

MINUTES
Pacific Fishery Management Council
159th Meeting
Park Plaza Hotel
1177 Airport Blvd.
Burlingame, CA 94010
(650) 342-9200
June 12-15, 2001

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A. Call to Order

A.1. Opening Remarks, Introductions (June 12; 8:34 am)

Chairman Lone made introductory remarks.

A.2. Roll Call

Dr. Don McIsaac called the roll. All Council Members were present except Stetson Tinkham.

A.3. Executive Director's Report

Dr. McIsaac described the strategy of the agenda for this meeting, noting that the Tuesday agenda are intentionally lighter with regard to analysis from Council Advisory Bodies and that for the rest of the week, the more complex agenda items have been placed in the morning hours. He stated that from this point forward, we would refer to the America Fisheries Act issue as "Amendment 15 to the Groundfish Fishery Management Plan". He also noted that C.15, "Groundfish FMP EIS" and H.3, "Report on the 2001 Chairmen's Meeting" are additive to the agenda mailed May 9, but were included in the agenda in the Briefing Book. He informed the Council that, as in recent meetings, Council actions will be posted on the door outside the Burlingame Room during the course of the meeting, and that Council members would be provided results through Thursday at the close of the meeting. Finally, Dr. McIsaac announced that the Peninsula II Room will be open on Wednesday evening to honor outgoing staff member Mr. Jim Glock. He noted that there will also be a memory book for Mr. Glock and encouraged folks to participate in those activities.

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

Mr. Phil Anderson moved, and the Council concurred, to approve the agenda as shown in "Exhibit A.4, June Council Meeting Agenda, June 2001". Mr. Bob Alverson seconded the motion. (Motion 1)

A.5. **Council Action:** Approve March 2001 and April 2001 Minutes

Mr. Anderson requested one correction in the March 2001 minutes. On page 12 under B.4.h in the sentence beginning "Mr. Rich Lincoln"....add after Willapa Bay "summer dip-in gillnet fishery". Mr. Don Hansen noted Cdr. Lindstrom's title should be changed to "Captain". (Motion 2: moved by Mr. Alverson, seconded by Mr. Brown). Chairman Lone noted the April minutes will be taken up on Friday as the Executive Director suggested.

Mr. Alverson moved, and the Council concurred, to approve the April 2001 Council Meeting minutes as shown in Supplemental Exhibit A.5, April 2001 Council Meeting Minutes, June 2001. (Motion 17) (The approval of the April 2001 minutes occurred on June 15, 11:05 AM).

B. Salmon Management

B.1. National Marine Fisheries Service (NMFS) Report (June 12; 8:45 am)

B.1.a. Status of Regulatory and Nonregulatory Activities

Mr. Bill Robinson provided a brief status report, noting that Amendment 14 was fully implemented and published in the May 30 *Federal Register*.

B.1.b. Status of Columbia River Flows

Mr. Robinson indicated that this matter should be deferred until September, at which time a season summary would be available.

B.1.c. Council Discussion on Status of Regulatory and Nonregulatory Activities

No Council discussion.

B.2. Update of Ongoing Fisheries (June 12; 8:49 am)

B.2.a. Sequence of Events

Mr. Chuck Tracy gave the update and referenced the sequence of events in the briefing book.

B.2.b. Status of Fisheries

Mr. Allen Grover, Salmon Technical Team (STT) Vice-Chairman provided the status report of the 2001 ocean salmon fisheries (Exhibit B.2.b, Supplemental STT Report).

B.2.c. Public Comment

None.

B.2.d. Council Discussion on Update of Ongoing Fisheries

Mr. Boydston indicated that due to a high abundance of coho off northern California, sport anglers are encountering large numbers of coho. Because of a general lack of familiarity with coho, some anglers are retaining them, while others are upset that they are not allowed to keep known hatchery fish. CDFG has initiated an educational program including developing a flyer. California Department of Fish and Game (CDFG) is alerting its Commission of this matter and explaining what the options will be for management of these fisheries for the rest of this year. There are no specific proposals at this time, but they will be discussing the matter with NMFS, in particular regarding the Biological Opinion (BO) requirement for no coho fisheries and if that relates to hatchery coho as well as wild coho.

Mr. Robinson said the BO does not distinguish between natural and hatchery coho, although the hatchery coho may not be part of the evolutionarily significant unit (ESU). If there is an interest in coming forth with a new proposal for next year, it should be addressed at the November Council meeting.

Mr. Brown asked Mr. Boydston if CDFG had any hatchery coho programs

Mr. Boydston indicated that there was a small program in the Klamath basin, but that none of those fish were adipose clipped.

Mr. Bohn, indicated a concern with establishing a selective recreational fishery in California at this time as it would be beyond an "inseason action" between NMFS and the state of California. Oregon was required to go through an extensive process to include selective fisheries as a management option. He recommended that any proposal go through the Council process.

Mr. Boydston noted they have no plan or proposals to change the preseason agreements. They are wanting to notify the public of this issue.

Mr. Anderson asked Mr. Boydston about the steps taken to address the issue with the California Fish and Game Commission (Commission), and if he would anticipate coming back to the Council with some type of proposal?

Mr. Boydston said there would be a briefing paper given to the Commission chairman for review. If the Commission wants to go forward with a proposal, then it would be brought to the Council.

C. Groundfish Management

C.1. NMFS Report (June 12; 9:13 am)

C.1.a. Status of NMFS Regulatory and Nonregulatory Activities

Mr. Robinson gave the report. Ms. Cyreis Schmitt was also available to give the Council an update on Science Center research/survey activities.

C.1.b. Council Discussion on Status of NMFS Regulatory and Nonregulatory Activities

Council members held a brief question and answer period with Ms. Schmitt concerning research activities.

C.2. Sablefish Three-Tier Program Qualification with Setnet Landings (June 12; 9:54 am)

C.2.a. Agendum Overview

Mr. Jim Seger provided the agenda overview and historical background material.

C.2.b. Reports and Comments of Advisory Bodies

SSC

Ms. Cindy Thomson read the SSC Report.

Mr. Jim Seger presented two proposals to the Scientific and Statistical (SSC) regarding the application of setnet landings from exempted fishing permits (EFPs - also called experimental fishing permits) to the current three-tier cumulative limit system for the primary limited entry fixed gear sablefish fishery. Alternative 1 (status quo) keeps vessel limits based on past sablefish landings using fishpots or longlines regardless of vessel participation in experimental setnet fishing for sablefish. Alternative 2 gives vessels credit for setnet landings taken under EFPs from 1984-1987. Credit for EFP setnet landings is primarily an issue of permit allocation with no significant habitat or biological impacts. Under alternative 2, a single vessel would move from tier 2 to tier 1, which would decrease the cumulative limit for tier 1 permit holders by less than 1%. There is an incentive issue involved since the affected vessel incurred costs by participating in the experimental setnet sablefish fishery. Giving credit for landings would encourage participation in other experimental programs.

GMT

Dr. Jim Hastie read the GMT Report.

The Groundfish Management Team (GMT) supports allowing sablefish landed under a setnet Exempted Fishing Permit (EFP) during 1984-1985 to count towards the 1984-1994 cumulative poundage history used for making tier assignments in the limited-entry fixed-gear primary season. We believe that a narrow interpretation of the applicability of these landings to tier assignment is fair and reasonable, and we would not support expanding the use of such landings to re-evaluate qualification for a sablefish endorsement or a limited-entry permit; nor should consideration of setnet landings under this EFP bring into consideration other setnet landings not made under the EFP.

The original qualifying window for limited entry continued for 2½ years after the conclusion of the EFP setnet opportunity, allowing ample time for the required six landings to be made. The sablefish endorsement qualifier required that sablefish landings with limited-entry fixed gear exceed 16,000 lb in only one year from 1984-94. These circumstances are different from the tier qualifier, which was based on cumulative landings over the latter 11 year period. Removing two years, which contained extensive sablefish opportunity, from the cumulative landings history, because of participation in a

Council-sanctioned EFP, to examine alternative gear usage could send the wrong message to the industry. We are concerned that failure to consider landings made under this EFP may discourage future participation in fishery experiments intended to gather information that could enhance management options in the fishery.

GAP

Mr. Rod Moore read the GAP Report.

The Groundfish Advisory Subpanel (GAP) discussed a proposal to allow vessels using setnet gear under an Exempted Fishing Permit to qualify their landings for the sablefish three-tier system. After thorough review and debate, the GAP was unable to reach a clear consensus on the issue and will present no recommendations. Individual GAP members may provide public testimony on the proposal.

Supporters of the proposal acknowledged it would directly affect only one vessel and believed the vessel owner had made every proper attempt to use the Council process to qualify his landings. Further, there was concern that disallowing landings in this case would provide a disincentive for fishermen to engage in cooperative research activities in the future, since their landings might not qualify under any future permit system.

Opponents believed that allowing this exception would set a bad precedent which could lead to other permit holders seeking exceptions to qualify for a sablefish endorsement or even to obtain a limited entry permit. They believe the individual in question had ample time to accrue qualified landings for a better tier classification and no exception should be made in this case.

During discussion, the GAP heard from the Groundfish Management Team, Council staff, and the individual seeking the exception, so the GAP believes all points of view were well represented, and all available data was presented.

C.2.c. Public Comment

Mr. John Crowley, Fishing Vessel Owners Association, Seattle, Washington
Mrs. Michele Longo Eder, tier 1 and tier 2 fixed gear sablefish permit owners, Newport, Oregon
Mr. Charlie Noggle, F/V Sea Angel, Snohomish, Washington
Mr. Jim Norris, Port Townsend, Washington

C.2.d. Council Action: Final Action on Including Setnet Landings in the Qualification for Sablefish Tier Levels

Mr. Robinson noted that if the Council recommended inclusion of setnet landings as a tier qualifier, it would not take effect until 2002 as there is not enough time to get it implemented this year.

During its discussion, the Council emphasized that the inclusion of setnet landings would only apply for permits already holding fixed gear sablefish endorsements and only for vessels fishing with setnet gear under an exempted fishing permit (EFP). In particular, setnet landings south of 42° N latitude and illegal setnet landings would not be counted toward qualifying criteria. The landings south of 42° N latitude were explicitly considered and put into the open access fishery when the groundfish license limitation program was developed.

Mr. Anderson moved, and Mr. Alverson seconded the following motion (Motion 3): "Landings of sablefish taken with setnet gear north of 38° N latitude under the provisions of an EFP issued by NMFS in 1984-1987 may be considered by NMFS when determining which tier a permit qualifies for if: the permit landed a minimum of 16,000 pounds of sablefish with longline or pot gear in at least one of the years of 1984-1994."

Mr. Brown supported the motion, and in particular cited the rationale provided in the GMT statement that distinguished the situation for tier qualification from the situation for the original permit qualifying requirements and qualifying requirements for the sablefish endorsements.

Ms. Cooney suggested that the motion incorporate the following phrase (underlined) “. . . if: the permit has a fixed gear sablefish endorsement and . . .” Both the maker and the seconder agreed to this change as a friendly amendment and Motion 3 passed by voice vote.

C.3. Marine Recreational Fisheries Statistics Survey Update (June 12; 10:59 am)

C.3.a. Agendum Overview

Mr. Jim Seger provided the agendum overview and reminded the Council of an April 2000 meeting of state agency representatives with Dr. Hogarth on West Coast Marine Recreational Fisheries Statistics Survey (MRFSS) issues.

C.3.b. Report of the Pacific States Marine Fisheries Commission

Mr. Russell Porter provided the report (Exhibit C.3.b, Supplemental PSMFC Report). An issue of concern is that due to a budget shortfall, it appears the November-December 2001 sampling wave would have to be dropped. In addition to his prepared presentation Mr. Porter provided information on the January-February 2001 and 2000 estimates of recreational catch:

	Jan-Feb 2001	Jan-Feb 2000
Lingcod	20.0 mt	31.0 mt
Canary Rockfish	16.0 mt	22.0 mt
Bocaccio	17.4 mt	12.0 mt

He indicated that there was a large confidence interval around the estimates (a percent standard error of 28%).

C.3.c. Reports and Comments of Advisory Bodies

SSC

Mr. Tom Jagielo read the SSC report.

Mr. Russell Porter with Pacific States Marine Fisheries Commission (PSMFC) briefed the Scientific and Statistical Committee (SSC) on the status of the Recreational Fishery Information Network (RecFIN) program that is administered by the PSMFC. Inadequacies in the RecFIN budget could eliminate Marine Recreational Fisheries Statistics Survey (MRFSS) field sampling on a coast-wide basis from November 2001 through February 2002. The RecFIN database provides information essential to stock assessments of some species. A reduction in the data quality and coverage in the RecFIN database due to budget limitations could negatively impact future stock assessments for several recreationally-important species such as black rockfish, bocaccio, lingcod, and cowcod.

Mr. Porter reported there has been continued progress toward integrating the MRFSS data with information collected by the state agencies. This is an important improvement to the RecFIN database and the SSC recommends these efforts continue.

There has also been continued progress toward rectifying differences between state and MRFSS estimates when both are available. The analysis and report for Oregon has been completed. A report examining the state-produced and MRFSS estimates for Washington is expected in August. The SSC looks forward to seeing this report.

C.3.d. Public Comment

There were no public comments.

C.3.e. Council Discussion on Marine Recreational Fisheries Statistics Survey Update

The Council members discussed the January-February estimates provided by Mr. Porter. Mr. Bohn said in Oregon there is not much catch of canary in January and February. Mr. Porter noted that as the year goes on confidence intervals around the estimates improve. Mr. Boydston expressed concern that the catch rates may be too high. Mr. Brown asked how many more sampling waves would be needed to get a more accurate idea of the catch. Mr. Porter said they would like to finish May through August (when 66% of the catch occurs). Mr. Brown said he was concerned that if we wait and that 16 mt was accurate for canary rockfish, the Council may need to close other fisheries. Mr. Bohn asked Mr. Porter when the March-April wave would be available. Mr. Porter said they had hoped to have the information from NMFS prior to this meeting. Mr. Boydston noted the March-April closures in California should keep the catch low for the second wave. Mr. Donald Hansen expressed concern about the loss of a wave in the coming sampling year. Mr. Porter said that a decision on how to handle the budget shortfall would have to be made no later than the August RecFIN committee meeting. Mr. Hansen expressed concern about the presentation of numbers about which there was so little confidence.

Mr. Anderson asked if there is enough funding to complete the analysis on differences between state and MRFSS data for Washington. Mr. Porter indicated that because of travel budget cuts, meetings would be restricted primarily to conference calls.

Mr. Anderson noted there is a significant problem quantifying recreational catch. WDFW has an aggressive sampling program going on for the Council managed fisheries. In trying to manage these recreational fisheries, we're just not geared up or prepared to make accurate estimates of catch. Yet the Council is proceeding like it thinks it does. This problem needs to be addressed whether through additional funds for MRFSS or some other solution. Mr. Boydston agreed with Mr. Anderson's comments, adding that this is the second consecutive year this has been an issue. He expressed concern over whether or not funds were being used in the best way. Further, he noted that in April representatives from the coastal states had discussed MRFSS issues with Dr. Hogarth. In that meeting, Dr. Hogarth invited the West Coast representatives to talk about sampling needs. Mr. Boydston suggested that a group prepare to meet with Dr. Hogarth and that the Council initiate internal discussions on development of a statistical program to meet Council needs. Mr. Brown agreed and noted that the issue should be a top one among strategic plan priorities.

Chairman Lone said that the letter would be developed. In response to Council discussion Dr. McIsaac said that the Council staff would prepare a package and try to arrange a meeting with Dr. Hogarth.

C.4. Status of the 2001 Stock Assessment Review Panel Meetings (June 12; 1:05 pm)

C.4.a. NMFS Report

Ms. Cyreis Schmitt provided a brief verbal report. She discussed the schedule of STAR panels for 2001. No information was available about the new stock assessments.

Dr. McIsaac asked Ms. Schmitt to speak to whether next year's STAR process would provide information by June 2002 so the Council could take preliminary action on allowable biological catches (ABC) and optimum yields (OY). This would be in line with the revised groundfish management process adopted by the Council in April 2001.

Ms. Schmitt noted this would be addressed under Agendum C.5. She did stress the STAR schedule would be coordinated in line with the revised groundfish management process.

C.4.b. Reports and Comments of Advisory Bodies

None.

C.4.c. Council Discussion and Guidance on Status of the 2001 Stock Assessment Review Panel Meetings

No Council discussion or action.

C.5. Stock Assessment Priorities for 2002 (June 12; 1:08 pm)

C.5.a. Candidates for Assessment and Multi-Year Stock Assessments

Ms. Schmitt reviewed the proposed list of species to be assessed in 2002. She referred to Exhibit C.5.a, Supplemental NMFS Report, June 2001. The proposed list is: Whiting, Cabezon, and Bocaccio.

Mr. Anderson expressed concern about canary rockfish not being assessed in 2002. He asked Ms. Schmitt to speak to the effect on assessments from constraints on fishery-dependent data because trip limits are so small that port samplers are unable to get biological samples from the fishery (e.g., otoliths, length, weight, etc).

Ms. Schmitt agreed that modifying fishery-dependent data sampling goals to reflect how the fishery has changed may be necessary. She also noted that EFPs may provide opportunity to collect the necessary biological data. She stressed, however, that EFP sampling efforts would need to be coordinated both with the normal fishing season and the new observer program.

Mr. Anderson noted it would be helpful if discussions were held to scope out how to address the issue. Ms. Schmitt agreed.

Mr. Hansen asked if the observer program will collect fishery-dependent data? Ms. Schmitt responded, yes, but the observer program is primarily focused on collecting total mortality information (i.e., discards). Biological data will be a secondary feature.

Mr. Anderson asked if Ms. Schmitt would interact with the GMT to develop a summary of the data needs, especially for overfished stocks, and approaches for collecting the information. Ms. Schmitt stated she would be willing to work with the GMT.

C.5.b. Comments of Advisory Bodies

SSC

Dr. Gary Stauffer read the report of the SSC.

Ms. Cyreis Schmitt (National Marine Fisheries Service) presented an overview of the proposed stock assessment process for the 2002 cycle. Only three assessment projects were selected – whiting, cabezon, and either bocaccio or continued development of methods for assessing data poor species. The proposed list is short because of the substantial ongoing review of historical fishery and survey data, a review which may affect future stock assessments. Changes include:

- *Adjustments to historical triennial survey data by taking account of "water hauls."*
- *Potential restratification of survey data based on new habitat information.*
- *Revised estimates of historical foreign catch.*
- *New estimates of groundfish trawl discard rates.*

In response to last year's Scientific and Statistical Committee (SSC) request for a longer stock assessment planning horizon, NMFS developed a draft proposal for assessments and rebuilding analyses for the 2002 through 2010 cycles. The SSC suggests the following changes to that proposal:

- *Conduct yellowtail rockfish assessments on a 3-year cycle. The next assessment would be in the 2003 rather than the 2004 cycle.*

- *Conduct a canary rockfish assessment in the 2002 cycle, contingent on having age data from the 2001 triennial survey in time to meet the earlier stock assessment schedule.*

Mr. Anderson asked Dr. Stauffer about yellowtail rockfish. In recent years this stock has not attained its OY. What is the SSC's rationale for moving yellowtail rockfish up in priority? Dr. Stauffer noted that if we wait it will be four years between assessments. It is his sense that the Council has a responsibility to document increases in biomass, and given the high variability in assessment estimates, it would be worthwhile assessing it sooner.

GAP

Dr. Don McIsaac read the GAP report.

The Groundfish Advisory Subpanel (GAP) discussed stock assessment priorities with NMFS staff and generally agreed to the list that had been developed.

The GAP notes that NMFS intends to analyze foreign catch figures for red rockfish, a step urged by the GAP last year. This analysis is crucial in determining the virgin biomass of several rockfish species and needs to be concluded.

The GAP reluctantly agreed to the one-year delay in assessment of canary rockfish. Because so many fishery management decisions are driven by the "overfished" status of canary, the GAP was concerned that a delay in the assessment would only exacerbate current problems. However, the GAP notes that moving the assessment to 2003 will allow consideration of the most current shelf survey data and would bring the assessment schedule in line with the 2-year monitoring requirement for rebuilding plans specified in the law.

C.5.c. Public Comment

None.

C.5.d. Council Discussion and Guidance on Stock Assessment Priorities for 2002

Mr. Robinson indicated that Ms. Schmitt will be looking into the ability of doing the canary rockfish stock assessment and will report back to the Council in September. Because of the rebuilding plan, it may be necessary to do an assessment in 2002 to provide new information for the canary rockfish rebuilding plan.

Ms. Schmitt discussed the shift from triennial to annual surveys.

Mr. Brown asked if there would be a need to calibrate the time series of data from the triennial survey with the new time series that will be generated by the annual surveys? Ms. Schmitt replied that NMFS is evaluating whether they can continue using the triennial time series or if a new time series will start. A consideration will be the tradeoffs between having to calibrate the different surveys versus starting a whole new time series and losing valuable information.

Dr. Stauffer noted the whiting acoustic survey will occur this year, the next one will be 2004.

Mr. Anderson asked, in looking at the schedule proposed by NMFS and taking into account the comments of the SSC relative to yellowtail rockfish, what effect would there be from moving canary rockfish to 2002 and yellowtail rockfish to 2003?

Ms. Schmitt noted, while canary rockfish could be done in 2002 it would not be a complete assessment. A complete assessment would then occur in 2003. The rationale for delaying until 2003 was to prevent doing an incomplete assessment.

Mr. Brown asked about the schedule for cabezon, if it became overfished, is there flexibility in changing the schedule. Ms. Schmitt said the proposed schedule is not set in stone. Rather it is a planning document to stimulate input from the Council and its advisory bodies.

Mr. Lone asked if the Council had specific changes to the list of species or the schedule presented by NMFS. The Council expressed some concerns, especially an interest in when canary rockfish would be assessed, but had no specific changes to the documents presented by Ms. Schmitt.

C.6. Exempted Fishing Permit (EFP) Applications (June 13; 1:38 pm)

C.6.a. Agendum Overview

Mr. Jim Glock gave the agendum overview.

C.6.b. Vertical Line Selectivity

Ms. Jennifer Bloeser from Pacific Marine Conservation Council (PMCC) and Mr. Kenyon Hensel presented the proposed EFP which seeks to collect data on the co-occurrence of yellowtail and canary. They request to fish up to five open access (OA) vessels in California, primarily north of Cape Mendocino, from August through October, 2001 and June through October, 2002. Elements of the EFP are full retention of rockfish with overages forfeited to the state for a food bank, allowable retention of 500-1,000 lbs/mo. for yellowtail rockfish (current OA limit is 100 lbs/mo.) of which 400 pounds would be sold to help cover fishermen's costs and the additional 500 pounds would be forfeited to the state, a 30-pound monthly trip limit for canary (normal OA is 50 pounds per month) after which targeting of yellowtail would cease and other species would be targeted. Overages of canary and other rockfish would be retained after the trip limit but forfeited to the state.

Council members held a question and answer period - Dr. Hans Radtke asked whether the observers would be CDFG employees and trained in the NMFS observer program? Ms. Bloeser stated that observers would be CDFG employees but would have the opportunity to go through the NMFS program. Mr. LB Boydston asked whether the 30-pound cap on canary language should be clarified to read that upon reaching the cap, fisherman would not be able to sell any additional canary retained? Ms. Jennifer Bloeser replied that was correct. Mr. Brown asked about whether gear selectivity depended on the gear itself or the experience of the fisherman in deciding where and how to deploy the gear? Ms. Bloeser replied that the selectivity would depend on the experience of the fisherman to set gear in the right places. Mr. Don Hansen had the same concern as Mr. Brown - there will be more people (4 fishermen in addition to Mr. Hensel) out there targeting on these species who may not have the same experience and ability to target yellowtail rockfish. Chairman Lone asked how many vessels would fish on this EFP? Ms. Bloeser answered that it was limited by the number of observers or 5 total. Mr. Lone asked if there was a danger that as the vessels fish for other rockfish (after achieving the 30-pound cap on canary) they would blow out on canary and get a whole bunch of them. Mr. Hensel replied that you have to have experience as a component. He said the 50 lbs of canary rockfish allowed per month is a landing limit; by putting a cap of 30 lbs, 20 lbs gives us some room to modify fishing behavior to fish yellowtail in a cleaner fashion (i.e. fishing on the surface would allow him to target yellowtail without getting canary). He cannot separate this from experience which has been talked about. He said he would like to modify the gear he uses as this experiment progresses; hoping to have a set of gear which would specifically target rockfish other than canary.

Mr. Brown said he was supportive of the EFP, but they are supposed to lead to something; assume your hoping to lead to a method to catch rockfish other than canary. But relying on the skipper experience as a tool, how does the Council give approval to that. That would lead to a certification program, and asked them to think about that a little bit. At some point this information is going to have to be dealt with.

Mr. Glock said there are two issues; the report to the Council - the report will be prepared at the end of the experiment, would the Council like to hear progress reports? Typically EFP's are for one year only -- he asked the Council to think about next year's application due date and whether the Council wants progress reports.

Mr. David Gaudet asked whether the experiment should be for Mr. Hensel to vary the area he fishes as a test to discern whether the area chosen provides the selectivity. Mr. Hensel said that could be done but how would it be done? Randomly? Should he go to areas where he knows there are canary rockfish and use his selective gear?

C.6.c. Canary Rockfish Bycatch in the Washington Arrowtooth Flounder Fishery

Mr. Phil Anderson introduced the presenters, Ms. Michele Robinson, Mr. Brian Culver, and Mr. Bob Briscoe, and gave background information on this EFP.

Ms. Michele Robinson presented the EFP proposal to test the ability of trawl fisheries to target arrowtooth flounder while minimizing encounters with canary and other rockfish. Full retention of rockfish and on-board observers funded with disaster relief monies (WDFW employees trained in the NMFS observer program) will be part of this experimental fishery. Seven fishermen will be permitted as part of this EFP. Each participant in the experimental fishery will be limited to 200 pounds of canary rockfish while fishing for arrowtooth. Skippers would notify observers in advance whether the tow was going to be a target arrowtooth tow or not. Directed arrowtooth tows would not be allowed once the monthly canary trip limit was attained. The EFP fishery is limited to north of 48° N latitude and would run from August 1- September 30, 2001 and June 1- September 30, 2002.

Mr. Bob Briscoe gave a Powerpoint presentation on how trawl gear modifications can increase selectivity for certain species.

Mr. Phil Anderson was concerned that, once the arrowtooth trip limit was achieved, that trawlers targeting other species would have to needlessly discard arrowtooth. He wants to work with NMFS to change or ignore the trip limit if observer data indicates the trip limit isn't necessary to protect weak stocks.

Mr. Brown asked why the area was limited to north of 48° N latitude? Mr. Anderson responded that log book data and consultations with the seven fishermen indicated this area provided the greatest opportunity to target arrowtooth without catching significant numbers of rockfish. Mr. Brown then asked how information gained from this EFP fishery would be used in future management? Mr. Anderson said he was hopeful that a successful EFP fishery would result in a higher trip limit for arrowtooth N of 48° latitude in the future. Also greater profits from changing this fishery could enable fishers to fund a future observer program. Dr. Hans Radtke asked Bob Briscoe what market opportunities were available (implying arrowtooth markets were generally weak)? Mr. Briscoe explained that there are decent markets in Bellingham, Blaine, and in Neah Bay. Markets have opened overseas in China increasing demand. Mr. Brown then asked whether a sliding scale on the trip limit has been considered (addressing Mr. Anderson's concern in his concluding remarks). Mr. Anderson replied that he and the staff grappled with ways to make this EFP more amenable to fishermen in order to gain participation.

C.6.d. Other EFP Applications

Mr. Boydston introduced the CDFG EFP proposal to test the ability of fishermen to target chilipepper rockfish while minimizing catches of bocaccio rockfish. Mr. Dave Thomas had overheads (available at the Council office) and presented the finer points of the proposal. This EFP targets limited entry trawlers using small footrope trawls. Full retention of rockfish (overages forfeited to the state) and on-board observers are elements of the EFP fishery. The EFP would allow up to 25,000 pounds per month of chilipepper for sale. Once 400 pounds per month of bocaccio were landed (500 pounds a month currently allowed), target chilipepper fishing would be prohibited. The balance of the bocaccio monthly trip limit (100 pounds) would be used to target other rockfish for the rest of the month. Area would be south of Cape Mendocino during August through October. Qualifying fishermen would have to have landed 20,000 pounds of chilipepper in California during 1999-2000 (27 vessels qualify). No more than 5 permits would be issued in total and no more than two per port south of Cape Mendocino.

Mr. Ralph Brown wanted to know why, with observers on board monitoring bocaccio catch, chilipepper would be limited to 25,000 pounds (actually 20,000)? Mr. Thomas answered that there should be a reasonable cap given the sensitivity of bocaccio bycatch. Mr. Phil Anderson asked why observers would only be aboard when

trawlers use a small footrope when the NMFS program would have observers on for the entire cumulative trip? Mr. Thomas explained this is a "work in progress" and the observers would augment, not fully complement, the NMFS observer program. Mr. LB Boydston clarified that mid-water trawlers have a higher trip limit and the biggest problem was bottom trawlers using small footrope gear. He explained that the observer participation in this EFP fishery could be expanded for all groundfish gears. Mr. Dave Hanson asked who is paying for the observers. Mr. Boydston explained that CDFG is applying for disaster relief money and other grants that would be applied to this EFP fishery and possibly the one presented by Ms. Bloeser and Mr. Hensel. Mr. Hanson suggested that recruiting for observers should start early. Mr. Brown asked how this experiment would be applied in future management? Mr. Boydston thought the ability to test the gear (small footrope trawls) and the fishermen's ability to more selectively target chilipepper, arrowtooth, etc. were important variables to sort out. Mr. Jim Caito pointed out that before small footropes, fishermen were using roller gear to target chilipeppers. This is a refinement. Mr. Bill Robinson thought the strength of this EFP was to test the ability to access more of the chilipepper ABC than has been possible up to this point.

C.6.e. Comments of Advisory Bodies

SSC

Ms. Cindy Thomson presented the SSC Report.

GAP

Mr. Rod Moore presented the GAP Report.

C.6.f. Public Comment

Mr. Marion Larkin, trawler, Mt. Vernon, Washington
Mr. Robert Briscoe, trawler, Blaine, Washington
Mr. Chuck Boschke, trawler, Ferndale, Washington

C.6.g. **Council Action:** Consider Exempted Fishing Permit Recommendations to NMFS

Mr. Anderson moved, and the Council concurred, to support the application of WDFW to NMFS for an EFP as presented in Exhibit C.6, Supplemental Revised Attachment 2, with the understanding the Council will get a progress report in September for the first two months of the EFP. WDFW will also maintain the flexibility to make amendments to the permit as more is learned. The motion was seconded by Mr. Harp. (Motion 4).

Mr. Boydston moved, and the Council concurred to support the application of CDFG and PMCC for the two EFP's to NMFS as presented in Exhibit C.6.b, Revised Supplemental CDFG Report and Exhibit C.6, Attachment 1, and Exhibit C.6.b, Supplemental Vertical Line Selectivity Report with the conditions as presented in the GAP report. A progress report will be given to the Council at their November meeting and at that time, modifications to the EFP may be considered. The motion was seconded by Mr. Caito. (Motion 5).

C.7. Limited Entry Fixed Gear Sablefish Permit Stacking and Season for 2001 and Beyond (June 13; 3:15 pm)

C.7.a. Agendum Overview

Mr. Jim Seger provided the agendum overview.

C.7.b. NMFS Report on Implementation Status, Needed Clarifications, and Cumulative Limits

Ms. Yvonne deReynier reviewed the NMFS report (Exhibit C.7.b, Supplemental NMFS Report).

C.7.c. Comments of Advisory Bodies

GAP

Mr. Frank Warrens read the report of the GAP.

The Groundfish Advisory Subpanel (GAP) met with NMFS staff to discuss implementation issues for nontrawl sablefish permit stacking. The GAP used Exhibit C.7.b, "Supplemental NMFS Report" as the basis for its discussions, and this statement reflects comments made on that document.

Requirements for Permit Holders

Issue 1 (Owner on Board) - the GAP believes a modified option (b) should be used, which would require the owner to be on board during the entire primary season until the primary season limit has been taken, but only when the vessel is fishing for groundfish. Since some vessels fish for nongroundfish species such as crab, retaining the owner on board requirement for these fisheries seems excessive.

Issue 2 (Gear Use for Permits with Different Size Endorsements) - the GAP believes option (a) makes the most sense, and notes NMFS's concerns with enforceability of other options.

Issue 3 (Advance Notice of Landings) - the GAP agrees with NMFS that option (b) is the best choice, again citing the problems with enforcement. The GAP further suggests a maximum time for notification of 24 hours be established. The GAP appreciates the input provided by the Enforcement Consultants in resolving this issue.

Owner on Board Exemption

The GAP believes a modified option (b) would be the best choice. The modification consists of removing the language regarding "for at least one half of the primary season." GAP members note that vessels are engaged in a variety of fisheries and permit holders may choose to conduct their sablefish fishery late in the season. If an injury occurs just before a vessel begins fishing in September, for example, most of the primary season will have been exhausted and an exemption would not be allowed.

Ownership versus "Holdership"

The GAP believes the intent of this language was to grandfather ownership of permits, but a person cannot hold more than 3 permits for the purposes of stacking.

Mid-Season Transfers

The GAP notes that both the Alaska individual transferable quota longline fishery and the Canadian groundfish fishery have moved to use of a "card-swipe" system to track landings. The GAP believes a similar system would have benefits for management of all groundfish fisheries in this region and urges NMFS to invest the necessary funds to establish such a system. Given the work now being done on electronic logbooks by NMFS Northwest Fisheries Science Center, such a system might have even greater benefits for enforcement and data collection.

At-sea Processing

In supporting an exemption window, the GAP intended to recognize investments in freezing equipment made by fishermen prior to approval of Amendment 14. The GAP believes evidence of such investments can be clearly demonstrated through receipts from buyers or exporters purchasing frozen product, receipts from equipment and packaging suppliers, and invoices from shipyards where freezer equipment has been installed.

EC

Sgt. Dave Cleary read the report of the Enforcement Consultants.

The Enforcement Consultants (EC) discussed the issues outlined in Exhibit C.7.b, Supplemental NMFS Report.

Issue 1 - Owner on Board

The three options are policy decisions and language could be adopted to enforce all three.

The EC spoke with the Groundfish Advisory Subpanel (GAP), and they have an option that states:

...a modified option (b) should be used, which would require the owner to be on board during the entire primary season until the primary season limit has been taken, but only when the vessel is fishing for groundfish. Since some vessels fish for nongroundfish species such as crab, retaining the owner on board requirement for these fisheries seems excessive.

The EC supports that option.

The EC would ask that the permits, when issued, simply state whether owner on board is required.

Issue 2 - Gear Use for Permits with Different Size Endorsements

The EC sees this again as a policy issue. The EC does not have the capability to monitor the fishing activities of the fleet for six months at sea as well as dockside (on a trip-by-trip basis). Our recommendation is that as the permits are stacked, the vessel would be endorsed for both gears and would be limited only by the limited entry limits when using any of the listed gears.

If the boat then went to another fishery using open access gear (hook-and-line), the boat would be required to abide by the most restrictive limit.

Issue 3 - Advance Notice of Landings

The EC had a short discussion with the GAP and NMFS on this issue. We need to look at the logistics of maintaining a call-in system for six months.

In the past, call-in systems have been used for short durations or for small numbers of vessels, rather than for a longer season with many vessels. We would like to explore what is being done in Alaska.

Owner on Board Exemption

The EC asks that NMFS look at requiring documentation from a doctor in the event of an illness, or possibly limiting the ability to use an exemption to once in a three-year period.

C.7.d. Public Comment

Mr. John Crowley, Fishing Vessel Owners Association, Seattle, Washington
Mrs. Michele Longo Eder, pot gear, Newport, Oregon

C.7.e. **Council Action:** Consider Implementation of Limited Entry Fixed Gear Sablefish Permit Stacking and Season for 2001 and Beyond (Advice to NMFS)

Mr. Don Hansen moved to accept the GAP recommendations as outlined in their report. Mr. Boydston seconded the motion (Motion 6). Mr. Brown asked if he intended to include the conversion of round weight for freezing and the start date would be August 15 as recommended by NMFS. The makers of the motion agreed. Mr. Robinson noted that the amendment has not been approved and the NMFS implementation schedule is contingent on approval. Under issue 2 where the GAP recommends option (a), option (b) is more consistent with the stacking rationale, to allow vessels to access sablefish tier limits, not other species; and it is more consistent with the current regulations. Mr. Anderson concurred, noting that the issue is a policy call. He commented that the permit stacking system is designed to allow fisherman to access greater quantities of sablefish; option (a) under issue 2 goes outside that objective. He moved to amend the motion, such that under issue 2, option (b) be specified as the Council's intent. Mr. Harp seconded the amendment.

The maker and the seconder agreed to allow Mr. Anderson's amendment as a friendly amendment. Motion 6 passed.

Mr. Brown, commented that the notification requirement does not go into effect until 2002, this will give the enforcement consultants time to talk about it how best to apply it.

C.8. Incidental Pacific Halibut Harvest Restrictions for the Primary, Limited Entry Longline Sablefish Fishery North of Point Chehalis, Washington (June 13; 4:18 pm)

C.8.a. Agendum Overview

Mr. Chuck Tracy provided the agendum overview.

C.8.b. State Recommendations

WDFW

Mr. Brian Culver presented Exhibit C.8.b, Supplemental WDFW Recommendations, June 2001

C.8.c. Comments of Advisory Bodies

GAP

Mr. Rod Moore presented the comments of the GAP-- Exhibit C.8.c, Supplemental GAP Report, June 2001.

The Groundfish Advisory Subpanel (GAP) reviewed the option paper presented by Council staff. The GAP believes a modified Approach 3 makes the most sense. The modification consists of using a ratio of halibut pounds to sablefish pounds rather than halibut numbers to sablefish pounds, and establishing a cumulative limit on total halibut pounds retained. This approach will better prevent highgrading and discarding.

GAP members expressed concern that fisheries be monitored carefully so that the incidental harvest amount is not exceeded. Excess harvest could result in reductions to the directed commercial halibut fishery in area 2A, which is of significant economic importance to the communities in that area.

Finally, the GAP had a lengthy discussion on the issue of incidental halibut take by all fisheries. Addressing incidental take, accounting for discards, and allowing retention of fish that would otherwise be discarded are all topics that need to be considered by the Council and the International Pacific Halibut Commission. The GAP urges the Council to include these issues on the next halibut management cycle.

Council adjourned - agenda items C.8.d and C.8.e taken on June 14, 2001

C.8.d. Public Comment

None.

C.8.e. **Council Action:** Adopt Final Harvest Restrictions for the Primary, Limited Entry Longline Sablefish Fishery North of Point Chehalis, Washington for 2001

The Council adopted the following motion moved by Mr. Phil Anderson, seconded by Mr. Jim Harp (Motion 7):

Properly licensed vessels may return and land 80 pounds (dressed weight) of halibut for every 1,000 pounds (dressed weight) of sablefish landed and up to two additional halibut in excess of the 80 pounds per 1,000 pound ratio per landing. Each properly licensed vessel is restricted to a primary sablefish season cumulative landing limit of:

- Tier 1: 2,850 pounds (dressed weight) of halibut
- Tier 2: 1,300 pounds (dressed weight) of halibut
- Tier 3: 750 pounds (dressed weight) of halibut

Season cumulative limits apply to individual vessels regardless of the number permits stacked on the vessel.

It was also agreed Council staff would be authorized to revise the necessary document(s) to allow implementation by NMFS of the recommendations in accordance with Council intent.

C.9. Strategic Plan Implementation (June 14; 8:19 am)

C.9.a. Agendum Overview

Mr. Dan Waldeck provided the agendum overview.

The Council will receive a progress report from the Strategic Plan Implementation Oversight Committee (SPOC) about implementation of three Strategic Plan issues: trawl permit stacking, conversion of the open access fishery to limited entry, and marine reserves. The Council will also hear from the groundfish advisory bodies on the recommendations contained in the SPOC report. In addition, staff has prepared a report to facilitate consideration of the Council's role in development of marine reserves in Council-managed waters.

C.9.b. Ad Hoc Groundfish Strategic Plan Implementation Oversight Committee (SPOC) Report

Mr. Waldeck reviewed the recommendations of the SPOC contained in Exhibit C.9, Attachment 1. Mr. Jim Seger reviewed Exhibit C.9, Attachment 3, which provided suggestions for the Marine Reserves Phase II Process.

C.9.c. Report of the Open Access Permit Scoping Group

Mr. Boydston gave an overview of Exhibit C.9, Attachment 2., Attachment 2(a), Attachment 2(b), and Attachment 2(c). He reviewed the subcommittee's recommendations (page 3 of Exhibit C.9, Attachment 2).

Mr. Brown asked about the recommendation against issuing a "C" permit. Does that include the need for allocation decisions or is it a separate issue? Mr. Boydston replied that, in developing a "B" permit, allocation would also be necessary. He perceives allocation will be necessary to set aside fish for the incidental fisheries, with the remaining amount available for target fisheries. Therefore, he believes that whether or not "B" or "C" permits are established, allocation decisions will be necessary.

Mr. Anderson noted that with a "B" permit system we will allot some portion of available harvest for directed groundfish harvest. Without a "C" permit system, there will also be a need to allot some portion to be used by non-targeted groundfish fisheries. Thus, we could end up with an open access fishery that has its own allocation. Given that set of circumstances, he is not sure he agrees there is not a compelling reason to have a "C" permit.

Mr. Boydston noted these were salient points. However, his impression was that "C" permits were not intended to be restricted in number. Rather the "C" permit would be required for landing groundfish. In that context, with a "C" permit the situation described by Mr. Anderson could still occur.

C.9.d. Comments of Advisory Bodies

GAP

Mr. Rod Moore read the report of the GAP.

The Groundfish Advisory Subpanel (GAP) met with Council staff to review the minutes and recommendations of the Ad Hoc Groundfish Strategic Plan Implementation Oversight Committee (SPOC).

Trawl Permit Stacking

1. *The GAP agreed with the SPOC that we should move forward on analyzing and addressing trawl permit stacking.*

2. *The GAP agreed with the proposed composition of a permit stacking committee, with two additions: the GAP recommended Mr. Tom Ancona, GAP California Trawl Representative, for the California seat on the committee; and the GAP recommended adding an additional seat for a whiting trawler. The GAP notes that no whiting trawlers are currently proposed for membership, and stacking options could have substantial effects on the unique whiting fishery.*
3. *The GAP found both the list of issues to be addressed and the time frame acceptable, though some GAP members questioned whether work could be completed in the short amount of time involved, given the other issues (such as annual management measures) that need to be addressed by the Council between now and the end of the year. A minority of the GAP suggested that consultation with a fixed gear representative might be helpful, particularly in response with the issue of transferability of permits among gear groups.*

Limitations on Open Access

The GAP has consistently expressed concern about the amount of time and effort that will be required to establish limitations on the open access fisheries. At the same time, the GAP recognizes the fishery is growing with few restraints and notes both of the open access representatives on the GAP support limitations.

The GAP, therefore, urges the states to continue their efforts on limiting capacity in the open access fisheries, with the Council providing oversight and resources as such resources are available.

Marine Reserves

As noted in our comments under agenda item E.1 earlier this week, the GAP believes the Council needs to take a lead coordinating role in marine reserve issues affecting fisheries under the Council's jurisdiction. While the GAP defers to other advisory subpanels for comments on their fisheries, the GAP notes marine reserves can have a significant impact on a number of fisheries under the Council's jurisdiction. For example, the proposed Channel Islands marine reserve could seriously affect the coastal pelagic fishery.

In order to best coordinate Council marine reserve efforts, the GAP again strongly recommends a separate committee be formed which would include representation from the GAP, the GMT, the SSC, and other advisory bodies as the Council deems appropriate. This will allow scientific, management, and industry expertise to be brought to bear on marine reserves issues in a focused manner without the cost of involving the full complement of the advisory entities. This approach was used effectively in establishing a marine reserves development team, and we should build on that success.

Finally, the GAP notes the Council budget needs to reflect the great degree in which marine reserves establishment will affect the Pacific groundfish fishery. Although the Council's Budget Committee is comprised of Council members, we request a member of the GAP be allowed to participate as an ad hoc member or as a member of the public in order that the significant budget requirements for groundfish management be recognized.

HSG

Ms. Michele Robinson read the report of the HSG.

After reviewing the Marine Reserve Phase II Process document (Exhibit C.9 Attachment 3), the Habitat Steering Group (HSG) would like to commend Council staff for the thoroughness of the document and proposed options and make the following comments.

The HSG recommends that, contingent upon funding, the Council proceed with implementation of Phase II as the lead agency, and as the responding agency if funding cannot be identified. It is important that the Council, and its advisory bodies, continue to have the ability to comment on marine reserves proposals developed external to the Council process.

The HSG preferred alternative is that Council effort focus on the EFH for any FMP species that may benefit from marine reserves. In the event the Council chooses another alternative the focus on habitat, rather than individual species, should remain.

The HSG recommends establishing a "main new committee" to address marine reserves issues associated with the Council as lead agency and a new subcommittee to function in the role of responding to external marine reserves proposals (2nd option, p. 2). The "main new committee" should have diverse stakeholder representation (to include groundfish, salmon, coastal pelagic species, and highly migratory species, and commercial and recreational fishers) by state and include members of the original Marine Reserves Phase I committee to take advantage of the expertise developed during Phase I. The HSG requests membership on this committee.

The subcommittee could have adaptive stakeholder membership to address regional proposals. The initial task of the subcommittee should be to identify criteria to evaluate marine reserves developed external to the Council process.

SSC

Mr. Waldeck read the following statement from the SSC, which is relevant to the Council's consideration of marine reserves (see Exhibit E.2.c, Supplemental SSC Report):

...the SSC expressed a willingness to establish an ad hoc committee at the direction of the Council, specifically to evaluate the justification for large marine reserves to achieve fisheries management objectives for Council fishery management plan species.

C.9.e. Public Comment

Mr. Pete Leipzig, Fisherman's Marketing Association, Eureka, California
Mr. Steve Bodnar, Coos Bay Trawlers Association, Coos Bay, Oregon
Mr. Mark Cedergreen, charterboat operator, Westport, Washington
Mr. Kenyon Hensel, open access fisherman, Crescent City, California
Mr. Doug Fricke, Washington Trollers Association, Hoquiam, Washington

C.9.f. Council Action: Consider SPOC Recommendations

Buyback

Regarding buyback, Mr. Brown anticipates the Council will be invited to the Washington, D.C. briefing, and believes the Council should appoint a representative. The representative would be tasked with explaining the Groundfish Strategic Plan and the SSC's report on overcapacity.

Dr. Radtke suggested, in response to congressional inquiry, the Council appoint Mr. Brown to attend the briefing as well as authorize the Executive Director to write a letter in general support of the buyback legislation. Chairman Lone concurred and noted that Mr. Brown should work with the Council staff to gather the appropriate materials for presentation at the briefing. These materials will also be forwarded to Council members.

Mr. Alverson was concerned that the proposed legislation could pose an additional burden on the fixed gear sector, which is already engaged in a separate capacity reduction program. He suggested that the buyout program be inclusive to the trawl sector. Mr. Brown pointed out that, in the survey preceding the buyback proposal, about 50% or so of the people in the fixed gear industry indicated that they would consider selling out. In Mr. Leipzig's analysis, approximately 15 fixed gear permits would be bought out, this could provide benefits (e.g., increased harvest opportunity) to the remaining fixed gear fleet.

Dr. McIsaac asked what should be in the letter? Would it specifically support all aspects of the proposed legislation, or generally support the bill and provide ancillary information about the Strategic Plan and overcapacity?

Mr. Boydston favors a letter in general support with a focus on the Groundfish Strategic Plan and how the proposed legislation would support implementation of the Strategic Plan.

Mr. Brown moved that the Council write a letter in support of the buyback bill as written (Motion 8). Dr. Radtke seconded the motion.

Mr. Alverson could not support the motion since there are aspects of the bill he does not agree with. He believes it is premature to give full support, as hearings have not yet been held to refine the proposed legislation.

Mr. Boydston wants to support Mr. Brown's motion, but there are provisions in the bill about state participation that concern him. So, he cannot support the motion.

Mr. Anderson noted similar concerns.

Mr. Robinson said it would be a mistake to send the wrong message by voting on the motion. He felt the Council could craft a letter in support of the goals, objectives, principles, and concepts of the bill (i.e., each sector paying its fair share) without fully supporting the details of the bill.

Mr. Brown withdrew Motion 8. Mr. Brown moved the Council send a letter to strongly express the need for capacity reduction, reiterating the Strategic Plan provisions for capacity reduction, and general support for the concepts outlined in the bill. Dr. Radtke seconded the motion (Motion 9). Motion passed.

Trawl Permit Stacking

Mr. Bohn moved that the Council accept the recommendations of the SPOC for a trawl permit stacking development team, with the addition of the GAP recommendation (Exhibit C.9.d) for Mr. Tom Ancona to serve as the California trawl representative and for an additional seat for a whiting trawler. Seconded by Ralph Brown. (Motion 10).

Mr. Alverson asked about the need for a whiting representative. Does this mean trawl permit stacking would involve catcher-processors?

Mr. Rod Moore was asked to clarify the GAP recommendation. He explained that whiting vessels delivering onshore are required to have groundfish permits. The fishery itself is of short duration, many vessels involved in the primary whiting season are specialized and one of the potential options is mandatory stacking of permits. If there is mandatory stacking of whiting permits, it could decrease the amount of whiting vessels. This trawl stacking committee is going to have to decide if they are going to exempt whiting from the stacking program. Thus, the GAP suggests it would be helpful to have the expertise of a whiting representative on the development team.

Mr. Anderson made a friendly amendment to change the SPOC recommendation for two at-large representatives to three at-large representatives (one of which would be a member of the whiting industry). The maker of the motion accepted the amendment.

Dr. McIsaac asked if the original motion included the issues outlined by the SPOC and work schedule? Mr. Bohn responded, yes. Motion 10 passed.

Marine Reserves

Dr. McIsaac gave a brief update on Council funding, notably, resources for dealing with marine reserve issues and implementing the Strategic Plan (including marine reserves). In the current budget, money is not allotted for a marine reserves committee. There may be money available in the 2002 Council budget.

Mr. Brown said the Council should take the SSC up on their offer to "evaluate the justification for large marine reserves to achieve fisheries management objectives for Council fishery management plan species."

Mr. Boydston said he would like the Council to be the lead agency on marine reserve issues rather than responding to outside recommendations. However, lack of funds is a major obstacle. For the short-term, the Council will be in a responding role. Thus, the Council needs to figure out how it can optimally respond to marine reserve issues.

Mr. Boydston suggested tasking Council staff as lead on marine reserves issues. Referencing the lower right hand cell of Table 1 in Exhibit C.9, Attachment 3, he suggested relying on existing committees and forming a steering group to coordinate Council review of external marine reserve issues. The steering group would be composed of one member from each Council advisory body. It would be up to the steering group and the staff officer to seek input from the respective groups and coordinate our internal review process.

Mr. Bohn concurred with Mr. Boydston. He went on to state the current system seems inefficient, as there is no coordination for how the advisory committees deal with marine reserves issues.

Mr. Brown asked for clarification of the role of the steering group. Would the steering group solicit comments from the advisory groups and collate them into a recommendation to the Council; but the steering group would not respond directly to outside agencies? Mr. Boydston sees the steering group as a "virtual committee." The steering group would serve to solicit and collate the input, and call on advisory groups as appropriate. This steering committee is who the Council would look to for guidance back to the Council.

Mr. Anderson noted we need to position ourselves to respond, at the very least. He is supportive of Mr. Boydston's vision of organizing ourselves for how we will respond. Further, the group should have an initial organizing meeting to decide how they will operate and work through the recommendations that will come through the individual entities that they represent.

Mr. Anderson noted there is currently no Council marine reserve committee. The steering group will provide advice on how to respond to marine reserves issues that come in from outside the Council process. In the future, if the Council is able to take a lead role, we will need to revise the type of committee to be more suited to a lead rather than response role.

For clarification, Mr. Brown noted representatives on the steering group would be there as representatives of their respective advisory committees, not as individuals on a new committee. Mr. Anderson concurred. He noted there needs to be flexibility in who represents an advisory committee on the steering group. The necessary expertise could differ depending on the issues, and, thus, may change over time.

Dr. McIsaac presumed that the Executive Director is still to be aggressive in pursuing funds for the Council to be the lead agency.

Chairman Lone questioned whether it would be practical to not designate specific individuals? He believed it might be more practical if the Council identified a representative from each of advisory committee to be on the steering group. Mr. Anderson said each advisory body should be given the latitude to designate individuals.

Open Access

For the open access issue, Mr. Boydston recommended that the Council go forward with the seven recommendations as noted in Exhibit C.9, Attachment 2, page 3. He highlighted two issues: item 2 would be next in line for development (after trawl permit stacking) and then issue 6 (the subcommittee would continue to work the issue, but not initiate an amendment to the FMP).

Mr. Brown agreed that several items are needed in order to move forward. Whether they lead to a limited entry program is uncertain, but it is clear allocation discussions are needed.

Mr. Boydston offered that, in order to keep the open access initiative viable, a conference call be scheduled. The purpose of the call would be to continue to work on the problem statement document and the open access history document. There may be other issues the subcommittee could address that have not been identified. The conference call is to keep the work alive, but not get into a formal amendment process.

Mr. Brown felt the major issue is allocation between open access incidental fisheries and open access directed fisheries. He feels strongly that this issue needs to be addressed.

Mr. Anderson said yes, we have to address allocation, especially in regard to trawl permit stacking.

Mr. Lone noted that there appeared to be a fifth issue, i.e., allocation, and whether the Council should begin discussing allocation issues.

Mr. Brown senses we need to take a look at our work load. Mr. Anderson said we need to have allocation on the September agenda to discuss how we are going to go about allocation as identified in our Strategic Plan.

Mr. Waldeck reiterated Council action and guidance to ensure all issues had been covered.

C.10. Rebuilding Plans (June 14; 10:46 am)

C.10.a. Agendum Overview

Mr. Jim Glock provided the agendum overview. He walked the Council through the pertinent documents and explained requested Council action. The canary rebuilding plan specifies an F_0 rebuilding timeframe of 47 years. The Council previously adopted a 57 year rebuilding timeframe with a 93 mt constant annual OY which has a 52% probability of achieving rebuilding. The Council recognized the problem of a constant OY strategy -- the harvest rate must decrease as the stock rebuilds, making it increasingly difficult to achieve the rebuilding goal. Canary rebuilding is a template for the rest -- Council needs to approve the template. Mr. Glock walked through the elements of the revised canary rebuilding plan. The original plan was approved by the Council but subsequently rejected by NMFS. Mr. Lone asked whether the revised canary rebuilding plan is ready for adoption by the Council? Mr. Glock answered yes, but qualified that there are other views that the public will present to the Council.

Mr. Glock then reviewed the cowcod rebuilding plan. The F_0 rebuilding timeframe is 61 years. The rebuilding plan specifies a 98-year rebuilding timeframe with a 55-60% probability which equates to a harvest rate of approximately one percent (as the stock rebuilds the OY increases over time). Two closed areas were adopted (described in the plan) as part of the rebuilding strategy. This rebuilding plan applies only to the southern California area. This rebuilding plan was revised according to NMFS specifications and should be ready for Council adoption.

Mr. Glock then reviewed the bocaccio rebuilding plan which applies to the southern stock south of Cape Mendocino. The F_0 rebuilding timeframe is 26 years and the rebuilding plan specifies a 34 year rebuilding timeframe with a 67% probability. The plan also specifies a constant OY for a few years, then switches over to a harvest rate -- takes advantage of an expected good year class which will soon recruit to the fishery. This rebuilding plan is also ready for Council adoption with the caveat that a new rebuilding trajectory (Supplemental Attachment 4.1) needs to be incorporated.

Mr. Glock then talked about the draft lingcod rebuilding plan which is not ready for Council adoption. Minor corrections need to be incorporated (rebuilding plan says Alternative 4 was adopted when it was actually Alternative 3; Table on page 27 mislabeled -- median v. mean recruitment). The rebuilding plan only incorporates a 1997 stock assessment for the southern portion of the stock. Now there are two new stock assessments that should be incorporated. The SSC and GMT have comments on this. Council needs to hear comments and advise staff on what needs to be incorporated.

Mr. Glock then talked about the draft rebuilding plan for widow rockfish. The F_0 rebuilding timeframe is 22 yrs. with a max. time to rebuild of 38 yrs. Council needs to choose the level of probability to rebuild the stock (pg. 4 table shows probability of rebuilding v. annual OYs of MacCall and Punt 2001 (att. 6). At last meeting, Council asked for an analysis of a transition harvest rate strategy which was done by Dr. MacCall and shown on Fig. 7 on pg. 9 of Att. 6 (Mr. Glock explained analysis and Fig. 7). Dr. MacCall is present and can answer questions. Mr. Bohn asked about Table 4. He noted that the OYs are small and wanted to know how they compare to this year? Mr. Glock answered that this year's OY is 2,300 mt and the recommended range of 2002 OYs represent about a 2/3 reduction.

Mr. Glock then talked about the draft rebuilding plan for darkblotched rockfish. The F_0 rebuilding timeframe could be 10 yrs. given certain scenarios. However, new information suggests that it may be very difficult to rebuild within 10 yrs. The median rebuilding timeframes are 10-43 yrs. (44 yrs?) depending on scenarios. The potential OY for next year is 78-287 mt (believes 230 mt is the current OY). Critical questions are: what proportion of foreign catch that was represented as POP was actually darkblotched?-- should 1995 and 1996 recruits be counted in the rebuilding analysis?-- should a new stock assessment in 2000 be used in the rebuilding analysis? (Pg. 9 of att. 7 depicts recent biomass estimates), this question determines minimum rebuilding timeframe since the 2000 biomass estimate is much lower than 1999 estimate. The advisory bodies have comments.

Mr. Bob Alverson asked what Council direction is needed for lingcod and darkblotched rebuilding plans? Mr. Glock responded that, for lingcod, the SSC recommends using only the 1997 stock assessment while the GMT has different advice. For darkblotched, the primary question is whether the stock can be rebuilt within 10 years. If not, we have more flexibility in rebuilding. Mr. Glock then talked about POP. There is no document available, but there is a correction in the situation summary. It says that the POP rebuilding plan has been revised. This hasn't happened, but a draft should be available in September.

C.10.b. Reports and Comments of Advisory Bodies

SSC

Ms. Cindy Thomson provided the comments of the SSC.

The Scientific and Statistical Committee (SSC) discussed aspects of the widow rockfish, lingcod, darkblotched rockfish, and Pacific ocean perch rebuilding analyses and associated plans. In addition to specific issues relating to each analysis, the SSC also discussed the more general issue of how to incorporate new data and analyses into existing rebuilding plans.

Harvest guidelines and rebuilding trajectories in existing rebuilding plans may not be consistent with information in new stock assessments. This becomes problematic if, for instance, the new information causes the rebuilding time to cross the 10-year threshold. The need is to identify which variables in the rebuilding plans should be subject to updating and which should remain fixed. This issue is not peculiar to this Council but is being faced by Councils nationwide. The SSC proposes to review the issue in consultation with other similar interested entities, and to have recommendations for the Council within the next year. Until the review is completed, the SSC recommends that rebuilding plans be based on existing rebuilding analyses.

A computer program has been developed by Dr. Andre Punt to perform routine rebuilding calculations specified by the SSC (Punt, A.E., 2001 draft. SSC default rebuilding analysis. Technical specifications and user manual. Version 1.0000001. 12 p.). The calculations in the program have been developed and validated in collaboration with Dr. Alec MacCall. The program also produces thorough documentation of data and methodologies used. This program will provide a standard for comparing rebuilding analyses and is endorsed by the SSC.

Specific comments on rebuilding plans are as follows:

Widow rockfish - Dr. Alec MacCall provided a revised rebuilding analysis for widow rockfish. The SSC recommends this analysis be used to develop the rebuilding plan. The current rebuilding schedule for widow rockfish implies a large increase in allowable fishing rates once rebuilding is achieved. At the Council's request, Dr. MacCall has provided an alternative schedule with a harvest rate that increases as rebuilding progresses, with time to rebuilding being the same as the fixed rate option. The trade-off is that initial harvests must be lowered to offset the later increases.

Lingcod - The lingcod rebuilding plan is based on the 1997 stock assessment, covering the northern area and extending into Canada. New assessments were conducted in 1999 (southern area) and 2000 (southern and northern areas). Information from the latter assessments has not been formally incorporated into an updated rebuilding analysis. As a result, the rebuilding plan is not consistent with

the most recent stock assessments. In keeping with its general recommendations in this regard, the SSC recommends the existing lingcod rebuilding analysis be used in the rebuilding plan, with updates and revisions delayed until the SSC has the opportunity to establish general guidelines for revising and updating rebuilding analyses.

Darkblotched rockfish - The rebuilding analysis for darkblotched rockfish includes 12 alternatives based on random selection of actual recruits or recruits per spawn for three different time periods: 1963-1998 (all years), 1984-1998 (recent years) and 1984-1994 (recent years minus the 1995-1998 period for which the recruitment projections are based on more limited information). For 10 of the alternatives, median rebuilding time with no fishing is 7-9 years and the rebuilding time frame is 10 years. For the remaining two options, median rebuilding time with no fishing is 10 years, with a rebuilding time frame of 43 years. These latter options are based on time periods that eliminate (1984-1994) or downplay (1963-1998) the probability that the high recruits per spawn estimated for 1995-1996 will recur in the next 10 years.

The rebuilding plan must be adopted by November 2001. Already new information has become available from the 2000 Miller Freeman Research Vessel survey that would affect the analysis. In addition to providing 12 alternatives, the rebuilding author also provides a preliminary analysis that includes this most recent survey data and is based on the 1984-1998 time period. The results of this preliminary analysis suggest a median rebuilding time without fishing of 11 years and a rebuilding time frame of 44 years. The SSC recommends the 2000 survey data be incorporated into the rebuilding plan. This may necessitate accelerated reading of age structures from the 2000 survey data. In addition, resampling for projections should be based on 1984-1994 (rather than 1984-1998) recruitments, because more recent years are poorly estimated and recruits per spawner exhibit a trend. The best choice of B_0 is not clear. The revised analysis should continue to present results based on both B_0 alternatives, while providing a more detailed rationale for each.

Pacific ocean perch (POP) - A new rebuilding plan conforming to the guidelines set by the SSC is needed to finalize the POP rebuilding plan. With the recent development of a standardized program for conducting such analysis (Punt 2001), this task is much simplified. The SSC groundfish subcommittee will work with the stock assessment author to ensure a new rebuilding analysis is completed by the September meeting.

Mr. Phil Anderson asked why the SSC recommends utilizing new information for darkblotched rockfish but not for lingcod? Ms. Thomson responded that the darkblotched rebuilding analysis is new and changes management actions and Council conclusions dramatically, while the lingcod rebuilding analysis is older; new information is not likely to change Council/management actions for lingcod. Mr. Anderson pointed out that neither rebuilding plan has been approved. Ms. Thomson replied that the SSC was concerned with the process of putting new information into the rebuilding plans and, until there is a policy on how to do that, they are afraid of a "whipsaw" effect.

GMT

Dr. Jim Hastie read the report of the GMT.

Remarks on Anticipated Difficulties in Achieving the Rebuilding OY for Widow Rockfish in 2002

Although the Council has yet to adopt a specific rebuilding target for widow rockfish for 2002, the rebuilding analysis prepared by Dr. Alec MacCall identifies a range of values where even the largest represents a significant reduction from the 2001 Optimum Yield (OY). As indicated in the attached table, the total catch OY for 2001 is 2,300 mt, with 1,699 mt of landed catch available to the shore-based commercial fishery. The rebuilding analysis identifies harvest targets for 2002 associated with six alternative harvest rates. These rates produce a range of simulated rebuilding success (within the prescribed time frame) from 50% to 100%. The alternative in which 60% of the simulations rebuild in the allowed time provides a 2002 yield of 856 mt. The GMT's current estimate is that, after deductions for bycatch in the whiting fishery, sport catch, and discard, roughly 450-550 mt will remain for landed catch in the directed groundfish fishery.

The attached table also summarizes monthly commercial widow landings through May of 2001, and the trip limits which were in place. With trawl mid-water limits of 20,000 lb per 2-months throughout the first four months, nearly 970 mt were landed, with at least 460 mt in each 2-month period. Even with a limit reduction to 10,000 lb per 2-months beginning in May, 135 mt were landed in May. This rate of landings clearly indicates that if a mid-water target fishery for widow is provided in 2002, it will need to be limited to a few months. The GMT has, on numerous occasions in the past, expressed concern over the effect on discards of continued dialing down of trip limits. Because of the nature of the mid-water fishery, we would have serious reservations in recommending mid-water widow limits below the current 10,000 lb per 2-months, unless it can be demonstrated that a lower amount could be utilized as bycatch in a mid-water yellowtail strategy without accelerating widow discards. This ability hinges not only on the separability of the species, but also the ability of fishers to distinguish the two, prior to setting gear on them. Without this assurance, the lower availability of widow in 2002 is likely to result in recommendations for reduced mid-water yellowtail opportunities, as well.

The GMT recommends that the Council identify at this meeting a range of alternative harvest rates for specifying the preliminary 2002 OY. This range should be small enough to provide the Allocation Committee and public with meaningful advice for developing management alternatives this summer, but large enough to provide some flexibility in selecting a final value, based on further evaluation of the rebuilding analysis.

Comments on the Use of the New Lingcod Rebuilding Analysis

In its statement for this agenda item, the Scientific and Statistical Committee recommends basing rebuilding targets for lingcod on the original rebuilding analysis, until a set of guidelines for revising rebuilding plans can be developed. The GMT questions the appropriateness of this, due to the fact that rebuilding yields for the "southern" area in the original analysis were derived without the benefit of any stock assessment for that area. Now that an assessment for that portion of the stock has been reviewed and accepted by the Stock Assessment Review process, it is not clear how returning to the previous rebuilding analysis promotes the use of the best available science.

In addition to the written statement, Dr. Hastie commented that the GMT agreed with the SSC to use the 1984-1994 recruitment data in the rebuilding analysis for darkblotched rockfish. Mr. Ralph Brown asked whether the GMT recommendation to use new data in the lingcod rebuilding analysis meant that we need to start over with lingcod? Dr. Hastie replied that, if the stock assessment author were to provide the input data, the GMT could do the new analysis using Dr. Punt's model before the September Council meeting and probably before the August GMT meeting.

GAP

Mr. Rod Moore read the report of the GAP.

The Groundfish Advisory Subpanel (GAP) had an extensive discussion with Council staff on rebuilding plans for a number of groundfish species.

The GAP recognizes the constraints of law under which the Council is operating. We understand the history of funding deficiency which has led to a lack of data on groundfish species. We appreciate the hard work being done by NMFS staff to prepare rebuilding documents and provide their scientific expertise to the Council.

Still, as individuals whose livelihoods depend on the fisheries, we cannot help but express our anger and frustration at the position we are in. We have worked with the Council process to establish and follow the rules laid down to ensure sustainable fisheries management. We have not advocated overfishing or waste of resources. We have fought for additional money and funds for research. We have offered to engage in cooperative projects with state and federal fishery management agencies. Yet, in the end, we wind up paying the price.

The GAP notes if we had used the same science on yellowtail five years ago as we are using on darkblotched today, we would now be trapped in a yellowtail rebuilding plan that would unnecessarily constrain yellowtail harvest given current abundance.

We have no particular words of wisdom to offer on the individual rebuilding plans. What is going to be done is going to be done. We do, however, have one suggestion for the Council: in every single contact you have with the Department of Commerce and with Congress, you need to say the same thing over and over - "show us the money". We cannot continue to "manage" our groundfish fishery with the inadequate data that we now have. Unless an investment is made in science to support this fishery, we might as well shut the fishery down now.

Dr. Hans Radtke asked for clarification on the GAP's advice that, if more money doesn't come from the Department of Commerce to improve the science, it would be best to shut all groundfish fisheries down. Mr. Moore said that the statement reflected the sense of "fatalism or fatality" the GAP had after hearing the latest stock assessment and rebuilding analyses.

HSG

Ms. Michele Robinson presented the report of the HSG.

The Habitat Steering Group (HSG) makes the following recommendations on the canary rockfish, bocaccio, and cowcod rebuilding plans up for final approval.

The HSG remains concerned about important habitat information missing from the plans, particularly critical or important habitat areas and measures to ensure their protection (as referenced in the canary rockfish rebuilding plan, p. 7, and the groundfish fishery management plan). (Note: The term "critical" has a legal definition under the Endangered Species Act; we recommend substituting the term "essential.") This information should be developed and included in all of the rebuilding plans prior to final approval. To accomplish this the HSG recommends analysis of available logbook, survey, fishticket, and observer information as a way of identifying highly productive habitats.

As stated in our report to the Council in April (see attached), the HSG continues to be concerned about the lack of information presented for the impacts of human activity on important habitat such as is requested in the December 7, 2000 letter from the National Marine Fisheries Service to the Pacific Council. The statement requests that the following information be included in the rebuilding plans:

"A description of the geographic distribution of the stock, particularly noting any habitat needs, and whether that habitat is adversely affected by human activity (fishing or non-fishing)."

To address gear impacts on habitat, fish communities in areas that are now untrawlable due to the large footrope restriction should be monitored to document the effect on canary rockfish and the habitat itself.

There is a great deal of uncertainty in canary rockfish biomass estimates, because canary rockfish habitat is not adequately sampled. The HSG recommends the development of habitat-based survey methods to better assess and monitor the status of the stocks (e.g., Heceta Banks submersible/ROV study). This information could be included in Section 4.2.7 of the rebuilding plans.

Further, there is an inconsistency in several of the plans in terms of the effects of management measures on more than one species. This includes page 23 of the bocaccio rebuilding plan which states that the Council did not consider area closures to be beneficial to bocaccio, because most of the stock is mobile. It then goes on to state that the area closures for cowcod will contribute to the success of the bocaccio rebuilding plan. Bocaccio may benefit from area closures and the HSG requests the Council investigate this further.

Finally, the rebuilding plan for lingcod states that the area removed from trawling due to the large footrope restriction for canary rockfish will benefit lingcod (p. 23 and 24). While this is probably true, it seems inappropriate to link a regulation developed for canary rockfish to the protection of lingcod, unless there are provisions to evaluate the effect on lingcod rebuilding, if it is determined that the regulation is no longer needed for canary rockfish.

C.10.c. Public Comment

Ms. Jennifer Bloeser, Pacific Marine Conservation Council, California.

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

Dr. Mark Powell, Center for Marine Conservation, Vashon, Washington.

C.10.d. **Council Action:** Adopt Final Plans for Canary Rockfish, Cowcod, Bocaccio, and Lingcod; Schedule Further Action for Pacific Ocean Perch; Adopt Preliminary Plans for Widow Rockfish and Darkblotched Rockfish

Council members asked the SSC if they had reviewed the letter from NRDC and the rebuilding plans for canary, cowcod, and bocaccio? Ms. Thomson answered that they did not

Mr. Anderson was hesitant to move forward without having the SSC's review, comments, and/or recommendations. Mr. Glock clarified that the SSC discussed the review of rebuilding plans and considered their role to be one of reviewing the rebuilding analyses and other parts about management measures, etc. (i.e., responding to scientific issues).

Mr. Robinson noted that once submitted to NMFS, NMFS would seek comment on the plans before they make a final decision. During the public comment period, NMFS and General Counsel would be looking at their adequacy. He said he would continue to have his staff work with the plan authors and still had suggestions and concerns (e.g., do they adequately describe the importance of assessing total mortality (are the management measures effective in achieving the rebuilding goals) and is there a good description of habitat areas important to the species and to the extent there is or is not information, what plans are in the works to develop that information?).

Mr. Anderson noted that notwithstanding some of the procedural criticisms in dealing with rebuilding programs, we're not adopting them as amendments to the plan, but rather a framework within the FMP. He believes that including the information in our habitat appendix would be a good addition. If we could adopt the plan with the understanding we would ask the authors to add the consideration of total mortalities and habitat information, then that would meet the immediate concerns relative to the deficiencies of the canary plan. However, based on the Council discussion, he stated he would like the Council not to take action today, but would like to see the following work items addressed by September: 1) how will we stay within the F_{msy} (bycatch control strategy alternatives), 2) have the rebuilding plan authors work with the HSG co-chairs to address the concerns and needs of the HSG concerns, 3) ask the SSC to take another look at rebuilding plans by September and report back to the Council in September, and 4) ask the GMT to look at the management measures and report back in September. This approach is specific to the canary, cowcod, and bocaccio rebuilding plans. Mr. Boydston said he would like to add lingcod in that he felt the lingcod rebuilding plan may need a little more work. Mr. Anderson noted the canary plan is a template for what we would use for other species, and expects these concerns (items 1 thru 4 above) need to be addressed for all future rebuilding plans as well.

The Council postponed final adoption of rebuilding plans. Council comments specific to each plan follow.

Lingcod

Mr. Anderson said that the lingcod plan should be updated and he appreciates the policy issue the SSC raised on how we are going to deal with new information for plans we have already adopted. He thinks that the new information should be included.

POP

Mr. Glock recommended the Council use the statement from the SSC (last paragraph). He noted the POP plan is still in its original form.

Widow

Mr. Brown stated that it was important that Dr. MacCall's paper on target biomass (B_{40}) be peer reviewed.

Mr. Glock noted that the Council should consider the identification of the general range of OYs so the allocation committee can start working on developing management measures to have in time for creating a rebuilding plan.

Mr. Anderson said that in Table 4 on page 4 of the rebuilding plan, there are five different alternatives relative to rebuilding policies. One task is to identify a range of potential OYs for 2002, so the allocation committee and GMT can work out a potential management regime that would achieve those OYs. He suggested a range of 777-856 mt which encompasses the rebuilding probabilities of 60% to 70% as listed in the table.

Mr. Brown recommended 726 to 856 mt (one step further on the probability curve) to account for the fact that we will probably end up with lower OYs in September. Mr. Anderson said he is okay with that. The ranges need to be as narrow as possible to develop options as realistic as possible. The range of 130 mt difference sounds okay to him.

Chairman Lone asked Mr. Glock what was this year's widow OY? Mr. Glock responded that it is 2,300 mt.

Mr Brown said the critical factor is that no one is suggesting anything higher than 856 mt.

Given the workload, Mr. Anderson questioned how the review of the analysis from Dr. MacCall could be accomplished between now and September. Mr. Robinson said there is a STAR panel which is chaired by the author of the assessment, we could ask them to look at it. Ms. Schmitt noted that workload and public notification would probably not allow that.

Darkblotched

Mr. Glock said the SSC and GMT made recommendations that the rebuilding plan would specify a rebuilding period of more than ten years.

Mr. Anderson noted the SSC recommended to include the 2000 survey data (including ageing data) in the rebuilding plan and a rebuilding time of 11 years. It appears that before we can make that decision, we need the most recent data to be incorporated. Having some of this framed in terms of alternative rebuilding periods between 11 and 44 years would be helpful to understand the trade-offs of a shorter rebuilding period.

Dr. MacCall stated that the stock assessment could be updated with the information that is in hand. Having more ages would make it a better update.

Mr. Anderson asked Ms. Schmitt when will we have that information? She said the analysis incorporated into the rebuilding plans are not part of the STAR panel process, they are reviewed by the SSC. One of the authors is not available until the fall; she did not know what the SSC's agenda holds for that. Mr. Glock asked if that could be ready for the GMT meeting in early August. Ms. Schmitt replied they could try for that.

Mr. Anderson said if we were to determine we were going to look at the OYs associated with a 60-80% probability of rebuilding once the revised rebuilding analysis is completed, that would give us a table for OYs for 2002. The Allocation Committee could take those values and use them in their discussions in building management strategies for 2002.

C.11. Preliminary Harvest Levels for 2002 (June 14; 3:04 pm)

C.11.a. Agendum Overview

Dr. Don McIsaac gave the agendum overview. He noted that this Agendum item was set up to see if the Council could identify preliminary harvest specifications in June rather than September. With regard to widow rockfish, the preliminary OY was provided under Agendum C.10. However, the GMT has advised that setting meaningful specifications for other stocks for which reviews are scheduled in 2001 is not possible prior to the September meeting.

C.11.b. Preliminary Estimate of Allowable Biological Catch (ABC) and Optimum Yield (OY) Levels

None.

C.11.c. reports and Comments of Advisory Bodies

GAP

Mr. Rod Moore presented the GAP report.

The Groundfish Advisory Subpanel (GAP) briefly discussed the advisability of rolling over 2001 optimum yields (OYs) for the 2002 fisheries.

With one exception, the GAP sees no problem in rolling over OYs for those species on which no stock assessments are being conducted in 2001. For those species undergoing stock assessments, harvest levels should be set after completion of Stock Assessment Review (STAR) Panel analysis.

The exception which should be considered is Pacific whiting. The OY for Pacific whiting in 2001 was established on the basis of an unreviewed update of the 1999 stock assessment. While the GAP has no information as to whether further analysis is being conducted, the GAP is hesitant to simply roll over the 2001 OY without some indication from NMFS as to the current estimated state of the whiting stocks.

The GAP notes that the Council is scheduled to schedule a preliminary rebuilding plan for widow rockfish, which contains a range of proposed OYs. Since all of the proposed OYs will require significant reductions in midwater fisheries, the Council should consider choosing a preliminary OY, so fishermen will have notice to consider management alternatives that could be proposed in September.

Finally, the GAP notes that current Council practice calls for using standard assumptions on which group will take what amount of each species. As we saw this year with canary rockfish - and will see next year with widow rockfish - we can no longer rely on what used to be caught by whom. The GAP believes it is time for the Council to complete the formal allocation process that was begun some years ago. Business planning, enforcement, and management are better served when we have some confidence in what amount of fish will be available to each user group. We urge the Council to conclude the allocation process.

C.11.d. Public Comment

There were no public comments.

C.11.e. **Council Action:** Adopt Preliminary ABC and OY Levels

The Council postponed adoption of preliminary ABCs and OYs until the September meeting, with the exception of widow rockfish (726 mt to 856 mt) set under Agendum C.10.

C.12. Status of Fisheries and Inseason Adjustments (June 14; 3:08 pm)

C.12.a. Agendum Overview

Mr. Jim Glock provided the agendum overview.

C.12.b. Trip Limit Fisheries

Dr. Jim Hastie provided two overheads: the first was an overview of catches by species complex through May and the second depicted the GMT recommendations for trip limit changes starting on July 1.

Mr. Ralph Brown asked what the concerns for non-Dover flatfish were? Dr. Hastie replied that shelf fisheries in general were discarding a lot of arrowtooth because of the 10,000 lb. monthly cumulative limit. The lower trip limit for arrowtooth would discourage targeting. Mr. Brown then asked why total catch needed to decrease? Dr. Hastie replied it was a compromise between trying to increase allowable landings of arrowtooth and keeping canary bycatch down. Segregating the arrowtooth and other flatfish trip limits seemed to be a good way to do this.

C.12.c. Status of Catches of Canary Rockfish and Other Overfished Species

Dr. Jim Hastie covered this under C.12.b.

C.12.d. State Regulations in Pink Shrimp Fisheries

WDFW

Mr. Anderson presented Exhibit C.12.c, Supplemental WDFW Response Letter, and Supplemental WDFW Pink Shrimp Fisher Letter. WDFW will promulgate emergency regulations to require bycatch reduction devices (BRDs) on shrimp vessels and will confer with CDFG and ODFW to pursue common permanent regulatory language.

ODFW

Mr. Bohn summarized Exhibit C.12.d, Supplemental ODFW Report which is a progress report on the use of BRDs by Oregon shrimp fishermen. ODFW expects to implement a temporary rule mandating BRDs in the Oregon shrimp fishery after July 15, 2001, effective no later than August 1, 2001.

CDFG

Mr. Boydston noted that at the April meeting they brought some recommendations, got comments from the enforcement consultants, and this week they filed them with the CDFG Commission for the notice. Final action will be early or late August. The fishery has a very low level of activity due to market conditions and historically canary bycatch has been low. The regulations themselves basically mimic earlier ODFW language provided in April (the three allowable BRD's that have been evaluated by ODFW), do not allow for removing nets (during offloading), and provide for testing during certain hours of the day as recommended by ODFW. The regulations should be in effect by mid-September. The letter under C.6.f, should be under C.12.d.

C.12.e. Comments of Advisory Bodies

GAP

Mr. Rod Moore presented the GAP statement.

The Groundfish Advisory Subpanel (GAP) held several joint meetings with the Groundfish Management Team (GMT) to discuss inseason adjustments to the groundfish fishery.

The GMT has presented the Council with a chart showing proposed changes in the daily-trip-limit sablefish fishery (for open access and limited entry) and the limited entry trawl fishery. The trawl changes involve adjustments for Dover sole in the north; flatfish and arrowtooth in the north; slope rockfish in the north and south; splitnose rockfish; and the midwater fisheries for yellowtail and widow rockfish.

The GAP supports the changes recommended by the GMT, but notes that changes in fishing patterns over the summer and more up-to-date data may require additional adjustments at the September Council meeting.

In regard to northern slope rockfish, the GAP notes that the change in limits is constrained by concerns over catch of darkblotched rockfish. Several GAP members indicated that darkblotched rockfish can be avoided on slope rockfish trips; unfortunately, logbook data is not definitive on this point, because prior-year fishing patterns provided no incentive for more closely targeted tows. The GAP appreciates the offer of the GMT to examine trawl survey data to see if it indicates the sort of separability that fishermen experience on the grounds.

C.12.f. Public Comment

Mr. Bob Briscoe, trawler, Blaine, Washington

C.12.g. **Council Action:** Consider Inseason Adjustments

Mr. Anderson moved to adopt the inseason adjustments as proposed by the GMT in Exhibit C.12, Supplemental GMT Report C.12,e. Mr. Bohn seconded the motion. (Motion 11) Motion passed.

C.13. Full Retention Measures (June 14; 3:50 pm)

C.13.a. Agendum Overview

Mr. Jim Glock provided the agendum overview.

C.13.b. Report of the Groundfish Management Team (GMT)

Mr. Brian Culver provided the report.

The Groundfish Management Team (GMT) continues to endorse mandatory retention of shelf and slope rockfish as a potential management tool and discussed how best to move forward with its consideration. The GMT could certainly add detail to the list presented in GMT Exhibit F.9 at the April Council meeting describing the possible benefits and costs of such a program; however, no matter how inclusive that list became, it would still lack the critical element of industry perspective. The GMT feels a more diverse group needs to be tasked with the development and critique of specific elements of any potential program. Specifically, the GMT feels such a group should contain representation from enforcement as well as the harvesting and processing sectors of the fishery. Recognizing budget and travel constraints, the GMT recommends a small sub-group consisting of representatives from the GMT, the GAP, and the Enforcement Consultants be convened to more carefully evaluate industry and enforcement impacts. Where possible, meetings of the sub-group should be held in conjunction with Council meetings or regularly scheduled GMT meetings.

The GMT also notes that two experiments may be conducted this year at the local level that may provide useful information to assist any possible development of a coastwide program. As part of the federal observer program, National Marine Fisheries Service is proposing a pilot program allowing retention and forfeiture of some amount of trip limit overage on a voluntary basis, while an exempted fishing permit (EFP) being proposed by Washington Department of Fish and Wildlife would require full retention of rockfish by participating vessels during the two-month EFP window. Both programs would provide extremely valuable information in the development of any possible coastwide program.

C.13.c. Reports and Comments of Advisory Bodies

GAP

Mr. Rod Moore presented the GAP's comments.

The Groundfish Advisory Subpanel (GAP) met with the Groundfish Management Team (GMT) to discuss full retention measures for rockfish.

The GAP agrees with the GMT that mechanisms for mandating full retention of rockfish species need to be explored. The GAP specifically endorses the GMT recommendation that a sub-group consisting of GMT, GAP, and Enforcement Consultant representatives be charged with analyzing past efforts and suggesting options for future Council action. This would include consideration of industry and enforcement impacts as well as presumed benefits for rockfish management. In order to reduce costs, the GAP believes the sub-group meetings should be held in conjunction with Council meetings or regularly scheduled GMT meetings.

When considering full retention, the GAP urges that procedures be investigated which would allow funds received from rockfish overages to be dedicated to scientific research on rockfish. The GAP notes this same recommendation was made as part of the report of the Ad Hoc Committee on Retention of Overages which submitted a report to the Council over a year ago.

EC

Sgt. Dave Cleary presented the comments of the Enforcement Consultants.

The Enforcement Consultants (EC) would welcome the opportunity to work with the Groundfish Advisory Subpanel and Groundfish Management Team on a full retention program.

The EC would assign a member to a subgroup if formed, or would encourage more members to attend meetings held in conjunction with normal Council meetings.

C.13.d. Public Comment

There were no public comments.

C.13.e. **Council Action:** Consider GMT Recommendations on Full Retention Measures

The Council authorized appointment of an ad hoc committee to analyze options and prepare a recommendation for a full retention pilot program. The committee will consist of representatives of the GMT, GAP, and EC. The first meeting will be during the week of August 6, 2001 to develop recommendations for presentation at the September Council meeting.

[Chairman Lone asked the council to move to Agenda Item H.2. (June 14, 4:01 pm)]

C.14. American Fisheries Act Management Measures (June 15; 8:06 am)

C.14.a. Agendum Overview

Mr. Dan Waldeck provided the agendum overview. He noted that over the past year the Council had developed alternative management measures to protect the West Coast groundfish fishery from adverse impacts as a result of the American Fisheries Act (AFA). Staff will review a draft plan amendment and Council action is consideration of adopting the plan amendment for public review.

Mr. Jim Seger presented a numerical analysis of the effects of the proposed management alternatives.

C.14.b. Comments of Advisory Bodies

GAP

Mr. Rod Moore read the GAP statement.

The Groundfish Advisory Subpanel (GAP) spent a considerable amount of time reviewing the draft documents on American Fisheries Act (AFA) issues that were provided by Council staff. The GAP appreciates staff and Council efforts in this regard.

During the course of GAP discussion, at least two additional options were put forth the GAP believes merit public review. Since these options were developed at the GAP meeting, and therefore, had not been analyzed by Council staff; the GAP was uncomfortable in simply putting them forward and asking the Council send them out for final comment pending final action in September.

Therefore, the GAP - somewhat reluctantly - asks the Council delay action on this agenda item until September, so Council staff (subject to workload requirements) can provide some analysis on the two additional options.

Attached to this statement are the two options as they were put forward by members of the GAP. The GAP as a whole expresses no preference for either of these options or the existing options at this time.

GAP AFA OPTION 1

An AFA vessel which had a groundfish permit as of October 1, 1998, and which delivered at least 500 tons of groundfish in any year during the period January 1, 1994 to October 1, 1998, would be allowed unrestricted participation in the Pacific groundfish fishery.

An AFA vessel which does not meet the above criteria may not participate in the Pacific groundfish fishery.

A permit attached to an AFA vessel not qualifying for participation may be sold or leased to another vessel which is qualified to participate in the fishery, subject to the limitations on permit transfers that apply to groundfish permits

The "replacement clause" language in Amendment 6 to the Groundfish fishery management plan, dealing with vessels lost due to sinking or other causes, would apply as appropriate.

GAP AFA OPTION 2

A window period of September 1, 1995 to September 16, 1999 would be established. Groundfish landings (by species) made by AFA vessels during this period would be calculated and an average established by vessel by species. This average would be converted to a percentage of all groundfish landings (by species).

AFA vessels would not be permitted to land groundfish in an amount greater than their average for each species. No other restrictions would be imposed on that vessel's permit.

Mr. Anderson asked, in regard to the two new options proposed by the GAP, did the GAP believe the current options did not cover the range of issues. Mr. Moore responded, yes.

Mr. Brown asked about GAP AFA Option 1, which is specific to vessels. How is this different from the current options. Mr. Moore responded the new option had different qualifying dates and tonnages.

Dr. Radtke asked if there was discussion of AFA vessels increasing participation in West Coast fisheries after passage of the AFA and possible impacts on West Coast fisheries. Mr. Moore noted there was discussion about the intent of the AFA and provisions for protective measures.

Mr. Hansen asked about whether the GAP discussed the ramification of adding options in the sense that the increased workload could mean further delay in finalizing the FMP amendment. Mr. Moore noted the GAP realizes the additional options could cause a delay.

C.14.c. Public Comment

Mr. Rod Moore, West Coast Seafood Processors Association, Portland, Oregon
Mr. Mark Cooper, trawler, Toledo, Oregon
Mr. Joe Easley, Oregon Trawl Commission, Astoria, Oregon

C.14.d. Council Action: Adopt Public Review Draft on American Fisheries Act Management Measures (Amendment 15 to the Groundfish Fishery Management Plan)

Mr. Brown commented on the GAP options, to him it appears that option 1 is a mix and match of things already specified by the Council, e.g., the qualifying window. In his opinion it is the same as alternatives already in the analysis. However, GAP Option 2 is clearly different from the current options.

Mr. Anderson stated that GAP Option 2 appeared to provide for future development of a cooperative for AFA vessels, which goes beyond the intent of the AFA. Therefore, he is not in favor of Option 2. Mr. Brown noted his comments were not in support of or opposition to the two options.

Mr. Hansen asked if GAP Option 1 is already covered in the analysis. Mr. Waldeck responded that it would require a different analysis because the qualifying window is different.

Mr. Waldeck clarified scheduled Council action – consider adopting for public review the draft analysis for Amendment 15. In addition, the Council could choose to add the options recommended by the GAP.

Mr. Anderson said he does see some value in Option 1 and asked staff if it could be incorporated in the document and then sent out for public review? Mr. Seger said the data sets used to develop the analysis were from a contractor and the data was based on a specific period of time. If we could use a similar process, it may be possible to construct the necessary database, perform the analysis, and release for review. However, if the analysis was done solely by Council staff, it would take more time.

Mr. Alverson moved (second – Mr. Anderson, Motion 13) to adopt for public review the draft Amendment 15 with the inclusion of GAP Option 1 as presented.

Mr. Brown asked that GAP Option 2 also be included. His reasoning being that the AFA provided AFA vessels with more flexibility, which could allow them to increase their participation in West Coast fisheries. GAP Option 2 seeks to prevent this preemption.

Mr. Alverson clarified his concern about GAP Option 2. That is, each AFA vessel would receive its own limit. Conversely, Mr. Brown sees the intent as a subquota for AFA vessels.

Chairman Lone asked if Mr. Alverson would accept Mr. Brown's addition as a friendly amendment? Mr. Alverson stated he was unclear on the intent of GAP Option 2.

Mr. Moore attempted to explain the rationale behind GAP Option 2. When it was proposed, the intent was for individual vessel restrictions on the amount of whiting or groundfish landed by that vessel. However, he is uncertain if, in its final form after GAP debate, the option still has the same intent.

Dr. Dave Hanson said he did not see this as a cooperative-type action. Rather, it puts a cap on the landings of individual vessels. For a cooperative, you would need allocations to specific groups of vessels, which is not part of GAP Option 2.

After clarification, Mr. Alverson said he would accept the friendly amendment. However, the seconder would not.

Mr. Brown then offered an amendment to motion 13 – add GAP Option 2 (with the clarification that the final sentence is in reference to a cap on landings, not an individual quota) to the analysis (Amendment 1 to Motion 13).

Mr. Alverson had difficulty resolving Mr. Brown's amendment with Mr. Moore's clarification about the intent of GAP Option 2. Mr. Brown seems to treat the cap as an aggregate cap on landings for AFA vessels. Whereas, Mr. Moore discussed it in terms of restrictions on individual vessels.

Mr. Brown restated his amendment: add GAP Option 2 to the analysis with the change that the final sentence would read "AFA vessels in aggregate...". (Dr. Radtke seconded the amendment).

Mr. Robinson noted that as originally written, GAP Option 2 did not set the stage for a cooperative. However, with the change suggested by Mr. Brown, it would because the AFA vessels could designate which vessels would land the aggregate cap.

Mr. Anderson stated why he was opposed to the amendment: (1) it goes beyond the intent of the AFA for management measures to protect fisheries; and (2) it adds greater complexity to an already overly complex management process, and workload as the GMT would need to track a separate landing limit.

Ms. Cooney noted that the individual limits in GAP Option 2 would not be an individual fishing quota because there is not a granting of a "right" to an amount of harvest, rather it says the vessel can take no more than a certain amount. Therefore, it could be seen as an additional trip limit on top of the existing trip limit. Next, Ms. Cooney asked for clarification about the scale of the additional limits, would it be set for all 82 species or groups of species? She stated this would need to be dealt with at some point. Finally, she agreed that if the limit was set in aggregate it could require a separate tracking system. However, it probably would not be a specific quota for a group of vessels, rather a limit that would be applied to the group in aggregate.

Dr. Hanson stated that adding "in aggregate" confuses the issue. GAP Option 2 is similar to the sideboards established in North Pacific fisheries, an individual vessel would be limited by a cap on landings. He perceives it more as an enforcement issue, rather than something the GMT would need to monitor. It would not convey a right to specific amount of fish.

Mr. Boydston stated his concern that by adding sideboards there is the potential that discards could increase.

Chairman Lone asked for a roll call vote on the amendment to Motion 13. Before the vote Mr. Brown asked to remove "in aggregate" from his amendment. The seconder (Dr. Radtke) concurred. The amendment to motion 13 failed (seven yes, seven no). Chairman Lone called for the vote on the original motion - Motion 13 passed.

Mr. Waldeck restated Council guidance to staff as follows: include GAP AFA Option 1 as presented in the GAP statement in the analysis of protective management alternatives, then make the document available for public review without bringing it back to the Council in September. Based on workload, the Council could then take final action later in the year. Chairman Lone concurred.

After a break the AFA agenda was revisited.

Mr. Anderson suggested that staff provide an analysis comparing the proportion of groundfish harvested by AFA vessels during a period of time prior to the AFA to a comparable period after implementation of AFA provisions for fishing cooperatives. He perceives this analysis could help the Council in reviewing the current options and in determining if GAP AFA option 2 should be included in Amendment 15.

Mr. Boydston asked is this analysis would focus on AFA vessels? Mr. Anderson said yes, AFA vessels that participated prior to the AFA. Mr. Boydston noted that it would also be helpful to compare the participation of AFA vessels with non-AFA vessels both before and after the AFA. Mr. Anderson concurred.

Ms. Cooney noted that if the Council was seriously considering adding the option, that would be better to include it now.

Mr. Anderson stated his reluctance to include it now is because we do not know if a problem is occurring. He would prefer to see the analysis, which would provide more time for the Council and industry to discuss how to address the problem.

Mr. Waldeck asked for clarification, does the guidance in motion 13 adopted by Council stand? That is, is the Council asking for staff to go forward with releasing a public review draft of Amendment 15, as the Council is now indicating a desire to see an additional analysis which could affect the management alternatives.

Chairman Lone said the motion passed asked us to continue to work on Amendment 15, and in addition, with Mr. Anderson's additional clarification, include this other analysis.

Mr. Seger suggested a better use of staff time may be to have staff perform the numeric aspects of the analysis and develop a clear specification of the alternatives, but not complete all the ancillary components of Amendment 15. That is, staff could provide information to help the Council select preferred alternatives at the September meeting, but would not complete the EA until after September.

Mr. Anderson moved for reconsideration of the previous action on AFA, i.e., reconsideration of Motion 13 (Motion 14). Mr. Brown seconded the motion. Motion 14 passed.

Mr. Anderson offered a substitute motion: ask Council staff to develop an analysis that compares the proportion of the groundfish harvest taken by AFA qualified vessels in the two years prior to AFA and the two years post implementation of the AFA; and, direct Council staff to do the additional analyses and work on the amendment to prepare it for public review, including GAP AFA option 1. (Motion 15) Mr. Donald Hansen seconded the motion.

Mr. Anderson for clarification noted the motion would include Option 1 from the GAP statement in the analysis, but not add GAP Option 2. Staff would do the additional analyses of the proportion of harvest by AFA vessels, which would provide information for the Council and the public to review the management alternatives.

Mr. Brown asked if the intent of the motion was to direct staff to complete the analyses, but not complete all of the ancillary components that would be required before the document is ready for public review. Mr. Anderson said, yes, and noted, because of workload, the drawback is that final action could be delayed until March 2002. Chairman Lone asked for the vote. Motion 15 passed.

C.15. Groundfish Fishery Management Plan Environmental Impact Statement (June 15; 9:14 am)

C.15.a. Agendum Overview

Mr. Jim Glock reviewed the situation papers. Mr. Robinson reviewed Exhibit C.15, Attachment 1. He noted they had held hearings to get input for crafting the measures they are going to analyze.

C.15.b. Reports and Comments of Advisory Bodies

HSG

Ms. Michele Robinson presented the HSG comments.

With regard to the scope of the groundfish fishery management plan environmental impact statement (EIS), the Habitat Steering Group (HSG) has the following recommendations on issues that should be addressed and alternatives that should be considered:

- 1. The management tools identified in the Pacific Council's Groundfish Strategic Plan should help guide the analyses that are included in the EIS; specifically, habitat protection and restoration; and the establishment of marine reserves should be included in the alternatives.*
- 2. Alternatives for the identification and establishment of habitat areas of particular concern (HAPCs) for groundfish should be included in the EIS.*

3. *Alternatives for the assessment of gear impacts on habitat should also be included in the EIS.*

The HSG plans to follow the EIS process and will continue to be involved and comment as management alternatives are developed.

C.15.c. Public Comment

None.

C.15.d. Council Guidance on EIS Process

Mr. Anderson would like us to send the HSG comments to NMFS for consideration in development of the EIS. Dr. McIsaac asked if the Council should actively participate in this process for the next two years by setting up a subcommittee? Mr. Robinson replied we are very interested in having the Council involved in development of the EIS to review and provide input and share some of the workload. We will be asking Council staff to contribute some parts of the EIS. With respect to the role of tracking and providing input from its advisory bodies, it would be appropriate to have the Council form a subcommittee. He noted NMFS was funded for the next two years, and would welcome Council input.

Dr. McIsaac noted, as Mr. Robinson indicated, there is money available for this subcommittee. We can consider appointments to the subcommittee when we take up the September agenda.

D. Habitat Issues

D.1. Essential Fish Habitat Issues (June 12; 2:52 pm)

D.1.a. Report of the Habitat Steering Group (HSG)

Ms. Jennifer Bloeser presented the following report from the HSG:

Dr. Don McIsaac and several members of the Council met with the HSG to provide clarification and direction on the priorities that the Council desires for the HSG. There was general recognition that the HSG has provided the Council with direction and needed input on priority items, but that new priorities for the Council were emerging. Dr. McIsaac related four areas that Council members thought important for the HSG to consider in its role:

- 1. An emphasis on communication with the Council regarding current priorities, especially items on the Council Agenda*
- 2. Increased emphasis on marine issues, such as rebuilding plans*
- 3. Taking an active role in commenting on Marine Reserves Committee composition and review of marine reserve proposals presented to the Council*
- 4. Ensuring a thorough review of information presented to the HSG before reporting to the Council.*

Other topics that were covered by Council members included:

- 1. Conducting a review of the Council Operation Procedures (COP) for the HSG, and ensuring consistency with current direction*
- 2. A desire to minimize the quick response process for approval of Council letters*
- 3. Providing an opportunity for the Council and HSG to interact on setting future HSG agendas.*
- 4. Having documents that are presented to the HSG by members of public be reviewed by the Council's Scientific and Statistical Committee in advance.*

The HSG discussed the guidance it received from the Council. In order to be more effective in providing the Council advice, the HSG believes that it needs to be included in the development processes (e.g., for groundfish rebuilding plans). In addition, given the expanded role of the HSG, the HSG believes that it will likely need more time for future meetings; perhaps having our meetings extended to two days, rather than our current one-day meetings.

The HSG does not have any proposed action items; however, we will be commenting separately on other Council agenda items.

The HSG received presentations on the following issues:

Habitat Areas of Particular Concern (HAPCs)

The HSG received a presentation on HAPCs from Cyreis Schmitt, National Marine Fisheries Service, Northwest Fisheries Science Center. Cyreis reiterated that there are no requirements for the designation of HAPCs and no required management measures to be applied to HAPCs; however, the plan is to factor the relationship of HAPC designation to groundfish management into the groundfish environmental impact statement (EIS) which is currently being developed. NMFS staff are currently working on several groundfish habitat projects, including a review of gear impact studies from around the world and an analysis of site-specific creel census data for bocaccio and cowcod.

Fishing Gear Impacts

Cyreis also updated the HSG on the following projects:

- 1. National Undersea Research Program project using laser line-scan to look at groundfish habitat and ocean conditions. As part of the study NMFS scientists will look at before and after comparisons of trawl fishing gear impacts to determine the capability of this technology to measure gear effects.*
- 2. NMFS is working with the states to develop a fish-habitat coastwide GIS database.*
- 3. NMFS will be adding a week to this summer's slope surveys to conduct experiments on the shelf, including taking sediment samples off California.*
- 4. NMFS is planning to co-host a research forum with the states next year, and the HSG has requested a workshop prior to the forum to discuss and develop a work-plan for addressing habitat and gear impact issues.*

Essential Fish Habitat – Magnuson-Stevens Act Review

The HSG received an update from Nora Berwick and Mark Helvey on the number of EFH consultations and templates added to the NMFS Northwest region website (www.nwr.noaa.gov) to assist the action agencies with EFH assessments. To date there have been approximately 400 EFH consultations conducted in the Northwest and approximately 75 conducted in California.

San Francisco Airport Expansion

The San Francisco Airport Authority has yet to identify a preferred alternative for the proposed runway landfill. Questions of habitat mitigation are still unresolved, although restoration of former wetlands in south and north San Francisco Bay is being seriously considered. Peer review of project impacts to biological resources and Bay hydrology will be conducted by an independent panel of scientists. This panel plans to convene in October to present their findings to the public and regulatory agencies. The HSG will get an update on this in November.

Kelp Management Plan

The HSG had been interested in kelp as essential fish habitat and a habitat area of particular concern and has been following kelp management in California. The environmental document "Giant and bull kelp commercial and sport fishing regulations" was adopted by the California Fish and Game Commission on April 16th. The document is available on California Fish and Game's website: www.dfg.ca.gov.

Klamath Flow Issue

This is the driest year on record for the Upper Klamath basin. May 1 snow-pack is 28% of normal, expected May-September net in-flow to Upper Klamath Lake to be 35% of average. Two biological opinions issued in early April resulted in a determination of jeopardy due to the continued operation of the U.S. Bureau of Reclamation's Klamath Irrigation Project. The respective reasonable and prudent alternatives prescribed higher Upper Klamath Lake water levels to protect suckers and increased flows below Iron Gate Dam to increase survival of coho fry and juveniles. These flows are higher than ever previously delineated during a critically dry water-year. This has resulted in an 86% reduction in Klamath Project irrigation deliveries. NMFS plans to issue a revised biological opinion by the end of August addressing the October 2001 – March 2002 period and multiple water-year types, based on new information contained in the Utah State University (Hardy) Phase II Flow Study Report. This report has not yet been finalized. We are not aware of any EFH consultations relative to Klamath Project operations this year.

FERC relicensing of the Klamath Hydropower Project continues. The first-stage consultation document responses resulted in 175 letters regarding the licensees proposed studies. Concerns were centered on the documents lack of detail to allow understanding of the complex issues involved in relicensing. The licensee will prepare a summary of comments in matrix form and a list of proposed studies by mid-June 2001.

HSG Proposed September Agenda Items

- 1. Sacramento winter chinook vs. Clifton Pumps*
- 2. Sacramento winter chinook recovery plan update*
- 3. Queets River coho report review*
- 4. Channel Islands NMS recommendation*
- 5. HAPC document review*
- 6. Klamath flow presentation*
- 7. FERC relicensing programmatic letter*
- 8. Lower Willamette superfund assessment*

D.1.b. Comments of Advisory Bodies

None.

D.1.c. Public Comment

None.

D.1.d. **Council Action:** Consider Habitat Steering Group Recommendations

The Council requested that the HSG include ongoing agenda items, such as the San Francisco airport expansion, in its list for Council consideration on June 6.

E. Marine Reserves

E.1. Review of West Coast Marine Reserves Efforts (June 12; 1:50 pm)

E.1.a. Agenda Overview and Report

Mr. Jim Seger provided the overview and report (Attachment E.1.a).

E.1.b. Comments of Advisory Bodies

GAP

Mr. Rod Moore read the report of the GAP.

The Groundfish Advisory Subpanel (GAP) received a presentation from Council staff on the various efforts being conducted relative to marine reserves and marine protected areas on the West Coast.

Because this topic is only a Council discussion item and overlaps with agenda item C.9 (Strategic Plan Implementation), the GAP will reserve most of its recommendations for that agenda item. However, one issue should be noted in particular: there is apparently very little coordination among all of the efforts and authorities when it comes to considering marine reserves. The laundry list of agencies, nongovernmental organizations, and international organizations presented in the staff paper is ample evidence of this problem. These efforts must be both focused and coordinated if a logical marine reserves program is to be established.

The GAP believes the Council is the most logical body to provide the coordination, given that most reserve proposals involve Council-managed fisheries and many include federal waters outside the jurisdiction of individual states. As noted earlier, the GAP will provide a specific recommendation on this point under agenda item C.9.

The GAP also notes that this lack of coordination is recognized by NOAA, and NOAA intends to conduct a meeting in late July to start resolving the problem. It is imperative the Council and appropriate Council advisory bodies be invited to this meeting. Even if no funds are available for advisory body travel, the invitation should be extended to them, and appropriate members can find their own funding.

Finally, in all discussions of marine reserves, accurate and sufficient economic information must be made available to detail the costs and benefits of establishing marine reserves.

E.1.c. Public Comment

Mr. Joe Easley, Oregon Trawl Commission, Astoria, Oregon
Mr. Jim Salter, commercial fisherman, Half Moon Bay, California
Mr. Kenyon Hensel, open access fisherman, Crescent City, California
Ms. Kathy Fosmark, Alliance of Communities for Sustainable Fisheries, Moss Landing, California

E.1.d. Council Discussion on West Coast Marine Reserves Efforts

Mr. Boydston suggested that the report be fleshed out with a listing of the management authorities. Dr. Mclsaac stated that could be done.

E.2. Marine Reserves in the Channel Island National Marine Sanctuary

E.2.a. Agendum Overview

Mr. Jim Seger provided the agendum overview. He introduced Mr. Sean Hastings and Dr. Satie Airame from the Channel Islands National Marine Sanctuary (CINMS). Dr. Mclsaac thanked the sanctuary program for their timely response to the Council's request for information.

E.2.b. Agency Reports

None.

E.2.c. Reports and Comments of Advisory Bodies

SSC

Mr. Tom Jagielo read the report of the SSC.

The Scientific and Statistical Committee (SSC) was briefed by Mr. Sean Hastings and Dr. Satie Airame from the Channel Island National Marine Sanctuary (CINMS) about ongoing efforts to create

a network of marine reserves within the Sanctuary's boundaries. The SSC first considered the contents of the Facilitator's Report (Exhibit E.2, Supplemental Attachment 3), which has been provided to the Sanctuary Advisory Committee (SAC) in lieu of a consensus recommendation by the Marine Reserves Working Group (MRWG). The Facilitator's Report highlighted a number of areas of substantial agreement among members of the MRWG (e.g., a general statement of the problem, issues of concern, goals and objectives, and implementation recommendations). However, the MRWG was unable to reach consensus on a number of important issues, including 1) the size of reserves, 2) the location of reserves, 3) the use of "limited take" areas, 4) the phasing in of reserves, and 5) the importance of fisheries management outside of reserves. The divergence in opinion within the MRWG, with respect to reserve size, led to a range of alternatives between a 12%-24% area set aside. Because the MRWG could not reach a unanimous consensus, the SAC is now charged with forwarding a recommendation to the Sanctuary manager for action.

The SSC was impressed with the depth of thought that has gone into the process thus far. In particular, the formalized effort to balance the various stakeholders' concerns should provide robust solutions to differences among user groups. It is clear that a thorough consideration of issues has been completed, particularly with regard to the development and reconciliation of siting criteria. The SSC believes the process, as it has evolved, could prove useful in future efforts to establish marine reserves elsewhere, including areas under Council authority. However, the infrastructure required to undertake a similar process is substantial and would require a significant allocation of scarce Council resources.

In response to the Council's and SSC's request for more information following the April meeting (see Exhibit E.2, Attachment 1), Mr. Hastings and Dr. Airame provided the SSC with many of the scientific papers that were considered by the Sanctuary Science Panel in reaching its determination that a 30%-50% area set aside was required to meet fishery management objectives within the CINMS. However, the conclusions one might draw from that body of literature are largely predicated on loose or negligible controls on fishing effort outside of reserve boundaries, a situation unlike that on the West Coast of the United States. In fact, an evaluation of the costs and benefits of effort versus area controls on fishing is lacking in the documentation provided thus far. This is a key issue since the Council has recently imposed highly restrictive controls on fishing effort in the groundfish fishery and, as a consequence, the necessity of 30%-50% area set asides for the purpose of managing groundfish species is not obvious. At the request of the SSC, Dr. Airame agreed to provide further documentation on how the Sanctuary Science Panel arrived at its conclusions regarding reserve size. For its part, the SSC expressed a willingness to establish an ad hoc committee at the direction of the Council, specifically to evaluate the justification for large marine reserves to achieve fisheries management objectives for Council fishery management plan species.

The SSC has also received a draft report on the socioeconomic effects of alternative reserve options and has requested that it receive the final report, once it is completed. The SSC socioeconomic subcommittee will review that report, once it is received.

It is very important that further dialogue continue between representatives of the CINMS and members of the Council family. The extensive groundwork that has already been laid could provide the framework for future efforts by the Council to establish marine protected areas of its own. Although the amount of reserve area under consideration by the Sanctuary is relatively small, the action is precedent setting and a thorough consideration of issues is warranted.

GAP

Mr. Barry Cohen read the report of the GAP.

The Groundfish Advisory Subpanel (GAP) held a lengthy discussion with representatives of the Channel Islands National Marine Sanctuary regarding progress - or lack thereof - in establishing a marine reserve within the Sanctuary boundaries.

The GAP was pleased an extensive stakeholder process was developed and used - up to a point - in identifying potential marine reserve sites. However, the GAP believes - based on the information provided - that the Sanctuary abandoned the consensus process too quickly.

The GAP notes that general agreement had been reached on specific locations within the Sanctuary where marine reserves (defined by the Sanctuary staff as "no take areas") could be established. However, when the size of those areas met with disagreement, the consensus process was apparently discarded, and efforts are now being made to use a top-down approach.

The GAP believes a go-slow approach involving smaller areas where consensus had been reached would have resulted in a model system useful for looking at marine reserves throughout the West Coast. Evidently, this more reasoned style did not meet the goals of certain participants in the process, nor - evidently - the Sanctuary staff. As a result, a potential showcase is now a pile of scrap.

While the Sanctuary is free to continue its efforts within state waters, roughly half of the Sanctuary lies in federal waters and affects fisheries where the Council has jurisdiction. The GAP believes it is time for the Sanctuary to consider Council needs and priorities and not simply its own agenda. On several occasions during discussions with the GAP, Sanctuary staff characterized marine reserves as involving more than fisheries management. While this may be true, as a practical matter it is the effect of a reserve on fisheries, their management, and most especially those dependent on the fisheries which - if not handled properly - causes the most harm. Further, it is these issues that are under the jurisdiction of the Council. The GAP suggests the Council recommend to the Sanctuary staff that they go back and try again, perhaps with a little more practical recognition of the importance of user groups.

HSG

Ms. Jennifer Bloeser read the report of the HSG.

The Habitat Steering Group (HSG) received a report from the Channel Islands National Marine Sanctuary staff discussing progress on the Channel Islands marine reserve process. The HSG recommends that the Council remain actively involved in the Channel Islands process to ensure that Council goals and objectives are met.

The HSG further recommends:

- 1. The Council and appropriate advisory bodies review the recommendations of the Channel Islands National Marine Sanctuary Advisory Council (to be released June 19, 2001) and any related decisions by the California Fish and Game Commission. These could be presented to the Council and advisory bodies by Channel Islands and California Department of Fish and Game staff at the September 2001 Council meeting.*
- 2. The potential contribution of the proposed Channel Islands reserves be evaluated and incorporated into future rebuilding plans.*
- 3. The Channel Islands Marine Reserve Working Group developed several tools and analyses that could be useful in other marine reserve processes. This valuable work should be reviewed by the Council and appropriate Council advisory groups.*

E.2.d. Public Comment

Ms. Kate Wing, Natural Resources Defense Council, San Francisco, California

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

- E.2.e. Council Action:** Consider Update or Recommendations of the Source Agencies for Marine Reserves in the Channel Island National Marine Sanctuary

Mr. Seger noted there is no Council action required, since there was no recommendation out of the CINMS process at this time. Mr. Boydston noted that at some point a determination will be needed on where the Council fits into this process. The Federal and state processes have to work together. The state process is going to be the trigger as to whether or not we go to the federal process and the state process will probably go much faster than the federal process. For now he suggested the Council monitor progress and have this issue as an information item on the September agenda. The CINMS group will be making recommendations to the sanctuary manager and CDFG. The California Fish and Game Commission (CFG) is scheduled to receive the report and/or recommendations in late August. The GAP recommended sending the issue back to the Marine Reserve Working Group. The CFG might recommend that also. Following that August meeting there should be some clarity with regard to direction in which this issue is moving.

4 P.M. PUBLIC COMMENT PERIOD (June 12, 4 p.m.)

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

Mr. Steve Fitz, Scottish seine vessel owner, talked about habitat destruction, and sustainable fisheries. He feels that his gear is safer to use than roller gear, etc. He fishes Pt Reyes to Monterey. Mr. Fitz noted that his logbook shows that he catches more fish than he did years ago. Mr. Fitz sees that the habitat issue has been addressed. Mr. Alverson asked Mr. Fitz to explain his gear and what depth he fishes at.

Mr. Bill James, Vice President Commercial Fishermen's Association, St. Louis, California, asked the Council to look into the commercial allocation of nearshore minor rockfish south of Mendocino. He did not feel that the percentages given is a fair and equitable allocation. Mr. James was upset that the recreational fishermen get more than an equitable percentage of nearshore minor rockfish south of Mendocino.

Mr. Gene Craemer, Chairman of the Abalone and Marine Resources Council, represents divers and photographers. He sees that the commercial sector catches way more fish than is necessary and finds it dismaying that schools of tuna have been scooped up by purse seiners. They would like a little bit of representation. They are also concerned about the disappearance of rockfish. He said that marine reserves are being presented due to the fact of failing management regimes. He feels that it is possible to manage the fisheries. He encouraged the Council to take drastic measures to stop overfishing. He would like to see the level of fish stocks we saw 20-30 years ago. He urged the Council to get rid of trawls and bycatch that occurs with trawling.

Mr. Bob Strickland, President of United Anglers of California, noted that he hears the striped bass raising is going to stop. He does not know why. We want to have this fishery in California and have spent a lot of time taking the small fish from the valley at the pumps and raising them. Is this still an open thing or a done deal? Mr. Rod McInnis noted that the credit for this decision goes to NMFS. NMFS had a consultation under the ESA over this issue (section 10 permit from CDFG). The concern with this rescue program and raising of striped bass was the predation on winter-run chinook. NMFS struck an agreement with CDFG for a phase out of the striped bass rearing project. This or last year was the final year. The striped bass population has rebounded from the time CDFG considered it a high priority. This was a matter subject to ESA considerations.

F. Highly Migratory Species Management

F.1. International Highly Migratory Species (HMS) Discussions and Actions (June 13; 8:18 am)

F.1.a. NMFS Report

Mr. Rod McInnis provided a brief verbal report of recent international activities relevant to the Council's HMS fishery management plan (FMP). These included the Inter-American Tropical Tuna Commission, U.S.-Canada albacore treaty, and Multi-lateral High Level Conference for Western Pacific fisheries.

F.1.b. Council Discussion on International Highly Migratory Species Actions

There was no Council discussion.

F.2. Public Review Draft of the HMS Fishery Management Plan (FMP) (June 13; 8:21 am)

F.2.a. Agendum Overview

Mr. Dan Waldeck provided the agendum overview.

The Highly Migratory Species Plan Development Team (HMSPDT) will present a revised draft of the FMP and the Council's advisory groups will provide their comments on the draft FMP. The Council will consider adopting the draft for public review.

F.2.b. Domestic Legal Context

Mr. Rod McInnis provided a brief verbal report on domestic issues with influence and/or interaction with the FMP. He reviewed four items:

Western Pacific pelagic fisheries – environmental impact statement, including pelagic longline fishery; biological opinion about sea turtle take in the longline fishery. The combined result was time and area closures for the longline fishery, notably affecting the swordfish fishery. Because of the closure, longline vessels are fishing outside the EEZ off of California and landing catch in California ports. As a result of the EIS and management of pelagic fisheries, NMFS faces two law suits, one by conservation groups, the second by longline fishing groups.

Drift gill net fishery off California and Oregon – not managed directly by NMFS, but they issue incidental take permits. Thus, NMFS has a responsibility to ensure the fishery does not put into jeopardy any endangered species. After conducting their Section 7 consultation (required under the Endangered Species Act), NMFS developed a set of Reasonable and Prudent Alternatives (RPA) for sea turtles. The RPAs required substantial area closures for the fishery off central and northern California and southern Oregon. There is concern that these closures could push the fishery into southern California. NMFS is considering modification of the RPAs.

Shark finning prohibition – Federal legislation was passed in 2000. NMFS is developing regulations to address shark finning.

High Seas Fishing Compliance Act (HSFCA) – NMFS recently was sued with plaintiffs alleging a failure to meet ESA requirements because NMFS did not conduct Section 7 consultations relative to issuance of HSFCA permits.

Council questions:

Mr. Boydston asked about the RPAs for the drift gill net fishery. Is NMFS reconsidering the RPAs?

Mr. McInnis responded, in preparing the regulations, new information is being considered which could result in re-initiation of Section 7 consultation. New information includes data on mammal and sea turtle interactions.

Mr. Boydston followed up. So, the proposed area closures could be modified? Mr. McInnis stated that it depended on the data.

Dr. McIsaac asked Mr. McInnis to speak to the legality of Hawaiian longline fishermen landing in California ports and the potential impacts on the Pacific Council's HMS FMP.

Mr. McInnis responded that the Western Pacific pelagic fishery FMP covers pelagic fisheries within the Western Pacific EEZ and fishing by vessels based in Hawaii on the adjacent high seas. It does not include fishing within the EEZ of or on the high seas off the West Coast. Nor does it include vessels based in West Coast ports. The court order focused on the Hawaii-based longline fishery. In terms of how the Pacific Council HMS FMP could deal with high seas fishing, it could be dealt with similar to the Western Pacific pelagic fishery FMP (i.e., apply to vessels within the EEZ and to those based on the West Coast fishing on the adjacent high seas).

F.2.c. Report of the Plan Development Team

Mr. Steve Crooke and Dr. Dale Squires (co-chairs, HMSPDT) reviewed progress made since the March Council meeting. Their presentation outlined the history of FMP development, enormity and complexity of the task of managing HMS fisheries, large amount of public comment and advisory body input, and that numerous options made detailed analysis of each option very difficult. They gave a cursory review of the 92 options discussed in the FMP.

Dr. Squires summarized the HMSPDT's opinion about the readiness of the draft FMP. Dr. Squires noted that the Council could elect to send the current draft out for public review. However, because of the numerous options the current draft is very cumbersome. He suggested another option could be to task the HMSPDT with narrowing the scope of the FMP into a more practicable document. Delaying adoption could also provide more time to perform and incorporate more thorough analyses, especially economic and community impact information.

Dr. Squires suggested the HMSPDT be directed to revise the draft FMP using a framework approach, which would be brought back to the Council in November for preliminary action. After public hearings in January and February, final action on the HMS FMP could be scheduled for March 2002.

Mr. Boydston asked if this revised schedule would allow for inclusion of economic analyses. Dr. Squires responded, yes.

Mr. Anderson clarified the HMSPDT recommendation, the FMP would be narrowed to a framework document similar to the groundfish FMP. Specific regulations would be adopted through regulatory amendments.

Mr. McInnis noted that the approach has merit. However, he emphasized that all statutory requirements (e.g., Magnuson-Stevens Act, Endangered Species Act) need to be addressed in the FMP.

Dr. Squires confirmed that those required elements would be included.

Ms. Cooney noted her understanding of what the HMSPDT was proposing. That is, the FMP would provide the framework for managing the fishery and include certain specific management measures (closures, gear restrictions). For the time being, other management regulations would be deferred to the states. Other regulations would be developed and adopted concurrently, but would not be in the FMP. Ms. Cooney also noted a distinction from the groundfish FMP, which has harvest guidelines based on MSY and OY. The HMS FMP will likely not have specific harvest guidelines for managed species.

F.2.d. Reports and Comments of Advisory Bodies

SSC

Ms. Cindy Thomson presented the report of the SSC.

The Scientific and Statistical Committee's (SSC's) Highly Migratory Species HMS Subcommittee met on June 10 to review the "Draft Fishery Management Plan (FMP) and Environmental Impact Statement (EIS) for U.S. West Coast Based Fisheries for Highly Migratory Species," dated May 2001. This statement represents the outcome of the SSC's consideration of the HMS Subcommittee's findings.

General Comments and Recommendations

The draft FMP represents significant progress toward development of a management plan for HMS. For instance, the fishery descriptions (Section 2) and discussions of bycatch by fishery sector (Section 5) are well developed. The SSC recognizes that the HMS Plan Development Team (HMSPDT) attempted to include in the FMP all management options identified during the scoping process to comply with National Environmental Protection Act (NEPA) requirements. However, many of the options contained in Section 8 take the form of brief conceptual descriptions of

logbook/observer programs, limited entry options, and longline fishing options in the exclusive economic zone (EEZ), and the analysis of such options is very limited. These issues are complex and likely to have significant repercussions for HMS fisheries. The options will need to be more fully developed and the analyses considerably expanded in order to meet NEPA requirements and be considered for implementation by the Council.

Development of the draft FMP has been a daunting task, and development and analysis of the ninety options contained in the FMP will require considerably more time and resources. The SSC fully appreciates the importance of issues such as logbook/observer programs, limited entry, and longline fishing in the EEZ. However, if the Council wishes to move forward expeditiously with the draft FMP, the SSC recommends the scope of the FMP be initially limited to addressing minimum requirements of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) - such as maximum sustainable yield (MSY)/optimum yield (OY) control rules, bycatch, essential fish habitat, and community impacts. Given the importance of "federalizing" the fisheries in some manner, the FMP could also include measures that achieve such federalization. However, depending on how soon the Council wishes to submit the draft FMP for public comment, it may be advisable to exclude options that affect fisheries in ways that deviate significantly from the status quo and that would require major elaboration and analysis to meet NEPA requirements. The Council could framework the management tools needed to address substantive issues not addressed in the draft FMP. Once the FMP is approved, subsequent amendments could be undertaken to address those issues.

In terms of addressing Magnuson-Stevens Act requirements, the draft FMP appears to provide considerable material for addressing the MSY and bycatch provisions of the Act. However, the sections of the FMP on the Characteristics of Support Industries and Communities and the Regulatory Flexibility Act (RFA) analysis are requirements under the Magnuson-Stevens Act and need completion before the plan is made available for public comment. The Regulatory Flexibility Act (RFA) analysis currently contained in the draft FMP is largely limited to assertions that the options will not have a disproportionate impact on small entities. The RFA analysis will need to address other considerations as well. For instance, the analysis will have to document whether a substantial number of small entities are affected by the proposed management actions. It would also have to explain why the preferred option was selected over other options that would minimize economic effects on small entities and, if so, why the preferred option was selected instead. RFA requirements are specified in NMFS Guidelines for Economic Analysis of Fishery Management Actions, dated August 16, 2000.

The SSC also has comments on specific sections of the draft FMP, as follows:

Section 2.4 - Characteristics of Support Industries and Communities (p. 27)

A placeholder for this section is included in the draft FMP, but the section is not yet completed. It is important the Magnuson-Stevens Act requirement to consider community effects be addressed before the FMP is distributed for public comment.

Section 3 - Status of Fish Stocks

The SSC reviewed the aspects of the draft FMP related to evaluating the status of stocks relative to overfishing criteria. The SSC supports the MSY and OY control rules developed for the HMS, but recommends they be presented separately for each management unit species to improve clarity of presentation.

The lack of information for some species will lead to considerable uncertainty when determining stock status using the control rules. This means that any determinations regarding whether overfishing is occurring or stocks are overfished will be highly uncertain. The SSC recommends the draft FMP link the data/analysis requirements identified in FMP Section 8.7 more directly with the need to classify stocks using the control rules and to implement any resultant management actions. In particular, the SSC notes that estimates of the catches off Mexico are not available, increasing uncertainty substantially for some species.

The information in Table 3.3 should be restricted to the estimates derived from analyses of data rather than those based on assumptions about the ratio of B_{MSY} to B_O , estimates of the intrinsic rate of growth should be replaced by the qualitative conclusions that can be inferred robustly from the analyses based on demographic models. The information presented does not permit a robust evaluation of the sustainability of regional catches of sharks and billfishes. The SSC recommends this be reflected in Table 3.4. The productivity estimates reported in the draft FMP are based on analyses in Au et al. (in press). The SSC should review these analyses.

The proposed MSY and OY control rules differ from those applied by international bodies such as Inter-American Tropical Tuna Commission (IATTC). The SSC recommends mechanisms be developed to deal with any possible conflicts in harvest guidelines that may arise from the use of different control rules.

Although the draft FMP does not specify an annual management cycle, an annual stock assessment and fishery evaluation (SAFE) document will be produced. The SSC recommends the SAFE document include summaries of available data and assessments by international bodies (e.g., tunas under the IATTC). The SSC notes further that the current assessment framework does not include an independent review process. While assessments conducted by international bodies are already subject to peer review, this is not the case for the proposed assessments for species that are not assessed by international bodies. The SSC recommends a process be developed for independent review of any such assessments; the SSC should be part of this process.

Section 8.2 - Management Goals and Objectives (pp. 3-4) and Section 8.5.3 - Evaluation Factors (pp. 15-16)

Section 8.2 describes 17 goals and objectives of the draft FMP and Section 8.5.3 describes 13 evaluation factors, which are used as the basis for evaluating management options contained in Section 8. Many of the 13 evaluation factors are worded similarly to some of the 17 goals and objectives; moreover, the twelfth evaluation factor (“meeting the objectives of the HMS FMP”) ensures all of the goals and objectives not already mentioned are encompassed in the evaluation factors. Some clarification is needed regarding why the distinction is made between the FMP goals and objectives and the evaluation factors. Also, despite the fact many of the management options contained in the draft FMP have significant allocation implications, none of the goals and objectives directly point to the need for fairness and equity in allocation decisions.

Section 8.5.4 - Elements of Economic Analysis

Sections 8.5.4.1 and 8.5.4.2 provide a discussion of theoretical concepts relevant to economic analysis. Expectations are subsequently raised regarding the presence of an analysis in the FMP that applies these theoretical concepts. For instance, Section 8.5.4.3 makes reference to “economic analyses that follow”. Section 8.5.4.4 states that “A seven percent real discount rate is used in the analysis below...”. However, subsequent sections of the FMP contain no such economic analysis. Unless such analysis is completed and subject to SSC review before the draft FMP is submitted for public comment, the SSC recommends Section 8.5.4 be removed from the FMP.

Section 8.5.5.1.2 - Licensing (pp. 25-28)

Federal permits for commercial HMS fishing vessels are discussed in options 70-71, federal recreational permits for HMS anglers in option 72 and federal and/or state permits for HMS recreational vessels (including private boats) in options 73-74.

The SSC agrees with the HMPDPT’s conclusions regarding the potential research, conservation, and management benefits of having a permit system that allows ready identification of all HMS fishery participants. However, the SSC does not agree with the conclusion that federal permits as specified in options 70-74 would “indirectly contribute to reducing fishing mortality” (a claim which appears to be based on the assumption that increased information necessarily results in additional harvest restrictions). It is also not clear why federal permits would “increase net benefits to the nation.” Decisions regarding these options will require close collaboration with the states and a careful delineation of costs. Costs of federal permits for recreational anglers may be particularly difficult to predict, given the unprecedented nature of such a program.

Section 8.5.5.1.3 - Reporting/Monitoring Requirements (pp. 29-32)

Options 76-77 pertain to logbooks, options 78-79 to observer programs, option 80 to a "comprehensive at-sea data collection plan" and option 81 to vessel monitoring systems (VMS).

All of these options are presented as ideas for which programs would need to be developed. The analysis of these options indicates that "limited expenses" would be imposed on fishing entities, and the options would "not have a disproportionate effect" on small relative to large entities. This may or may not be true, depending on the specific details of the monitoring programs.

Sections 8.5.5.2 - Surface Hook-and-Line Fishery (pp. 33-36), Section 8.5.5.3 - Drift Gill Net Fishery (pp. 36-46) and Section 8.5.5.5 - Longline Fisheries (pp. 47-52)

These sections of the draft FMP include a discussion of open access versus limited entry options for three fishery sectors - surface hook-and-line (options 14-15), drift gillnet (options 22-24) and longline (option 43) fisheries. Section 8.5.5.5 also includes additional options pertaining to longline fishing in the EEZ (options 38-42).

The SSC strongly supports consideration of management measures that address overcapacity in HMS fisheries. However, the limited entry options described in the draft FMP are only conceptual in their current form. The SSC is aware of the Council's expressed intention to consider limited entry after the FMP is adopted. Numerous details of limited entry options would have to be developed and analyzed at that time.

The analysis of options 22-24 includes a discussion of the effects on the drift gillnet fishery of a Biological Opinion (BO) issued by NMFS to protect leatherback turtles. Although such information is relevant to understanding the status of that fishery, it is important that the analysis also explicitly distinguish between the effects of the BO (which was authorized by the Endangered Species Act) and the effects of the fishery management options being considered under the Magnuson-Stevens Act.

The analysis of option 41, which would allow pelagic longline fishing in the EEZ under an exempted fishing permit (EFP) program, focuses on the potential benefits afforded by the opportunity to gather scientific and/or fishery information. The analysis should also indicate that a prohibition on longline fishing in the EEZ (as delineated in option 40) would be a necessary pre-condition for establishment of an EFP program and should include an evaluation of the effects of such prohibition on the longline fishery.

Section 8.5.5.8 - Recreational Fisheries (pp. 57-62)

This section includes options for federalizing management of the recreational fishery (options 61-62). Option 61 may have potentially significant ramifications, for instance, in terms of the role of the state fish and game commissions relative to federal management, changes in state legislation or regulations needed to authorize or facilitate federalization, analysis and actions needed to ensure (as specified in the draft FMP) that "the regulations would have to be made consistent with the Magnuson-Stevens Act" (p. 60). Such ramifications will need to be more fully understood in order to evaluate the feasibility, desirability and costs associated with this option.

Section 8.5.6 - Measures to Establish Harvest Quotas (pp. 68-69)

Option 90 appears to pertain to two separate issues, (1) how to establish total harvest quotas for vulnerable species on the basis of an OY proxy, and (2) how the distribution of such quotas between commercial and recreational sectors should be based on historical landings. (1) is a scientific issue and (2) is an allocation issue for which historical landings represents one of any number of allocation criteria that could be considered. Given the potentially significant consequences of these issues, the SSC recommends that the Council not take action on Option 90 until these issues are further developed, analyzed and reviewed.

Section 8.5.7 - Standardized Reporting of Bycatch and Measures to Minimize Bycatch (pp. 70-85).

There is no discussion of standardized reporting in this section. The SSC recommends that reference be made in this section to the logbook/observer program/VMS options previously described in Section 8.5.5.1.3 (pp. 29-32), given the potential importance of such programs for reporting bycatch.

Options 16, 27, 44 and 56 respectively propose that performance standards be adopted that provide incentives to reduce bycatch for participants in the surface hook and line, drift gillnet, longline and coastal purse seine fisheries. According to the FMP, "Performance standards can be expressed as a percentage of the total catch by weight or number as well as specific goals for individual species of particular concern" (p. 8-70). The SSC notes that performance standards of this type may reflect not only the effect of bycatch avoidance measures but also changes in stock abundance of bycatch species and regulatory measures such as trip limits.

Section 8.7 - Research and Data Needed for Management (pp. 90-97)

The information needs for each species consist of a lengthy list that includes items that are critical for management and those that would be "nice to know". The SSC recommends the HMSPDT prioritize the items in the list, based on the requirements for conducting assessments, applying MSY and OY control rules and conducting economic analysis of pending management actions. This will be particularly important for ensuring that critical HMS needs are incorporated in the Council's Research and Data Needs and Economic Data Plan.

Minor Editorial Corrections

- In Section 8, reference is made to an "Option 6" in the second to last paragraph on p. 42 and in the first and second paragraphs on p. 43. What is Option 6?
- Section 8 states that "The Council is currently considering under the Coastal Pelagics Amendment an option of evaluating the use of grates to cover openings of holds through which fish are pumped..." (p. 67). The statement should be edited to reflect the fact that use of such grates has been approved.
- Some of the research and data needs identified in Section 8.7 (pp. 90-97) are lettered, while others are bulleted. The distinction between lettered and bulleted items should be clarified.
- The title of Section 8.8 on p. 97 (MSFCMA Specifications) should be renamed something that specifically refers to total allowable level of foreign fishing, as it deals only with that one issue.

Dr. Radtke asked if the SSC believed economic information and community impacts should be included before the FMP is distributed for public review. Ms. Thomson replied FMPs in general should be put out with the best information available. If they are not major deviations from status quo (i.e., impacts are not expected to be significant) then the complete analysis may not be necessary; but if there are options which could have large impacts on the fisheries, it would be wise to include thorough economic analyses.

Mr. Boydston noted that the SSC's HMS subcommittee should work with the HMSPDT. That is, help the HMSPDT comprehend what the SSC is asking for in its statement. Ms. Thomson said the subcommittee would be willing to help clarify the SSC's remarks.

HMSAS

Mr Fletcher opened with remarks that it would be helpful if NOAA general counsel could be available at HMS meetings to provide guidance.

Mr. Fletcher read the report of the HMSAS.

The Highly Migratory Species Advisory Subpanel met June 11-12 to review the second draft of the HMS Fishery Management Plan. There are a number of deficiencies in the draft, which we believe need to be addressed prior to release of the FMP for the public hearing process. These deficiencies include:

- *lack of economic data and economic analysis of the options. Cost and earnings surveys of the albacore troll, drift gillnet and charterboat fisheries are not completed.*
- *economic data on the recreational fisheries is lacking, and there is no ongoing effort to collect the necessary information.*

- *analyses of options in chapter 8 generally are incomplete, in part due to lack of information and in part due to lack of specificity of the options.*
- *“federalize” needs to be defined more clearly, and there is a need to identify which existing state regulations are not consistent with federal law. Legal advice is needed.*
- *the Team intends to revise chapters 5 and 6 to include more complete information on bycatch and protected species.*
- *There are inconsistencies between the options in the matrix of the executive summary and those in chapter 8.*
- *community impact information has not been included yet. (There is a placeholder on p. 2-27 for a section on characteristics of support industries and communities which has not been drafted yet).*
- *there needs to be more information in chapter 3 on the impacts of the various options for management unit species, and particularly for the option which would exclude sharks. What are the implications of excluding sharks from the FMP (option 7), would a separate shark FMP be necessary, and what would the costs be?*
- *the new longline option recommended by the Ocean Wildlife Campaign (attached) needs to be included as submitted, and longline option 39 needs to be modified to be consistent with the proposal by the commercial fishery (attached).*
- *need to address the potential issue of HMS species held in net pens, if this activity were to start in the U.S. How would these “landings” be monitored and reported?*
- *need to investigate the possibility of adding a general framework section for limited access programs, which would expedite the amendment process for any specific programs which might be developed after implementation of the FMP.*
- *the use of PacFIN landings data in the FMP creates a misleading picture of HMS fishery landings by the various commercial gears, largely due to fishticket gear coding problems. Language needs to be added to tables and text to explain this problem. In addition, there is a problem in reporting of swordfish landings, because different conversion factors are used by different state and international agencies to convert dressed weight to round weight.*
- *in various places the FMP provides misleading information about the “incidental” catch of halibut and salmon by surface hook-and-line HMS fisheries. These are not incidental catches with HMS gear, but are directed salmon and halibut harvests by the same vessel using salmon or halibut gear on the same trip, or during other seasons.*
- *the FMP needs to include data on catches of striped marlin in commercial fisheries.*
- *the FMP does not adequately address the issue of regulation of U.S. fisheries in the absence of international obligations.*
- *the description and analysis of the U.S./Canada Albacore Treaty situation needs to be updated to reflect current events.*

In addition to the above concerns, some individual Subpanel members have very specific editorial suggestions, which they will supply to the Team in writing prior to the Team meeting next week.

Due to the extent of the deficiencies in the FMP, the Subpanel recommends that the Council direct the Team to complete the draft by September, and delay the public hearings until the November thru February period. The Council could reexamine the draft at the September meeting, or choose to

send the revised document out for public comment. The actual timing of hearings might be different depending on the area of the coast. Another consideration is that summer public hearings are not timed well for many commercial and recreational participants. Final action could be slated for the March Council meeting.

The Subpanel further recommends active involvement of NOAA General Counsel throughout the remainder of the plan development process. This will help ensure that the requisite analyses are conducted to satisfy applicable law.

HSG

Ms. Jennifer Bloeser read the report of the HSG.

The Habitat Steering Group (HSG) received a brief update on the draft highly migratory species (HMS) fishery management plan (FMP) from Ms. Michele Robinson, Washington Department of Fish and Wildlife. From a habitat perspective, the HSG believes the draft plan is ready to be distributed for public review.

Specific comments on the FMP's habitat sections (Chapter Four and Appendix A) include:

- 1. The HSG recommends that prey species for each HMS species managed under the FMP, by life stage, be moved from Appendix A and included in the legal essential fish habitat descriptions in the final plan under Chapter Four.*
- 2. The HSG endorses the HMS Plan Development Team's recommendations to proceed with the identification of Habitat Areas of Particular Concern for HMS shortly after the final plan has been adopted by the Council.*

F.2.e. Public Comments

Mr. Jock Albright, recreational fisherman, Costa Mesa, California
Mr. Russell Nelson, The Billfish Foundation, Fort Lauderdale, Florida
Mr. Bob Osborn, United Anglers of Southern California, Huntington Beach, California
Mr. David Wilmot, Ocean Wildlife Campaign, Islip, New York
Mr. Tom Raftican, United Anglers of Southern California, Huntington Beach, California
Ms. Kate Wing, NRDC, San Francisco, California
Mr. Tim Hobbs, National Coalition for Marine Conservation, Leesburg, Virginia
Mr. Peter Flournoy, American Fisherman's Research Foundation, San Diego, California
Mr. Pete Dupuy, F.I.S.H., Tarzana, California
Mr. Bob Fletcher, Sportfishing Association of California, San Diego, California

F.2.f. Council Action: Consider Adopting a Draft HMS FMP for Purposes of Public Review

Mr. Boydston believed the FMP is not ready for public review. He suggested the Council direct the HMSPDT to develop a third draft using a framework approach; incorporate the comments of the SSC, HMSAS, and HSG; and urge the SSC's HMS subcommittee and NOAA general counsel to work with the HMSPDT. He suggested a schedule that included HMSPDT meetings in June and July, a HMSAS meeting in August, an information report to the Council in September. Available economic information should be incorporated, and additional economic analyses should be performed as more data becomes available. He suggested the Council could adopt a public review draft in November, hold public hearings in January and February, and consider final adoption in March 2002.

Mr. Boydston also spoke to the specific elements to include in the FMP. The HMSPDT should develop a basic framework document, which would include some fixed elements. Fixed elements will include, at least, allowable commercial gear types, harvest control rules, and a provisions for exempted fishing permits.

Ms. Cooney asked for clarification of the fixed elements and annual framework. She noted the HMS FMP is different than the groundfish FMP since there may not be an annual management framework (i.e., setting of harvest guidelines). She asked if Mr. Boydston was saying that there will be specific management provisions in the FMP and other management elements could be adopted through the rulemaking process after the FMP is implemented?

Mr. Boydston said yes. He noted, however, that it may be necessary to adopt some regulations concurrent to adoption of the FMP, e.g., ESA provisions to protect sea turtles.

Mr. Anderson generally agreed with Mr. Boydston's suggestions. Mr. Anderson felt it should be made clear that the HMSPDT still is the lead in developing the FMP. Specific to "federalizing" state regulations, Mr. Anderson suggested the HMSPDT review state regulations and determine those state regulations that would be incorporated into the federal FMP (including how they could be modified) and those that would be deferred to state management.

Mr. McInnis noted that it would be critical for the HMSPDT to articulate their rationale for determining what is included at the outset of the FMP and what elements will be adopted later.

Mr. McInnis also would like a discussion of localized depletion included in the FMP, notably for striped marlin. A discussion of the use and effectiveness of precautionary quotas and unilateral management action should be included. That is, the HMSPDT should examine legal requirements relating to the response to overfishing in the absence of international agreements, and the potential for success of precautionary quotas in preventing overfishing, domestically and internationally.

Dr. Radtke stated the revised schedule should allow for inclusion of more economic analyses. He would especially like to see more discussion of the albacore fleet and its importance and interaction with other fisheries.

Mr. McInnis clarified that the Ocean Wildlife Campaign's proposal would be included in the analysis of management alternatives.

Mr. Don Hansen echoed Mr. Anderson's comments on the HMSPDT's efforts. He supports the timeline. On Mr. Raftican's issue of holding Council meetings in southern California (presented during public comment – refer to tape for complete text), he concurs with Mr. Raftican that this could provide better opportunity for the affected public to voice their concerns.

Mr. Anderson stated that the determination of allowable gear types should not solely be left up to the HMSPDT. That is the Council has a responsibility to provide guidance as to what gears should be allowed under the FMP. He also noted that federal regulations could provide more consistent management, as some current regulations are not consistent state to state.

Mr. Boydston stated the Council will eventually decide which gears are allowable under the FMP, but the issue would not be decided today. However, he does support inclusion of at least two allowable gear options, one with pelagic longlines and one without.

Mr. Brown stressed the importance of legal counsel being available at HMSPDT and HMSAS meetings to provide guidance. He also noted there should be provisions and criteria in the FMP for allowing new gear types.

After the lunch break Mr. Waldeck reviewed Council guidance:

The Council requested the HMSPDT develop a third draft of the FMP using a framework approach. The revised draft should be narrower in scope and focused on elements required by the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act). Two documents will be prepared: a framework FMP that meets legal requirements and authorizes actions to be taken, and a document which specifies and analyzes the initial regulations that will be implemented at the same time as the FMP.

The framework FMP will contain several “fixed” elements and various “flexible” elements. Flexible elements will be adopted and may be changed through the rulemaking process. Some flexible elements may be adopted at the same time as the FMP; for example, Endangered Species Act requirements for sea turtles and certain state regulations. Other flexible elements may be adopted after the FMP is in place. Fixed elements will address Magnuson-Stevens Act requirements, as well as:

- *allowable commercial gear types, including:*
 - *option for surface hook and line gear, purse seine, drift gillnet, and harpoon; and*
 - *option that adds pelagic longline to the previous list of allowable gears;*
- *process for allowing new gears to be introduced into the fishery;*
- *harvest control rules;*
- *process for issuing Exempted Fishing Permits.*

The Council also requested the FMP discuss the use and effectiveness of precautionary quotas and unilateral management action. That is, the HMSPDT will examine legal requirements relating to the response to overfishing in the absence of international agreements, and the potential for success of precautionary quotas in preventing overfishing, domestically and internationally.

The revised timeline for FMP development is:

- *June and July, the HMSPDT develops third draft;*
- *August, the HMSAS meets to review the revised draft –*
- *September, HMSPDT provides informational update to the Council;*
- *November, Council adopts public review draft;*
- *January-February public hearings are held;*
- *March 2002, Council adopts final FMP.*

F.3. Draft FMP Public Hearing Schedule

F.3.d. Council Discussion and Guidance on Location of Draft HMS FMP Hearing Sites

Due to the previous Council action under Agendum F.2 (i.e., delay in adoption of a public review draft), Mr. Waldeck noted this agenda item would not be necessary. The Council concurred.

G. Coastal Pelagic Species Management

G.1. Exempted Fishing Permit Applications (June 15; 10:10 am)

There were no exempted fishing permit applications for the Council to consider.

G.2. Pacific Mackerel Harvest Guideline and Other Specifications for 2002 (June 15; 10:10 am)

G.2.a. Agendum Overview

Mr. Dan Waldeck gave the agendum overview. He noted the Council was scheduled to adopt a harvest guideline for the 2001-2002 Pacific mackerel fishing season. Based on their review of assessment information, the SSC, Coastal Pelagic Species Management Team (CPSMT), and the Coastal Pelagic Species Advisory Subpanel (CPSAS) would present their advice to the Council.

He also noted the CPSMT completed the second annual Status of the Pacific Coast Coastal Pelagic Species (CPS) Fishery Stock Assessment and Fishery Evaluation (SAFE) document.

G.2.b. Comments of Advisory Bodies

CPSMT

Dr. Kevin Hill (Chair, CPSMT) reviewed the stock assessment of Pacific mackerel (Exhibit G.2, Attachment 1, June 2001).

Dr. Hill reported current biomass is estimated to be 84,090 mt. Based on the harvest guideline formula in the coastal pelagic species fishery management plan, the CPSMT recommended a harvest guideline of 13,837 mt for the 2001-2002 season.

Dr. Hill also presented the CPSMT statement (Exhibit G.2, CPSMT Report, June 2001).

The Coastal Pelagic Species Management Team (CPSMT) met with the Coastal Pelagic Species Advisory Subpanel (CPSAS) to review results from the latest Pacific mackerel stock assessment, which will be used to set a harvest guideline (HG) for the 2001-2002 season. The CPSMT concurs with the stock assessment team's analyses and recommends the Council adopt a harvest guideline of 13,837 mt for the upcoming season.

The CPSMT and CPSAS discussed problems in the current mackerel fishery and possible scenarios for conducting the upcoming season. The southern California fishery experienced high mackerel availability at the opening of the 2000-2001 season. Cumulative catch by the end of October was anomalously high compared to recent years, and 95% of the total harvest guideline was taken by the end of October, only three months into the season. The National Marine Fisheries Service (NMFS) closed the directed fishery on October 27, 2001, after which a 20% incidental catch allowance was implemented. The harvest guideline was met at the end of March, and the CPS fishery has been under a 1 mt per trip allowance since the beginning of April. Incidental mackerel catch in the sardine fishery has been a common occurrence for the past several months, and this has created an apparent problem for the fishery. The CPSMT and CPSAS heard testimony from several sardine fishermen at the meeting, who claimed having difficulty in accurately assessing percentage of mixed loads at sea. They also expressed concern over high discard mortality from loads released at sea. Biologists from CDFG's coastal pelagic species unit in Los Alamitos, California were also present at the joint meeting. They presented dockside observer data on the frequency and percentage of Pacific mackerel mixed in sardine loads. The CPSMT used these data to estimate total incidental take of mackerel, and estimated approximately 2,000 mt per year taken by the sardine fishery in 1999 and 2000.

The CPSMT outlined three possible scenarios for the upcoming season:

- 1) Close the directed fishery after a substantial fraction of the HG has been landed and switch to restrictive incidental allowance levels for the remainder of the season.*
- 2) Close the directed fishery after a smaller portion of the HG is landed and switch to a less restrictive incidental tolerance for the remainder of the season.*
- 3) Close the directed fishery after a smaller portion of the HG is landed, switch to a less restrictive incidental tolerance through the mid-season period, and reopen a directed "mop-up" fishery during the last two months of the season (e.g. May-June 2002).*

Option 1 would result in status quo for the fishery, resulting in the same restrictive measures realized during the current season. The CPSMT prefers not to repeat the current situation.

The CPSAS proposed, and the CPSMT endorses, the following guidelines for prosecuting the mackerel fishery in 2001-2002: 1) open the season with a HG 13,837 mt; 2) close the directed fishery when 6,000 mt of the HG has been landed; 3) switch to incidental tolerance of up to 45% mackerel in other CPS fisheries, or up to 1 mt of mackerel at any percentage (i.e. pure loads); 4) CPSMT will closely monitor directed and incidental HG landed as the season progresses, reporting to Council at the March and April meetings; 5) reopen the directed fishery for a "mop-up" fishery in May and/or June if a significant portion of the HG still remains.

SSC

Ms. Cindy Thomson presented the SSC statement.

Dr. Kevin Hill discussed the 2001-2002 Pacific mackerel harvest guideline (HG) with the Scientific and Statistical Committee (SSC). The recommended HG is 13,837 mt. The Coastal Pelagic Species Management Team (CPSMT) recommends closing the directed fishery after 6,000 mt is landed, then switching to an incidental tolerance of 45% of mackerel in other coastal pelagic species fisheries. If a significant portion of the HG remains, a directed fishery would re-open toward the end of the season.

The SSC notes that the HG is based on the same stock assessment methodology used in 2000, with the addition of one new data point. This methodology is scheduled to be reviewed by a stock assessment review panel in 2002.

CPSAS

Mr. Dan Waldeck read the CPSAS report on their behalf.

The Coastal Pelagic Species Advisory Subpanel (CPSAS) held a joint meeting with the Coastal Pelagic Species Management Team (CPSMT) on May 11, 2001 to discuss the Pacific mackerel harvest guideline for the 2001-2002 season. This statement reflects decisions and recommendations for two issues regarding pacific mackerel: 1) the CPSMT recommended harvest guideline, and 2) allocation of the guideline.

2001-2001 Pacific Mackerel Harvest Guideline

The CPSAS and CPSMT had a lengthy discussion regarding the recommended harvest guideline of 13,837 mt for the 2001-2002 season. Most of the CPSAS members were surprised at the estimated decrease in biomass and resulting 33% decrease in the harvest guideline. The CPSAS was not privy to assessment results prior to the joint meeting so many of the subpanel members were shocked at the perceived decline in mackerel abundance. The majority of the CPSAS were not prepared to simply endorse the CPSMT's recommendation and proceed. The CPSAS agreed that while the maximum sustainable yield control rule for mackerel is set out in the fishery management plan, the mackerel assessment itself is limited in scope and is lacking additional data due to monetary constraints. The missing data include recruitment data and age composition data for the Ensenada, Mexico fishery. The CPSMT "guesstimated" that the results of the mackerel assessment have a +/- 40% accuracy. The CPSAS found this very troubling, especially following a season where the harvest guideline had been cut by over 50%, resulting in combined cuts of just under 70% in the last two years. Anecdotal evidence suggests mackerel are abundant and available to the traditional fishery. Fishery-dependant data also suggests mackerel are abundant and available to the traditional fishery as the fishery was closed on March 27th after having reached the 20,740 mt harvest guideline.

The CPSAS recommends the Council consider setting the 2001-2002 harvest guideline at a level consistent with the 2000-2001 season of 20,740 mt. There was hardship caused as a result of the 50% decrease in the 2000-2001 season. There will be increased hardships if a decrease of another 33% is enacted. The majority of the CPSAS does not believe there is adequate science to justify this additional cut. While the CPSAS understands the CPSMT has done the best they can with the information available to them, we would like the Council to consider the situation as outlined above and use their discretion when setting the 2001-2002 harvest guideline. Another approach would be to set the harvest guideline somewhere in between the CPSMT's recommendation and the previous year's quota so as to allocate the declines less drastically.

Allocation of 2001-2002 Harvest Guideline

The CPSMT and CPSAS spent the main part of their meeting discussing how to allocate the recommended harvest guideline. While the subpanel does not support the team's recommendation of 13,837 mt, it seemed most appropriate that the allocation discussion revolve around this potential number. During the 2000-2001 season there was no specific set aside allocated for incidental catch

of mackerel. Mackerel is caught frequently as incidental catch in the sardine fishery. Due to the lack of foresight, after the directed mackerel fishery closed in March, fishers were allowed to only land up to 1 mt of incidentally caught mackerel with their sardine catch. This can and has created a serious problem as the sardine fishery can be severely curtailed due to the lack of incidental mackerel catch set-aside. For the 2001-2002 season the CPSAS would recommend that the allocation be set prior to the season to include a set-aside for incidental catch of mackerel in the sardine fishery. The recommendation by the CPSAS would hold true for either the CPSMT's recommended harvest guideline of 13,837 mt or a larger harvest guideline similar to the 2000-2001 season.

If the Council chooses to adopt a harvest guideline of 13,837 mt for the 2001-2002 season, then the CPSAS recommends allowing a directed fishery for 6,000 mt beginning in July. This leaves a set-aside of 7,837 mt to be caught incidentally throughout the season at a rate of up to 45% per directed landing of sardine. The landings should be monitored closely, and if it appears a large number of fish could be potentially left on the table, the CPSMT and CPSAS could recommend to the Council at their April meeting that they establish a directed fishery or mop-up fishery for the remaining mackerel at the end of the 2001-2002 season.

G.2.c. Public Comment

Ms. Karen Reyna, Pacific Ocean Conservation Network, San Francisco, California

G.2.d. Council Action: Adopt Pacific Mackerel Fishery Management Specifications for 2002

Mr. Boydston moved (Motion 16, seconded by: Jim Caito) the Council adopt a harvest guideline of 13,837 mt for the Pacific mackerel 2001-2002 fishing season, which begins July 1, 2001. This is based on a biomass estimate of 84,090 mt. The motion included the CPSMT's recommendation for conducting the fishery:

(1) open the season with a harvest guideline (HG) of 13,837 mt; 2) close the directed fishery when 6,000 mt of the HG has been landed; 3) switch to incidental tolerance of up to 45% mackerel in other CPS fisheries, or up to 1 mt of mackerel at any percentage (i.e. pure loads); 4) CPSMT will closely monitor directed and incidental HG landed as the season progresses, reporting to Council at the March and April meetings; 5) reopen the directed fishery for a "mop-up" fishery in May and/or June if a significant portion of the HG still remains.

Motion 16 unanimously passed.

Mr. Rod McInnis asked for clarification about the "mop-up fishery." Is it the intent of the Council that the CPSMT would use harvest rates to calculate how quickly the remaining quota could be harvested, and this would be the basis for when the mop-up fishery opened? Mr. Boydston noted the CPSMT indicated they would closely track the fishery, its possible the mop-up fishery could occur in May or June 2002. Mr. McInnis clarified, then the CPSMT will bring a recommendation to the Council in March or April 2002 for Council action. Following Council action, the Council could forward a recommendation to NMFS for implementation. Mr Boydston concurred.

G.3. Market Squid Maximum Sustainable Yield (MSY) Methodology Review Workshop (June 15; 10:48 am)

G.3.a. Agendum Overview

Mr. Waldeck gave the agendum overview. He noted that the squid workshop was held, in part, to develop management provisions to address market squid maximum sustainable yield (MSY). When available the results of the workshop could be incorporated into the CPS FMP through an amendment.

G.3.b. Report of the Squid Workshop

Ms. Cindy Thomson gave a verbal SSC report about the workshop. She noted that the workshop was well attended, and the review panel accomplished their goals and objectives. Discussions included biology of

market squid, status of the squid fishery, and potential management strategies. Modeling methods also received much attention. The Panel expects to complete their report in time for SSC review at the September Council meeting.

Mr. Boydston noted that market squid MSY was an important element that needs to be incorporated into the FMP. He asked if the Panel report would include management recommendations to be used in the FMP. Ms. Thomson stated yes, the intent was for management strategies and management alternatives to be a product of the workshop. Mr. Boydston asked, if the Panel report was finalized by the end of August, would it be possible for the SSC to review it in September? Ms. Thomson answered yes.

G.3.c. Report of the Coastal Pelagic Species Plan Development Team

Dr. Kevin Hill presented the report of the CPSMT (Exhibit G.3.c, CPMST Report, June 2001).

At the Council's request, the Coastal Pelagic Species Management Team (CPSMT) worked with the Scientific and Statistical Committee (SSC), National Marine Fisheries Service (NMFS), and California Department of Fish and Game (CDFG) to organize the market squid stock assessment methodologies workshop. The workshop was held May 14-17, 2001 at the NMFS, Southwest Fisheries Science Center in La Jolla, California. The workshop panel reviewed research conducted on squid life history along with enhanced fishery data relevant to any stock assessment approach. The review panel and stock assessment authors had a productive week of discussion and hands-on modeling, and the CPSMT anticipates a fruitful outcome to this process. The CPSMT would like to thank the panelists and workshop participants for their contributions of time and expertise in making this workshop a success.

A principle goal of the workshop was to integrate the research and the workshop panel's findings into the coastal pelagic species fishery management plan (CPS FMP). The CPSMT has not yet met to review the workshop panel report, but will do so at the next scheduled work session. The CPSMT respectfully requests guidance from the Council on whether to proceed with including the panel's findings in Amendment 10 to the CPS FMP.

Mr. Boydston asked, under the current schedule, could the CPSMT complete their review by the September Council meeting? Dr. Hill responded yes.

G.3.d. Reports and Comments of Advisory Bodies

None.

G.3.e. Public Comment

There were no public comments.

G.3.f. Council Discussion and Guidance Regarding Market Squid MSY

The Council requested the CPSMT and CPSAS work together to develop recommended management alternatives for market squid MSY based on the workshop results. These would be completed in time for SSC and Council review in September 2001. At that time, the Council will determine if market squid MSY should be included in Amendment 10. If the Council decides to include squid MSY in Amendment 10, it is possible a public review draft could be prepared by the November meeting, with final action in March 2002.

H. Administrative and Other Matters

H.1. Report of the Budget Committee (June 15; 11:05 am)

Mr. Jim Harp read the report of the Budget Committee.

The Budget Committee reviewed the status of calendar year (CY) 2000 grant and audit, current CY 2001 expenditures through May and preliminary spending projections, the supplemental grant for highly migratory species (HMS), the supplemental grant for issues related to implementation of National Environmental Protection Act (NEPA) requirements, the status of CY 2002 funding, an update on the Council office move, and prospective meeting sites for 2003.

Dr. Don McIsaac reported that the CY 2000 grant has been utilized along the lines projected in December, but may end with some funds in excess of the \$10,000 carryover to fund continued activities implementing the Groundfish Strategic Plan. Staff will review coding of year end expenditures over the next few weeks to assure correct budget assignment and the audit for CY 2000 should be complete and available for the September Council meeting. If any funds remain above the \$10,000 carryover, they will be deposited in the unfunded leave account, as has been the usual practice.^{1/}

With regard to CY 2001, Dr. McIsaac reported expenditures for the four-month period ending April 30 appear to be within expected budget levels for the first third of the year. More detailed, preliminary year-end budget projections will be available at the September and November Council meetings.

Dr. McIsaac reported that NMFS Southwest Region has provided supplemental Council funding in the amount of \$95,428 which is in the process of being approved by the National Oceanic and Atmospheric Administration (NOAA) Grants Management Office. This amount represents travel and associated costs (printing, distribution, hearings, secretarial tasks, etc.) to complete adoption of the Council's HMS Fishery Management Plan (FMP) during the period April 1 through December 31, 2001.

Later this year, NMFS will also make additional supplemental funds available to the Council to augment NEPA related tasks and to participate in the development of the environmental impact statement (EIS) for the groundfish FMP over the next two years. Dr. McIsaac reported that the amount of this supplemental funding is expected to be \$65,000 for the NEPA augmentation and \$265,500 for the groundfish EIS.

Regarding the status of CY 2002 funding, Dr. McIsaac reported that Congress will likely approve the final budget allocations this fall. He thanked all those who have actively supported increased funding for the Council during the recent budget development process. The preliminary outlook indicates the possibility of an increase over the base funding level for regional councils. If the funding to all regional councils is increased by \$2,500,000 (as provided in the current budget bills), the Pacific Council will receive an additional \$366,000 over the current level of funding.

Dr. McIsaac provided an update on the Council office move and related costs. He reached an agreement for a multi-year contract for the new Council office located near the Portland Airport. The actual move is scheduled to begin Friday, June 22. All staff will be in the new office beginning Monday, June 25.

Some Budget Committee members expressed concerns about the meeting locations and hotels for Council meetings to be held in 2002 and beyond. They encouraged the Executive Director to pursue a broader range of alternatives.

^{1/} The unfunded leave account is used to pay accumulated leave upon an employee's termination, death, or retirement. Such disbursements can be significant and unanticipated in the annual budget preparation. For CY 2000, the account is about 75% funded.

H.1.a. Council Action: Adopt Recommendations of the Budget Committee

Mr. Jack Barraclough moved, and the Council concurred to adopt the report of the Budget Committee. (Motion 18) The motion was seconded by Mr. Jerry Mallet.

H.2. Status of Legislation (June 14; 4:00 pm)

Mr. Dave Hanson gave the legislative update. There was a hearing on the Magnuson-Stevens (M-S) Act today regarding ecosystem management. The House indicated it will not take up M-S Act reauthorization this year. The administration is establishing a new advisory committee on marine protected areas, abolishing the old one.

H.3. Report on the 2001 Chairmen's Meeting (June 14; 4:03 pm)

Mr. Jim Lone gave the report, he summarized the letters under Exhibit H.3., Supplemental Report 1.

H.4. Appointments to Advisory Bodies or Other Council Positions (June 14; 4:13 pm)

Mr. Bill Robinson moved, and the Council concurred to appoint Dr. Kevin Piner to fill the Northwest Fisheries Science Center's vacancy on the Groundfish Management Team. (Motion 12) Mr. Alverson seconded the motion.

H.5. Council Staff Work Load Priorities (June 15; 11:11 am)

Dr. McIsaac described workload estimates and existing priorities for the period between the June and September Council Meetings, and explained possible trade-offs in balancing workload to 100% of staff capacity (Exhibit H.5, Supplemental Staff Workload Report, June 2001). The trawl permit stacking task assigned earlier in the week will be postponed until after the September Council Meeting.

H.6. September 2001 Council Meeting Draft Agenda (June 15; 11:19 am)

H.6.a. Consider Agenda Options

Dr. McIsaac reviewed the draft September agenda items (Exhibit H.6, Supplemental September 2001 Agenda).

Mr. Anderson, under the workload item of the GMT, allocation and other groundfish management meetings, was concerned about having a body or some committee meet sometime in August in to develop alternatives for 2002 management measures, similar to last August. He felt that under D.6 there should be a place for that. The Council wanted to add three items to Exhibit H.6: a report of the upcoming meeting with Dr. Bill Hogarth regarding MRFSS, a sardine fishery update, and a report on the Congressional Buyback Briefing.

H.6.b. **Council Action:** Adopt Draft Agenda for the September 2001 Meeting

The Council approved the draft agenda as modified by the comments above.

H.6.c. Consider Advisory Body Analysis Priorities

The Council discussed analysis priorities for the SSC and the HSG. Groundfish rebuilding plans and marine reserve size are priorities for the HSG and SSC, and kelp management should not be a priority for the HSG.

ADJOURN

The Council adjourned on June 15, 2001 at 11:45 am.



Jim Lone, Council Chairman

September 11, 2001

Date