

# MINUTES

Pacific Fishery Management Council  
Sheraton Tacoma Hotel  
1320 Broadway Plaza  
Tacoma, WA 98402  
April 3-8, 2005

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## A. Call to Order

### A.1 Opening Remarks, Introductions

Mr. Don Hansen, Chairman, call the meeting of the Pacific Fishery Management Council to order on Monday, April 4, 2005 at 4:30 P.M.

### A.2 Roll Call

Dr. Donald McIsaac, Executive Director, called the roll:

Mr. Bob Alverson  
Mr. Ralph Brown  
Dr. Patty Burke  
Mr. Mark Cedergreen  
Mr. Brian Corrigan  
Dr. Steve Freese  
Mr. Donald K. Hansen, (Chairman)  
Dr. Dave Hanson, (Parliamentarian)  
Mr. Jim Harp  
Mr. Jerry Mallet  
Mr. Dave Ortmann, (Vice-Chairman)  
Mr. Tim Roth  
Mr. Roger Thomas  
Mr. Darrell Ticehurst  
Mr. Bill Tweit  
Ms. Marija Vojkovich  
Mr. Frank Warrens  
Mr. Gordy Williams

Mr. Stetson Tinkham was absent.

### A.3 Executive Director's Report

Dr. McIsaac provided an overview of the two informational reports on the topic of mass marking. Messrs. Tim Roth and Bill Tweit provided further explanation of the reports.

### A.4 Council Action: Approve Agenda

The Council approved the agenda as shown in Agenda Item A.4, April Council Meeting Agenda (Motion 1).

## B. Groundfish Management

### B.1 Vermilion Rockfish Stock Assessment Status

#### B.1.a Agenda Item Overview (04/04/05; 4:40 pm)

Mr. John DeVore provided the agenda item overview.

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

Dr. Steve Ralston provided Agenda Item B.1.b, Supplemental SSC Report. Mr. DeVore read Agenda Item B.1.b, Supplemental GMT Report.

#### B.1.c Public Comment

None.

#### B.1.d Council Action: Consider Scheduling of Stock Assessment

Ms. Vojkovich moved and Mr. Ticehurst seconded a motion (Motion 2) to approve conducting a full vermilion rockfish stock assessment this year.

Mr. Brown asked if a vermilion assessment review has been scheduled in the existing Stock Assessment Review (STAR) process.

Mr. Alverson said he was confused about the GMT statement. Is the vermilion assessment data incomplete? Mr. DeVore said the GMT recognized there was uncertainty regarding the available assessment data. Their recommendation was to let the STAR Panel decide whether there was sufficient data.

Mr. Brown asked if the contemplated vermilion rockfish assessment was coastwide. Dr. Ralston answered the assessment was for the California coast south of 40°10' N latitude and further divided into two subregions.

Mr. Alverson asked if the vermilion assessment is on the list of the current 22 assessments that have been approved and Dr. McIsaac said adding vermilion would now make 23. Originally, vermilion was on the list, taken off, and is now being considered again. Dr. Clarke noted at the previous Council meeting that a vermilion assessment review has already been scheduled for a STAR Panel; therefore, adding this assessment is doable.

Motion 2 passed.

### B.2 Inseason Management Response Policy

#### B.2.a Agenda Item Overview (04/05/05; 3:18 pm)

Mr. DeVore provided the agenda item overview.

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

Mr. Rod Moore provided Agenda Item B.2.b, Supplemental GAP Report.

Mr. Brown noted an inseason management response policy was being considered in response to the darkblotched issue last year. He thought this policy may be an overreaction. Did the GAP address the need for a policy? Mr. Moore responded the GAP did discuss this in March and agreed March is too early to make inseason adjustments. The GAP believes the policy may be unnecessary, but, if the Council disagrees, there should at least be a sensible policy. The GAP believes adjusting management measures in April and thereafter is sensible.

Dr. McIsaac asked Mr. Moore to elaborate on last year's slope rockfish data problem. Mr. Moore said landings of darkblotched two years ago between 38° and 40°10' N latitude resulted in different trip limits in this area. Now we realize those catches were made north of 40°10' N latitude and landed illegally south of 40°10' N latitude. The GMT agrees this mistake needs to be rectified.

Mr. Ticehurst asked about inseason adjustments in March of the second year of a biennial management cycle. Couldn't we consider inseason adjustments then? Mr. Moore said no, since two 1-year OYs is the standard adopted under Amendment 17.

Ms. Susan Ashcraft provided Agenda Item B.2.b, Supplemental GMT Report.

Dr. Burke asked if the GMT discussed how the recommended policy would work in practical terms. Much analysis could occur before determining there was a data or model error. Ms. Ashcraft said the GMT did discuss this and determined there were two issues to consider in policy development: 1) uncertainty in data and models, and 2) time management for the GMT and the Council. Dr. Burke asked if it was the GMT's intent to scope issues in March before making recommendations to the Council in April. Ms. Ashcraft said the GMT does not scope these issues during their meeting. Typically, the GAP recommends inseason adjustments to the GMT during a Council meeting. The GMT then analyzes these adjustments and works with the GAP before both bodies report to the Council. Alternatively, the GAP could propose adjustments directly to the Council and then the Council could task the GMT with analysis of potential adjustments they want to consider. This could potentially lighten the GMT's workload.

Mr. Alverson asked what information is available to make an inseason adjustment in April. How long does it take to recognize a problem? Ms. Ashcraft answered we have quota species monitoring (QSM) data through May in June. Mr. Brown stated the problem last year wasn't the decision in April, but a lack of adequate tracking. He thought there would be a process set up to respond outside the regular Council meeting schedule. Wasn't the problem a lack of tracking? Ms. Ashcraft answered the GMT was tracking QSM landings, but not adequately tracking the discard modeling.

Ms. Vojkovich asked if any changes have been implemented to lessen the workload for inseason considerations. Ms. Ashcraft responded that tracking mechanisms have improved. Discard

estimates are now embedded in the commercial QSM reports and a recreational QSM tracking system is being developed. This information is being disseminated earlier to the GMT and GAP.

Dr. Freese asked if the GMT was recommending the GAP go to the Council first with inseason options, then the Council would direct the GMT what work would be done? Ms. Ashcraft said the GMT and GAP would deliberate prior to going to the Council.

Dr. Freese asked about the recreational QSM reporting system. Ms. Ashcraft explained the states would provide monthly estimates to RecFIN which would be reported. Dr. Freese asked if those reports would be available to the public and Ms. Ashcraft answered yes.

#### B.2.c Public Comment

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

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

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

#### B.2.d Council Action: Adopt Inseason Management Response Policy for Implementation

Mr. Brown felt developing an inseason management response policy is an overreaction to the darkblotched early OY attainment problem from last year. That problem is being addressed in other ways. Therefore, he recommends the Council not adopt a formal policy. Mr. Anderson said the policy consideration is not solely driven by last year's darkblotched problem. This issue was discussed at length by the Groundfish Information Policy Committee (GIPC) and other issues emerged that recommend the policy. These other issues are: 1) the advisability of deciding inseason adjustments based on a small amount of fishery monitoring data (only two months of data available in April), and 2) an intense GMT workload exacerbated by lengthy inseason management deliberations. He advised caution in changing trip limits early in the year. The Council has time after April to change trip limits. The GIPC recommendation is, "...management measures should not be liberalized before June..." not, "management measure shall not be liberalized before June...". Nothing in the policy prohibits April consideration of more liberal management measures. The policy represents a general desire to not liberalize management measures before June.

Dr. Burke asked Dr. McIsaac if this would be a Council Operating Procedure (COP) if passed and Dr. McIsaac presumed so. She thought a very formal policy (i.e., an FMP mandate), would be counter productive. As long as everyone understands the Council's goal in setting this policy and there is an allowance for exceptions to the policy, this could attain the objective of less risky inseason actions.

Ms. Vojkovich explained the intent of the policy was to manage workload better and reduce risk in inseason management decision-making. She has difficulty reconciling inseason proposals that come into the process during and before a Council meeting. The former is harder to prepare for. She would prefer waiting a year to see how these issues are resolved with the new inseason catch tracking mechanisms in place. Dr. Burke said one problem is the GMT and GAP cannot resolve whether an inseason adjustment is ripe for consideration. Should the GMT and GAP establish a protocol? Dr. Freese asked how we filter out key requests for inseason consideration. Mr.

Anderson said he felt it was not appropriate for states to filter out key requests without the input from other Council members. Mr. Hansen said the GAP could do that.

There was general concern expressed regarding the amount of time it has taken to consider an inseason management response policy that now appears to be dead. There was general consensus that a formal policy may be too difficult to implement. Therefore, no action was taken to adopt a new inseason management response policy.

### B.3 NMFS Report

#### B.3.a Regulatory Activities (04/05/05; 4:30 pm)

Dr. Freese briefed the Council on the groundfish regulatory activities of the NMFS Northwest Region since the last Council meeting. NMFS published the 2005 whiting ABC/OY final rule; the halibut final rule; and coordinated development of the shoreside whiting EFP, which will be discussed this evening. NMFS also published a new proposed rule for the trawl buyback program, which recommends processors, not states, will collect the fees to pay back the government loan. They may start collecting fees this fall.

Dr. Freese also spoke about the issue of catcher vessel logbooks that provide whiting to the mothership vessels and provided an example of the logbook (Agenda Item B.3.a, Supplemental NMFS Report). Currently, this is a voluntary logbook program. There are two ways to make this a mandatory program: 1) through a formal rulemaking or regulatory amendment, and 2) through an FMP amendment. It would take approximately five months to make this change. Dr. Burke asked if the voluntary logbook program was adequate. Dr. Freese stated there are two observers on each mothership. The question is what information are we missing from the catcher vessel operations. Are there better ways to get this information if camera monitoring isn't practicable? Dr. Burke urged NMFS to move forward on this and Dr. Freese said they are meeting with the at-sea whiting industry tomorrow. NMFS could solicit their ideas on how to improve at-sea monitoring. The Council could mandate logbooks for catcher vessels. He noted the Office of Management and Budget asks policy questions on such issues. Dr. Burke stated the industry will say mandatory logbooks are not needed.

Mr. Anderson stated that shoreside whiting deliveries that are trucked interstate are monitored at the point of landing and again at the processing plant. He noted that CDFG cannot monitor whiting at the point of delivery. He wants all states on the same page on this issue and recommended a discussion at tonight's whiting EFP meeting.

Mr. Anderson asked Dr. Freese about collecting buyback fees from state-managed fishery landings like the Dungeness crab fishery. Dr. Freese said the same processor fee collection mechanism would also apply.

Mr. Alverson inquired about the status of Amendment 14 and the approximately six amendments concerning the permit stacking program. Dr. Freese said the states need to amend their fish tickets to be able to track landings by stacked permit. Mr. Alverson asked if this was holding up the process. Ms. Yvonne de Reynier said the coordination of state fish tickets is not holding up the proposed rule. There are two management options in the proposed rule, one of which is more restrictive if state fish tickets cannot be amended. She recommended a September Council

agenda item for the Council to consider a proposed rule. The rule will be published such that the public comment period is open during the September Council meeting.

Mr. Brown said the states were initially instructed to collect fees from state-permitted fisheries to pay back the trawl buyback loan, but he wasn't sure of the final rule on this. Mr. Anderson said it was state legislation that authorized the states to collect fees on Dungeness crab and pink shrimp landings to pay back the federal loan. Mr. Brown recalled that was the situation and the statutes were identical in all three states. Ms. Vojkovich said there were three bills considered in advance of the trawl industry referendum on the buyback program to explore whether it was feasible for the states to collect fees for state-permitted fisheries. After the referendum passed, it was determined there were different state systems for collecting information and fees. The states were not interested in changing their systems to accommodate the federal buyback program and told NMFS to come up with their own system.

Dr. Burke requested feedback from NMFS in June whether there is adequate monitoring of catcher vessels in the mothership whiting fishery and Dr. Freese agreed.

#### B.3.b Science Center Activities

Dr. Elizabeth Clarke provided Agenda Item B.3.b, Attachment 1. The Northwest Fisheries Science Center (NWFSC) is currently planning for this year's Pacific hake acoustic survey and bottom trawl survey. The NWFSC is also collaborating with industry to develop an acoustic survey for widow rockfish. They have been testing different widow rockfish acoustic survey techniques in the last two weeks. They will have a meeting with researchers and industry participants on this collaborative research tomorrow night. Dr. Clarke also reported the NWFSC is working with the at-sea hake fleet to improve bycatch sampling and a suite of groundfish Stock Assessment Review (STAR) Panels will be convening soon. The next STAR Panel is scheduled for the week of April 18.

Mr. Jon Cusick gave a brief update on electronic monitoring of the shoreside hake fleet. They have been experimenting with camera monitoring systems as previously reported. In addition to video monitoring, they are collecting GPS data, as well as wind and pressure data electronically. Mr. Cusick then reported details of the shoreside hake camera monitoring project. They monitored a total of 1,003 trips and 1,030 sets and observed high video quality. Non-retention was observed in 19% of sets observed. Most of this non-retention was from fish bled from the codend of the trawl, although some discard occurred from fish dumped off the deck. Most of the observed discards occurred during the last haul of the trip and most discards were < 45 kg total estimated weight. There is a need to improve the technology to estimate the amount of discard and to minimize data loss from loss of power to the camera system. They noted a cost savings from electronic monitoring technology, but there is still a need for on-board observers for more accurate discard estimation and biological sampling.

#### B.3.c Reports and Comments of Advisory Bodies

None.

#### B.3.d Public Comment

None.

B.3.e Council Discussion on NMFS Report

None.

B.4 Terms of Reference for Groundfish Rebuilding Plan Analytical Review

B.4.a Agenda Item Overview (04/06/05; 9:45 am)

Mr. DeVore provided the agenda item overview.

B.4.b SSC Report

Mr. Bob Conrad provided Agenda Item B.4.b, Supplemental SSC Report.

Dr. Burke asked for an explanation of the SSC recommendation to delete section 9 in the draft Terms of Reference regarding spatial structure and the recommendation to review GMT methods for partitioning OYs.

B.4.c Reports and Comments of Advisory Bodies

None.

B.4.d Public Comment

None.

B.4.e Council Action: Adopt Final Terms of Reference for Groundfish Rebuilding Plan Analytical Review

Ms. Vojkovich moved and Mr. Thomas seconded a motion (Motion 10) to adopt the Terms of Reference as shown in Agenda Item B.4.a, Supplemental SSC Terms of Reference and as altered by Agenda Item B.4.b, Supplemental SSC Report. Motion 10 passed.

Mr. DeVore said Council staff and members of the SSC are tasked to distribute the Terms of Reference as soon as possible.

Mr. Anderson said there was a previous GMT report on this document, and asked if their recommendations were incorporated? Mr. DeVore assured the Council this was the case.

B.5 Implementation of an Expanded Vessel Monitoring System (VMS)

B.5.a Agenda Item Overview (04/06/05; 10:03 am)

Mr. Mike Burner provided the agenda item overview.

B.5.b NMFS Report

Mr. Dayna Matthews provided explanation of Agenda Item B.5.b, NMFS Report, Draft EA, RIR/RFA for VMS; Agenda Item B.5.b, Supplemental NMFS Report 2, Errata sheet for the Draft EA; and Supplemental NMFS Report 3.

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

Mr. Rod Moore provided Agenda Item B.5.c. Supplemental GAP Report.

Mr. Brown noted vessels catching less than \$1,000 of groundfish would likely drop out of the open access fishery due to economics. This represents a fair number of vessels.

Mr. Moore stated that the GAP did not discuss the numbers of vessels specifically due to the materials being unavailable due to copying limitations. Mr. Matthews indicated that many of the vessels in this category are recreational vessels that purchase commercial licenses. The GAP has some questions regarding the accuracy of the revenue values as presented.

Ms. Susan Ashcraft provided Agenda Item B.5.c Supplemental GMT Report. Lt. Dave Cleary provided Agenda Item B.5.c Supplemental EC Report. Mr. Don Stevens provided Agenda Item B.5.c, Supplemental SAS Report.

#### B.5.d Public Comment

Mr. Duncan MacLean, salmon troller, El Granada, California  
Ms. Kathy Fosmark, Alliance of Communities for Sustainable Fisheries, Pebble Beach, CA  
Mr. Mark Richards, Richards Marine Marketing, Battle Ground, Washington  
Mr. Kenyon Hensel, Hensel's, Crescent City, California

#### B.5.e Council Action: Adopt a Preferred Expansion Alternative

Ms. Vojkovich referred to the scorecard on page 32 of the NMFS report, and asked if all of the open access users chose not to buy a VMS unit, would the numbers in the table represent discards. Ms. Renko said these numbers present projected catch (total catch). Ms. Vojkovich said if people who are fishing in non directed groundfish fisheries under Alternative 6b, what is the total catch normally retained that would have to be discarded. Ms. Renko said that has not been projected.

Mr. Alverson asked about HMS and CPS vessels and noted that it appears that we are putting a lot of VMS units in place to monitor a small amount of groundfish.

Mr. Anderson expressed an interest in working towards an allowable incidental landing amount (maybe 100 pounds) that would not trigger the VMS requirements. Mr. Matthews said there are complications when the gear for HMS species fall within the legal gear description of open access groundfish fisheries, more refined gear definitions should be considered.

Mr. Anderson then asked about the number of incursions there have been in the existing VMS program. Mr. Matthews said the VMS has proven itself as a useful tool and very for incursions exist. Vessels have demonstrated the ability to stay right along a boundary line without crossing

into the RCA. There are about 30 open cases; with some violations involving fishing without VMS activated. Overall, there is a good compliance rate. Mr. Matthews stated he was uncertain of the number of incursions that have occurred but are not being investigated, but enforcement is not concerned with the circumstances that lead to some incursions.

Mr. Alverson moved (Motion 11) that the Council adopt Alternative 6b on page 12 of Agenda Item B.5.b, NMFS Report, except the motion would exclude HMS and CPS vessels from the VMS requirements. Mr. Anderson seconded the motion for sake of discussion.

Ms. Vojkovich asked if the VMS issue has ever been an agenda item for the CPS or HMS advisory groups. Mr. Burner responded that it had not.

Mr. Alverson said this motion would cover a growing aspect of the fishery, open access fisheries, including the daily-trip-limit fishery. He could not see extending the requirement for HMS and CPS as they appear to catch a de minimus amount of groundfish.

Mr. Brown stated he intends to vote against the motion, and favors status quo. The costs of the expensive monitoring program outweigh the benefits for the small amounts of fish landed by these sectors.

Mr. Ticehurst agreed with Mr. Brown. Technology will eventually progress to less expensive and better monitoring equipment. He felt the timing of this proposed action was too early and supported status quo.

Ms. Vojkovich did not know if CPS and HMS fisheries are the only fisheries that warrant an exception to VMS requirements. RCAs were established to protect overfished rockfish primarily and the VMS considerations are being applied to all groundfish. She expressed concern about requiring VMS for a state managed fishery in federal waters that was merely supplementing their income with incidental non-rockfish species. Ms. Vojkovich expressed support for VMS units on groundfish directed fisheries and is interested in spending the time to find all of the reasonable exceptions. She also noted that she does not believe addressing open access capacity reduction with this mechanism is the way to go; preferring a permitted system to reduce the overcapacity issue.

Mr. Warrens spoke in favor of the comments of Ms. Vojkovich. Dr. Freese said he agreed with Ms. Vojkovich and suggested starting with those sectors that target groundfish and phase in those other sectors in the future.

Mr. Brown noted that the bulk of open access vessels targeting groundfish either target nearshore black rockfish for the live-fish fishery inside state waters which would not be subject to VMS under this motion; and the other is the open access sablefish fishery with existing catch restrictions.

Mr. Anderson said RCAs are an extremely important management tool for us to achieve conservation objectives and without them there would be a lot less fishing. We cannot afford to step away from an enforcement tool that has proved itself in its use. He thinks we need to focus on covering those vessels that are targeting groundfish and that the Council is unlikely to achieve this today. However, we should minimize delays. We need to expand the use of this

enforcement tool on vessels that are targeting groundfish subject to the RCA provisions. We need to review the available landings further and find a solution and bring this back to the Council; maybe there is a small amount of allowable groundfish landings without VMS requirement.

Mr. Warrens agreed with Mr. Anderson, and would not propose putting it off until the end of this year and some of the issues could be resolved between now and the fall Council meetings.

Mr. Anderson said the next thing we need to do is give direction to staff as to what we want to do in September.

Dr. Freese agreed with the statements of Mr. Anderson and recommended further analysis of the proposed regulations and the potential fisheries that would be impacted and develop a refined recommendation for expansion of the program. Dr. Freese said his staff and enforcement groups have done a lot of work on this matter and can provide additional support.

Motion 11 failed (all opposed).

Mr. Anderson recommended a reconsideration of this issue at the September meeting and encouraged the VMS committee to take a look at those recommendations. He also recommended soliciting input from the advisory bodies representing all of gear types being considered.

Dr. Burke noted that when we put together regulatory mechanisms to allow folks to fish they can be extremely expensive to put in place. We have created an infrastructure that we cannot afford to enforce in order to allow people to fish. We need to take a hard look at the regulations when the outcome of enforcing them is uneconomical.

Mr. Brown had these same concerns as Dr. Burke, and stated that if the cost of managing and enforcing the fishery is more costly than having the fishery, then the public may want us to shut the fisheries down.

## B.6 Status of 2005 Groundfish Fisheries and Initial Consideration of Inseason Adjustments

### B.6.a Agenda Item Overview (04/06/05; 1:45 pm)

Mr. DeVore provided the agenda item overview.

### B.6.b Report of the Groundfish Management Team

Ms. Ashcraft and Dr. Hastie first presented Agenda Item B.6.b, Supplemental GMT Report 2.

Dr. Hastie explained the updates to the trawl bycatch model. He had made an effort assumption due to a lack of depth-based information in the 2004 Oregon trawl logbooks and the unavailability of the last six months of California logbooks. Therefore, he assumed more effort shoreward of the RCA in the north in his trawl impact projections. Dr. Burke agreed with this assumption.

Ms. Ashcraft then presented Agenda Item B.6.b, Supplemental GMT Report 1. Mr. Merrick Burden provided some corrections to the table depicting trawl total mortality estimates under option 2B on page 3.

Mr. Brown asked about the chafing gear issue and Ms. Ashcraft deferred to Mr. Rod Moore. Ms. Vojkovich asked if the 2.5 mt canary rockfish buffer was going to be larger and Mr. Burden said yes.

Dr. Burke asked if California recreational catches are projected higher later in the year, can depths, bag limits and other management measures be changed? Ms. Vojkovich said yes. Dr. Burke asked if derby fishing behavior had been factored into a closure later if necessary given the 10-day notice standard in California? Ms. Vojkovich said yes. Dr. Burke noted the MRFSS-CRFS calibration may take three years if this can occur at all. Is there an alternative calibration mechanism? Ms. Ashcraft answered there are no other statistically valid calibration methods. Ms. Debbie Aseltine-Neilson agreed with Ms. Ashcraft, but added CDFG will attempt to analyze an alternative calibration methodology and present this to the GMT in September. Dr. Burke asked how this will work with assessments. Ms. Aseltine-Neilson answered that 2004 CRFS estimates will not be used in a CPUE index in 2005 assessments. It remains to be seen how these data will be used in 2007 assessments. Some of this is covered in Agenda Item B.6.b, Supplemental CDFG Report 2.

#### B.6.c Reports and Comments of Advisory Bodies

Mr. Rod Moore presented Agenda Item B.6.c, Supplemental GAP Report.

Mr. Moore stated the chafing gear change simply combines existing regulatory language in one paragraph. Otherwise, this recommendation has no substantive change to regulatory language. The GAP recommends amending this language for 2007-2008.

Lt. Cleary provided an oral report for the Enforcement Consultants. The EC worked with the GMT and GAP on gear changes and supports their recommendations. He stated any California recreational management lines deeper than 30 fm need to be defined with latitude and longitude waypoints (which has been done). He recommended minimizing inseason line changes to avoid confusion.

#### B.6.d Public Comment

Mr. Bob Fletcher, Sportfishing Association of California, San Diego, California

#### B.6.e Council Action: Initial Consideration of Inseason Adjustments in the 2005 Groundfish Fishery

Ms. Vojkovich thanked the Council for considering California recreational changes at this meeting. The California Fish and Game Commission (CFG) granted the authority to the CDFG Director to liberalize recreational management measures without CFG action. The CFG want to consider the 2004 season and estimated impacts as “the base”. Agenda Item B.6.c, Supplemental CDFG Report 2 has the proposed action. Agenda Item B.6.c, Supplemental

CDFG Report 1 is a press release of the CDFG Director's decision to liberalize recreational management measures within state waters, with the intent to stay within adopted harvest guidelines. The CDFG is now asking the Council to adopt these changes for federal waters. The Southern Management Area (south of 34°27' N latitude) is the only management area with significant changes recommended for federal waters.

Dr. Burke asked if the Council was just providing guidance to the GMT and GAP now and Chairman Hansen said yes. She said she appreciates the challenge to change the California recreational management system and the good job done by staff. Mr. Brown asked if the Council can adopt final inseason changes now and Dr. McIsaac said yes. Mr. Brown then asked if the GAP and GMT were done discussing inseason items this week and Ms. Ashcraft and Mr. Moore said yes. Dr. Burke asked if the GMT needed to review the revised tables and verify corrections? Ms. Ashcraft said the GMT was confident with the information provided. She added that the total canary rockfish impact for the limited entry trawl sector was projected to be 5.6 mt with a harvest guideline of 8.0 mt. The GMT intends to provide an updated scorecard Friday under Agenda Item B.7. Mr. Brown stated this is a done deal, but the chafing gear issue needs more work. Mr. DeVore said the GAP recommendation was to consider chafing gear regulation changes during the 2007-2008 annual specifications process. Mr. Brown felt it would be helpful if the discussions started now, rather than wait until the September meeting.

The Council deferred final inseason action until Friday under Agenda Item B.7.

#### B.7 Final Consideration of Inseason Adjustments

##### B.7.a Agenda Item Overview

Mr. DeVore provided the agenda item overview.

##### B.7.b Report of the GMT

Ms. Susan Ashcraft provided Agenda Item B.7.b, Supplemental GMT Report.

Dr. Freese remarked the inseason management process is improving and thanked the states and the GMT. He added the scorecard is an essential tool and asked if it was available to the public. Mr. DeVore answered yes; it is in the specifications EIS and in versions of various GMT reports.

##### B.7.c Reports and Comments of Advisory Bodies

Lt. Dave Cleary provided Agenda Item B.7.c, Supplemental EC Report. Mr. Moore presented a verbal statement on behalf of the GAP. The GAP supports the GMT's recommendations.

##### B.7.d Public Comment

None.

##### B.7.e Council Action: Make Inseason Adjustments as Appropriate in the 2005 Groundfish Fishery

Mr. Anderson moved and Mr. Alverson seconded a motion (Motion 25) to adopt limited entry trip limits, gear changes, and California recreational changes as recommended in Agenda Item B.7.b, Supplemental GMT Report.

Ms. Vojkovich stated the California recreational changes are expected to be implemented in state waters on April 16 and asked when these changes could be implemented in federal waters. Ms. Cooney replied probably May 1.

Dr. Burke asked if the recommendation to modify chafing gear regulations was part of the motion and Mr. Anderson advised that should be handled with a separate motion.

Ms. Cooney asked if the motion included the GMT recommendation in Agenda Item B.6.b, Supplemental GMT Report 1 to grant NMFS authority to make California recreational changes consistent with state actions outside the Council process and was told yes.

Motion 25 passed.

Dr. Burke moved and Mr. Brown seconded a motion (Motion 26) that the Council consider modifying the existing chafing gear regulations during the 2007-2008 annual management specifications process.

Motion 26 passed.

## B.8 Control Date for the Longline Spiny Dogfish Fishery (04/08/05; 11:01 am)

### B.8.a Agenda Item Overview

Mr. DeVore provided the agenda item overview.

### B.8.b Report and Recommendations of Washington Department of Fish and Wildlife

Mr. Anderson said the reasons the Washington Department of Fish and Wildlife (WDFW) was recommending a control date to limit future participation in the longline spiny dogfish fishery were dogfish are subject to overfishing with low reproductive rates and this is an important fishery off the Washington coast. According to PacFIN, 95+% of all dogfish landings are from the U.S.-Vancouver INPFC area off the Washington coast. WDFW had an EFP to explore canary and yelloweye rockfish bycatch rates in the longline dogfish fishery. Results indicated this was a clean fishery, especially in two discrete areas off the Washington coast where bycatch was minimal. WDFW attempted to regulate this fishery, but there were problems with the lack of a spiny dogfish assessment, their overfished status in Puget Sound and on the East Coast, and their life history, which dictates a cautious management approach. This is a proactive proposal to create a sustainable fishery. WDFW will be recommending a dogfish ABC and OY for the 2007-2008 management period, as well as a new stock assessment during the next cycle. Therefore, WDFW is recommending the Council set a control date to minimize a derby fishery inspired by a desire to accumulate a landings history. WDFW intends to do the work on this with consultation from NMFS and Council staff.

Dr. Burke asked Mr. Anderson to explain the processing and marketing of dogfish in the Washington longline fishery. Mr. Anderson said most of the dogfish catch is sold to and processed by a Bellingham, Washington fish processor. Spiny dogfish markets include fins used in Japan, back straps used in Japan and Europe, and belly flesh used in Europe for fish and chips. Dr. Burke asked what the fishing effort has been in this fishery. Mr. Anderson said there are four longline vessels that consistently target spiny dogfish and several trawl vessels. There has been a relatively small number of vessels historically participating in this fishery.

Dr. Freese asked Mr. Anderson about the bycatch in this fishery. Mr. Anderson said the spiny dogfish EFP results from 2003 and 2004 demonstrated an extremely low bycatch of rockfish species associated with target dogfish efforts off the northern coast of Washington.

Mr. Brown asked how allocation would be done for dogfish-directed fisheries vs. those that incidentally take dogfish. Mr. Anderson urged the Council not to design the program today. Allocations are always difficult. It is probable that there would be an initial allocation for incidental take of dogfish with the remainder allocated to dogfish target fisheries. He did not know if limited entry or an endorsement would be necessary. He makes no prejudgment of the outcome, he is simply requesting a control date. This is an opportunity for us to be proactive to avoid overcapacity in this fishery.

#### B.8.c Reports and Comments of Advisory Bodies

Ms. Ashcraft provided Agenda Item B.8.c, Supplemental GMT Report.

Mr. Brown noted the Washington proposal, as described in Agenda Item B.8.b, Attachment 1, shows a process and timeline for implementing a potential longline endorsement program for dogfish. He asked how much of the workload would fall on the GMT. What other tasks would this effort displace? Ms. Ashcraft said the work would be done as part of the 2007-2008 decision-making process. The GMT would ultimately need to track catches of this species.

Mr. Brown said setting a dogfish ABC and OY without an assessment entails, by policy, setting an allowable catch that is half of recent year catches. Has the GMT discussed this? Ms. Ashcraft said the GMT did this for recommending an OY for English sole and rex sole. A similar process is anticipated for dogfish.

Mr. Moore provided Agenda Item B.8.c, Supplemental GAP Report.

Mr. Brown asked if the Washington fisheries representatives on the GAP were in support of the WDFW proposal and Mr. Moore stated they were split.

Dr. Burke asked how the GAP concluded setting a control date would lead to increased effort. Mr. Moore responded some GAP members said setting control dates has, in some circumstances, led to increased effort. New entrants to the fishery may emerge on speculation that the control date would subsequently change.

Mr. Alverson asked how the GAP members voted on setting a control date. Mr. Moore said the GAP vote was six for setting a control date and nine against.

Dr. Burke asked how long it would take before the effectiveness of an established control date would erode. Mr. Moore said it depends on challenges. In some cases, such as establishing a limited entry system on the West Coast, the control date was effective despite the lengthy time it took to design and implement the new system. However, a five year period subsequent to setting a control date in Alaska was challenged in court. Mr. Brown thought there was a possibility of structuring the control date language to say, “no landings prior to the control date will keep you out of the fishery.” Ms. Cooney said a control date is not a regulation. The strongest language in a notice setting a control date is landings subsequent to the control date will not be considered in the design of a new program limiting entry to the fishery. Dr. McIsaac asked what is a legitimate reason for abandoning or challenging a control date? Ms. Cooney said a control date simply sets up a reasonable expectation of what is to be considered in a future decision. Enacting subsequent regulations needs to be justified legally. How long a period between a control date and implementation of a new regulation is too long is uncertain. There is a need to advance the process after setting a control date to maintain the integrity of that control date.

Dr. Freese asked if the GAP discussed this request in the context of the Trawl Individual Quota project? Mr. Moore said yes, as well as in the context of open access permitting and current limited entry system interactions. There is general concern that a dogfish permit process might only involve limited entry vessels. Other sectors are concerned with their incidental catches of dogfish and dogfish conservation. There is lingering concern about where this process is going despite WDFW explanations that subsequent actions are open.

#### B.8.d Public Comment

Mr. Brad Balderson, limited entry fisheries vessel, Neah Bay, Washington  
Mr. Michael Deach, fisherman, Lopez, Washington

#### B.8.e Council Action: Consider Establishing Control Date

Mr. Brown stated there is an implication to establishing an OY relative to a limited entry-open access allocation. Groundfish Amendment 6 states for fisheries where the catch is not reaching an ABC or an OY, there is no allocation between limited entry and open access. However, as soon as catch does reach an ABC or an OY, the allocation is established based on catches during the window period. Mr. Anderson said we are caught in a catch-22. When RCAs were established, the majority of the grounds where dogfish were caught were cut off. Therefore, WDFW developed and implemented an EFP to determine how to continue a dogfish target fishery without creating a rockfish bycatch problem. Based on EFP results, WDFW tried to open two discrete areas within the RCA in a regulatory amendment, but NMFS rejected this idea. Now WDFW is supporting specifying a separate dogfish ABC/OY and a new dogfish stock assessment. NMFS advised WDFW to pursue establishing a control date to keep from expanding effort in this fishery, and now there appears to be reluctance to do that.

Mr. Anderson moved and Mr. Cedergreen seconded a motion (Motion 27) to establish a control date for the spiny dogfish fishery, as shown in Agenda Item B.8.e, Supplemental WDFW Motion.

Mr. Anderson said he is not trying to design a new program today and there may not be a program ultimately. He is simply trying to keep effort speculation from happening. He can't

imagine a process where an allocation to accommodate incidental catches won't happen. The WDFW intends to do most of the work on pursuing a limited entry program for dogfish. Tracking dogfish catches makes sense for this stock regardless of the management system. He said WDFW will persist with a regulatory amendment to put a sustainable dogfish fishery in place and will continue to recommend a dogfish assessment regardless of the Council vote on establishing a control date.

Mr. Brown said he will vote in favor of the motion, but he is concerned with the proposed process and timeline given other workload. Other Council initiatives, such as developing a Trawl Individual Quota program, are more important.

Mr. Alverson said he is in favor of the motion. The Council designs many "cameo fisheries" in the salmon management process. He noted control dates are less of a problem if work proceeds right away. He also noted the control date for Alaska halibut fisheries was upheld in the court challenge mentioned previously. Control dates provide a mechanism to control effort, even when work and implementation are delayed.

Dr. Burke asked Dr. Freese or Dr. Hastie if there was enough data to do a dogfish assessment? Dr. Hastie replied it is their hope to do a dogfish assessment. There is currently a University of Washington student working on this for his dissertation.

Dr. Burke said she would vote against the motion because of the need to look forward and anticipate the consequences of this action. The GAP is concerned that effort will escalate after setting a control date. The potential fishery is a small one and she doesn't want to establish a precedent of managing small fisheries. She is not sure if setting a control date protects fishermen.

Cdr. Fred Myer noted that opening small discrete areas in the RCA is an enforcement headache.

Dr. Freese said he has heard too many pros and cons in this discussion. Setting a control date is simply a signal of an intended action. While the stock may be in a conservation status, he is intrigued with the concept of a small group of fishermen designing a sustainable fishery. He is leaning towards voting for the motion. The enforcement concerns can be addressed later.

Ms. Vojkovich will vote against the motion since she is concerned with controlling this small fishery when there is still a need to limit entry in a 1,400-vessel open access fishery.

Mr. Harp asked if the motion establishes a control date of April 8 for the entire West Coast? Mr. Anderson said yes the control date is for the entire West Coast, but the program may not include the whole West Coast.

Roll call on Motion 27: 9 yes, 4 no. Motion 26 passed.

### C. Salmon Management

Mr. Dave Ortmann chaired the salmon management agenda items.

C.1 Identification of Stocks Not Meeting Conservation Objectives (04/05/05; 8:08 am)

C.1.a Agenda Item Overview

Mr. Chuck Tracy presented the agenda item overview.

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

Mr. Dell Simmons presented Agenda Item C.1.b, Supplemental STT Report.

C.1.c Reports and Comments of Advisory Bodies

Mr. Tracy read Agenda Item C.1.c, Supplemental SSC Report.

C.1.d Public Comment

None.

C.1.e Council Action: Identify Any Actions Necessary Under the Council Overfishing Review Procedure

Mr. Harp noted the Queets and Quillayute spring/summer chinook is a far north migrating stock and Council area fisheries have no measurable impact on those stocks.

Mr. Larson asked if a Council recommendation to fish below the Klamath River fall chinook spawning escapement floor, as discussed by the Salmon Advisory Subpanel, would constitute a second year of failing to meet the conservation objective, as related to triggering an overfishing concern. Secondly is there a protocol if the Council decides to recommend fishing below the floor.

Mr. Tracy replied an overfishing concern is triggered by a postseason evaluation. A recommendation to fish below the floor would be a projection, and no further progress toward triggering an overfishing concern would be made until a postseason evaluation confirmed the conservation objective was not met; if confirmed in this case, it would be the second year of three necessary to trigger an overfishing concern. As the SSC noted, even if the Council recommends meeting the conservation objective, because it is a point estimate, there is a 50/50 chance of not meeting the conservation objective. However, if the stock is projected not to meet its conservation objective, a conservation alert would be triggered. According to the Salmon FMP, a conservation alert requires the Council to close fisheries that impact that stock, unless NMFS implements the regulations by emergency action.

Ms. Cooney followed up stating that fishing below the floor would require an emergency rule by NMFS. Standard procedure for the Council would be to identify such a request in March to allow time for public comment and public input. NMFS needs a strong record of why such an action should be taken. The overfishing prohibition in the FMP would also need to comport with the terms of the Magnuson-Stevens Act, and would make such an action more difficult. The latter issue would require additional investigation.

Mr. Brown stated his belief that if the Council recommended fishing below the floor, it would constitute overfishing as defined in the MSA. However, National Standard 1 Guideline permitted overfishing if it would result in national benefit and would not result in an ESA listing.

Ms. Cooney responded that Mr. Brown was referring to the mixed stock exception, which required certain standards be met, in addition to implementation by emergency rule.

Dr. Dygert noted there are provisions to change the conservation objectives for most stocks by technical amendment to the Salmon FMP, however, the 35,000 natural spawner escapement floor for Klamath fall chinook is an exception; the FMP specifies that objective can only be changed through a full plan amendment. This was discussed at the March Council meeting and given consideration by the Council, but was not included as part of the options package adopted by the Council for public review. At this time, the Council would be revisiting a previous decision if this came up again and doing it on short notice.

Mr. Brown stated he is not proposing anything at this time but just trying to ensure the legal framework is understood if such proposals were to be made.

Mr. Tracy summarized the STT and SSC reports and noted no stocks have triggered an overfishing concern and therefore no action by the Council is necessary at this time on that issue. No proposals have been received by the Council for fishing to occur that would result in a stock failing to meet its conservation objective for 2005, so there is no action necessary to address a conservation alert under this agenda item; however, if such a proposal does come before the Council, the Council will have to respond to the criteria in the FMP and/or the MSA.

## C.2. Tentative Adoption of 2005 Ocean Salmon Management Measures for Analysis

### C.2.a Agenda Item Overview (04/05/05; 8:29 am)

Mr. Tracy presented the agenda item overview.

### C.2.b Update on Estimated Impacts of March 2005 Options

Mr. Simmons reviewed Preseason Report II and noted the final calibration of the Pacific Salmon Commission (PSC) Chinook Model was completed yesterday (April 4, 2005), which resulted in estimated Southeast Alaska (SEAK) Total Allowable Catch (TAC) of 416,400 chinook, up from the 383,500 chinook assumed in March; Northern British Columbia (BC) TAC of 246,558 chinook, up from 243,600 chinook assumed in March; West Coast Vancouver Island (WCVI) TAC of 188,243 chinook, up from 168,800 chinook assumed in March.

### C.2.c Summary of Public Hearings

Mr. Cedergreen presented Agenda Item C.2.c, Supplemental Public Hearing Report 1.

Mr. Brown presented Agenda Item C.2.c, Supplemental Public Hearing Report 2.

Mr. Thomas presented Agenda Item C.2.c, Supplemental Public Hearing Report 3.

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

Mr. Jim Harp presented Agenda Item C.2.d, Supplemental PSC Report. He observed that receiving estimated Canadian and Alaskan impacts late in the planning process made domestic fisheries planning difficult, and encouraged the Canadians to be more engaged in the future.

Mr. Melcher agreed with Mr. Harp's comments, and noted that without more timely estimates, Council area fishery options released for public review in March could be very inaccurate.

#### C.2.e Recommendations of the North of Cape Falcon Forum

Mr. Anderson briefed the Council on the north of Cape Falcon issues. He noted the estimated chinook impacts from Canadian and Alaskan fisheries has complicated and slowed the process of State and Tribal negotiations. No recommendations were available at the time, and Mr. Anderson requested additional time before the Council adopted tentative 2005 management measures for analysis to complete work within the North of Falcon forum relative to chinook. For coho, the process has been completed such that conservation objectives would be met for Thompson River (BC) coho, lower Columbia River hatchery coho and inside fishery needs.

Vice Chair Ortmann recommended proceeding with the agenda as scheduled for south of Cape Falcon issues and returning to north of Cape Falcon issues after they were resolved. Mr. Melcher and Mr. Harp agreed with that approach

Dr. Dygert was encouraged that Mr. Anderson was hopeful the negotiations would be completed in time. He noted that if a package for inside fisheries was not complete by the conclusion of the Council process, NMFS could disapprove the Council recommended ocean fishery management measures, in which case 2004 regulations would be in effect according to the Salmon FMP, and NMFS would have to take emergency action to ensure ESA consultation standards were met. Another option would be for NMFS to implement the Council recommended ocean fishery management measures and then allow the inside fisheries to finish negotiation with little flexibility in the ocean seasons.

Mr. Anderson clarified the intent of the co-managers is to have recommendations that will meet coho and Snake River fall chinook objectives this day. Additional work will be necessary to complete negotiations for a recommendation that will meet objectives for three outstanding Puget Sound chinook stocks, but they intend to complete those negotiations by Thursday, April 7, 2005.

Mr. Brown asked Dr. Dygert if the process of disapproving Council recommended ocean salmon management measures involved rejecting the package in its entirety and reverting to 2004 regulations; and to prevent such an occurrence, NMFS would implement an emergency rule. If such was the case, Mr. Brown felt that process was in conflict with the discussion under C.1 indicating a two meeting process was required to implement an emergency rule. Dr. Dygert responded that the discussion with Mr. Anderson was relative to a decision on ESA listed stocks, but that implementation of regulations by emergency rule would be difficult in either case (ESA or the Klamath fall chinook) given there was no earlier consideration or preparation for such a situation.

(This portion of discussion happened on 04/05/05; 10:49 am.)

Mr. Anderson stated the North of Falcon recommendation was similar to that developed by the SAS in agenda item C.2.j, Supplemental SAS Report, with one exception for the non-Indian fisheries; the overall non-Indian TAC should be 86,500 chinook.

Mr. Harp noted agreement on the treaty-Indian chinook and coho TAC and they would be provided at the appropriate time.

Mr. Bruce Jim offered comments on behalf of the four Columbia River treaty tribes, the Yakama, Warm Springs, Umatilla, and Nez Perce. The tribes support achieving conservation objectives for all managed stocks including a Snake River wild fall chinook index of 0.70 for ocean salmon fisheries. They do not support a mark-selective recreational chinook fishery in the Strait of Juan de Fuca because of the risk to the coded-wire-tag (CWT) data base. The tribes were concerned about the Columbia Basin water supply situation for 2005 and the Federal water management programs. They recommended higher flows and additional spill during the juvenile outmigration season.

#### C.2.f Recommendations of the Klamath Fishery Management (KFMC)

Mr. Curt Melcher reported the KFMC met twice this week. The KFMC received a letter from the Shasta Valley Resource Conservation District requesting no fisheries impact to Klamath River fall Chinook; the KFMC drafted a letter explaining the policies and protocols of fisheries management and that the Council is responsible for ocean fishery management, not the KFMC. The Council will receive a copy of the KFMC response. Mr. Melcher also noted that the Klamath Basin Restoration Act will be sunseting in September 2006 and after that the KFMC anticipates an ad hoc process to perform technical duties. The KFMC passed a motion expressing concern for the Klamath Ocean Harvest Model (KOHM) prediction of age-4 harvest rates, and endorsing a technical review of the KOHM by NMFS with the assistance of the Klamath River Technical Advisory Team (KRTAT). He noted the focus of the NMFS review was associated with ESA consultation standards for California coastal chinook, but that the KRTAT would also be looking at projected age-3 harvest rates and escapement as they affect tribal/non-tribal sharing. The KFMC also passed a motion recommending a 15% inriver recreational fishery allocation consistent with the CDFG action and a 17% KMZ recreational allocation.

Mr. Harp reported Mr. Melcher was re-elected Chair of the KFMC.

Mr. Larson reported Mr. Harp was re-elected Vice Chair. Mr. Larson recommended the Council also respond to the Shasta Valley Resource Conservation District.

Dr. McIsaac noted that the PFMC also received that same letter in their written public comments and inquired about the NEPA issue brought up in the letter. Ms. Cooney replied that there is current NEPA coverage for the salmon management process.

#### C.2.g NMFS Recommendations

Dr. Dygert restated the NMFS intent to review the KOHM in regards to the ESA consultation standard for the California coastal chinook ESU and report back to the Council at the June 2005 meeting.

Dr. Freese provided a handout (C.2.g, Supplemental NMFS Report) which outlined disaster relief information associated with the interjurisdictional fisheries act and the MSA. He noted that NMFS will respond to a letter from Mr. Zeke Grader to President Bush requesting declaration of a commercial fishery failure due to a fishery resource disaster. He also noted that the Governors of both Oregon and California were being encouraged to write letters requesting relief assistance.

Mr. Brown observed that the process can be a long one and even if a disaster is declared, obtaining funds requires competition with other U.S. disaster programs.

#### C.2.h Tribal Recommendations

Mr. Mike Orcutt, Hoopa Valley Tribe, noted Trinity River water has been secured and hydrological concerns are somewhat better this year, and the co-managers were putting effort into improving hydrologic conditions in the Klamath Basin. The Hoopa Valley Tribe supported maintaining the 35,000 natural spawner escapement floor, although the tribal harvest necessary to achieve the floor would be the second lowest on record. The tribe supported review of the KOHM referenced by Mr. Melcher. The tribe supported a comprehensive approach to management including harvest and habitat issues.

Mr. Harp asked if the tribal allocation of less than the identified emergency subsistence needs of 12,000 fish would be a hardship on the tribes. Mr. Orcutt replied it would be a hardship, but that harvesting the 12,000 would exacerbate problems the Council was dealing with.

#### C.2.i State Recommendations

Mr. Melcher deferred to the SAS for fisheries south of Cape Falcon. Mr. Larson concurred with Mr. Melcher.

Mr. Anderson noted WDFW recommendations were encapsulated in the north of Cape Falcon forum agenda item.

#### C.2.j Reports and Comments of Advisory Bodies

The SAS presented Agenda Item C.2.j, Supplemental SAS Report. Mr. Stevens noted there were a few changes from the March options in commercial season structure, which were impact neutral, including:

- 1) Page 1 Cape Falcon to Florence South Jetty - three days on- four days off in May to keep the markets supplied;
- 2) Page 2 Florence South Jetty to Humbug Mt. – May 31 was closed in order to provide three days in May north of Florence;
- 3) Page 2 Humbug Mt. to OR/CA border – The landing limit during the September quota fishery was reduced to 30 fish per vessel per day.

Mr. MacLean noted there were several changes from the March options in the California commercial season proposals as a result of public testimony at the hearings in Coos Bay and Fort Bragg. In addition, the proposed Pt. Reyes to Pigeon Point commercial season on page 2 should start June 7 not June 1. He noted that the proposed seasons would not meet the Klamath River fall chinook conservation objective of an escapement floor of 35,000 natural spawners. Mr. MacLean believed a Council recommendation for such a season would require implementation by emergency rule, but that the season was consistent with the mandates of the MSA and with the criteria outlined in the Council Operating Procedures requiring an emergency rule:

- 1) The issue was not anticipated in the Salmon FMP – The age-4 abundance was the result of juvenile mortality associated with low flows in the Klamath River during 2002.
- 2) Waiting for a plan amendment would have adverse biological and ecological impacts – A salmon FMP amendment was not being requested, but a reduction from 23 weeks of fishing time in 2004 to 10 weeks of fishing time in 2005 would represent an ex-vessel revenue loss of over \$9 million at 2004 abundance levels, and significantly more at projected 2005 abundance levels for Central Valley chinook. A die off of over escapement from the Central Valley stocks could have both biological and health concerns.
- 3) Allocation issues – The request was for an escapement of 3,000 fish below the floor level of 35,000 Klamath River fall chinook. The request was developed using standard allocation guidelines such that all KHOM affected fisheries would receive modest harvest opportunity increases. A management line was also proposed for Pt. Reyes to reduce the impacts on Klamath stocks in areas north of the line, although the fishery would be modeled as the full area up to Point Arena, which would provide a buffer for uncertainty in impacts on Klamath stocks. The OR/CA troll impacts would be kept at about 50%/50% sharing, the tribes would be closer to their minimum subsistence needs, the inriver recreational fishery would receive about a 17% allocation, and the ocean recreational fishery would receive some needed benefit.
- 4) Management plan objectives – Optimum yield, most benefit to the nation, and guarding against uncertainties are all addressed in the proposal. The proposal would prevent marketing campaigns in Oregon and California from being compromised by market interruptions.
- 5) Long term yield would not be decreased – The proposal results in a 3% increase in harvest rate to the range of about 10%, which is a technically acceptable level. Allowing an escapement rate of 97% would likely have more negative effects than harvesting an additional 3%.

Dr. Dygert asked which option from those sent out for public review the proposal was based on. Mr. MacLean replied it was a combination from all the options.

Dr. Dygert asked for clarification on the estimate of lost opportunity and the increase associated with the proposal. Mr. MacLean replied in terms of time, eight of the 13 lost weeks would be restored. The area lost by establishing a management line at Point Reyes would be substantial, but would provide additional protection for Klamath stocks.

Mr. Melcher asked if the proposal was an SAS recommendation. Mr. MacLean replied it was the California troll option, but that the SAS had not voted on the proposal. The proposal would include an increase that is the equivalent to the month of June and 17 days in July for Oregon commercial fishery, an additional 10 days in the KMZ recreational fishery, and an estimated 11,000 catch in the inriver tribal fishery

Mr. Melcher asked if compared to the options adopted for public review in March, the proposal represented a shift of commercial seasons from May to the summer time frame in areas south of Point Arena. Mr. MacLean responded the intent of the proposal was to move management lines farther south to avoid Klamath impacts.

Mr. Sorenson stated the Oregon recreational proposal was the same as Option I from those adopted for public review in March.

Mr. Welter stated the KMZ recreational proposal was the same as Option I from those adopted for public review in March. He recommended review of the Klamath fall chinook escapement floor.

Mr. Stone stated the California recreational proposal between Horse Mt. and Point Arena was the same as Option II from those adopted for public review in March; for Point Arena to the U.S./Mexico border it was the same as Option I from those adopted for public review in March.

Mr. Watrous noted the following changes in agenda Item C.2.j for the U.S./Canada border to Cape Falcon recreational fisheries:

- 1) the chinook TAC and catch guidelines would change to reflect the recommendations developed in the North of Falcon forum;
- 2) the recreational coho quota for the Neah Bay area should be 12,667;
- 3) the recreational coho quota for the La Push area should be 3,167;
- 4) the recreational coho quota for the Westport area should be 45,066;
- 5) the recreational coho quota for the Columbia River area should be 60,900;

Mr. Tracy asked if the five day per week fishery for Neah Bay and La Push was represented in one of the options adopted for public review in March. Mr. Watrous replied March Option III contained that season structure.

Mr. Olson stated the U.S./Canada border to Cape Falcon non-Indian commercial fishery proposals were a combination of the options adopted in March for public review. He noted the following changes on page 1 of Agenda Item C.2.j, supplemental SAS report:

- 1) The chinook TAC and catch guidelines would change to reflect the recommendations developed in the North of Falcon forum;
- 2) For both the May-June and July-September fisheries, the landing restrictions should read: *“All vessels fishing north of Leadbetter Point must land their fish north of Leadbetter Point. All vessels fishing between Leadbetter Point and Cape Falcon must land their fish in the area, except Oregon permitted vessels may also land their fish in Garibaldi, Oregon.*

Mr. Melcher asked if the May season openings were designed to coincide with the central Oregon openings. Mr. Olson confirmed they were.

Mr. Brown asked if the Oregon Klamath Management Zone (KMZ) commercial fishery proposal for a 30 fish per vessel per day would affect modeling of the fisheries for 2005. Mr. Stevens

replied the landing restriction is in effect for the September fishery and would not affect 2005 escapement estimates.

#### C.2.k Summary of Written Public Comment

Mr. Tracy presented Agenda Item C.2.k, Supplemental Summary of Written Public Comment.

#### C.2.l Public Comment

Mr. Bill Houston, Point Arena Salmon Trollers Association, California  
Mr. Wesley King, salmon troller, Brookings, Oregon  
Mr. Dave Bitts, PCFFA, Eureka, California  
Mr. Bob Crouch, Klamath Coalition Port of Brookings, Brookings, Oregon  
Mr. Darby Dickerson, commercial fisherman, Port Angeles, Washington  
Mr. Chad Dalberg, commercial salmon fisherman, California  
Mr. Steve Fosmark, Moss Landing Commercial Fishermen's Association, Moss Landing, CA  
Mr. Allan Lorritz, commercial salmon troller, California  
Mr. Gerald Reinholdt, Reinholdt Fisheries, St. Helens, Oregon  
Mr. Bob Lake, gillnet fisherman, Grayland, Washington  
Mr. Bruce Holmgren, gillnet fisherman, Willapa Bay, Washington  
Mr. Andre Rauganow, commercial fisherman, San Francisco, California

Mr. Jeff Christiansen, commercial salmon fisherman  
Mr. Lucas Eddey, commercial salmon fisherman, San Francisco, California

#### C.2.m Council Action: Tentatively Adopt Management Measures for 2005 Ocean Salmon Fisheries

Mr. Larson recommended the Council respond to the letter from the Shasta Valley Resource Conservation District. Mr. Harp supported Mr. Larson's suggestion, the Council concurred.

Mr. Anderson, referencing Agenda Item C.2.j, supplemental SAS Report, moved (Motion 3) for non-Indian fisheries in the area from Cape Falcon north to U.S./Canada border, to adopt as tentative measures for STT analysis the commercial and recreational measures with the following changes:

- 1) The overall non-Indian chinook TAC would be 86,500;
  - 2) Page 1 Table 1 – for both the May-June and July-September commercial fisheries: replace the reporting requirements with the following language from Option I of the March options: *“Under state law, vessels must report their catch on a state fish receiving ticket;”*
  - 3) Page 1 Table 1 – include SAS proposed revision to the language that pertains to the May-June and July-September commercial fisheries landing restrictions as follows: *“All vessels fishing north of Leadbetter Point must land their fish north of Leadbetter Point. All vessels fishing between Leadbetter Point and Cape Falcon must land their fish in the area, except Oregon permitted vessels may also land their fish in Garibaldi, Oregon;”*
  - 4) Page 5 Table 2 - Include the corrections to the recreational subarea coho quotas as follows: Neah Bay 12,667, La Push 3,167, Westport 45,066, and Columbia River 60,900.
- Mr. Cedergreen seconded the motion.

Mr. Brown asked if the non-Indian troll TAC would be adjusted according to standard allocation formulas. Mr. Anderson replied yes.

LTCDR Casad expressed concern for the safety of the fleet associated with the proposed shortened seasons, which may result in fishermen sailing during marginal conditions to pursue their limited opportunity.

Mr. Anderson asked if the concern was specific to any one area. LTCDR Casad replied it was a general comment for the development of season structures.

Motion 3 passed.

Mr. Melcher moved (Motion 4) to adopt for STT analysis the commercial troll seasons as described in Agenda Item C.2.j, Supplemental SAS Report for the area between Cape Falcon and the Oregon/California border; and the recreational seasons as described for the area between Cape Falcon and Horse Mt., California. Mr. Warrens seconded the motion.

Mr. Larson asked if the motion included the recreational KMZ fishery as recommended in the California troll proposal, which would result in a projected escapement below floor level for Klamath River fall chinook. Mr. Melcher replied the STT analysis would determine if the proposal would meet the Klamath escapement floor, but the motion referenced the proposal put forth by the SAS, which reflected Option I from the March options and approximated achieving the escapement floor.

Mr. Brown asked if the STT could investigate a flexible season structure to accommodate weather related concerns such as those LTCDR Casad spoke of.

Ms. Cooney requested the halibut hotline number and a citation for the recreational halibut regulations be included in the recreational fisheries language for the central Oregon area where salmon regulations are tied to the all depth halibut fishery. Mr. Melcher responded the necessary language would be addressed.

Motion 4 passed.

Mr. Larson stated his sympathy for the plight ocean salmon fishermen are facing in 2005 as a result of low Klamath River fall chinook abundance, but noted the position of the State of California was not to fish below the escapement floor. The Council's management of the Klamath River fall chinook harvest stands as a model for the Department of the Interior and others with regards to sustainable practices, and he invited them to join in restoring the Klamath River to its potential for salmon production. He requested NMFS comment on the Council's ability to move toward a recommendation to fish below the floor.

Dr. Dygert responded that the issue was a balance between the marginal benefit of increasing harvest versus the consequences and action necessary to enact such a recommendation. Managing below the floor could result in overfishing and would require emergency rule. Such an action would require a consensus or at least a majority of opinion from the Council to proceed, and compelling justification to support the decision. In March the Council vetted the issue and decided not to adopt options for public review that resulted in managing below the floor, however, the issue did come up at the public hearings. Regarding a consensus on the

issue, the KFMC did not support managing below the floor. The Hoopa Tribe did not support managing below the floor at the expense of meeting their minimum subsistence needs, and articulated the policy debate upon which their decision was made, including negotiations in the water management arena. Although there were opinions in favor of the proposal by Mr. MacLean, there was no clear statement of support from the SAS. There were arguments that more fishing would provide benefits to fish, particularly Central Valley stocks, which were likely to be over escaped regardless of the level of ocean fishing; however, that was primarily a consequence of wild stock management rather than hatchery stocks. If fishing in 2005 resulted in not meeting the escapement floor, it would be the second year in a row, and put the stock one year away from triggering an overfishing concern. It should be noted the 2004 escapement was a result of predicting a 15% age-4 ocean harvest rate, but achieving a 52% harvest rate. NMFS will be reviewing the KOHM to determine if the cause of the under predicted harvest rates lie in the model itself. Increasing the harvest rate in 2005 would increase the probability of exceeding the NMFS ESA consultation standard for California coastal chinook of no more than a 16% ocean harvest rate on age-4 Klamath Fall chinook. For all of the above reasons, NMFS Northwest and Southwest Regions would not support fishing below the floor in 2005. If the Council was to recommend fishing below the floor, the Regions would be required to notify and consult with NMFS headquarters, which was unaware of the proposal. Therefore the Regions recommended selecting from among the March options as sent out for review in Preseason Report II.

Mr. Brown stated that although a motion had not been made, he supported consideration of a proposal to fish 3,000 fish below the Klamath River fall chinook spawning escapement objective of 35,000 naturally spawning adults to investigate what the potential benefits are to fishing communities. He noted over escapement can occur to the detriment of the stock, and recalled a management strategy on the Columbia River to increase gillnet fisheries with the intent of increasing the productivity of surviving fish in years of low flows and high water temperatures. He believed that 2005 would be a low flow year for the Klamath River and that 35,000 natural spawners may not be appropriate, and the risk of reducing the escapement by 3,000 fish was minimal.

Mr. Melcher reaffirmed the KFMC did consider several options in March, including options that resulted in escapement below the floor. He was interested in having such options be available for public review. However, there was no motion to support fishing below the floor by the KFMC, and therefore the default position of the KFMC was to maintain the spawning escapement floor as required by the Councils Salmon FMP.

Dr. Dygert responded to Mr. Brown's comments, stating that terminal fisheries would be a more appropriate method to address over escapement of Central Valley stocks than increasing ocean fisheries that impact Klamath stocks. Mr. Brown replied he was in favor of a discussion of terminal fisheries in the Sacramento

Mr. Ticehurst agreed with Mr. Brown's comments and felt the risk of not achieving the spawning escapement floor with a target of 32,000 natural spawners was worth the potential economic benefit to the fisheries.

Mr. Thomas agreed with Mr. Brown's comments and felt the potential economic benefit to California and Oregon fisheries was an overriding factor.

Mr. Larson noted the management doctrine for the Klamath system was based on the Council's Salmon FMP. He felt confident the problems with the Klamath River were not associated with ocean or inriver harvest policies. Regardless of the impacts to fisheries and the problems with flows and disease, 2005 was not a time to move away from the FMP; the Council was not considering *deminimus* fisheries, or faced with a situation like 1992 when the escapement objective could not be met even without fishery impacts. The Council could encourage other interests to help recover the Klamath stocks and restore the fishery; however, if the Council moved away from its mandates, it would contribute to the problems in the Klamath system, which was not in the long-term interest of the Council and the fishermen. Mr. MacLean's proposal provided an understanding of what the short term effects on the fishery would be, but there is no analysis of what the long term impacts would be.

Mr. Ticehurst moved (Motion 5) to consider the impact of lowering the Klamath River fall chinook escapement floor to 32,000 naturally spawning adults. Mr. Thomas seconded the motion.

Mr. Warrens stated fishing 3,000 below the escapement floor was a calculable risk and one he was willing to take when weighed against the cost to the fisheries. The analysis should be presented so the Council could make a final decision later in the week. He supported the motion so the risks and benefits could be evaluated.

Mr. Larson pointed out the SAS proposal had been analyzed with the KOHM, which met the objectives Mr. MacLean presented. The SAS and STT should craft a season to meet the 35,000 escapement floor.

Dr. McIsaac reminded the Council its decision was for a tentative adoption of management options, with additional opportunity on Wednesday and Thursday to develop final recommendations. There was also time available Friday if necessary for clarification.

Mr. Warrens asked for clarification on the motion; was it to model Mr. MacLean's proposal? Mr. Ticehurst responded yes.

Motion 5 failed seven to seven.

Mr. Larson moved (Motion 6) to instruct the SAS to work with March Options I and II for California commercial and recreational fisheries in combination with the rest of Agenda Item 2.C.j, Supplemental SAS Report, to develop a set of management measures that would meet the Klamath River fall chinook conservation objectives. Mr. Ticehurst seconded the motion.

Motion 6 passed.

Mr. Harp presented Agenda Item C.2.h, Supplemental Tribal Comments. He moved (Motion 7) to adopt for tentative STT analysis the Treaty Indian measures as presented. Mr. Anderson seconded the motion.

Motion 7 passed.

### C.3 Methodology Review Process and Preliminary Topic Selection for 2005

#### C.3.a Agenda Item Overview (04/06/05; 8:10 am)

Mr. Tracy presented the agenda item overview.

#### C.3.b Report of the Scientific and Statistical Committee (SSC)

Dr. Bob Conrad presented Agenda Item C.3.b, Supplemental SSC Report.

Mr. Melcher noted the Klamath River Technical Advisory Team would be reviewing the KOHM and the Klamath River fall chinook escapement goal this summer and asked if that timing would fit into the SSC salmon methodology review schedule. Mr. Conrad responded yes.

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

Mr. Melcher stated ODFW agreed with the SSC priorities, and noted ODFW expects to have the technical appendix to the OCS workgroup matrix sufficiently complete for review. He requested the issues identified by the KFMC also be considered.

Mr. Larson stated CDFG agreed with the SSC priorities and Mr. Melcher's request that the issues identified by the KFMC be included.

Mr. Harp concurred with the list of SSC priorities.

Mr. Dygert noted NMFS is in the process of reviewing the KOHM and should have a report at the June meeting.

Mr. Roth, USFWS, agreed with the SSC priorities.

#### C.3.d Reports and Comments of Advisory Bodies

Mr. Dell Simmons presented Agenda Item C.3.d, Supplemental STT Report, and noted the items were not listed in priority order.

Mr. Brown asked if the STT could look at the Klamath escapement objective and stock/recruitment function. Mr. Simmons replied it would probably be more appropriate for the KRTAT.

Mr. Harp asked how much progress was made on the Fishery Regulation Assessment Model (FRAM). Mr. Simmons replied the Model Evaluation Workgroup (MEW) completed an overview document and was making progress on the detailed documentation and users manual until the preseason process took priority this winter. Work would resume May 1, 2005.

Mr. Harp asked if the FRAM calibration/validation issue would include modeling size limit changes for the West Coast Vancouver Island fishery and the Canadian genetic sampling. Mr. Simmons replied the size limits were currently incorporated in the FRAM, and that the new calibration would attempt to incorporate the recent changes in Canadian fishery timing and

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locations. Combining the genetic and CWT data would be explored during the recalibration process.

Mr. Larson asked if the review of the Klamath River fall chinook spawner escapement floor of 35,000 naturally spawning adults was appropriate under the salmon methodology review process or if it was appropriate as a biological review that NMFS should undertake. Mr. Simmons responded the goal assessment is normally initiated by the local management agencies, and the STT or SSC would review the assessment.

Mr. Brown noted the review of the Klamath River fall chinook conservation objective should be based on the need to accurately reflect biology of the stock, not on the politics associated with water management in the Klamath Basin.

Dr. Dygert stated NMFS' support for review of the conservation objective, which was basically a stock/recruitment analysis. Some technical body should conduct the analysis and the STT and SSC could review the analysis.

Dr. McIsaac asked if the process would need to be completed by November 2005 in order for any changes to be implemented for 2006 fisheries. Mr. Tracy responded the Salmon FMP required a plan amendment to change the 35,000 escapement floor, unlike other conservation objectives, which can be changed through a technical review and the salmon methodology review process. The plan amendment process requires a three meeting process and so the earliest it could be implemented without emergency rule would be 2007.

Mr. Harp suggested the Council may want to consider involving other parties, both internal and external to the Council advisory bodies, to conduct the review because the Klamath Act is scheduled to sunset in September 2006, and if the KRTAT has not completed the review by that time, the process would be set back substantially.

#### C.3.e Public Comment

Mr. Dave Bitts, PCFFA, Eureka, California

Mr. Joel Kawahara, salmon troller, Quilcene, Washington

#### C.3.f Council Guidance on Potential Methodologies to be Reviewed in 2005

Mr. Brown agreed with Mr. Harp's comments regarding the Klamath Act. He suggested the Council start planning on developing a process to replace the technical functions of the KRTAT if the Klamath Act sunsets.

Mr. Ortmann concurred with the SSC list of methodology review topics and received concurrence from the rest of the Council, then requested the Council address the issue of the Klamath River spawner escapement floor.

Mr. Melcher identified two potential assignments regarding the Klamath escapement floor; one was review of the most current stock/recruitment information, and the second a clarification of the technical basis for the 35,000 spawner escapement floor. He asked Ms. Cooney if a more appropriate goal was identified after reviewing the stock/recruitment information, would there be

sufficient justification for an emergency rule pending completion of a plan amendment. Ms. Cooney could not say if the agency would or would not do an emergency rule, but stated a broader analysis and movement toward a plan amendment would make an emergency rule easier to implement.

Mr. Brown noted a review of the escapement objective would be the only way to know if the stock was being managed at an optimal level and the politics of water management in the Klamath Basin should not dictate the decision to undertake a review.

Mr. Hansen asked if the Council would consider sending a letter requesting continued funding of the Klamath Act, which would support the technical functions of the KFMC. Mr. Larson supported Mr. Hansen's suggestion.

Dr. Dygert noted the North of Falcon forum performed a similar function as the KFMC and was funded by the individual states and tribes.

Mr. Harp noted the KFMC was funded by the U.S. Department of Interior at about \$50,000 a year, so it is not a costly forum. He noted the North of Falcon process was keyed on two things: a network of people working together cooperatively and good leadership.

Mr. Roth noted the small amount of funding the KFMC receives was for the facilitation provided by the USFWS, and the technical bodies are not funded.

Mr. Melcher stated the entire Klamath Act budget was actually over \$1 million annually, with only a small portion going to the KFMC. The remainder funded inriver restoration and monitoring, including fisheries monitoring.

Dr. McIsaac recommended the Council consider a separate agenda item to address the Klamath Act issue, recognizing the Council is prohibited from lobbying for particular legislation. He also encouraged the Council to provide guidance on assignments relative to the review of the Klamath River conservation objective.

Mr. Larson recommended the SSC and STT review the 35,000 escapement floor issue and make a recommendation on pursuing a change in the floor.

Mr. Brown recommended Mr. Harp and Mr. Melcher report to the Council a summary of Klamath Act activities, including what would be lost if funding was not available.

Mr. Tracy asked Mr. Larson for clarification whether he proposed to have the SSC and STT review an analysis of the spawning escapement floor or to recommend an appropriate objective. Mr. Larson replied it was to review the basis for the floor, and recommend either a new analysis or to retain the existing analysis based on the supporting documentation.

Dr. McIsaac suggested the STT report back to the Council on the technical basis for the existing spawner escapement floor, and if there were sufficient documentation for a methodology review.

Mr. Tweit asked if the escapement floor was separate from the SSC's issues, and asked the STT chair what could be accomplished by the June Council meeting. Mr. Simmons replied the STT could provide a report on the technical basis of the spawning escapement floor.

Dr. McIsaac noted three components to his suggestion: first, an STT statement on the technical basis for the 35,000 spawner escapement floor; second, an answer to whether there is sufficient information to conduct a spawner/recruit analysis; and third, a report on whether the KRTAT has been assigned to review the escapement floor. This would be a status report, not an analysis of available information. Mr. Simmons responded the STT could accomplish those tasks by the June Council meeting.

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

This agenda item was postponed until a later date.

#### C.5 Clarify Council Direction on 2005 Management Measures (If Necessary)

##### C.5.a Agenda Item Overview (04/06/05; 3:38 pm)

Mr. Tracy presented the agenda item overview.

##### C.5.b Reports and Comments of Advisory Bodies

Mr. Simmons presented Agenda Item C.5.b, Supplemental STT Report. He noted fisheries south of Cape Falcon were structured in coordination with the SAS as per Council direction. He indicated Table 5 on page 11 now includes Puget Sound chinook impacts and noted Mid-Hood Canal summer fall chinook did not currently meet the NMFS ESA consultation standard, and that the KFMC recommended a 17% KMZ sport fishery share of Klamath fall chinook impacts.

Dr. McIsaac asked if STT analyzed the effect of a 24 inch chinook minimum size limit in recreational fisheries north of Cape Falcon on attaining the chinook quota prior to the coho quota. Mr. Simmons responded the chinook guidelines are matched to the coho quotas, but no probability analysis was conducted.

Mr. Larson noted there was Council guidance to approximate a 50%/50% sharing between California and Oregon of KMZ troll impacts in 2005. He noted his concern for restricting landing locations, and requested clarification on the Oregon position from Mr. Melcher, and the technical merits of such restrictions from the STT. Mr. Melcher responded California fisheries were closed during the early portion of the season while Oregon fisheries were open. Oregon wanted to ensure all catch was sampled, and also to minimize effort shift during a very restrictive season. The performance of the KOHM in 2004 regarding contact rates and effort prediction, and those effects on estimating Klamath age-4 harvest rates were of particular concern in developing the landing restriction policy. Mr. Simmons responded there was potential for effort shifts to result in greater model prediction errors during years of extensive closures such as those anticipated for 2005.

LT Cleary presented Agenda Item C.5.b, Supplemental EC Report.

### C.5.c Council Guidance and Direction on Clarification of 2005 Management Measures

Mr. Tweit, referring to Agenda Item C.5.b, Supplemental STT Report, requested the STT:

- 1) add language on page 1 to both the May-June and July-September non-Indian commercial fisheries specifying vessels fishing north of Leadbetter Point must land their fish *within the area and* north of Leadbetter Point; and
- 2) on page 5 for the La Push area recreational fishery, indicate the September 24 through October 9 fishery would be seven days per week, and that an inseason call may occur to allow retention of all coho beginning no earlier than September 24, and include a reference on Page 8, section C.5 noting that possibility.

Mr. Melcher referring to Agenda Item C.5.b, Supplemental STT Report, recommended the Humbug Mt. to OR/CA border commercial fishery September 1-30 dates be changed to September 3-6, 9-12, and 15-30, and the landing limit be changed to 45 fish per day per vessel. He noted some additional language regarding state requirements for call in will be incorporated in the final regulation package as it becomes available.

### C.6 Final Action on 2005 Salmon Management Measures

#### C.6.a Agenda Item Overview (04/07/05; 5:01 pm)

Mr. Tracy presented the agenda item overview.

#### C.6.b STT Analysis of Impacts

Mr. Simmons provided Agenda Item C.6.b, Supplemental STT Report. He noted that all conservation objectives were met, and that the Individual Stock Based Management (ISBM) indices were included in Table 5 as required by the Pacific Salmon Commission. If an ISBM stock was projected to meet its escapement goal, the ISMB index did not apply, otherwise, the U.S. was required to reduce impacts to meet the ISBM index.

#### C.6.c Comments of the KFMC

None.

#### C.6.d Recommendations of the States, Tribes, and Federal Agencies

Mr. Melcher, referring to Agenda Item C.6.b, Supplemental STT report, recommended on page 2, Humbug Mt. to OR/CA border commercial fishery, to change the September dates to September 3 through September 30.

Mr. Larson, referring to Agenda Item C.6.b, Supplemental STT report, recommended on page 2, Humbug Mt. to OR/CA border commercial fishery, to change the September dates to September 3 through September 30; and for the Pt. Reyes to Pt. San Pedro commercial fishery, to change the minimum size limit from 27 inches total length to 26 inches total length.

Mr. Stuart Ellis and Mr. Raphaell Bill presented Agenda Item C.6.d, Supplemental Columbia River Tribal Report.

Mr. Harp presented Agenda Item C.6.d, Supplemental Tribal Report.

C.6.e Reports and Comments of Advisory Bodies

None.

C.6.f Public Comment

Mr. Jim Martin, Recreational Fishing Alliance, Fort Bragg, California

C.6.g Council Action: Adopt Final 2005 Salmon Management Measures

Motions 17, 18, and 19 were made utilizing the document as contained in Agenda Item C.6.b, Supplemental STT Report, April 7, 2005, Salmon Technical Team Analysis of Tentative 2005 Ocean Salmon Fishery Management Measures.

Mr. Anderson moved (Motion 17) the Council adopt the salmon management measures for the non-Indian commercial troll and recreational fisheries as shown for the area between the U.S./Canada border and Cape Falcon, Oregon with one change on page 8: under item C.5.d, change “in the area from the Cape Alava to Queets River....” to read “in the area north of Cape Falcon....”. Mr. Cedergreen seconded the motion.

Motion 17 passed

Mr. Melcher moved (Motion 18) the Council adopt the salmon management measures for non-Indian commercial troll fishery for the area between Cape Falcon to the OR/CA border, and the recreational fishery for the area between Cape Falcon and Horse Mt., California as shown with one change: for the Oregon KMZ commercial fishery strike “September 3-6; 9-12, 15-30” and replace it with “September 3-30”. Mr. Brown seconded the motion.

Motion 18 passed.

Mr. Larson moved (Motion 19) the Council adopt the salmon management measures for the non-Indian commercial troll fishery between the OR/CA border and the U.S./Mexico border and the recreational fishery between Horse Mt. and the U.S. Mexico border as shown with two changes: in the California KMZ commercial fishery change September 1-30 to September 3-30, and in the Pt. Reyes to Pt. San Pedro commercial fishery change the minimum chinook size limit from 27 inches total length to 26 inches total length. Mr. Thomas seconded the motion.

Motion 19 passed.

Mr. Harp moved (Motion 20) the Council adopt treaty Indian ocean troll salmon fishery management measures as shown in Agenda Item C.6.g, Supplemental Tribal Motion, with the following edit: in the last line, change “April 6, 2005 – Agenda Item C.5.b” to “April 7, 2005 –

Agenda Item C.6.b””; and on page 9 of Agenda Item C.6.b, Supplemental STT Report, delete footnote 2. Mr. Anderson seconded the motion.

Motion 20 passed.

#### D. Pacific Halibut Management

##### D.1. Adopt Final 2005 Incidental Catch Regulations for the Salmon Troll and Fixed Gear Sablefish Fisheries

###### D.1.a Agenda Item Overview

Mr. Tracy presented the agenda item overview. He noted on page two for the commercial sablefish fishery the third line under Option 1 should read 100 pounds rather than 150 pounds, and under Option 2, the third line should read 125 pounds rather than 100 pounds.

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

Mr. Anderson supported Option 1a and Option 2 for Pacific halibut incidental landing restrictions in the salmon troll fishery, which represents status quo. For the sablefish fishery, he recommended Option 1, also status quo.

Dr. Burke and Mr. Larson also supported status quo for the salmon troll regulations.

Mr. Harp presented Agenda Item D.1.b, Supplemental Tribal Comments.

###### D.1.c Reports and Comments of Advisory Bodies

Mr. Tracy presented Agenda Item D.1.c, Supplemental GAP Report.

Mr. Stevens, reported the SAS supported status quo for the salmon troll fishery.

###### D.1.d Public Comment

Mr. Darby Dickerson, fisherman, Port Angeles, Washington

Mr. Joel Kawahara, salmon troller, Quilcene, Washington

###### D.1.e Council Action: Adopt Final Annual Incidental Halibut Harvest Restrictions

Mr. Alverson, referencing Agenda Item D.1., Situation Summary, April 2005, moved (Motion 8) the Council adopt the incidental landing restrictions for the salmon troll fishery in Options 1a and 2, or status quo; and for the commercial sablefish fishery the landing restrictions in Option 1, corrected as noted above. Mr. Cedergreen seconded the motion.

Motion 8 passed.

## E. Habitat

### E.1 Current Habitat Issues

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

Mr. Ellis provided Agenda Item E.1.a. Supplemental HC Report and Agenda Item E.1, Revised Supplemental Attachment 1 (revised Klamath flows letter).

#### E.1.b Reports and Comments of Advisory Bodies

None.

#### E.1.c Public Comment

Mr. Joel Kawahara, salmon troller, Quilcene, Washington

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

Mr. Larson moved and Mr. Ticehurst seconded a motion (Motion 9) to adopt the letter (Agenda Item E.1, Revised Supplemental Attachment 1) regarding low 2005 Klamath River flows impacts on salmon EFH and instruct Council staff to initiate the process for sending a letter to the Army Corps of Engineers and other federal managers regarding Columbia River water flow needed for salmon under the current drought conditions (Agenda Item E.1.a, Supplemental Attachment 2). Motion 9 passed. Dr. Freese abstained.

Mr. Brown noted that the Klamath Act will expire if not reauthorized and that water users want reauthorization blocked but are willing to entertain discussions about its reauthorization. He commented that if reauthorization is viewed as important, these discussions should be started and offered to assist in the effort. This also involves the lower river tribes and other users.

## F. Coastal Pelagic Species Management

### F.1 NMFS Report

#### F.1.a Regulatory Activities (04/07/05; 8:09 am)

Mr. Mark Helvey provided Agenda Item F.1.a, NMFS Report 1. Mr. Helvey stated that Pacific mackerel landings are tracking well below the harvest guideline and therefore, NMFS is taking automatic action to release the portion set aside for incidental landings as it appears the directed fishery will not be restricted this season.

The 2005 sardine harvest guideline has been set at 136,179 mt. The final rule implementing the harvest guideline has been delayed for a Section 7 consultation under the Endangered Species Act, a process which is nearly complete.

Mr. Helvey also touched on progress towards krill management. He reviewed the species to be included in the program and stated that these plans were consistent with the goals of the National Marine Sanctuary Program. He also reviewed Agenda Item F.1.a, Supplemental NMFS Report and noted the contractors have added to the draft outline to include a new section to provide for how krill could be managed. He also noted NMFS has included a schedule for developing a krill regulatory amendment (Agenda Item F.1.a, NMFS Report 2, last page). NMFS is more looking at Option 2. The contractors are also planning to convene a panel of experts on krill to develop a method for assessing the biomass of krill.

Mr. Helvey reviewed the SWR pilot observer program for California purse seine vessels. As of March 31, NMFS has placed observers on 53 trips. A detailed report on bycatch interactions will be provided to the Council at their November meeting.

Mr. Helvey also reported that California Sea Grant is implementing a pilot program to profile commercial fisheries in four southern California harbors. The projects will identify factors that affect current fisheries and assess infrastructure needs and for the various commercial fisheries.

#### F.1.b Science Center Activities

Dr. Roger Hewitt provided a PowerPoint presentation.

Ms. Vojkovich asked how these data will be used in the next round of sardine assessment. Dr. Hewitt stated that the time series in this dataset is not long enough for that type of application. This work is focused on a preliminary estimate of what portion of the biomass is currently residing in the Pacific Northwest. Dr. Hewitt stated that is the intent of NMFS to expand the egg survey to the north to better understand coastwide spawning to support stock assessment methods.

#### F.1.c Reports and Comments of Advisory Bodies

Ms. Heather Munro Mann and Mr. John Royal provided Agenda Item F.1.c, Supplemental CPSAS Report. Mr. Royal recognized the hard work of Dr. Sam Herrick.

#### F.1.d Public Comment

None.

#### F.1.e Council Discussion on NMFS Report

Ms. Vojkovich asked NMFS about the mechanism for creating a third category within the CPS FMP. Ms. Cooney said she did not know enough about this specific proposal or fishery to be certain, but the FMP already has the concepts of actively managed or monitored species. Ms. Vojkovich asked if a new category within the CPS would be subject to the existing MSA requirements. Ms. Cooney said the basic MSA requirements will apply and that additional legal interpretation would be necessary.

Ms. Vojkovich, on the krill regulatory amendment schedule, noted Mr. Helvey mentioned Option 2 as the most realistic and asked where we are in the process. Mr. Helvey said we are somewhat on schedule on Step 3. He said the NMFS proposal to go with Option 2 would provide a report to the Council at their September meeting. She said she did not hear the CPSMT comment on the outline and the CPSAS did not have time to review the outline and she asked when those two advisory bodies would be able to provide input. Mr. Helvey said he is working with Council staff to facilitate their input.

Dr. McIsaac said the Council expressed workload impacts to the CPSMT with the understanding that the heavy lifting is done by NMFS and the CPSMT would be more in a review mode of the documents. Mr. Helvey said the CPSMT encouraged moving forward on this issue and expressed interest in being involved through Mr. Dale Sweetnam. In terms of additional work put on the team, that was not raised as an issue.

Dr. McIsaac focused the discussion on the schedule for the krill regulatory amendment and noted that the Council will need to consider the krill schedule along with the other Council priorities under administrative matters later in the week.

Mr. Anderson asked if there was thought about how much time would be used in taking up that fourth council action item under the proposed schedule. Dr. McIsaac said that on the 3 meeting outlook we did have this plugged in for June 2005, but that schedule did not account for time for the contractor to prepare or the CPSMT to review. We do expect about 1.5 hours of Council meeting time when that step comes before the Council.

## F.2 Fishery Management Plan (FMP) Amendment 11--Sardine Allocation

### F.2.a Agenda Item Overview (04/07/05)

Mr. Mike Burner provided the agenda item overview.

### F.2.b NMFS Report

Dr. Sam Herrick provided a powerpoint presentation.

### F.2.c Reports and Comments of Advisory Bodies

Mr. Bob Conrad provided Agenda Item F.2.c, Supplemental SSC Report. Dr. Herrick provided Agenda Item F.2.c, Supplemental CPSMT Report. Ms. Heather Munro Mann and Mr. John Royal provided Agenda Item F.2.c, Supplemental CPSAS Report.

### F.2.d Public Comment

Mr. Ryan Kapp, sardine fisherman, Bellingham, Washington.  
Mr. Pete Gugliamo, Southern California Seafoods  
Mr. Dayna Ferguson, Westbay Marketing, California  
Mr. Mike Okoniewski, Pacific Seafoods, Woodland, Washington  
Mr. Vince Torre, Tri-Marine Fish Company, San Pedro, California  
Mr. Neil Gugliamo, sardine fisherman, California.

Mr. Sam , CPS fisherman, Monterrey, California  
Mr. Jerry Thom, Astoria Holdings, Astoria, Oregon  
Ms. Diane Pleschner-Steele, California Wetfish Producers Association, Buellton, CA  
Ms. Heather Munro Mann, Munro Consulting, Newport, Oregon

F.2.e Council Action: Adopt a Range of Sardine Allocation Alternatives  
for Public Review

Dr. Burke moved (Motion 12) to adopt the alternatives listed in Agenda Item F.2.b, Supplemental NMFS Report, excluding alternatives 2 and 5; proceed with a sensitivity analysis and growth assumptions of at least 0, 5, and 10 percent for all sectors; and include the recommendations in the last paragraph of the SSC Report. Mr. Brown seconded the motion.

Mr. Harp asked about the schedule between now and June. Mr. Burner said the CPSMT will meet in late May to complete the analysis and the CPSMT at the June Council meeting to review the results of the analysis. Mr. Harp encouraged the CPS advisory bodies to consider the implications of projected salmon bycatch. Mr. Burner stated considerable work on this issue is anticipated between now and the June meeting.

Dr. Burke asked if the CPS advisory bodies would have the flexibility to add to the range of alternatives adopted today. Ms. Cooney said it would work if that is what the Council wants and the analyses can be completed by June.

Mr. Anderson said the coastal tribes could enter the sardine fishery and currently, the alternatives in front of us don't speak to that issue. He asked if the treaty fishery needs to be addressed in the options prior to June. Ms. Cooney said it would be good to consider how that would be dealt with and the basis is that the tribes have treaty rights in their U&A area. She said the CPS FMP has a process where the tribes are required to bring in a recommendation 120 days before the season starts. It is difficult to predict the size and the implications of any proposed tribal fishery. Mr. Anderson clarified that a tribal fishery would not have to be accommodated under these alternatives prior to negotiations with the tribes.

Mr. Harp said when the first allocation of sardine came up between north and south, he recalled the CPS FMP was updated with a placeholder for a tribal fishery. Mr. Anderson said it just occurred to him in the last few minutes and apologized for not discussing it earlier. Mr. Anderson suggested the negotiations could start with an approach similar to what we take in whiting and sablefish and is hesitant to add it as part of the motion because he has not heard of the certainty and their intention and we could use the 120 day plan mechanism. Mr. Harp agreed with that idea and said he and Mr. Anderson could meet with the tribes and report back at the June meeting.

Mr. Alverson stated support for dropping two alternatives because Alternative 2 would generate too much competition and Alternative 5 would probably not release a critical amount of fish for the fishery to operate in a reasonable fashion.

Mr. Burner reaffirmed the motion includes the corrections noted in the errata sheet. Dr. Burke confirmed this to be.

Dr. Burke clarified that intent of the Council is that the CPS advisory bodies work with this range to develop alternatives that best address the goals.

Motion 12 passed.

Mr. Brown said the CPSAS made a recommendation to incorporate a review of the allocation scheme at some time in the future. Dr. Herrick said that personally he likes the idea of shortening the timeline on this matter due to uncertainty around the landings, growth, market conditions and other uncertainties. He recommends moving forward with creating a long-term allocation regime without locking ourselves into one of these alternatives for many years. He would like to see us take a look at what is happening at least within 3 years. He also said that a market-based allocation scenario where fish are traded and utilized where they are most needed and most valued is worthy of future consideration.

Mr. Brown moved to add provisions for review of the allocation scheme in 3, 5, or 7 years for final consideration in June (Motion 13). Mr. Warrens seconded the motion.

Mr. Brown said if the Council took no action to change the allocation following such a review, the allocation would remain in place (no sunset). Mr. Burner said the CPSMT could add this provision to the draft EA by June for public review.

Ms. Vojkovich added that the Council may want the CPSMT to discuss the allocation alternatives under dramatically different harvest guidelines and suggested that as a mechanism to trigger a review and potential change to the allocation formula.

Mr. Brown said that is an entirely different discussion from his motion and suggested addressing it under a separate motion.

Mr. Anderson felt 7 years is just too long under any circumstances given Dr. Herrick's comments, and recommended the motion be changed to only include a 3 and a 5 year review period. Mr. Brown said the intent of the motion is to provide a variety of review times and gives the Council flexibility.

Motion 13 passed.

Ms. Vojkovich moved to include a trigger based on a harvest guideline of 75,000 to 100,000 mt as a trigger for review of allocation (Motion 14). Mr. Thomas seconded the motion.

Dr. Burke asked Ms. Vojkovich if she thought that 100,000 mt was a "bankruptcy" trigger, why go down to 75,000 mt. Ms. Vojkovich said the range was intended to only trigger a review under very low harvest guideline scenarios.

Mr. Anderson said he understood that if it falls either below 100,000 mt or 75,000 mt, each triggers a review. Ms. Vojkovich confirmed this is correct.

Motion 14 passed.

## G. Marine Protected Areas

### G.1 Channel Islands National Marine Sanctuary (NMS)

#### G.1.a Agenda Item Overview (04/07/05; 1:03 pm)

Mr. Burner provided the agenda item overview.

#### G.1.b Report of the Sanctuary Staff

Mr. Sean Hastings and Mr. Chris Mobley.

#### G.1.c Reports and Comments of Advisory Bodies

Lt. Dave Cleary provided Agenda Item G.1.c, Supplemental EC Report. Mr. Don Stevens presented Agenda Item G.1.c, Supplemental SAS Report. Mr. Mike Burner read Agenda Item G.1.c, Supplemental CPSAS Report. Mr. Stuart Ellis provided Agenda Item G.1.c, Supplemental HC Report.

#### G.1.d Public Comment

Mr. Bob Crouch, Klamath Coalition Port of Brookings, Brookings, Oregon  
Mr. Bob Fletcher, Sportfishing Association of California, San Diego, California  
Ms. Kathy Fosmark, Alliance for Community for Sustainable Fisheries, Pebble Beach, California  
Mr. Joel Kawahara, salmon troller, Quilcene, Washington  
Mr. Jim Martin, Recreational Fishing Alliance, Ft. Bragg, California

#### G.1.e Council Action: Final Recommendations on the Designation Document Consultation Letter for Cordell Bank, Gulf of Farallones, and Monterey Bay NMS

Mr. Larson moved (Motion 15) to adopt Agenda Item G.1.e, Supplemental CDFG Motion, April 2005. Mr. Thomas seconded the motion.

Mr. Larson referenced the letter under Agenda Item G.1.c, Supplemental CDFG Report.

Mr. Anderson asked what entity has the authority to make a designation of a marine area, marine reserve, or marine park in federal waters. Ms. Cooney said the Sanctuary program could achieve this if their designation document allows and the Council has authority under its FMPs. Mr. Anderson asked if the Council has the authority to designate an area closed to all fishing. Ms. Cooney said it could if it had the record to do so, including a rationale for tying it to an FMP.

Mr. Larson clarified, at Mr. Warren's request, that the state of California would only be supportive of Designation Document changes if they are necessary to achieve the marine protected areas discussed under this proposal, not any future actions.

Ms. Cooney stated that California is recommending that the NMSP go forward with analyses of Council and state authority to determine if the goals and objectives of the CINMS could be

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achieved through existing authority in a timely manner. If it is determined that this cannot be achieved, California is stating a willingness to then consider Designation Document changes limited to this action only.

Mr. Warrens is concerned with any language in a Council motion that pertains to Sanctuary authority over fishing regulations, particularly after considering the public testimony on this matter.

Dr. McIsaac clarified that the NMSP is working on the question of whether the combination of MSA and state authority can fulfill the goals of the NMSP and dependent on those results, California recommends considering changes to the Designation Document. If the analysis concludes that the goals of the CINMS can be reached through MSA and state authority, California would recommend no changes to the Designation Document. Mr. Larson concurred.

Mr. Brown moved to amend the motion (Amendment #1 to Motion 15) to keep the first sentence of the written motion, and remove the rest of the motion. Mr. Warrens seconded the amendment to Motion 15.

Mr. Helvey said the NMSP is asking for recommendations from the Council and that simply recommending no changes to the Designation Document is not enough and he recommends a furtherance of Mr. Larson's letter that includes specifics of how this can be achieved under the MSA.

Mr. Alverson asked why California hasn't simply asked for these actions under Council authority. There is a large sanctuary in Washington, and this seems to be a reasonable approach.

Mr. Larson explained California has been involved in a long partnership with the federal government to achieve marine protected areas and wants to explore all options, including the mechanism suggested by Mr. Alverson under the authority of the MSA. Dr. McIsaac added that the Council did consider taking on this task under its authority and chose to let the CINMS take the lead on the matter.

Mr. Larson understands the ideas behind Mr. Brown's amendment but does not agree with it because it eliminates an important option for achieving marine protected areas. He urged Council to reject the motion because the analysis is incomplete and the Council should not close the door on any options until the facts are known.

Mr. Ticehurst and Mr. Warrens agreed with Mr. Brown's proposal. Mr. Warrens does not want this Council to lose authority as the Council process is the best forum for addressing these matters.

Mr. Larson said if we approve the amendment, we will be sending something to the sanctuaries that says not to work with the Sanctuary to answer the questions regarding MSA authority and Sanctuary goals. The Sanctuary could move forward to promulgate their own regulations.

Mr. Anderson said he felt the overlap of the MSA and NMSA act was done on purpose to ensure adequate protection and public input. This coordination between the Council and the Sanctuary is a necessary and intentional mechanism. He thinks the amendment to the motion sends a

message that he cannot support. If we are going to be successful in these endeavors, the Council needs to consider all proposals and it is premature to close opportunities. We have to keep this partnership if we are going to be successful. A statement that we don't support the Designation Document as written is going to send the wrong message of coordinating the two processes.

Mr. Brown understands Mr. Anderson's statement, but the original motion states to change the Designation Document, a situation that does not appear to be a partnership. He said there was no reason to include fisheries management in the original Designation Document because the promise was they were never going to regulate fisheries.

Amendment #1 to Motion 15: roll call vote. Mr. Mark Helvey abstained. Amendment #1 to motion 15 failed: 8 No, 4 Yes.

Mr. Brown moved an amendment that deletes the final sentence of the motion (Amendment #2 to Motion 15). Mr. Warrens seconded the amendment. Mr. Brown said that last sentence gives the signal that the process of implementing marine protected areas under the MSA would fail.

Mr. Larson said there is an ongoing NEPA process right now by the NMSP. The state of California has a commitment to see this process through in a timely fashion that may not be found feasible through the existing authorities. The last sentence doesn't say we would do it, it says we would "consider" it, if necessary.

Amendment #2 to Motion 15: roll call vote. Mr. Mark Helvey abstained. Amendment #2 to Motion 15 passed.

Mr. Anderson is still struggling with the main motion because we are trying to write a letter in a motion and he doesn't like the second to the last sentence either. Essentially, if we pass the motion as amended, he assumes the council staff would write a letter that reflects the motion. He would prefer that additional language be added that would say the Council is willing to continue to work with the CINMS and California in a constructive way. He would like the letter to come back for Council review.

Mr. Larson said this letter needs to be sent by April 22.

Dr. McIsaac stated that the motion on the floor is the main motion as amended to remove the last sentence. He also stated the Council staff will review the tapes and include any discussions that seemed to have Council consensus and distribute a draft as normal practice.

Mr. Anderson said he feels just as strongly as many Council members that the regulations that pertain to the species under our FMPs need to stay under this Council's authority. He does feel it is important for us to coordinate with the NMSP to fully consider all of the management implications of the proposed action to ensure the goals of the program are met.

Mr. Brown was not in opposition to Mr. Anderson's comments and is supportive of the recommended concluding statements.

Mr. Ticehurst asked for Amendment #3 to the motion to incorporate the suggestions by Mr. Anderson and to include a recommendation to review and approve the letter through the Council's fast track process. Mr. Thomas seconded amendment #3 to Motion 15.

Mr. Alverson asked Mr. Larson if the proposal to use existing authority is talking about FMP amendments. Mr. Larson confirmed. Mr. Alverson said the letter should include such specifics.

Mr. Helvey agreed with Mr. Alverson and thinks it would help NOAA to include such specifics.

Mr. Larson and Mr. Thomas supported Mr. Ticehurst's amendment.

Amendment #3 to Motion 15 passed. Mr. Helvey abstained.

Dr. McIsaac asked if the maker and seconder of motion would like the Council staff to include the specifics on the anticipated analysis. Mr. Larson said he encourages staff to craft language that discusses the EFH FMP process and other available avenues. Maker and seconder accepted the recommendation.

Main motion 15 vote: Motion 15 passed.

## G.2 Cordell Bank, Gulf of Farallones, and Monterey Bay NMS

### G.2.a Agenda Item Overview (04/07/05; 3:01 pm)

Mr. Burner provided the agenda overview.

### G.2.b Report of the Sanctuary Staffs

Mr. Dan Howard and Ms. Ann Walton, Cordell Bank NMS, gave a report and presented Agenda Item G.2.b, Supplemental NMSP Letter.

Ms. Ann Walton also presented the options for the Gulf of Farallones NMS.

Messrs. Bill Duoros and Huff McGonigal presented a report of the Monterey Bay NMS.

### G.2.c Reports and Comments of Advisory Bodies

Lt. Cleary provided Agenda Item G.2.c, Supplemental EC Report. Mr. Stevens provided Agenda Item G.2.c, Supplemental SAS Report. Ms. Ashcraft provided Agenda Item G.2.c, Supplemental GMT Report. Mr. Burner provided Agenda Item G.2.c, Supplemental CPSAS Report. Mr. Stuart Ellis provided Agenda Item G.2.c, Supplemental HC Report. Mr. Moore read Agenda Item G.2.c, Supplemental GAP Report.

### G.2.d Public Comment

Mr. Mike Sorensen, charter boat operator, Toledo, Oregon

Ms. Kathy Fosmark, Alliance for Community for Sustainable Fisheries, Pebble Beach, CA

Mr. Joel Kawahara, salmon troller, Quilcene, Washington

G.2.e Council Action: Final Recommendations on Proposed Designation Document Changes and NMS Fishery Regulations for each NMS

Mr. Larson moved (Motion 16) to adopt the recommendations as provided in Agenda Item G.2.e, Supplemental CDFG Motion, April 2005, Cordell Bank). Mr. Larson stated that this motion is not meant to be exclusive to the comments made earlier by Mr. Anderson, and added that there needs to be an exemption within these provisions to allow for research activity in the Cordell Bank area. Mr. Ticehurst seconded the motion.

Mr. Helvey asked if there could be provision in the motion to specify timelines. Mr. Larson added to the motion the analysis by the GMT to open it up for the Council staff to use that guidance as the letter is drafted.

Mr. Anderson asked if we could build into the letter something on the positive note as an affirmation of our support for the goals and objectives of the NMSP associated with this proposed management measure. Mr. Larson said that is the intent.

Mr. Brown agreed with the comments made so far and asked if the motion also includes the scope of prohibiting new gears unless specifically authorized? He requested that this matter be included in the letter and offered this suggestion as a friendly amendment. Mr. Larson and Mr. Ticehurst agreed .

Motion 16 passed. Mr. Helvey abstained.

Mr. Larson (Motion 17) to adopt the paragraph under Agenda Item, G.2.e, Supplemental CDFG Motion, April 2005, Monterey Bay National Marine Sanctuary, with the addition of the GMT recommendations (same as motion 16). Mr. Ticehurst seconded the motion.

Motion 17 passed. Mr. Helvey abstained.

Mr. Larson recommended that the Council not provide comments at this time for the Gulf of the Farallones NMS. California has reached a satisfactory agreement with the Sanctuary and feels the matter has been addressed relative to fishing regulations.

Mr. Brown suggested that they have been good about coming to us and discussing their plans and thinks as a courtesy we should state our position and appreciate their efforts.

Mr. Helvey asked Mr. Larson if what the State of California is doing right now would achieve the objectives of the Sanctuary. Mr. Larson said yes and stated that a Memorandum of Understanding with the Sanctuary has specified proposed regulations regarding introduced species and aquaculture and has satisfied the concerns of the Sanctuary.

Mr. Brown would like to see the Council take a position in support of the regulation of introduction of species. Mr. Larson said he was supportive of the recommendation while being cognizant of California's lead on this matter and the agreements that have been made.

## H. Enforcement Issues

### H.1 Fishery Enforcement Report (04/08/05; 8 am)

#### H.1.a Agenda Item Overview

None.

#### H.1.b Annual U.S. Coast Guard Report

Captain Rob Parker, chief of staff for and representing Admiral Garret of the 13<sup>th</sup> district, opened the presentation and noted that this annual report would cover both the 13<sup>th</sup> and 11<sup>th</sup> USCG districts. Cdr. Fred Myer provided a Powerpoint presentation.

#### H.1.c Reports and Comments of Advisory Bodies

None.

#### H.1.d Public Comment

Mr. Doug Fricke, troller, Hoquiam, Washington

#### H.1.e Council Discussion on Fishery Enforcement Report

Council members expressed appreciation for the presentation and the work of the USCG.

## I. Highly Migratory Species (HMS) Management

### I.1 NMFS Report

#### I.1.a Regulatory Activities (04/08/05; 9:10 am)

Mr. Craig Heberer, NMFS SWR, gave the NMFS report based on Agenda Item E.1.a Attachment 1.

Mr. Mark Cedergreen asked if NMFS had set up methods to communicate with advisory bodies and others about HMS activities. Mr. Heberer described current ideas NMFS has in this regard.

Ms. Vojkovich asked about NMFS involvement the AIDCP meetings occurring in April as listed Agenda Item E.2.a Attachment 1. Mr. Helvey replied that they were involved and reiterated NMFS' intent to facilitate communication between the Council and the other organizations and processes.

Dr. McIsaac asked about the April 26-27 U.S.-Canada Albacore Treaty Meeting. Mr. Helvey noted a recent email describing the meeting agenda. Dr. McIsaac asked that Dr. Kit Dahl be included on the email distribution list for that.

#### I.1.b Reports and Comments of Advisory Bodies

None.

#### I.1.c Public Comment

Mr. Doug Fricke, fisherman, Hoquiam, Washington

#### I.1.d Council Discussion on NMFS Report

Mr. Alverson asked for a briefing at the June Council meeting on the US position on albacore tuna in terms of stock status and potential measures such as quotas and allocations, which the Council needs to be involved in.

Mr. Helvey said he hopes to have the draft resolution on albacore to be presented to the Inter-American Tropical Tuna Commission (IATTC) available at the upcoming meetings of the Highly Migratory Species Advisory Subpanel (HMSAS) and Highly Migratory Species Management Team (HMSMT) and also provide it to the Council at the June meeting. He also emphasized the need for NMFS to help coordinate Council processes with other HMS management initiatives.

Mr. Alverson asked if NMFS or DOS will have a user group or advisory group participating in discussions related to the development of a strategy. Mr Helvey said, in reference to the draft resolution on albacore tuna, that the resolution was an outcome of the Tokyo meetings referred to by Mr. Fricke in his public comment. He said the resolution was still being reviewed internally and would be released soon, hopefully before the HMSAS meeting on April 21.

Mr. Fletcher, HMSAS chairman, said the panel will meet on April 21. He discussed the development of a letter communicating Council concerns to the General Advisory Committee to the U.S. Section of the Inter-American Tropical Tuna Commission (GAC), which will meet on May 12. He noted that the IATTC annual meeting will occur the week after the June Council meeting and he said he didn't think they would take up any specific measures related to albacore tuna. He also noted that he will be attending the IATTC annual meeting as a U.S. Commissioner and would be happy to provide a report to the HMSAS on what occurred there.

Mr. Helvey then noted Mr. McInnis is also a U.S. Commissioner. Between him and Mr. Fletcher it will be possible to rapidly get a report on the meeting back to the Council.

Dr. McIsaac noted that the next agenda item will cover a lot of these items.

## I.2 Planning for FMP Implementation

### I.2.a Agenda Item Overview (04/08/05; 9:32 am)

Dr. Dahl provided the agenda item overview.

Dr. McIsaac drew the Council's attention to the upcoming GAC and IATTC meetings listed in Attachment 1. He mentioned that a joint meeting with the Western Pacific Fishery Management Council (WPFMC) would be constrained by the availability of funding. He suggested a meeting of a subset of the members of two Councils could be a possibility at some point in the next few months.

#### I.2.b Reports and Comments of Advisory Bodies

Chairman Hansen asked both Dr. Dale Squires and Mr. Fletcher to come to the podium.

In response to Mr. McIsaac's comment, Mr. Fletcher suggested that the Pacific States Marine Fisheries Commission (PSMFC) annual meeting could be a venue for a joint PFMC-WPFMC meeting, taking advantage of an existing meeting.

Dr. Squires said the HMSMT should look at the closed areas in the drift gillnet (DGN) fishery, an item not listed in the situation summary. He thought it might be possible to increase DGN fishing effort while not exceeding the incidental take limits for sea turtles. Other high priority items the team needs to focus on are the observer coverage plan and SAFE report. Limited entry and turtle bycatch mitigation measures could be tackled fairly expeditiously. He also mentioned the bigeye tuna overfishing and logbooks as tasks the team needs to take up.

Mr. Fletcher discussed the plans for the upcoming HMSAS meeting. He said he understands NNMFS will provide the Council with a comprehensive presentation at their June meeting. The one item that was not clear at this point was the albacore resolution; something he hoped the HMSAS could take up at their meeting.

Ms. Vojkovich asked Mr. Squires if he agreed with the proposal in the situation summary for the team to provide an outline of the SAFE report at the June Council meeting and a full report in September. He replied affirmatively.

Dr. Burke noted the proposal for an additional member of the HMSMT and a request in public comments for an addition to the HMSAS and asked if this was the right time to consider additions to the two committees. Mr. Fletcher said he would defer to Dr. McIsaac and the Council. He didn't see it as a high enough priority to waive the normal Council process for considering changes to committee composition. Dr. McIsaac added that funding is an issue, although a minor one for the proposal for the HMSMT. He said there would be a need to modify the Council Operating Procedure for HMSMT composition and coordinate any change with the existing policy of three-year appointments. Dr. Burke then asked what would trigger decision-making on this issue. Dr. McIsaac replied it would be a matter of soliciting a nomination from the organization (IATTC) and then following Council procedures for vetting the nominee. Dr. Burke followed up by asking about the request from the Oregon Anglers organization for a seat on the HMSAS. Mr. Fletcher replied that he is concerned about the potential number of organizations expressing interest in a seat on the HMSAS and deciding when to draw the line on membership. He felt it was a decision the Council has to make rather than the HMSAS. Adding a seat versus restructuring the membership would create additional costs. Dr. Burke said it would help to get some advice from the committees on whether the current composition of the

HMSAS and HMSMT is appropriate to the tasks ahead. She also said the Council should take up this issue in the near future.

#### I.2.c Public Comment

Mr. Doug Fricke, fisherman, Hoquiam. Washington

Mr. Bob Osborn, United Anglers of Southern California, Huntington Beach, California

Mr. Bob Fletcher, Sportfishing Association of California, San Diego, California

#### I.2.d Council Discussion and Guidance on Planning for FMP Implementation

Ms. Vojkovich asked Dr. McIsaac if the Department of State (DOS) had been attending WPFMC meetings and it was only the PFMC that they were not paying attention to. Dr. McIsaac said he didn't know their attendance record although he heard the WPFMC mention Mr. William Gibbons-Fly (DOS, Office of Marine Conservation) frequently.

Ms. Vojkovich said, in response to previous comments and discussion, she thought the situation summary captured the issues the team and panel will be discussing at their upcoming meetings, including the DGN issue mentioned by Dr. Squires and the fast track letter mentioned by Mr. Fletcher. She thought that there did not appear to be much disagreement with the prioritization as presented in the situation summary, but the HMSMT will need to further prioritize given the large number of items listed. In addition, the HMSAS should also develop a list of items they think they should address in the near future, given the large number of issues. Chairman Hansen agreed.

Mr. Brown said the Council should insist that the DOS representatives show up at future Council meetings and talk to us about the albacore tuna issue. This wouldn't cost anything and DOS should be part of the process.

Mr. Anderson, noting the list of issues in the situation summary, said he thought the HMSMT needs to focus on the bigeye tuna overfishing item. The groundfish EFP protocol described in COP #19 can be used on an interim basis for HMS EFP reviews. Other issues for priority attention are completion of the SAFE report, the DGN issue mentioned by Dr. Squires, and the albacore IATTC resolution. He concurred with Mr. Brown that the Council needs to get directly involved because albacore tuna are of importance to Council managed fisheries. He also noted the \$5,000 in discretionary travel funds mentioned in the situation summary, wondering if this was in addition to funds dedicated to HMSAS and HMSMT meetings, saying the Council should be careful in spending this money. The idea Mr. Fletcher had of using the PSMFC annual meeting as a venue for a joint PFMC-WPFMC meeting would effectively leverage these limited funds.

## J. Administrative Matters

### J.1 Report on "Managing Our Nation's Fisheries II"

#### J.1.a Agenda Item Overview (04/08/05; 7:40 am)

Dr. McIsaac provided a brief overview of the conference and offered that pertinent Council members that participated in the conference provide their perspective. Mr. Brown noted that a big issue for ecosystem management is that there is not a really good definition of what it is. The conclusion of his group is that there needs to be more understanding of the processes and balances and in truth we are starting some of that ecosystem work now.

#### J.1.b Reports and Comments of Advisory Bodies

None.

#### J.1.c Public Comment

Mr. Bob Fletcher provided comments as a member of MAFAC who had attended many of the panels as part of the audience. He spoke about Oceana's, belief that the Council process is in need of much improvement. However, he believes this Council has taken on the role of conservation well.

#### J.1.d Council Discussion and Guidance

The panel Mr. Alverson was part of dealt with individual fishing quotas (IFQs) and looked at necessary criteria as well as broad concepts, suggesting that IFQs be accomplished without constraints from the federal government. It was suggested the duration of an IFQ system be left up to the individual council's.

Mr. Ortmann spoke to discussions about council member training. He agreed that it was important, but hoped that it not be overdone and made into an intensive indoctrination on scientific aspects. It did appear that NMFS would proceed and look over the orientation and training procedure and refine it.

Mr. Hansen stated the makeup of the SSC is a concern to the folks in DC, they thought the SSC should be paid and should be appointed by DC; but the members disagreed. Mr. Hansen said it is okay if they are paid, but not by the Councils.

Mr. Anderson was impressed with the usefulness of the conference and the opportunity for the regional councils to display how they operate and solidify in a common way where we, as a group, stand on the issues and how we answer the criticisms. Because of the conference, we are in a much better position as a national group of peers to defend our process and gain the attention of people that are going to be influential in the upcoming decisions in reauthorizing the MSA. He thinks we have made a strong case that science and management can exist under a common process. He felt that was the real benefit of this conference.

## J.2 Legislative Matters

#### J.2.a Agenda Item Overview (04/08/05; 12:18 pm)

Mr. Burner provided the agenda item overview.

#### J.2.b Legislative Committee Report

Mr. Burner provided Agenda Item J.2.b, Supplemental Legislative Committee Report.

Mr. Alverson thanked Council staff for their efforts in preparing the report. He noted that the Committee did not have time to address all of the issues at this meeting and intends to take up MSA reauthorization in June.

Mr. Brown and Mr. Thomas provided clarification on the difference between a low priority item and one that could be eliminated. Mr. Brown stated that for the first two items the Committee was in fact in favor of no change, but that the recommendation was a high priority. Mr. Alverson agreed with the comments.

Ms. Vojkovich asked about the access to VMS data issue. There needs to be consideration of this issue under the MSA reauthorization. Mr. Alverson reported that Ms. Vojkovich is correct on this matter and the Committee will track the matter and report more fully in June.

Dr. McIsaac stated that one of the purposes of this discussion is to prepare the Chair for the CCED meeting and any feedback the Council provides will be conveyed at that forum at the end of this month.

#### J.2.c Reports and Comments of Advisory Bodies

None.

#### J.2.d Public Comment

None.

#### J.2.e Council Action: Consider Recommendations of the Legislative Committee

Mr. Alverson moved (Motion 28) adopt the Legislative Committee Report and Agenda Item J.2.b Attachment 1 including the recommendation that the states have access to VMS data. Mr. Cedergreen seconded the motion.

Motion 28 passed.

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

#### J.3.a Agenda Item Overview (04/08/05: 7:36 am)

Mr. Tracy provided the agenda item overview.

#### J.3.b Council Action: Appoint New Members as Necessary

Mr. Brown moved (Motion 22) to appoint Mr. Burr Heneman to represent the conservation community as a non-voting advisor to the Groundfish Allocation Committee. Mr. Warrens seconded the motion.

Motion 22 passed.

Mr. Helvey moved (Motion 23) to appoint Mr. Brian Chesney to the Habitat Committee representing NMFS Southwest Region and designated Ms. Korie Schaeffer as the alternate. Mr. Harp seconded the motion.

Motion 23 passed.

Chairman Hansen moved (Motion 24) to make the following appointments to the ad hoc regional council chairs and executive director committee:

Frank Blount	New England Council Chair
Louis Daniel	South Atlantic Council Chair
Daniel T. Furlong	Mid-Atlantic Council Chair
Donald K. Hansen	Pacific Council Chair
Paul J. Howard	New England Council Chair
Stephanie Madsen	North Pacific Council Chair
Robert K. Mahood	South Atlantic Council Chair
Donald O. McIsaac	Pacific Council Executive Director
Roy Morioka	Western Pacific Council Chair
Julie Morris	Gulf of Mexico Council Chair
Chris Oliver	North Pacific Council Executive Director
Eugenio Pineiro-Soler	Caribbean Council Chair
Miguel A. Rolon	Caribbean Council Executive Director
Ricks Savage	Mid-Atlantic Council Chair
Kitty M. Simonds	Western Pacific Council Executive Director
Wayne Swingle	Gulf of Mexico Council Executive Director

Vice Chairman Ortmann seconded the motion.

Motion 24 passed.

J.4 Work Load Priorities and Draft June 2005 Council Meeting Agenda (04/08/05; 12:41 pm)

J.4.a Agenda Item Overview

Dr. McIsaac provided the agenda item overview, reviewing the three-meeting outlook, proposed June agenda, and workload.

J.4.b Reports and Comments of Advisory Bodies

None.

J.4.c Public Comment

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

#### J.4.d Council Guidance on Work Load, June Council Agenda, and Priorities for Advisory Body Consideration

Council members provided suggestions and comments to the Council staff regarding the workload and June agenda which were both very full and needed some paring down.

Mr. Alverson requested Dave Hanson provide a report in September on observer issues.

Mr. Anderson asked if it were necessary to have the HC meet at every Council meeting. Dr. McIsaac agreed that it might be possible to skip the June meeting. Mr. Anderson also suggested the MEW report could be an informational report, as could the salmon agenda items on Klamath and EFH review. Mr. Ortmann, agreed with regard to the Klamath conservation objective issue.

Mr. Alverson asked if the sardine and EFH issues scheduled for Thursday could be taken up on Monday to provide more room on the agenda. Dr. McIsaac noted that we did start on Monday this meeting, however, a Monday start makes it difficult for advisory bodies to meet and develop their comments. He noted the budget report could be removed and agreed that we would consider moving some items to Monday.

Dr. Freese said the NMFS Reports could be put in the informational reports section with the exception of a salmon item for ESA consultation. He also noted the need to try to streamline the EFH discussion. Dr. McIsaac noted that the Council deliberations on EFH would be lengthy and public comment was a big variable. He noted that we have arranged for most of our advisory bodies to comment on this early enough to be put into the advance briefing book that is mailed out.

Ms. Vojkovich asked about timing of the Pacific Whiting EA. Dr. Freese said we should move that issue to the September meeting.

Several Council members expressed concern about the complexity of the issues and timing of the briefing book distribution, wondering if some information could be sent out earlier.

#### 4 pm Public Comment Period

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

Mr. John Holloway, Portland, Oregon. Spoke on HMS (comments found under 4 PM Public Comment).

Mr. Barry Cohen, asked for the whiting season opening be changed to March 15 in the south.

Mr. Steve Fosmark, spoke on the Klamath River problems. He asked what the Council and NMFS can do to correct the situation and if there was a plan in place.

Mr. Don Stevens, salmon troller, Newberg, Oregon. Handed out a documentary video.

Mr. Pierre Marchan, Jessie's Ilwaco Fish Company, Ilwaco, Washington. Spoke about Pacific whiting, and that CFGC would not allow them to get Pacific whiting in and out of the state of California.

ADJOURN, April 8, 2005 at 1:35 pm.



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**Council Chairman**

September 23, 2005

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**Date**