Mr. Robinson noted the arrowtooth trawl regulations should be analyzed under a separate process. Ms. Robinson said this was a specific GMT question for the Council. She asked if it would be prudent to put as much analysis of this issue in the Specifications EIS? Mr. Robinson said the analysis is not needed in the Specifications EIS, except impacts should be included in the EIS to develop the scorecard.

Dr. Burke remarked the "penalty box" option for the whiting fishery will be included as a state option. She asked whether selective flatfish trawls were to be included as part of the arrowtooth fishery? Ms. Robinson replied only selective flatfish trawls and arrowtooth trawls would be used inside 100 fm .

Ms. Cooney expressed concern with the recommendation to consider hotspot management as an anticipated inseason action. She thought we may need a separate rulemaking process to do this routinely inseason. Ms. Robinson said the GMT would appreciate whether there should be a conceptual discussion of hotspots in the Specifications EIS. Would that allow routine inseason adjustments or should there be specified hotspots in the EIS?

C.14.c Reports and Comments of Advisory Bodies

GAP

Mr. Moore indicated that the GAP does not have a written report for this item, but will have one available for the final agenda item tomorrow. The GMT met with the GAP and shared the preliminary GMT report. They have eight different subcommittees on the GAP to figure out management proposals. Many of the types of management options for analysis are similar to those presented by the GMT. In consideration for non-sablefish fixed gear, they have looked at a range of options that will be in tomorrow's GAP statement for public review. The GAP recommendation is for the Council to adopt a range of options from both the GAP and GMT report.

Public

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

C.14.d Council Guidance and Direction on 2005-2006 Management Alternatives

Dr. McIsaac noted the GMT had many recommendations with no alternatives (e.g., Washington recreational management measures)--is this acceptable? Ms. Cooney recommended the Council focus on the main alternative and scale potential actions up or down to understand management under alternative harvest levels.

Ms. Robinson noted the range of canary and yelloweye harvest alternatives is small. The GMT is recommending static HGs for the state recreational fisheries across all the OY alternatives. The GMT does need guidance on whether yelloweye should be managed with state-specific HGs? Mr. Anderson said he would like an alternative analyzed with state-specific recreational HGs for yelloweye similar to what is recommended for canary. Dr. Burke noted the Allocation Committee did not see a need for regional management of yelloweye. She would prefer to do this only for species where it is needed. Mr. Anderson said we will be dealing with small numbers for yelloweye and catch monitoring varies by state. He preferred a particular harvest guideline for each state so each state takes responsibility to manage their respective fisheries. Ms. Vojkovich said the advice to the GMT for analyzing canary and lingcod impacts was to use the 2004 template (scorecard) for developing 2005 and 2006 management recommendations. That would be a place to start for managing yelloweye as well. Dr. Burke said she still objects to having it analyzed because even in the course of Mr. Anderson's explanation, if there is a possibility for the states to work together, calling each other and working out a management response, that would be best. Mr. Anderson said, given California's situation, they need a harvest guideline. He wants to give us the tool to respond if a response is necessary. An HG can be flexible. Ms. Vojkovich agreed with Dr. Burke on yelloweye. Regional management of canary is more important in California, yelloweye was more a northern problem. Dr. Burke said we have a coastwide OY in the yelloweye rebuilding plan, which is not projected to be taken. She doesn't believe the management needs of the species justifies regional management.

Mr. Cedergreen moved and Mr. Anderson seconded a motion (Motion 31) to include an alternative for analysis where yelloweye are managed in recreational fisheries by state, with values from the 2004 scorecard (same version used for determining canary HGs).

Dr. Burke said, since ODFW has the inseason management tools for promulgating emergency rules, that we analyze yelloweye HGs north and south of the Oregon-California border only. She proposed this as a friendly amendment. Mr. Cedergreen and Mr. Anderson accepted the friendly amendment.

Mr. DeVore pointed out that the 2004 scorecard impact estimates for yelloweye have not been updated for California and Washington. The motion specified using the values in that scorecard and he was not sure if that is the best way to go. Mr. Cedergreen asked to use the values in the September 2003 scorecard. Mr. DeVore said the average weights used to estimate impacts in Washington are being questioned by the GMT. He is not sure if any of the scorecards are updated properly. Mr. Anderson recommended using the September 2003 scorecard values as a recreational alternative.

Motion 31 with the friendly amendment passed.

Ms. Robinson explained the GMT was going to follow the formula as specified in the Allocation Committee report to develop recreational HGs for lingcod. Based on the NEPA guidance they were going to focus their efforts on the Medium OY alternative and scale it up to also model the High OY. They did not recommend

analyzing the Low OY alternative as it is equivalent to status quo. Dr. Burke supported that approach and the Council concurred.

Ms. Robinson said the GMT was planning a qualitative discussion on hotspot management in the Specifications EIS. Could hotspot management be a routine inseason consideration with just this qualitative discussion in the EIS or are coordinates defining hotspots needed in the EIS? Mr. Robinson said we would need hotspot coordinates specified in the EIS or a separate rulemaking. He said we could adopt hotspots with coordinates in June that could be adjusted seasonally or hotspot management could be implemented inseason based on a pre-defined impact trigger. However, we can't just specify the concept without a regulatory process.

Ms. Robinson asked, if coordinates are specified in June, can the coordinates be changed inseason in 2005-2006? Ms. Cooney said she did not know. We need to know the inseason action ahead of time. She recommended the GMT focus on including this in the Specifications EIS and she can do some brainstorming. Dr. Burke said the intent for the widow hotspots would be to identify them up front and not change them. She would make ODFW's report available for discussion to the Council later.

Ms. Robinson then sought guidance on whether the concept of converting the arrowtooth EFP into regulations should be analyzed in the Specifications EIS. Mr. Robinson said the concept of bycatch caps would be more appropriately analyzed in a separate regulatory package. Ms. Cooney said to acknowledge in the EIS that this concept of converting the EFP into regulations may be developed and how it fits into the regulatory scheme. Mr. Anderson asked if there was some inherent obstacle to putting the arrowtooth EFP into regulation because of the use of bycatch caps that are included in the EFP? Is NOAA Fisheries opposed to the program because of bycatch caps? Mr. Robinson said no. Other provisions, such as requiring fishermen to hire observers as an example, are more complicated. The mechanics of the program require a separate rulemaking.

Ms. Robinson asked for general guidance relative to options/analyses the Council would like to see tomorrow. Mr. Brown asked if the GMT was planning to forward all four trawl trip limit tables for consideration tomorrow? Ms. Robinson said yes, but with some possible refinement.

Mr. Anderson suggested tomorrow's GMT report should include recreational HGs for canary. Ms. Robinson thought the Council direction was to include the harvest guidelines decided in this week's inseason action (i.e., WA = 1.7 mt, OR = 6.8 mt, and CA = 9.3 mt) and keep these HGs static across all alternatives. Mr. Anderson said that was acceptable.

Mr. Anderson said the sharing of lingcod is going to be quite a bit different given the status quo management of lingcod recommended by the states and the higher OY in 2005-2006. This will give greater flexibility for lingcod management in 2005-2006.

C.15 Adoption of 2005-2006 Groundfish Management Alternatives for Public Review (04/09/04; 3:01 pm)

C.15.a Agendum Overview

Mr. DeVore briefly reviewed the situation summary and the available reports and attachments for this agendum.

C.15.c Reports and Comments of Advisory Bodies

Note: The GAP report was given prior to receiving the GMT Statement.

Mr. Moore provided Exhibit C.15.c, Supplemental GAP Report. Mr. Anderson asked if the GAP was recommending the exclusive use of selective flatfish trawls shoreward of the RCA? Mr. Moore said yes. Ms. Vojkovich asked if the GAP recommendation for limited entry fixed gear south of Pt. Conception (option 3) was for an eight month or ten month season? Mr. Moore replied eight months.

C.15.b GMT Analysis of Impacts

Ms. Robinson provided Exhibit C.15.b, GMT Report (04/09/04; 3:10 pm).

Mr. Anderson asked if the GMT characterized recreational harvest limits for yelloweye as harvest targets or harvest guidelines? Ms. Robinson said they were called harvest targets. Dr. Burke noted they were called harvest guidelines for yelloweye rockfish in the GMT report. She felt there should not be an option for state-specific harvest guidelines or harvest targets given yesterday's motion. Mr. Cedergreen, the maker of yesterday's motion, said the motion was not meant to exclude an option for state-specific harvest guidelines. Given public support for an option for regional yelloweye management, he did not see why we cannot put out an option for state-specific harvest guidelines.

Dr. Hastie reviewed the trawl and fixed gear trip limit tables in the GMT Report. Mr. Anderson asked about the GAP's recommendation #1 for limited entry trawl non-whiting. The trawl trip limit tables show the range of effects by Low, Medium, and High OY. Do these scenarios minimize the RCA and meet the GAP intent? Dr. Hastie said yes, using the current bycatch rates we have provided as much opportunity and access to fishing grounds as possible. There are trade offs due to the way the model works. Moving the line out coincides with a lowering of the trip limits available in the shelf area. He is willing to explore the tradeoffs in the Specifications EIS.

Mr. Anderson asked if the GAP recommendation for limited entry fixed gear north of 40°10' N. lat. to include a seaward RCA line of 150 fm in the analysis is something that could be done? Dr. Hastie said yes, the data are available. The prime motivation was to consider higher slope rockfish limits for fixed gear if that line could be flexed out to 150 fm and away from canary and lingcod habitat.

Ms. Vojkovich asked Ms. Robinson about the GAP recommendation to examine EFP opportunities to harvest chilipepper rockfish deeper than 75, 100, and 125 fm using fixed gear between 40°10' N. lat. and Pt. Conception. Don't we already have EFPs established for 2005 and 2006? Ms. Robinson explained the EFP process is annual, with a draft application due in June, and a final application in November. It is possible to bring a 2005 EFP application to the Council in June that is impact neutral since the Council already decided EFP caps.

C.15.d Public Comment

None.

C.15.e **Council Action:** Adopt 2005-2006 Groundfish Management Alternatives for Public Review

Dr. Burke moved and Mr. Brown seconded a motion (Motion 36) to delete parts of the GMT statement regarding separate state HGs for yelloweye. It is ODFW's intent to manage its canary and yelloweye the

same way as last year. She wanted yesterday's motion reflected in the GMT statement and the Specifications EIS.

Mr. Anderson said he is more interested on the outcome of a management strategy using an HG or harvest target rather than the mechanism. Each state needs a yelloweye HG or harvest target. That is why each state specified a 30 fm line. He thought yesterday's decision was flawed from a process perspective because we did not formally hear from the GAP when we gave our guidance. He thought we would include an option that had the yelloweye OY separated into two HGs north and south of the Oregon-California border, and he believes the GMT captured that decision. He was in opposition to the motion on the basis that the removal of the language that would reference state-specific harvest targets infers the states would not be intending to manage their fisheries within the prescribed harvest targets. Mr. Brown said the Council and its advisors need to respect motions carried by the Council. Dr. Hanson said the Council did take a motion voted on the floor. If people had concerns, the way to get there is to make a motion to reconsider. Dr. McIsaac reminded everyone this was not a final decision; the action is to adopt a range of alternatives for analysis.

Dr. Burke noted that managing canary rockfish impacts should be done by state using HGs, but did not believe the same was true for managing yelloweye rockfish. She therefore withdrew Motion 36.

Dr. Burke moved and Mr. Brown seconded a motion (Motion 37): "The range of options to be analyzed relative to state recreational harvest guidelines would be no harvest guidelines consistent with the Allocation Committee report and dividing catch shares north and south of the Oregon-California border".

Mr. Robinson said if this report is reflecting Council guidance, this is the same action as yesterday. Mr. DeVore said for the record the GMT did understand the motion from yesterday, but did not interpret the options to be analyzed as exclusive. Mr. Cedergreen did not understand yesterday's motion as being exclusive either. He wants an option analyzed where there are state-specific yelloweye HGs. He feels yelloweye rockfish is a candidate for regional management.

Motion 37 roll call. Messrs. Anderson, Alverson, Cedergreen, Robinson, Ticehurst, and Mallet voted no. 7 yes, 5 no. Motion 37 passed.

Mr. Anderson moved (Motion 38) to amend the language in Exhibit C.15.b, Supplemental GMT Report, on page 6: to reflect recreational management of canary rockfish would be done using state-specific harvest guidelines and, where recreational management of yelloweye is discussed, replace "harvest guideline" with "harvest target if any" for both Oregon and Washington. Dr. Burke seconded the motion.

Mr. Robinson asked about state regulatory responses if an HG or harvest target is reached. What is Oregon's management intent if the combined harvest guideline is achieved? Is it to close inside 30 fm? Mr. Anderson said he included a "yelloweye harvest target if any" in this motion. The harvest target would be the proportion of the HG in Washington and Oregon.

Motion 38 passed.

There was a brief discussion of the proposed lingcod HGs. Mr. DeVore explained the northern and southern HGs of 1,801 mt and 612 mt, respectively are correct. He identified and corrected terms in the formula used to calculate these HGs.

Ms. Vojkovich, noted the language on page 7 of the GMT report and asked Ms. Cooney if we need to specify a trigger for a California management response? Ms. Cooney said it would be fine if the GMT could model something out that would work rather than coming up with triggers now if we don't have them identified yet.

Ms. Vojkovich asked for clarification on page 3 of the GMT report regarding limited entry trawl and the sentence about the buyback program. Are there recommended specifications for increased catch allowances for rebuilding species? Increasing from what? Ms. Robinson said they do not have the details for that specified at this time, but the catch allowances would be increasing from status quo. The GMT will take up this issue at the May meeting.

Mr. Brown asked if he could assume the total take of overfished species would not increase? The scorecard would not change, it is just that, with a smaller number of boats, each boat could get a little more? Ms. Robinson said that was correct.

Ms. Cooney recommended if Oregon had specific hotspots for analysis, they should specify them now and in the Specifications EIS.

Dr. McIsaac asked Ms. Vojkovich about a specified "management response" if a recreational HG is attained in California. Is there a specific response identified? Ms. Robinson said the GMT's plan was to discuss those specifics at the May GMT meeting and include them in the Specifications EIS. Mr. Robinson thought the Specifications EIS should include, at the very least, a range of the types of triggers and a range of the types of responses (i.e., closures or changes in bag limits). Dr. McIsaac encouraged these ranges to be specified now. Ms. Vojkovich said we are looking at a trigger being a percentage of attainment of a harvest guideline, OY, or target by a certain date. Some of those actions (management responses) are contained in the GAP report, such as changing retention regulations, depths, fishing strategies, etc.

Mr. Anderson asked Ms. Robinson if she had a chance to look at the GAP report/recommendations? Are there elements that pose a GMT workload issue or are elements that you incorporated in your package of options? Ms. Robinson said yes, the GMT reviewed the draft GAP report and discussed their recommendations with the GAP. The GMT supports all the GAP options.

Mr. Anderson moved and Mr. Alverson seconded a motion (Motion 39) for the Council to adopt for public review, the 2005-2006 groundfish management measures as presented in Exhibit C.15.b, Supplemental GMT Report, as corrected through previous motions and the corrections given by Mr. DeVore; and the management measures included in Exhibit C.15.c, Supplemental GAP Report, as corrected by Mr. DeVore This motion also includes guidance from CDFG that the analysis under California recreational Suboption 2a be listed as a low priority for the GMT given workload.

Mr. Brown asked if the discussion on triggers and actions cover NOAA Fisheries' concerns? Mr. Robinson said yes.

Motion 39 also includes the following friendly amendments:

Dr. Burke asked to modify the language on page 3 of the GMT report in response to Ms. Cooney's hotspots issue. Add after the word hotspots, "which will be specifically identified for analysis". This was accepted by the maker and seconder of the motion. She then asked to amend the language on page 9 of the GMT report (recommendation #8) as follows: "approve the alternative to convert the selective flatfish trawl as a management option for public review".

Mr. Anderson asked the GMT to put in the proper language for canary and yelloweye hotspots in dogfish longline areas (intended to be in original motion).

Dr. Burke asked to modify the language on page 8 of the GMT report (recommendation #6) as follows: put a period after yelloweye rockfish and delete the rest of the sentence. Mr. Anderson said how about scratching the whole thing? Mr. Anderson asked about leaving #6 and approve the recommendation “as amended”? Dr. Burke agreed.

Motion 39 passed.

Mr. Ticehurst asked to include the economic impact analysis for public review. He asked for the Council to propose guidance for an economic analysis to give to the Allocation Committee. Mr. Brown said he was at that meeting with Mr. Seger. He suggested the staff follow up with Mr. Seger to understand this guidance.

Mr. DeVore said that while the GMT statement did talk about tribal fisheries, we don't have anything to adopt the tribal management measures under C.14. Mr. Harp moved and Mr. Cedergreen seconded a motion (Motion 40) to include the items in the package for analysis for the tribal fisheries as shown in Exhibit C.10.c, Proposed Treaty Indian Management Measures. Motion 40 passed.

C.16 Update on Trawl Individual Quota (TIQ) Program

This agenda item was removed (see Motion 1).

C.17 Latent Limited Entry Trawl Permits (04/09/04; 8:05 am)

C.17.a Agendum Overview

Mr. Jim Seger provided the agendum overview.

C.17.b NMFS Report

Dr. Steve Freese provided Exhibit C.7.b, Supplemental NMFS Report.

C.17.c Reports and Comments of Advisory Bodies

GAP

Mr. Seger read Exhibit C.17.c, Supplemental GAP Report.

C.17.d Public Comment

None.

C.17.e Council Guidance on Latent Limited Entry Trawl Permits

The Council decided not to take action to address concerns about latent limited entry trawl permits remaining after the completion of the buyback program (Motion 35, moved by Mr. Brown and seconded by Mr. Warrens). While there is not a specific definition of latent permits, such permits are generally viewed as those which have not been used or have been used at a low level for a number of years. In reaching its

decision the Council reviewed a NMFS report (Exhibit C.17.b) that assessed the degree of inactivity by vessels holding limited entry trawl permits.

Overall, the analysis suggested that there might be between 24 and 27 permits that might be considered latent. The Council heard that the number of permits that have been totally inactive over a long period (1998 through 2003) is relatively small (only 4 permits, or 2% of the 172 remaining permits, excluding factory trawlers). The annual number of unfished permits has increased as groundfish harvests have declined. The annual average number of permits inactive from 2001-2003 (37) was roughly twice that which were inactive from 1998-2000 (17). Still only 24 (14%) of the permits were totally inactive in the three most recent years. A high degree of permit latency relative to the total number of permits would be expected to dampen permit prices. Permit prices have approximately doubled and while some of the increase may be attributed to pending consideration of a trawl individual fishing quota program, inactive permits (those less likely to receive significant amounts of IFQ) have also been trading. Permit trading has tailed off since just after the buyback program was completed, however, as conditions in the fishery improve, latent permits may be purchased or otherwise be reactivated.

In reaching its decision, the Council discussed the experiences in other buyback programs in which high degrees of permit latency substantially reduced effectiveness of the limited entry system. It was noted that, compared to other limited entry programs, the degree of permit latency in the Pacific Coast program was not as substantial. Additionally, during deliberations on the design of the license limitation program, the Council rejected a proposal that would have required that permits make landings each year in order to qualify for renewal. Such a provision would encourage harvest. The Council thereby established a policy of not discouraging permit latency.

Finally, the Council discussion identified that all permits have some degree of latency, unused capacity. The Council found no need to take remedial action given the relatively low degree of latency represented by the highly latent permits and the lack of concern among those bearing the responsibility for repaying the industry loan which largely funded the buyback program. The Council stated further that moving forward with the IFQ project was a better solution to the issues of overcapacity in the fleet. Such an IFQ program would obviate the need to address any remaining concerns with latent permit issues.

D. Salmon Management

D.1 Identification of Stocks Not Meeting Conservation Objectives for Three Consecutive Years (04/05/04; 6:07 pm)

D.1.a Agendum Overview

Mr. Chuck Tracy presented the agendum overview.

D.1.b Report of the Salmon Technical Team (STT)

Mr. Dell Simmons presented Exhibit D.1.b, Supplemental STT Report.

Mr. Anderson noted that new information is available, indicating the preliminary 2003 Grays Harbor fall chinook run size estimate is 22,292 with 17,873 in the Chehalis system and 4,419 into the Humptulips system. The preseason forecast for 2004 for both the Chehalis and Humptulips returns exceed spawning escapement objectives, and the 2004 Grays Harbor State-Tribal fall management agreement has fisheries structured to allow escapement sufficient to meet the spawning objectives. Mr. Harp clarified that the

preliminary 2003 spawning escapement estimates were 15,672 for the Chehalis system and 3,760 for the Humptulips system, for a combined escapement of 19,432 fall chinook, which exceeds the conservation objective of 14,600.

D.1.c Reports and Comments of Advisory Bodies

SSC

Dr. Kevin Hill presented Exhibit D.1.c, Supplemental SSC Report.

D.1.d Public Comment

None.

D.1.e **Council Action:** Identify Any Actions Necessary Under the Council's Overfishing Review Procedure

Mr. Harp suggested that a letter be sent from Mr. Anderson to the Council stating the updated 2003 Grays Harbor fall chinook spawning escapement estimates would remove that stock from the overfishing concern category. Mr. Anderson responded that once the estimates were finalized, he would join with the Quinault Indian Nation and provide that letter to Dr. McIsaac.

Dr. McIsaac asked if there is a review of the technical merits for the Grays Harbor escapement goal underway in the PSC arena. Mr. Harp responded that the issue of spawning escapement goals for Washington coastal chinook stocks has been brought up in the PSC arena recently and have been resolved for two stocks, but not yet for Grays Harbor. However, the position of the tribes and the State of Washington is that the current objective of 14,600 natural spawners is appropriate for Grays Harbor fall chinook.

Mr. Neal Coenen asked what obligation the Council has to conclude the issue. Mr. Tracy responded that if the final escapement estimate achieves the conservation objective, the letter from the co-managers to Dr. McIsaac would meet the Council's obligation since the stock is an exploitation rate exception to the overfishing criteria, and no report from the STT would be necessary.

D.2 Tentative Adoption of 2004 Ocean Salmon Management Measures for Analysis (04/06/04; 9:22 am)

Mr. Dave Ortmann chaired this agenda item.

D.2.a Agendum Overview

Mr. Tracy presented the agendum overview.

D.2.b Update on Estimated Impacts of March 2004 Options

Mr. Simmons updated Preseason Report Table 5 with current estimates of conservation objectives for key stocks, including Snake River wild fall chinook (SRW), Interior Fraser coho, and Oregon Coastal Natural (OCN) coho. SRW impacts increased for all three options, with Option I (0.77) exceeding the conservation standard of a Snake River Fall Index (SRFI) of ≤ 0.70 , and Options II and III (0.70 and 0.67, respectively) achieving the standard. Interior Fraser coho impacts for all three options (13.2, 12.1, and 11.0 for Options I, II, and III, respectively) now exceeded the conservation standard of ≤ 0.10 . OCN impacts also increased

slightly for all three options, however, all options (15.0, 13.3, and 12.4 for Options I, II, and III, respectively) achieved the conservation standard of ≤ 0.15 .

D.2.c Summary of Public Hearings

Mr. Cedergreen presented Exhibit D.2.c, Supplemental Public Hearing Report 1, a summary of the Westport, Washington hearing. He noted a correction indicating the one commercial troller testified in favor of Option I, not Option II.

Mr. Brown presented Exhibit D.2.c, Supplemental Public Hearing Report 2, a summary of the Coos Bay, Oregon hearing.

Mr. Roger Thomas presented Exhibit D.2.c, Supplemental Public Hearing Report 2, a summary for the Fort Bragg, California hearing.

Mr. Larson added that the CDFG held public hearings not pursuant to the PFMC's process, but for their own process for establishing Klamath River allocation on March 24 (Crescent City) and 25 (Weaverville). At the March 24th hearing they also presented the PFMC options and testimony favored Option I and Option II for the KMZ recreational fishery.

D.2.d Recommendations of the U.S. Section of the Pacific Salmon Commission

Mr. Jim Harp presented Exhibit D.2.d, Supplemental Pacific Salmon Commission Report.

Mr. Harp observed the Canadian 55 cm chinook size limit was smaller than the U.S. size limit, and was potentially impacting age-3 chinook, as was the recent practice of conducting West Coast Vancouver Island (WCVI) fisheries in the winter time frame and farther offshore. The Canadians have stated the reason for this change in fisheries is to harvest southern U.S. chinook stocks while conserving Canadian stocks. Dr. McIsaac asked when the Canadians lowered their size limits, and if the PSC considered impacts to SRW. Mr. Harp responded the change was in 2003. He noted any change in impacts on healthy Columbia River stocks will have a similar effect on SRW. However, there is insufficient CWT sampling information for WCVI fisheries conducted during the winter time frame, and for fish of that size, because such fisheries did not occur during the model base period. Canada started conducting a DNA sampling program in 2003, however the resolution of the estimates is not at the stock specific level as was the CWT sampling program, so estimating impacts to SRW or other southern U.S. stocks has been inadequate.

Mr. Simmons, as a member of the CTC, indicated the 55 cm size limit is being modeled in both the Chinook FRAM and the PSC Chinook Model. In both models they used the PSC model output to estimate SRW impacts in the fisheries using CWT data, however, there is very little data available on winter fishery impacts on SRW, consequently summer fishery data is being used instead. Dr. McIsaac asked if the DNA sampling of the first year is available, and if we can detect differences between Columbia River upriver bright and SRW stocks. Mr. Simmons responded that the two stocks can be detected, but that there is not enough data to rely on yet for incorporation into the models.

Mr. Roth indicated Columbia River spring chinook impacts may increase with the WCVI fishery occurring on smaller fish in the winter time frame. Mr. Simmons responded that there were no record of Columbia River spring chinook in the 2002 DNA samples. Mr. Harp was also concerned with Washington coast spring chinook stock impacts, and the tribes believe they are being impacted in WCVI winter fisheries.

Dr. McIsaac asked Mr. Gordy Williams if southeast Alaska has a winter troll fishery and the chinook size limit. Mr. Williams responded that there has been one for quite some time and that it is modeled in the PSC Chinook Model. The minimum chinook size limit is 28" all year. He added that Alaska shares the same concerns about changes in the WCVI fisheries and the sampling program.

D.2.e Recommendations of the North of Cape Falcon Forum

Mr. Anderson gave a brief overview of the North of Cape Falcon process, which culminates this week in conjunction with the Council process, and has included 16 public meetings. Outstanding issues include SRW impacts, Interior Fraser coho, and Puget Sound chinook. Columbia River chinook, and Washington coastal and Puget Sound coho stocks appear strong this year. Constraining stocks for the North of Falcon process thus far have been Interior Fraser coho, upper Columbia River coho (as related to the sharing agreement with the Columbia River tribes), Puget Sound Chinook, and SRW chinook. The observed increases in harvest rates for Canadian fisheries in 2003 are anticipated in 2004 and have resulted in tighter constraints for U.S. fisheries for Puget Sound and SRW chinook.

Mr. Harp also noted that river management plans for the Washington coastal rivers are agreed upon and discussions are continuing for the Columbia River co-managers.

D.2.f Recommendations of the Klamath Fishery Management Council (KFMC)

Mr. Dan Viele presented Exhibit D.2.f, Supplemental KFMC Report.

D.2.g NMFS Recommendations

Mr. Robinson said they have no additions, subtractions or other changes to the original ESA guidance given at the March 2004 Council meeting. After consulting with NOAA General Council on the subject of boat limits for the recreational salmon fisheries, it appears the language in the federal regulations is flexible enough to allow the change to be made in the annual management measures without going through the formal rule making process. If the Council desires, language for the federal regulations that complements state regulations can be included in the recommended management measures. Mr. Larson asked how the Federal regulations would apply to species other than salmon, since state regulations cover all species. Ms. Cooney replied that only salmon were included in their discussions and only salmon would be addressed through these management measures, but that groundfish could be covered in the development of 2005-2006 specifications. Mr. Robinson added that the groundfish FMP and federal regulations would have to be examined to determine if there is sufficient authority to make an inseason change in 2004 to address the issue this year.

Mr. Cedergreen requested the boat limit language appear in section C of the recreational fishing package.

D.2.h Tribal Recommendations

Mr. Mike Orcutt, Hoopa Valley tribe, provided information on stream flows in the Trinity River Basin and requested support in seeking relief from the injunction currently restricting flows in the basin. The tribe is concerned about potential fishery monitoring shortfalls associated with CDFG budget constraints, which could impact tribal fishery allocation.

Mr. Harold Blackwolf, Sr. and Mr. Stuart Ellis provided the following testimony on behalf of the Columbia River Treaty Tribes (on following page).

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

The tribes have some concerns with the planning for 2004 Ocean and Strait of Juan de Fuca fisheries. The Tribes previously requested analysis of impacts from the 2003 Area 5/6 selective sport fishery. We only received some draft analysis that was not complete. The Tribes still question the wisdom of proceeding with a selective fishery in Area 5/6 of the Strait of Juan de Fuca. We have not had an opportunity to review potential impacts from this fishery on Columbia River stocks.

We are concerned that WDFW and IDFG may still propose an extreme terminal selective sport fishery targeting Snake River Fall Chinook.

Hooking Mortality in selective fisheries remains a key concern to the tribes. Columbia River sport fisheries still use barbed hooks even in their selective fisheries. This causes needless additional mortality to released fish.

It is difficult to comment on the appropriate level of ocean fisheries given that the tribes and states have not completed a management agreement for 2004 fall in-river fisheries. We hope to conclude an agreement in the near future, but until then we ask that the Council use conservative ocean management to ensure adequate escapement to the Columbia River. It is important that modeling be done on Options that meet ESA requirements.

In April, we commented on Summer Spill. We are unhappy to report that the Federal Government including the National Marine Fisheries Service are continuing their proposal to eliminate August Spill which will be disastrous to many stocks of salmon important to the tribes as well as some key Council Managed Species.

This concludes my statement. Thank You.

Mr. Harp presented a statement labeled Agenda item D2.h, Tentative Adoption of Treaty troll, April 2004.

D.2.i State Recommendations

None.

D.2.j Reports and Comments of Advisory Bodies

SAS

Exhibit D.2.j, Supplemental SAS Report was summarized by SAS members.

D.2.k Summary of Written Public Comment

Mr. Tracy summarized Exhibit D.2.k, Written Public Comment.

D.2.1 Public Comment

Mr. David Yarger, Bodega Bay Salmon Fisherman (PCFFA), Sebastopol, California
Mr. Dean, Estep, commercial fisherman and receiver, Fort Bragg, California
Mr. Daniel Platt, Salmon Trollers Marketing Association, Fort Bragg, California
Mr. Doug Fricke, Washington Trollers Association, Hoquiam, Washington
Mr. Joel Kawahara, Washington Trollers Association, Quilcene, Washington

D.2.m **Council Action:** Tentatively Adopt Management Measures for 2004 Ocean Salmon Fisheries

Motions 4 through 6 were made utilizing Exhibit D.2.j, Supplemental SAS Report, April 2004.

Mr. Anderson moved (Motion 4) to tentatively adopt the management measures for 2004 ocean salmon fisheries as shown for non-Indian commercial troll and recreational fisheries north of Cape Falcon, Oregon with the following change: on page 6, under the US/Canada border to Cape Alava (Neah Bay) recreational fishery, have chinook non-retention east of the Bonilla-Tatoosh line begin August 1.

Mr. Anderson indicated that the 90,000 chinook quota would have to be reconciled with the treaty Indian fishery to ensure SRW conservation objectives were met, and that the reduction in coho quota from 275,000 to 270,000 was made to meet hatchery escapement needs in the Columbia River.

Mr. Alverson seconded the motion. Motion 4 passed.

Mr. Coenen moved (Motion 5) to tentatively adopt the management measures for 2004 ocean salmon fisheries as shown for commercial troll and recreational fisheries between Cape Falcon, Oregon and Horse Mt., California. Mr. Brown seconded the motion. Motion 5 passed.

Mr. Larson moved (Motion 6) to tentatively adopt the management measures for 2004 ocean salmon fisheries as shown for commercial troll and recreational fisheries between Horse Mt., California and the US/Mexico Border, and to include in the recreational fishery boilerplate, the NMFS language to allow for boat limits concurrent with state regulations. Mr. Thomas seconded the motion.

Mr. Anderson requested distribution of the boat limit language and asked if the EC has looked at it. Mr. Robinson responded yes, and that the EC had generated the language..

Motion 6 passed.

Mr. Harp moved (Motion 7) to tentatively adopt for the ocean treaty Indian troll fishery and for analysis by the STT a coho quota of 75,000 chinook and a chinook quota of 50,000. This would consist of a May/June chinook directed fishery and a July/August/September all species fishery. The chinook will be split 20,000 in May/June and 30,000 in all species. The coho quota in the all species fishery would be modeled as follows: 60,000 in Area 4 and 15,000 in Areas 2 and 3. Gear restrictions, size limits and other appropriate regulations would be as stated in previous STT analysis. Mr. Anderson seconded the motion

Mr. Anderson asked about the rationale for not distributing the chinook quota evenly between the May/June fishery and the all species July-September fishery as has been the case in the past. Mr. Harp replied that the quota from the May/June fisheries does not carry over to the all species fishery, and the best estimate of catch for the May/June fishery under ideal conditions is about 20,000. If the May/June fishery caught more than the 20,000 quota, quota could be deducted from the all species fishery, but any underage would be forfeit.

Mr. Anderson indicated that generally, non-Indian impacts on SRW chinook are less in the May/June time frame than in the summer.

Motion 7 passed.

Mr. Anderson moved and Mr. Brown seconded a motion (Motion 8) to tentatively adopt the gear definition used from 1996-2003, for 2004 regulations as shown in Exhibit D.2.a, Attachment 1. Motion 8 passed.

D.3 Methodology Review Process for 2004 (04/07/04; 5:02 pm)

D.3.a Agendum Overview

Mr. Tracy presented the situation summary.

D.3.b Report of the SSC

Dr. Kevin Hill provided Exhibit D.3.b, Supplemental SSC Report.

Mr. Anderson noted that WDFW will not have the resources to complete both the FRAM documentation and the review of the Chinook FRAM for evaluation of mark selective fisheries.

D.3.c Recommendations of the States, Tribes, and Federal Agencies

WDFW

Mr. Anderson indicated WDFW was in agreement with the STT's report, is committed to working with the MEW to document the FRAM, and is only contemplating small mark selective chinook fisheries as characterized in the STT report.

ODFW

Mr. Coenen said that due to staff turnover, it may be difficult to finish work on the OCN matrix, although it is a priority for ODFW.

Tribes

Mr. Harp presented D.3.c, Methodology Review Process, April 2004.

D.3.d Reports and Comments of Advisory Bodies

STT

Mr. Simmons provided Exhibit D.3.d, Supplemental STT Report.

D.3.e Public Comment

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

D.3.f **Council Action:** Establish 2004 Schedule and Methodologies to be Reviewed

Mr. Anderson moved (Motion 21) to approve the methodology review process list for 2004 and 2005, prioritized as listed in Exhibit D.3.b, Supplemental SSC Report with the modifications recommended in Exhibit D.3.d, Supplemental STT Report, relating to the Chinook FRAM for marked selective fisheries and to chinook rebuilding exploitation rates. Mr. Larson seconded the motion.

Motion 21 passed.

D.4 Clarify Council Direction on 2004 Management Measures (04/07/04; 8:15 am)

D.4.a Agendum Overview

None.

D.4.b Reports and Comments of Advisory Bodies

Mr. Simmons presented Exhibit D.4.b, Supplemental STT Report, and requested Council direction on how to achieve the SRFI objective and the Interior Fraser coho objective. He indicated that the Oregon/California troll allocation in the Klamath Management Zone and the upper Columbia coho allocation issues were likely to be resolved without additional Council direction.

Mr. Coenen asked how much the north of Cape Falcon TAC would have to be reduced to meet the SRFI objective. Mr. Simmons replied probably 2,000 to 5,000.

D.4.c Council Guidance and Direction on 2004 Management Measures

Mr. Anderson requested a 30 minute recess for a caucus. Mr. Coenen and Mr. Harp agreed.

Mr. Harp noted the Oregon/California KMZ troll allocation stands at 48.5/51.5, and that depending on how it is rounded, it meets the allocation objective. He consulted with the participants in the KFMC and they are satisfied with that allocation.

Mr. Anderson requested the STT analyze the following:

- 1) Change recreational fishery start dates to June 20 for areas north of Leadbetter Point.
- 2) Reduce the non-Indian TAC from 90,000 chinook to a point that would equal the reduction in the SRFI realized by moving the recreational fishery start dates from 6/27 to 6/20.

He noted that starting the recreational fishery on June 20 risks the fishery not continuing through Labor Day.

Mr. Harp requested the STT also analyze the following to complement the non-Indian fishery analysis:

- 3) Treaty troll quotas of 22,500 chinook in the May/June fishery and 27,500 chinook in the summer all species fishery.
- 4) Treaty troll quota of 75,000 coho with 55,000 in Areas 4 and 4B, 15,000 in Area 3, and 5,000 in Area 2.

Mr. Simmons indicated the modifications would interact with each other and asked if Messrs. Anderson and Harp wanted the analyses conducted in isolation or not. Mr. Anderson requested items 1 and 3 be combined in the analysis.

STT came back in the afternoon (04/07/04; 5:32 pm)

Mr. Simmons returned to update the Council on the morning assignment to analyze four proposals. He indicated that moving the start date for the recreational fisheries north of Leadbetter Point to June 20 was equivalent to a reduction of about 2,000 chinook from the north of Cape Falcon non-Indian TAC. When either of those proposals was combined with the proposed treaty Indian troll quotas of 22,500 chinook in the May/June fishery and 27,500 chinook in the summer all species fishery, the SRFI objective was still not met. The STT then modeled the non-Indian TAC at 89,000 and the treaty Indian troll quota at 89,000 with 22,500 chinook in the May/June fishery and 26,500 chinook in the summer all species fishery, which resulted in achieving the ESA consultation standard of an SRFI of 0.70.

Mr. Anderson asked if the start date for the recreational fisheries north of Cape Falcon was June 27 on that model run. Mr. Simmons replied yes.

Mr. Simmons reported that the STT modeled coho fisheries as instructed, which resulted in achieving the Interior Fraser coho exploitation rate objective of $\leq 10\%$ for all southern U.S. fisheries. The STT also evaluated the treaty Indian coho quota of 75,000 under historical catch distribution patterns, which include a larger portion of the catch in Areas 4 and 4B, and confirmed that under that scenario the Interior Fraser conservation objective was also met. The STT recommended regulations provide for an inseason adjustment in the treaty Indian coho catch quota to maintain equivalent impacts on the Interior Fraser coho management unit in the event that actual catch in Areas 4 and 4B exceeds the modeled 55,000 catch.

Mr. Anderson observed that the landings data indicated a larger proportion of the Area 4B catch, but that some of those landings resulted from catch in Area 3. As long as the catch area is accurately recorded, there should be less discrepancy. Mr. Harp agreed and has emphasized the need for accurate catch area recording with the tribes.

Mr. Harp indicated that the tribes plan to include appropriate language for the final management measures that would keep Interior Fraser coho impacts from the tribal fisheries at preseason expectations.

Mr. Coenen asked Mr. Don Stevens, SAS Chairman, to address a change in the non-Indian commercial fishery off Oregon. Mr. Stevens reported that an error had been made in the days open for the Newport area cell, and that two additional days should be closed in the Newport area, with the savings in Klamath fall chinook being transferred to the Oregon KMZ commercial fishery by way of increasing the July quota by 200 chinook. The rationale was consistent with comments received at the March 29 public hearing in Coos Bay.

Mr. Anderson requested that the STT model the non-treaty fishery north of Cape Falcon overall chinook quota at 89,000.

Mr. Harp requested the STT model the treaty troll quotas at 22,500 chinook in May/June and the July through September quota at 26,500 chinook. There would be no change to the treaty troll coho quota.

Mr. Coenen requested the STT make the adjustments recommended by SAS Chairman Don Stevens.

D.5 Final Action on 2004 Salmon Management Measures (04/08/04; 10:46 am)

Mr. Dave Ortmann chaired this agenda item.

D.5.a Agendum Overview

Mr. Tracy presented the agendum overview.

D.5.b STT Analysis of Impacts

Mr. Simmons presented Exhibit D.5.b, Supplemental STT Report.

D.5.c Comments of the KFMC

Mr. Viele said the KFMC has no further recommendations.

D.5.d Recommendations of the States, Tribes, and Federal Agencies

WDFW

Mr. Anderson noted there will be a recommendation for a change to the late season La Push recreational fishery boundary under Council Action.

ODFW

None.

CDFG

None.

Tribes

Mr. Mike Orcutt and Mr. George Kautsky spoke for the Hoopa Valley Tribe. The Hoopa Valley tribe favors continued development of information on Klamath spring chinook and development of a management framework so the Council can actively manage that stock. The tribe is concerned with the low forecast for 2001 brood Klamath fall chinook and the potential for late 2004 and early 2005 non-Indian fisheries to impact that brood prior to allocation of the tribal share. If the 2005 forecast is such that there is a risk the spawning escapement floor may not be achieved, the Council will have to consider how to address both conservation and tribal allocation issues.

Mr. Harold Blackwolf, Sr, provided the following comments on behalf of the Columbia River treaty tribes:

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

As we near the completion of the planning for 2004 ocean fisheries, we would like to remind the Council of some of the issues bringing us where we are now and some of the events outside the Council process that will influence where we will end up in the future.

Regarding Snake River fall Chinook, in the 1990, a record low number of fall Chinook reached Lower Granite Dam – 335 adult fish. Of these, less than 100 may have been natural origin fish. In the mid 1990's, the tribes won a legal dispute with the states and a supplementation program was begun acclimating fish above Lower Granite Dam in an effort to use locally derived hatchery fish to supplement the natural run. This program has been a remarkable success. In 2003, a mere 13 years after the record low run, around 12,000 adult fish reached Lower Granite Dam. Of these, 3,856 were estimated to be natural origin fish. A record 2,247 redds were counted above Lower Granite Dam. NMFS has identified a preliminary de-listing target of a natural origin run size of 2,500 over an eight year geometric mean. With this increasing abundance of natural origin Snake River fall Chinook, it is entirely possible to reach this de-listing goal within this decade. While better ocean survival can not be discounted as a contributing factor, the supplementation program can not be denied as the primary reason for this strong increase in run sizes. Even with this success, the supplementation program is not without critics. There are many who argue that the trap at Lower Granite Dam be managed to reduce the number of fish that can pass the dam and contribute to rebuilding. These are people who never want to use well designed hatchery programs to contribute to recovery. The tribes have long supported the appropriate use of hatcheries to support recovery of all salmon stocks throughout the Columbia Basin.

In part because of the increase in run sizes, both the states and tribes had expressed the desire to explore some flexibility in the ESA standards for both ocean and in-river fisheries in years such as 2004 that have relatively high abundance. Such flexibility seems quite reasonable, as long as we continue to make progress towards recovery. Even some NOAA Fisheries staff were inclined to support such flexibility. However, this idea was quashed by the Federal Government and as a result planning ocean fisheries has been quite challenging this year. The tribes are convinced that the reason for this is that the Federal Government has a predetermined intent to allocate more salmon mortality to the hydro-system and so there is just nothing extra left for fisheries.

The proposal to eliminate August spill in the Columbia River will have very negative effects on many salmon stocks including Snake River fall Chinook. In 2001, spill was curtailed because of the drought and so called "power emergency". There are plenty of data showing that outmigrants in 2001 had much lower than average survival. The only reason we are not seeing dramatic effects in total adult returns currently is that we got lucky with strong survival of 2000 outmigrants and expected strong survival of 2002 outmigrants. If spill is eliminated for even one year, there probably will be effects on fisheries. If spill is eliminated for more than one year as is proposed, the negative effects on fish runs and fisheries is certain.

This year's ocean fishery planning has involved lots of hard work and very difficult decision making that will hopefully help insure a lot of Snake River fall Chinook are going to reach the spawning grounds. However, because of Federal Government policy, the offspring of these fish we are working to protect face a very uncertain future. While we commend those who have made decisions to reduce their fisheries to protect fish that are so important to the tribes, it is a perfectly natural question for you to ask, "Why are we going through this very difficult exercise when the end result will be that the fish we save will produce offspring that will simply ground up in the eight Federal dams?"

Unfortunately, if the Federal Government gets its way, fish recovery may become much more unlikely and fishery planning may become much more difficult.

Another issue that relates both to conservation of fish as well as fishery planning is mass marking of fish with adipose fin clips without coded wire tags. Congressman Norm Dicks is demanding that the number of mass marked fish be dramatically increased including almost all Columbia River fall Chinook. These fish are important components of ocean fisheries. If more of these fish are mass marked it will further degrade the Coded Wire Tag program. We are dependant on this program to measure impacts to various stocks. One effect of this as far as fishery planning is that, in a year like this, where fishers are required to make round after round of cuts to their proposed fisheries is that we really will not know the true effect of these cuts on key managed stocks. We will in effect be managing fisheries nearly blind.

While clearly many parts of the Federal Government are acting as a drag on fish recovery, there are things that can and are being done to benefit the fish as well as treaty and non-treaty fishermen.

Because of the Tribes' cultural and spiritual connection with salmon, the tribes are extremely focused on the health of the salmon and the water they live in. This is what produces our desire to recover fish populations. The Umatilla Tribe has successfully shown that it is possible to work with private landowners and irrigators and the State of Oregon to re-introduce coho into the Umatilla River. By working cooperatively the tribes have shown that it is possible to make improvements to habitat and water conditions to support salmon. The Nez Perce Tribe has worked successfully with the State of Idaho and the USFWS to reintroduce coho into the Clearwater. The Yakama Nation and the State of Washington have coho programs in the Yakama and Wenatchee. While these programs are all still works in progress, it shows that by working cooperatively with the tribes it is possible to do things that both support salmon recovery and provide fishery benefits for ocean and in-river fisheries. The reason that the Ocean fishery and lower Columbia River fisheries are required to ensure that 50% of the upriver coho reach Bonneville Dam is not just to meet treaty fishery needs but to ensure enough fish return so that these recovery programs can continue to produce larger runs of fish in the future.

The tribes have many other programs and proposals that will assist with recovering all salmon runs to healthy harvestable levels. These include numerous habitat improvement projects in tributaries throughout the basin and an annual water management plan for the Columbia River that proposes flows, temperatures, and spills that will provide benefits to fish while including appropriate allowances for irrigation and power generation. Unlike programs like the flawed barging program, it is these types of positive pro-active programs that need to be implemented in order to recover fish populations to healthy sustainable harvestable levels. This concludes my statement. Thank You.

Mr. Harp presented Agenda Item D.5.d, Final Action on 2004 Measures, April 2004.

NMFS

Mr. Robinson indicated that the proposed management measures are consistent with NMFS ESA guidance and with the Puget Sound Resource Management Plan, which is under review.

USFWS

Mr. Roth encouraged Council to participate in other forums including habitat issues, and to comment in those other forums when possible.

D.5.e Reports and Comments of Advisory Bodies

None.

D.5.f Public Comment

None.

D.5.g **Council Action:** Adopt Final Measures on Final Action on 2004 Salmon Management Measures

Mr. Anderson moved (Motion 22) the Council adopt non-Indian commercial and recreational management measures north of Cape Falcon as presented in Exhibit D.5.b with the following addition: for the September 25 to October 10 recreational fishery between Cape Alava and the Queets River, restrict the fishery to within state waters. Mr. Cedergreen seconded the motion. Motion 22 passed.

Mr. Coenen moved (Motion 23) the Council adopt the non-Indian commercial management measures between Cape Falcon, Oregon and the Oregon/California border, and the recreational management measures between Cape Falcon, Oregon and Horse Mountain, California, as presented in Exhibit D.5.b. Mr. Brown seconded the motion. Motion 23 passed.

Mr. Larson moved (Motion 24) the Council adopt the commercial management measures between Horse Mountain, California and Point San Pedro, California, and the recreational management measures between Horse Mountain, California, and the U.S./Mexico border as presented in Exhibit D.5.b. Mr. Thomas seconded the motion.

Mr. Brown offered a friendly amendment to include the area between the Oregon/California border and Horse Mountain, California for the commercial management measures. Mr. Larson and Mr. Thomas accepted the amendment.

Mr. Ticehurst offered a friendly amendment to include the area between Point San Pedro to the U.S./Mexico border for the commercial management measures. Mr. Larson and Mr. Thomas accepted the amendment.

Motion 24 passed.

Mr Harp made the following motion (Motion 25):

For the 2004 salmon fishery in the area from the U.S./Canada border to Cape Falcon, Oregon, I move the following management structure be adopted by the Council for the Treaty Indian ocean troll fisheries:

The Treaty Indian ocean troll fishery would have a quota of 49,000 chinook and 75,000 coho.

The overall chinook quota would be divided into a 22,500-chinook sub-quota for the May 1 through June 30 chinook directed fishery and a 26,500-chinook sub-quota for the all species fishery in the time period of July 1 through September 15.

If the treaty troll catch taken from areas 4/4B is projected inseason to exceed 55,000 coho, the total treaty troll quota will be adjusted to ensure that the exploration rate impact of the treaty troll fishery on Interior Fraser coho does not exceed the level anticipated under the assumptions employed for impact assessment.

If the chinook quota for the May-June fishery were not fully utilized, the remaining fish would not be rolled over into the all species fishery. The Treaty troll fishery would close upon the projected attainment of either of the chinook or coho quota. Other applicable regulations are shown in Table 3 of STT Report D.5.b.

Mr. Warrens seconded the motion. Motion 25 passed.

Mr. Anderson moved (Motion 26) to authorize Council Staff, NMFS, and the STT to draft and revise the necessary documents to implement the recommendations in accordance with Council intent. Mr. Cedergreen seconded the motion. Motion 26 passed.

D.6 Clarification of Final Action on 2004 Salmon Management Measures (*If Necessary*)

This agenda item was not necessary and therefore cancelled.

E. Habitat

E.1 Current Habitat Issues (04/06/04; 1:05 pm)

Ms. Jennifer Gilden provided an explanation of the briefing materials, including attachments and Council tasks.

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

Mr. Stuart Ellis provided Exhibit E.1.a, Supplemental HC Report, Exhibit E.1.a, Supplemental Final Attachment 2, and Exhibit E.1.a, Supplemental Attachment 3.

Mr. Larson asked Mr. Ellis whether Mr. Keppen of the Klamath Water Users Association had offered any suggestions on how his association would work cooperatively with government and other interests.

Mr. Ellis said Mr. Keppen had discussed issues with coastal communities and fishing industry groups, but he did not offer concrete proposals on how to deal with the major impasses associated with Klamath water issues.

Mr. Larson then asked whether there was anything that the Council could do to improve that relationship and be more inclusive.

Mr. Ellis said that this meeting was a good start.

Chairman Hansen thanked Mr. Brown for arranging the visit by Mr. Keppen.

Dr. McIsaac asked about the draft EFH letter, Supplemental Final Attachment 3. The letter contains six detailed recommendations. He asked what the levels of data referred to in the letter meant. Mr. Ellis said he believed it had to do with data quality and detail, and said the wording was taken out of the EFH guidelines. Ms. Gilden agreed and read about the levels from the existing EFH rule.

E.1.b Reports and Comments of Advisory Bodies

SAS

Ms. Gilden read the SAS report. Mr. Gerry Reinholdt discussed the letter and said the SAS supported the letter as written.

Tribes

Mr. Dave Hillemeier, Yurok Tribe, made some comments regarding the Klamath River FERC letter. There is no proposed fish passage in the five dams in the Klamath hydroelectric project. We see this as a rare opportunity to return fish to the upper Klamath Basin. It is a critical time to provide input, and it is fortunate that the Council is meeting while the license application is open for public review. Regarding long term solutions to water problems in the Klamath, there will be a technical workshop in June 2004 on lower Klamath Basin issues. It will be a good opportunity to discuss the needs of flow and the historical flows. This workshop is sponsored by the DOI.

E.1.c Public Comment

None.

E.1.d **Council Action:** Consider HC Recommendations

Mr. Brown said he has attended several meetings of the Klamath Water Project, and has toured their facilities. He understands their concerns, but does not know if they are right or not. They certainly have a different world view than most fishermen do. We'll have to understand those different worldviews if we're going to work together. The farmers consider themselves natural resource users. They are aware of what they stand to lose if they cannot solve this Klamath water flow problem, and they are willing to work on this. The rhetoric regarding this issue is not very friendly for either side; it is difficult to speak to either side without rubbing sore wounds. People in the Brookings area are trying to slowly expand the circle of people who are talking (this effort started out with Mr. Brown and his wife). (Mr. Brown discussed some of the efforts to develop discussions between the groups). He feels there is a need to continue to talk and work together and include the lower Klamath tribes, California salmon fishermen, etc.

Dr. McIsaac said regarding the EFH letter, the HC said the proposed rule comment period would close before June. What is the exact date? Mr. Ellis said he believed the deadline was April 26. Dr. McIsaac encouraged the Council to make the letter as meaningful as possible. There are a couple of things that could be strengthened by staff after the Council meeting.

The Council concurred with Dr. McIsaac's recommendations for the EFH letter as shown in Exhibit E.1, Supplemental Final Attachment 3.

Dr. McIsaac spoke about the Klamath FERC letter. Mr. Larson moved and Mr. Thomas seconded a motion (Motion 9) for the Council to approve and send the Klamath letter as shown in Exhibit E.1.a, Attachment 2.

F. Pacific Halibut Management

F.1 Adopt Final 2004 Incidental Catch Regulations for the Salmon Troll and Fixed Gear Sablefish Fisheries (04/07/04; 9:08 am)

F.1.a Agendum Overview

Mr. Tracy presented the agendum overview.

F.1.b Recommendations of the States, Tribes, and Federal Agencies

Mr. Anderson asked what the increase in the sablefish tier limits were. Mr. Alverson replied that Tier I increased from 53,000 in 2003 to 69,000 in 2004.

Mr. Anderson asked if the halibut/sablefish landing limit ratio can be modified inseason. Ms. Cooney replied she would have to look.

Mr. Anderson stated that because the status quo ratio of 150 pounds of halibut per 1,000 pounds of sablefish took nearly the entire halibut quota last year, and there is about a 23% increase in the sablefish tier limits for 2004, he supports Option 2, a ratio of 100 pounds of halibut per 1,000 pounds of sablefish. He supported Option 1a for the salmon troll fishery incidental halibut landing restrictions.

Dr. Burke said Oregon is supporting Option 1a for the salmon troll fishery.

Mr. Harp presented Exhibit F.1.b, Supplemental Tribal Comments. He agreed with Mr. Anderson's recommendations regarding both the sablefish and salmon troll fishery.

Mr. Robinson also supports Option 2 for the sablefish fishery.

F.1.c Reports and Comments of Advisory Bodies

SAS

Mr. Jim Olson said the SAS supports Option 1a for the salmon troll fishery.

F.1.d Public Comment

None.

F.1.e **Council Action:** Adopt Final 2004 Incidental Catch Regulations for the Salmon Troll and Fixed Gear Sablefish Fisheries

Using Exhibit F.1, Situation Summary, April 2004, Mr. Alverson moved (Motion 15) to adopt for final 2004 incidental catch regulations for the salmon troll fishery Option 1a in combination with Option 2 for the yelloweye rockfish conservation area (status quo) , and for the fixed gear sablefish fisheries Option 2, which is:

Beginning May 1, 2004, properly licensed vessels may return and land 100 pounds (dressed weight) of halibut for every 1,000 pounds (dressed weight) of sablefish landed and up to two additional halibut in excess of the 100 pounds per 1,000 pound ratio per landing. Halibut must be landed with the head on and be no less than

32 inches measured from the tip of the lower jaw with the mouth closed to the extreme end of the middle of the tail.

Mr. Cedergreen seconded the motion. Motion 15 passed.

G. Highly Migratory Species (HMS) Management

G.1 NMFS Report (04/08/04;

G.1.a Update on Approval of FMP

Mr. Svein Fougner spoke to recent international and domestic activities related to HMS fisheries. He referred the Council to Exhibit G.1.a, Supplemental Attachment 1.

Mr. Fougner highlighted recent findings by the Interim Scientific Committee for Tuna and Tuna-like Species in the North Pacific Ocean (ISC) about the status of certain tuna species. The ISC reported concerns about fishing rates and population status for (north Pacific) albacore and northern bluefin tuna. He noted the ISC is not formally affiliated with any regional tuna fishery management entity (e.g., MHLIC, IATTC). The information provided by the ISC is important and should be tracked by the Council's HMS Management Team. The information should be included in the HMS stock assessment and fishery evaluation (SAFE) document.

Dr. McIsaac asked about the history and composition of the ISC. The ISC was established in 1995 to enhance scientific research and cooperation for conservation and rational utilization of tuna and tuna-like species of the North Pacific Ocean. The ISC is made up of representatives from coastal states and fishing entities of the region and coastal states and fishing entities with vessels fishing for HMS in the region. U.S. representation has included NMFS-SWFSC and NMFS-Pacific Islands Science Center. Mr. Fougner also noted that Dr. Bill Fox (director SWFSC) planned on formally briefing the Council about these matters at the September 2004 Council meeting.

Dr. McIsaac asked about the ISC findings concerning tuna population status and how it related to overfishing definitions in the HMS FMP. Mr. Fougner stated that the recent findings of the ISC had not been put into the context of the HMS FMP overfishing definitions.

Related to domestic activities, the final rule for implementing the HMS FMP was published on April 7, 2004. He explained the provisions that would be effective immediately and those that awaited OMB Paperwork Reduction Act clearance. Permits will be issued by the NMFS-SWR (this activity is one of those awaiting OMB clearance). NMFS also intends to coordinate distribution of an HMS FMP compliance guide, notably assistance in circulation of the guide.

Mr. Fougner also reported that a new program for the high seas pelagic longline fishery, managed under the WPFMC Pelagics FMP, was recently approved and that regulations have gone into effect. He described some aspects of the Hawaii-based longline fishery and noted their potential for use in the Pacific Council managed high seas pelagic longline fishery. The NMFS-PIR office will issue fishing effort shares to Hawaii-longline permit holders, the shares are tradeable. Eligible participants are required to notify NMFS if they intend to participate in the fishery.

G.1.b Reports and Comments of Advisory Bodies

None.

G.1.c Public Comment

Mr. Bart Mathews, American Albacore Fishing Association, Roche Harbor, Washington
Mr. Peter Flournoy, (individual), San Diego, California
Mr. Doug Fricke, Washington Trollers Association, Hoquiam, Washington

G.1.d Council Discussion on NMFS Report on HMS

None.

G.2 Endangered Species Act Considerations Related to Sea Turtle/Longline Fishery Interactions (04/08/04; 8:41 am)

G.2.a Agendum Overview

Mr. Waldeck provided an overview of the agenda item and referred the Council to Exhibit G.1.a, Supplemental NMFS letter, which will be referenced during this agenda item. He noted that G.2 was a Council discussion item, which would provide information for Council direction to the HMS advisors and Council staff under G.3.

G.2.b NMFS Report

Mr. Fougner provided a brief history of the FMP development process, notably those portions related to high seas pelagic longline fishing that would have allowed shallow-set longline fishing by vessels that target swordfish east of 150° W Longitude. These provisions were disapproved by NMFS based on the ESA section 7 consultation that concluded the proposed action would likely harm ESA-listed sea turtles.

He described the ESA-based regulations promulgated by NMFS that prohibit shallow set, swordfish targeted longline fishing east of 150° W longitude. He described the rationale for the regulations.

Mr. Fougner spoke about recent research in the Atlantic Ocean and the WPFMC high seas longline fishery proposal. As noted, the WPFMC proposal was approved and implemented by NMFS. Both the recent research and the WPFMC program provide examples that could be used by the Council to remedy jeopardy findings that resulted in partial disapproval of the HMS FMP. He noted the Council is in a position to develop alternatives that might allow some highseas longline swordfish fishing without resulting in a jeopardy to listed species of sea turtles. These alternatives could include provisions for limited entry, gear requirements, time/area requirements, observer coverage requirements, or other additional measures. He stressed that the new information provided a solid foundation for the HMS Management Team to develop fishery management alternatives.

G.2.c Reports and Comments of Advisory Bodies

None.

G.2.d Public Comment

Mr. Chuck Jannisse, Federation of Independent Seafood Harvesters, Bridgewater Corners, Vermont
Mr. August Felando, American Tuna Boat Association, San Diego, California

G.2.e Council Discussion on Endangered Species Act Considerations Related to Sea Turtle/Longline Fishery Interactions

Mr. Brown asked if the Council needed to take formal action on any items.

Mr. Waldeck stated that none of the HMS agenda items were action items. G.1 and G.2 are informational, and G.3 is for providing guidance to the HMS Management Team, Advisory Subpanel, and staff for proceeding with development of an FMP amendment.

G.3 FMP Amendment for Limited Entry in the High Seas Pelagic Longline Fishery (04/08/04; 9:02 am)

G.3.a Agendum Overview

Mr. Waldeck provided the agendum overview.

G.3.b NMFS Report

Mr. Fougner reviewed ways in which the Council could approach the FMP amendment. The Council could pursue an amendment of limited scope, which could be accomplished rather quickly. Conversely, the Council could develop a more comprehensive amendment (e.g., including limited entry provisions and effort, gear, time/area, and observer requirements as was done by the WPFMC). He stressed that there are trade offs in terms of time and resources available. NMFS is committed to working with the Council.

G.3.c Reports and Comments of Advisory Bodies

HMSMT

Mr. Steve Croke and Dr. Dale Squires provided Exhibit G.3.c, Supplemental HMSMT Report.

HMSAS

Mr. Bob Fletcher provided Exhibit G.3.c, Supplemental HMSAS Report.

G.3.d Public Comment

Mr. Chuck Jannisse, Federation of Independent Seafood Harvesters, Bridgewater Corners, Vermont
Mr. August Felando, American Tuna Boat Association, San Diego, California
Mr. Doug Fricke, Washington Trollers Association, Hoquiam, Washington

G.3.e Council Recommendations for Proceeding with Implementation of an FMP Amendment for Limited Entry in the High Seas Pelagic Longline Fishery

Dr. Hanson stressed that the Council should clarify funding uncertainties and workload concerns before discussing guidance for how to proceed with the FMP amendment. Mr. Harp, Budget Committee Chairman, also requested information about workload and funding.

Dr. McIsaac said both of the Council members are correct about funding. He noted that, over the past three years, the Council received funding through a specific line item in the federal budget. Currently, there is significant uncertainty in the federal budget and it appeared specific HMS funding would not be received. He highlighted that the workload planning document indicates that, if no specific HMS funds are available, the Council may have to either minimize HMS-related workload or reduce funding to other fishery management activities to cover HMS workload. He suggested that the Council consider providing guidance for work on the FMP amendment, but with the qualification that, under workload planning on Friday, the Council might decide to not proceed with HMS-related activities or to re-prioritize funds from other program areas to HMS activities.

Mr. Brown said it appears we have to try to move forward with some type of FMP amendment to incorporate elements related to the biological opinion. He encouraged Dr. McIsaac to send a letter to NMFS requesting HMS funding, and to also ask for enough funding to have the SSC review the biological opinion.

Chairman Hansen agreed that a letter should be sent to NMFS.

Mr. Fougner suggested the Council separate the issue of funding from the decision to provide guidance to the HMS Management Team.

Mr. Rodney McInnis (NMFS-SWR) addressed the Council. He agreed with Mr. Fougner that the Council should provide guidance to the HMS Management Team and move forward with the FMP amendment. He reiterated the HMS funding uncertainty and that funds, at the regional level, were not available, at this point, to supplement Council HMS-related activities.

To assist the Council in providing guidance to the HMSMT, Mr. Waldeck suggested that the Council consider forwarding the HMSAS report to the HMSMT. The Council Chairman concurred.

Ms. Vojkovich agreed that the report of the HMSAS be forwarded to the HMSMT, notably that limited entry and gear restrictions would need to go forward as a package. She asked about the recommendation for including the DGN fishery in the FMP amendment. Should the Council be concerned about having two limited entry systems where vessels could hold both a high seas longline

permit and a DGN permit? Would that change the complexion of the fisheries and, thus, how fishery management provisions should be structured and how the fleets are structured?

Mr. Waldeck suggested the Council could request the HMSMT to provide information at the September 2004 meeting about the longline and DGN fleets, and protected resource interactions of the two fisheries (e.g., projected levels of takes under various fishery scenarios). With this information, the Council could then begin to consider how to structure alternatives that fit the respective fleets and ameliorate ESA concerns.

Ms. Vojkovich noted, then, given Mr. Waldeck's suggestion, once the Council has information about both fleets, the Council might consider management measures for restructuring both the high seas longline fishery and the DGN fishery.

Mr. Waldeck explained why the HMSAS discussed the need to consider restructuring both the longline fishery and the DGN fishery. The Biological Opinion levels of sea turtle takes in the DGN fishery approximate an overall cap on turtle takes that would be allowed for all West Coast-based HMS fisheries. The high seas longline fishery (east of 150° W longitude) was disapproved because it was expected to take additional ESA-listed sea turtles. Therefore, in restructuring the longline fishery to stay within acceptable ESA jeopardy standards it might be necessary to also restructure the DGN fishery to reduce the combined takes from both fisheries to at or below the current levels in the DGN fishery.

Mr. Alverson agreed with Ms. Vojkovich's direction, but wasn't certain that it would be out of order for a qualified vessel to hold both a WPFMC permit and a Pacific Council HMS permit.

Mr. Waldeck said that information on WPFMC-permitted vessels is included in the HMSMT fleet profile database.

Mr. Fougner noted that in the HMSAS report there are also requests of NMFS, e.g., items related to High Seas Fishing Compliance Act (HSFCA) permits. These requests will be considered by NMFS.

Mr. Waldeck noted that, in addition to the HMSAS report, the HMSMT also had direction from NMFS SWR (letter of April 7, 2004). He also highlighted the items in the HMSAS report not relevant to the FMP amendment. On the item Mr. Fougner spoke to related to HSFCA and the need for a biological opinion, did the Council want staff to write a letter?. On the issue of mercury, he encouraged the Council to think about ways to convey information to the public about the West Coast troll fishery, e.g., an article in the Council's newsletter.

Chairman Hansen said we will write the letter and put other items in the Council newsletter.

Mr. Waldeck reiterated that the Council directed HMSMT to follow the recommendations of the HMSAS in terms of broadening the information base for developing the FMP amendment; the Council recognizes the need for a biological opinion for the south Pacific albacore fishery and encourages NMFS to consider this need; and the Council directed staff to include an article in the newsletter about West Coast troll caught albacore (relative to recent reports of mercury in tuna).

The Council anticipates hearing back from the HMSMT and HMSAS in September.

Dr. McIsaac, on SSC review of the biological opinion spoken to by Mr. Brown, asked Mr. Waldeck if the biological opinion contained the turtle model used and if the SSC could review it.

Mr. Waldeck said the HMS FMP Biological Opinion is complete and final. It is within the purview of the Council to request SSC review, but he was uncertain about what that would provide given the biological opinion is a final document and not open for review. On the question of the model, he views the assessment in the biological opinion to be a simple algorithm (where past turtle takes and expected future takes are summed) rather than a modeling exercise based on life history information, migration patterns, and other parameters. He also noted his perception of how biological opinions are developed, in general. NMFS-Protected Resources generally develops biological opinions under consultation with other NMFS offices. Outside review and input is not generally sought out. The HMSMT has, on several occasions, expressed concern about this practice and the desire for the Council to be involved in development of biological opinions. Finally, Mr. Waldeck noted that this FMP amendment might benefit from new guidelines under the regulatory streamlining program.

Mr. Fougner, on the regulatory streamlining program, said NOAA Fisheries has been working with the RFMCs on this concept. The idea is that all relevant information be provided early on so when we are in ESA section 7 consultations there are no surprises. Protected Resources personnel from NMFS will be available to the HMSMT.

ADJOURN

The 173rd meeting of the Pacific Fishery Management Council was adjourned on Friday, April 9, at 4:31 pm.



September 14, 2004

Council Chairman

Date