

# MINUTES

## Pacific Fishery Management Council

Crowne Plaza Hotel  
 1221 Chess Drive  
 Foster City, CA 94404  
 (650) 570-5700  
 June 16 - 20, 2003

A. Call to Order .....	3
A.5 <b>Council Action:</b> Approve March 2003 Minutes .....	3
B. Groundfish Management .....	4
B.1.d Council Discussion on NMFS Report on Groundfish Management .....	4
B.2.e Council Discussion and Guidance on Observer Data Implementation Status .....	6
B.3.d <b>Council Action:</b> Approve Stock Assessments and Rebuilding Analyses .....	7
B.4.f <b>Council Action:</b> Adopt a Preliminary Range of Harvest Levels for 2004 Management ...	9
B.6.d <b>Council Action:</b> Adopt Criteria and Standards for Approving EFPs .....	18
B.7.e <b>Council Action:</b> Consideration of EFP Proposals and Recommendations to NMFS .....	21
B.8.d <b>Council Action:</b> Consider and Adopt Inseason Adjustments, if Necessary .....	22
B.9.d <b>Council Action:</b> Consider the Environmental Assessment, Proposed Rule, and Next Steps in the Process–Make Recommendations as Necessary .....	29
B.10.d <b>Council Action:</b> Approve Process and Terms of Reference .....	31
B.11.e Council Discussion on Status of the Groundfish EFH Environmental Impact Statement ..	35
B.12.e Council Discussion on Programmatic EIS Process .....	37
B.13.d <b>Council Action:</b> Adopt FMP Amendments 16-1 and 16-2 for Implementation by NMFS	38
B.14.f <b>Council Action:</b> Adopt a Proposed Range of 2004 Management Measures for Public Review .....	42
B.15.d. Council Discussion and Guidance on Alternative Long-term Groundfish Management Strategies .....	45
C. Salmon Management .....	46
C.1.c Council Discussion on Salmon Fishery Update .....	46
C.2.e Council Discussion on Mitchell Act Update .....	48
C.3.d Council Discussion and Guidance on Progress Report on the Establishment of the Model Evaluation Work Group .....	49
D. Habitat .....	49
D.1.e <b>Council Action:</b> Consider HC Recommendations .....	50
E. Coastal Pelagic Species Management .....	50
E.1.d Council Discussion on CPS Update .....	50
E.2.d <b>Council Action:</b> Adopt Pacific Mackerel Harvest Guideline for the 2003 through 2004 Season .....	51
F. Highly Migratory Species Management .....	52
F.1.d Council Discussion on NMFS Report on Highly Migratory Species Management .....	52
F.2.e <b>Council Action:</b> Adopt a Modified Alternative for High Seas Longline Fishing, If Necessary .....	55

G. Marine Reserves .....	56
G.1.e <b>Council Action:</b> Consider and Comment on CINMS Proposal .....	57
G.2.e Council Discussion on Central California Sanctuary Processes Including Krill Ban .....	59
H. Administrative Matters .....	60
H.1.e <b>Council Action:</b> Consider Recommendations of the Legislative Committee .....	61
H.2.e <b>Council Action:</b> Consider Recommendations of the Budget Committee .....	61
H.3.e <b>Council Action:</b> Consider Appointing New Members and Addressing Other Membership Issues as Necessary .....	62
H.4.d <b>Council Action:</b> Identify Priorities for Advisory Body Consideration and Adopt Draft Agenda for the September 2003 Council Meeting .....	63
4 PM Public Comment .....	63

## A. Call to Order

### A.1 Opening Remarks, Introductions

The 169<sup>th</sup> meeting called to order, by Dr. Hans Radtke Chairman

### A.2 Roll Call

Dr. Donald McIsaac called the roll.

Bob Alverson  
Phil Anderson  
Neal Coenen  
Marija Vojkovich  
Ralph Brown (not present on Monday)  
Jim Caito  
Mark Cedergreen  
Donald Hansen  
Kevin Duffy (Absent)  
Dave Hanson (Absent)  
Jim Harp  
Jerry Mallet  
Greg Casad  
Dave Ortmann  
Hans Radtke  
Tim Roth  
Bill Robinson  
Roger Thomas  
Stetson Tinkham (Absent)

### A.3 Executive Director's Report

Dr. Radtke stated that the meeting had a full agenda and expects it to go through 5 pm on Friday.

Dr. McIsaac provided opening comments.

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

Mr. Phil Anderson moved and Mr. Bob Alverson seconded a motion (Motion 1) to approve the agenda as shown in Exhibit A.4, June 2003 Council Meeting Agenda. Motion 1 passed.

### A.5 **Council Action:** Approve March 2003 Minutes

Mr. Anderson moved and Mr. Harp seconded a motion (Motion 2) to delay the approval of the March minutes until Friday. Motion 2 passed.

Mr. Harp moved and Mr. Neal Coenen seconded a motion (Motion 18) to approve the March 2003 Council meeting minutes as shown in Exhibit A.5, Supplemental March 2003 Council Meeting Minutes with the corrections stated by Mr. Fougner. Motion 18 passed.

## B. Groundfish Management

B.1 NMFS Report on Groundfish Management (06/13/03; 4:26 pm)

B.1.a Regulatory Matters

Mr. Bill Robinson noted the regulatory filings which happened since the April meeting. He also referenced Exhibit B.1, Supplemental Attachment 1 (preliminary report #2 on the 2003 Pacific whiting fishery).

Mr. Robinson talked about the National Bycatch Plan and a comprehensive review of the bycatch issue. That review is part of the agencies national bycatch strategy which includes an initial report card to be done by the end of July. There is a national bycatch working group within NOAA Fisheries who are looking at observer programs and bycatch methodologies to develop standardized efforts.

B.1.b Reports and Comments of Advisory Bodies

None.

B.1.c Public Comment

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

B.1.d Council Discussion on NMFS Report on Groundfish Management

B.2 Observer Data Implementation Status (9:15 am; 06/17/03)

B.2.a Agendum Overview

Dr. Ed Waters provided the situation summary.

B.2.b NMFS Report

Dr. Jim Hastie and Dr. Elizabeth Clarke of the Northwest Fisheries Science Center (NWFSC) reported on the status of incorporating data from the West Coast Groundfish Observer Program into fishery management decision making, and related issues. They also gave a brief summary of findings from analysis of the observer data and resulting changes made to the trawl bycatch model since the April Council meeting.

Summary of key changes to the trawl bycatch model since April:

- 2000-2001 landings were updated with 2002 landings data.
- 1999 logbook data were replaced with 2000-2002 logbook data.
- Model was tuned to replicate 2003 period 1 and period 2 QSM landings data.
- Choice of when/whether vessels use small footrope was revised (differential limits apply if small footrope is used during a period).
- There were no changes made to bycatch rates or model stratifications.
- Began investigating discard rates for target species (DTS and whiting).

#### Questions and Answers on NWFSC Report:

Mr. Donald Hansen asked if the preliminary target species discard rates were higher or lower than assumed in the current model. Dr. Hastie responded that he wasn't sure yet. Current work on discard rates is preliminary. Findings on this topic will be presented to the Council in September.

Ms. Vojkovich asked if new observer data will change the bycatch rates in the model. Dr. Hastie responded that he doesn't anticipate changes in the model to the overfished species bycatch rates until the new (2002-2003) observer data is incorporated early next year.

Ms. Vojkovich asked if there is a plan or timeline in place for incorporating new observer data. Dr. Clarke responded that the 2002-2003 observer data will be available in January 2004. Dr. Hastie added that the 2005-2006 groundfish management measures will be finalized April 2004. He expects that the 2002-2003 observer data will be used for modeling 2005-2006 trawl management measures, and also, to the extent possible, fixed gear and open access management measures.

Mr. Anderson asked if the schedules for incorporating bycatch rates for the overfished species and discard rates for target species would remain different in the future. Dr. Clarke and Dr. Hastie responded that the schedules would coincide beginning 2004.

Mr. Anderson asked if the next version of the bycatch model would include limited entry fixed gear. Dr. Clarke and Dr. Hastie responded yes.

Mr. Bob Alverson asked Dr. Clarke if she would be able to keep up the level of observer coverage necessary to fuel increasing management information needs. Dr. Clarke responded that she thought that should be possible, although costs would rise over time as the observers became more experienced and more senior. There is also a limit imposed by NMFS on the number of FTEs that can be used for the observer program.

Mr. Neil Coenen said he was still unclear on how the multiyear management process would fit with the scheduled release of observer data, stock assessments, etc. Dr. Hastie responded that some preliminary thoughts on this would be presented to the Council in November.

Mr. Brown asked if it was known how long we need to be in a consistent management regime before we can collect enough data to know the effects of that management regime. Dr. Hastie responded he didn't know, but that the presence of closed areas will help focus data gathering on the areas remaining open.

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

##### **GMT**

Mr. Brian Culver provided Exhibit B.2.c, Supplemental GMT Report.

##### **SSC**

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

##### **GAP**

Dr. Edward Waters read Exhibit B.2.c, Supplemental GAP Report.

#### B.2.d Public Comment

None.

#### B.2.e Council Discussion and Guidance on Observer Data Implementation Status

Mr. Brown asked Dr. Hastie about the statement in the GAP report regarding time/area/depth stratification in the bycatch model. At the last meeting, the SSC determined there was only enough observer data to support shallow and deep strata. Mr. Brown was concerned whether there is enough information to support creation of finer strata in the model. Dr. Hastie replied that there are more observations in the north than in the south, and the RCA depth lines are somewhat different between the two areas. In April the SSC discussed alternative stratification schemes. NWFSC is hoping to finish that analysis this summer and come forward with alternatives for the SSC to consider, possibly including seasonal strata.

Mr. Donald Hansen asked if there is a minority report on the GMT report. Dr. Radtke ruled there is no minority report, but if the states feel they need to bring something forward they can.

Mr. Anderson asked Dr. Hastie: Is it correct that the only observer data used in the analysis is the information from the first twelve months of the program (9/01 to 8/02)? The subsequent analysis using the log books and fish tickets did not involve updating with observer data from the 09/02 through 08/03 timeframe. Dr. Hastie said yes, that is correct.

Ms. Vojkovich recalled an item in the SSC report concerning the fact the 3 states used different methods for adjusting hail weights. She recommended that the states get together and discuss whether it is possible to standardize these methods. She would like the Council to direct the GMT to see if the procedures could be standardized.

Mr. Brown said the issue of stratification is going to be critical. We need to make sure our management regimes lend themselves to collecting enough information to allow us to manage.

Ms. Vojkovich asked for the observer program to lay out a timeline that gives us a clearer idea of when new information would be available and when it would be used. It would be valuable to have a conversation that gets into these data issues. That conversation should start in November.

#### B.3 Stock Assessments and Rebuilding Analyses for 2004 Groundfish Management (06/17/03; 10:12 am)

##### B.3.a Agendum Overview

Mr. John DeVore provided the situation summary and walked the Council through the attachments. Council direction is to consider the new assessments, rebuilding analyses, and STAR Panel reports, as well as the advice of the SSC, other advisory bodies, and the public before adopting the new stock assessments and rebuilding analyses for use in 2004 groundfish management.

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

#### **GMT**

Ms. Michele Robinson provided Exhibit B.3.b, Supplemental GMT Report.

#### **SSC**

Mr. Tom Jagielo and Dr. Steve Ralston provided Exhibit B.3.b, Supplemental SSC Report.

The Council discussed details of the widow rockfish rebuilding analysis and the implications of using either models 7, 8 or 9 in deciding management measures. There was some discussion of the relative depletion of the stock spawning biomass. Given that some model runs suggest the stock never exceeded the overfishing threshold, if those models were approved, what are the legal ramifications? Would the overfishing declaration be rescinded? Ms. Cooney did not know and said such a result would have to be discussed with Headquarter's staff. Dr. Ralston indicated that model 8 was the base model used in the widow rockfish assessment and rebuilding analysis. It is the preferred model and it indicates the stock is overfished. He said that models 7 and 9 bracket the base case and provide the range of outstanding scientific uncertainty in the assessment. Dr. McIsaac asked for the Council interim rebuilding probability for widow and Mr. DeVore answered 60%.

The Council then discussed widow rockfish assessment uncertainty. Mr. Robinson summarized the three major uncertainties: lack of fishery-independent information, lack of fishery-dependent information, and stock-recruitment steepness. Dr. Ralston agrees there was much uncertainty in the assessment; however, there was a good amount of age data in the assessment, much like the yellowtail assessment. Mr. Brown asked if the Santa Cruz midwater survey was a larval survey? Dr. Ralston said no, it is a young-of-the-year age 1 juvenile survey used to index recruitment.

The Council then discussed the Pacific ocean perch rebuilding analysis. Mr. Anderson asked if the recommended range of 2004 OYs in the rebuilding analysis comports to the SSC's recommendations was 318-664 mt? Mr. Jagielo said yes. Dr. McIsaac asked the Council interim rebuilding probability for Pacific ocean perch and Mr. DeVore said 70%.

## **GAP**

Mr. DeVore read Exhibit B.3.b, Supplemental GAP Report.

### **B.3.c Public Comment**

None.

### **B.3.d Council Action: Approve Stock Assessments and Rebuilding Analyses**

Mr. Anderson commented that the GAP statement to fill data gaps in assessments is a very important recommendation. The wide range of rebuilding OYs speaks to the uncertainties in these assessments. He is concerned data gaps will get wider due to funding issues and diminished fishery sampling. He said the OY range is extreme this year and he appreciates the scientists revealing assessment uncertainties.

Mr. Anderson moved and Ms. Vojkovich seconded a motion (Motion 3) that the Council approve the following stock assessments for use in 2004: Pacific ocean perch, widow rockfish, bocaccio, black rockfish, cowcod, yellowtail rockfish and darkblotched rockfish. Mr. DeVore asked if the motion is to only approve the stock assessments or the rebuilding analyses? Mr. Anderson said this is only for the stock assessments. Ms. Vojkovich said she supported Mr. Anderson's statements on the "state of the data" and how difficult it is to make decisions when the data seemed to be questionable. Mr. Coenen said we need to reflect in our action the quality of the SSC report and keep in mind the last paragraph of the GMT report relative to Ms. Vojkovich's and Mr. Anderson's comments. The assessments need to include the parameters and projections listed in the terms of reference to make our job easier.

Motion 3 passed.

Mr. Anderson noted the action contemplated is to approve rebuilding analyses to specify the ranges and preferred alternatives in planning for the 2004 fishery. Mr. DeVore said they would also be used for future rebuilding plans. Mr. Anderson moved and Mr. Caito seconded a motion (Motion 4) that the Council approve rebuilding analyses for 2004 fishery management and long-term rebuilding plans for Pacific ocean perch, widow rockfish, bocaccio, darkblotched rockfish, and the cowcod rebuilding review. Mr. Brown asked about the darkblotched rebuilding scenarios A, B, and C referred to in the STAR Panel report. Dr Ralston said Table 15 on page 32 of the STAR Panel report (Exhibit B.3, Attachment 13) summarizes these three scenarios.

Motion 4 passed.

#### B.4 Preliminary Range of Harvest Levels for 2004 (06/17/03; 11:20 am)

##### B.4.a Agendum Overview

Mr. DeVore provided the situation summary and reviewed the attachments. The Council task at this meeting is to adopt a range of 2004 harvest levels and specifications for public review and analysis. Council staff will prepare an Environmental Impact Statement (EIS) this summer to analyze the effect of alternative harvest levels as well as alternative management measures for 2004 groundfish fishery management. A preliminary draft EIS containing relevant environmental analysis of alternatives will be available to aid the Council in deciding final harvest levels, specifications, and management measures at the September meeting.

##### B.4.b Preliminary Estimates of Acceptable Biological Catch and Optimum Yield (06/17/03; 12:47 pm)

Ms. Michele Robinson provided Exhibit B.4, Supplemental Revised Attachment 1.

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

Mr. Robinson reiterated the point made by Mr. DeVore that selecting the ranges and identifying the preferred alternatives, the Council should keep in mind the alternatives as presented in 16-2 to make sure the numbers are aligned together (consistent decisions are made between the harvest levels and rebuilding plans).

##### B.4.d Reports and Comments of Advisory Bodies

#### **SSC**

Mr. Jagielo provided Exhibit B.4.d, Supplemental SSC Report.

#### **GAP**

Mr. Rod Moore provided Exhibit B.4.d, Supplemental GAP Report.

Mr. Brown asked Mr. Moore if the same Medium OY alternative recommended by the GMT for sablefish is recommended by the GAP? Mr. Moore said yes, although the Medium OY is based on a density-dependent hypothesis when the GAP believes that environmental regime shift is the true state of nature. However, the 2004 OY under the Medium OY alternative is higher than the 2003 OY.

#### **Allocation Committee Report**

The Allocation Committee Report under Exhibit B.14.b, page 5 was referenced at this time as it contained items pertinent to this agenda item. Dr. McIsaac explained that the initial range of OYs recommended by the

Allocation Committee are now moot given new scientific information.

B.4.e Public Comment

Mr. Chris Dorsett, Ocean Conservancy, San Francisco, CA  
Mr. Phil Kline, Oceana, Washington, DC

B.4.f **Council Action:** Adopt a Preliminary Range of Harvest Levels for 2004 Management

Mr. Anderson moved and Mr. Alverson seconded a motion (Motion 5) that the Council adopt a preliminary range of harvest levels for 2004 as represented in Exhibit B.4, Supplemental Revised Attachment 1, and that we identify, under the preferred alternative, harvest levels for the following four species:

Pacific ocean perch- 444 mt,  
widow rockfish- 284 mt,  
bocaccio- 306 mt, and  
darkblotched rockfish- 272 mt.

Mr. Anderson said there is a significant range of OYs which have resulted from the stock assessments and he feels it is important to try to identify preferred alternatives for the four species subject to rebuilding. There may be additional species others would like to add in terms of identifying the preferred alternative. Relative to POP, referring to the rebuilding analysis page 7, the 444 mt value is consistent with the rebuilding probability of 70%. It is also consistent with the model recommendation we heard from the SSC. For bocaccio, referring to page 6 of the rebuilding analysis, the 306 mt alternative is representative of the STATc model which includes all of the data which was available relative to the recreational catch per unit effort index as well as the triennial survey index. Also, the 70% rebuilding probability is consistent with our rebuilding strategy of previous years. For darkblotched, referring to page 32 of the stock status update rebuilding document, 272 mt is consistent with model 6, scenario B, which includes recruitment estimates through 2000, but not 2001, which had been characterized as highly uncertain. This alternative also has an 80% rebuilding probability, which is consistent with earlier Council decisions. For widow, referring to page 7 of the rebuilding analysis, the 284 mt value is derived from model 8 which is the base model recommended by the stock assessment team and includes a power function of 3 and a 60% rebuilding probability, which is consistent with previous Council decisions. On page 8 of the widow rockfish assessment, it indicates an OY of 284 mt has a 100% probability of no further decline in the next 100 years. The High OY value of 501 mt has only a 31% probability of no further decline in 100 years. This is the primary reason he did not select a higher OY for widow rockfish.

Mr. Brown explained this is a generally reasonable approach. He asked if the preliminary whiting OYs were part of the motion? Also, why was a preferred alternative for canary rockfish left out of the motion? Mr. Anderson explained the range of whiting OYs is included in the motion, but he had purposely left canary rockfish out of the motion due to OY variation depending on the recreational and commercial allocation and the management regime that would evolve from these numbers. Therefore, he did not think it was necessary to identify a preferred alternative for canary rockfish at this time.

Ms. Vojkovich asked for a friendly amendment to motion 5 regarding bocaccio. Right now the range is 199, 306, and 710. She proposes the High OY alternative reflect the STARb1 model which would be an OY of 526 mt. She said both of the STARb1 and STARb2 models leave data out of the assessment and, since it only uses one source of data, she would prefer to analyze the value at the 80% rebuilding probability level. Mr. Anderson accepted the friendly amendment as did Mr. Alverson. Ms. Vojkovich reiterated the Low and Medium OY alternatives would stay the same.

Mr. Alverson asked if the NEPA analysis for 2004 specifications would specifically address constraining

situations in other fisheries that take widow rockfish? Dr. McIsaac said the assessment of these options would take into account the entire mix along with constraints and Mr. DeVore agreed.

Mr. Coenen supported the motion and asked if it would be useful to have an extended footnote on the harvest level alternatives table explaining the effect of alternative catch shares for canary rockfish? Mr. Anderson took that as a friendly amendment and agreed, as did Mr. Alverson.

Motion 5 passed.

B.5 Status of Groundfish Fisheries and Initial Policy Consideration of Inseason Adjustments (06/17/03; 2 pm)

B.5.a Agendum Overview

Mr. Mike Burner provided the situation summary and reference materials. The Council is to consider advice from Advisory Bodies and the public on implementation of observer program data, inseason use of stock assessment results prepared for 2004, and recommended inseason adjustments to the 2003 groundfish fishery, then adopt tentative changes as necessary. Review of the tentative changes and final adoption of inseason adjustments to 2003 groundfish management measures is scheduled for Wednesday, June 18 under agenda item B.8.

B.5.b Groundfish Management Team Report

Ms. Michele Robinson reviewed an updated summary of fishery impacts provided in Exhibit B.5.b, Supplemental GMT Report. Updates primarily reflect changes made to the bycatch model since April and updated catch estimates in ongoing EFPs. Current estimates for canary rockfish project an annual mortality of roughly 40.5 metric tons of an OY of 44 metric tons. Many of the proposed inseason actions discussed in the GMT and the GAP centered on 3.5 metric tons of available canary rockfish impacts. Dr. Hastie and Mr. Moore provided the proposed inseason adjustments in Exhibit B.5.b, Supplemental GMT Report. Projected canary rockfish impacts, the new bocaccio assessment information, and potential buffers in DTL trip limits in anticipation of forthcoming information from the observer program on discard of target species were major issues considered by the GAP and GMT when drafting recommendations.

B.5.c Reports and Comments of Advisory Bodies

## **GAP**

Mr. Rod Moore provided Exhibit B.5.c, Supplemental GAP Report. Mr. Moore reported that the GAP had a thorough discussion of the new bocaccio assessment and was generally sympathetic to the restricted California fisheries. However, the GAP voted 13-3 to not increase the 2003 bocaccio OY but voted unanimously to allow additional recreational opportunity in depths out to 30 fathoms south of Point Conception.

Mr. Caito asked if the GAP discussed rescinding Period 4 trawl closures south of Cape Mendocino when considering recommended inseason action. Mr. Moore responded that the GAP considered trawl changes but noted that absent an increase in the bocaccio OY there were not enough available bocaccio impacts to consider reopening the trawl opportunity. GAP members representing the trawl industry were present and familiar with the issue when the GAP voted 13-3 to maintain the bocaccio OY.

Mr. Brown asked for clarification from Dr. Hastie relative to the recommended trip limit increases for Dover sole and decreases for sablefish when their respective catch levels through the QSM system suggested the

opposite may be appropriate. Dr. Hastie responded that it was largely due to the seasonality of the fishery.

Mr. Robinson asked for clarification on bocaccio impacts resulting from opening the area south of Point Conception between 20 and 30 fathoms to recreational fishing. Dr. Hastie reported that the GMT has not had time to discuss the details of that analysis as it is a complicated assessment involving a new estimate of bocaccio CPUE as well as an estimate of how much additional effort, if any, the regulation change would generate.

Mr. Brown highlighted the difference in recommended DTS limits between the GAP and the GMT statements. Mr. Brown asked if the reduced limits in the GMT statement are based on current estimates of projected landing in 2003 or if there is a buffer included in the landing limits. Dr. Hastie reported the limits in the GAP statement, at the upper end of the trip limit considerations would be adequate given our current understanding to target species discard. The GMT was concerned about preliminary raw data from the observer program that suggests that discard rates for sablefish and shortspine thornyheads are higher than currently assumed. Substantial analysis of these data will occur this summer and will be brought forward in September. Preferably these data could have been analyzed and presented earlier in the year. There is considerable uncertainty about the results of this upcoming analysis as well as what the Council policy choice will be for using the results in groundfish management. The GMT felt it was prudent to present a more conservative approach for DTS species until the results of the analysis were presented in September. This would allow the greatest flexibility in reacting to the new information. If the new information suggests the fishery is ahead of projected impacts a conservative approach now could create some stability in the fishery later in the year and, conversely, if the new information suggests that the fishery is tracking behind expectations, the Council could increase trip limits in Periods 5 and 6 accordingly.

Mr. Moore stated that the GAP was aware of the potential tradeoffs as summarized by Dr. Hastie and felt that reducing trip limits at this time was unwarranted. Reduced discard of DTS occurs in the summer months as these species move into shallower water and the GAP felt that limits could remain at the high end of the presented range while providing a full year of opportunity. The GAP preferred to react to any new information when it is available in September.

Dr. McIsaac asked for clarification on the potential gross range of additional bocaccio impact that could result in opening the area south of Point Conception between 20 and 30 fathoms to recreational fishing. For example, could values such as zero or greater than 10 metric tons be ruled out at this time. Dr. Hastie reported that the GMT has not had time to discuss the details of that analysis and stated that at this time nothing has been ruled out. New estimates of bocaccio CPUE as well as an estimate of how much additional effort would occur could fall within a wide range of estimates.

Mr. Anderson asked about canary rockfish impacts as presented in the Exhibit B.5.b, Supplemental GMT Report. Dr. Hastie reported that all three options presented are estimated to fall below the canary rockfish OY but anticipated adjustments to recreational fishery impacts in Oregon only leaves one viable option without fishery reductions.

Mr. Anderson asked if the commercial non-trawl nearshore trip limit changes north of Cape Mendocino were intended to attain OYs for nearshore rockfish other than black rockfish or blue rockfish. Dr. Hastie responded that for areas in California north of Cape Mendocino the increases are intended to increase the harvest of black rockfish and blue rockfish and it is anticipated that Oregon will take state action to decrease commercial nearshore landing limits to remain on track. Lacking regional OYs for black rockfish, this was the best available regulatory approach at the federal level.

Mr. Coenen stated that Oregon recreational fisheries were originally anticipated to take 10 metric tons of canary rockfish in 2003. That figure was reduced to 9.3 metric tons in response to the large salmon fishery

off the Oregon coast this summer, drawing effort away from groundfish. The current inseason estimates range from 8.15 to 9.6 metric tons. HE asked how the team settled on 9.3 metric tons at this meeting. Ms. Robinson stated that GMT intent in the scorecard was to present the best estimates of mortality, not a range. None of the values should be considered hard bycatch caps for recreational fisheries. If the best estimate for Oregon recreational impacts has changed, the GMT should be presented with those figures and analyses as soon as possible.

Mr. Alverson asked for the current trawl and fixed-gear fishery discard rate assumptions. Dr. Hastie responded that assumed discard mortality rates are 22% for trawl and 8% for fixed-gear fisheries. Mr. Anderson asked if the value from the observer data was as high as 48%. Dr. Hastie concurred that preliminary results suggest rates that high across all depths and need further analysis.

Dr. Hastie clarified that the GMT did not include any reference to the DTL changes as proposed by the GAP because the GMT cannot assess this fishery from the existing PacFIN QSM report. Dr. Hastie pledged to get the required data by phone from PacFIN before the end of the week.

Mr. Robinson clarified that so long as there is a buffer between the sum of best estimates for canary rockfish impacts across fisheries and the OY, there is room for adjusting or updating best estimates upward. However, if there is no buffer, any increase in the best estimates would result in exceeding the OY. Ms. Robinson concurred.

## EC

Captain Mike Cenci provided Exhibit B.5.c, Supplemental EC Report.

### B.5.d Public Comment

Mr. Bob Osborn, United Anglers of Southern California, Huntington Beach, California  
Mr. Pete Leipzig, Fisherman's Marketing Association, Eureka, California  
Mr. Darby Neil, Virg's Landing, Morro Bay, California

### B.5.e **Council Action:** Establish Guidelines for Consideration of Inseason Adjustments and Adopt Tentative Adjustments, if Necessary

Mr. Coenen suggested that the Council consider actions on three separate items, inseason recommendations, and the two policy decisions on use of observer data and stock assessment information. He also provided Exhibit B.5.e, Supplemental ODFW Report.

Ms. Vojkovich expressed concerns about discussing inseason actions separately from the decision of inseason use of new stock assessment data as the two are very closely related from a California perspective.

Dr. McIsaac reviewed the Council tasks at hand and suggested that the Council first consider the observer data issue as Mr. Coenen had suggested and then move into the issues of stock assessment information and inseason adjustments. He stated that unlike April, this round of observer data implementation has relatively little impact on fishery modeling.

Mr. Brown agreed with Mr. Coenen and Ms. Vojkovich that we should proceed issue by issue and cautioned that the policy decisions on using new information go beyond inseason adjustments for 2003 and could carry increased importance under multi-year management.

Mr. Anderson commented on the dynamic nature of the groundfish fishery and noted we have made major

changes from season to season with little information to make those decisions. One of the pieces of information we have lacked for changing or developing management strategies, is knowledge about what has been transpiring on the fishing grounds relative to total fishing mortalities. Responding to this criticism, the Council and NMFS got an observer program started in August of 2001 with an initial report four or five months after the last data was collected for the first twelve month period. While there might be further analyses needed, we decided the observer program results were ready for use for management decisions. In April we made the decision to use the new information and made modifications in our 2003 management strategies. We heard from Dr. Clarke and Dr. Hastie on the observer program. Reports included a schedule for receiving analysis from future years' data and the challenges of the analysis of the initial year data. They also told us about personnel limitations which prevent NMFS from bringing on an additional staff person. In looking at the ODFW requests for additional cooperation and personnel for more timely delivery of observer program results, he thinks that the GMT and NMFS have already come before the Council to help in these regards, utilizing all available resources. He concurs with ODFW that NMFS should work to identify additional resources for the observer program. Mr. Anderson also stated that if the ODFW statement intends to imply that inseason decisions in April were made with incomplete information, he does not agree. He also stated concern about statements in the ODFW report stipulating deadlines for inseason use of observer data results. These deadlines could impair the Council's ability to use the information as Dr. Clarke reported the difficulties of meeting such time lines. The Council is left with the difficult policy decision of using the information from the observer data as it becomes available for inseason management or holding it and applying it to the year ahead. Mr. Anderson said there has been significant efforts from NMFS to analyze observer program data for timely use but there is a difficult balance between using the best available information while providing stability to the fishery.

Mr. Alverson on the ODFW proposal, in reading the second paragraph he noted five "shoulds". This paragraph suggests the author does not understand the problem. The observer data is not the problem. The current bi-monthly trip limit regime is the problem. Trip limits of 12,000 pounds for sablefish do not make sense when 7,000 - 10,000 pounds can be caught in a tow, it creates regulatory discard problems. We need to look at it using observer data on an annual basis rather than in increments inseason.

Mr. Robinson said Dr. Clarke and the science center should be commended for implementing a complex and sophisticated observer program with few resources while developing and refining a peer reviewed bycatch model. Before the Council's policy decision in April, Dr. Clarke and Dr. Hastie stated that they felt the analysis of the observer data was complete enough at that time that no substantial changes were expected upon further analyses. Prior to this meeting there is the issue of bycatch rates on some of the target species. In preparation for this meeting, Mr. Robinson asked Dr. Clarke and Dr. Hastie the same question that was posed in April concerning the status of the analysis of bycatch rates for target species. The answer was very different and the science center staff stated that current analyses are preliminary and the results could change the outcome significantly as more work is completed in the future. The collective decision at this time is not to use the preliminary results. The science center has pledged to work on a schedule for the implementation of observer data under multi-year management. Given the resources we have and the level of coverage in the program, he did not feel we could ever have the real time collection and analysis in the short time frames we are talking about.

Mr. Brown said there are problems in using the data a year or more after it was collected as the fishery has changed. This may well be the worst time for using the data inseason because it is the first use. It is not a problem for the next two year cycle, it is this year's problem (2003). How are we going to use new information that has not been fully analyzed to manage fisheries and affect peoples' lives.

Mr. Robinson offered an expression of frustration with the complexity of management regime and the Council's efforts to manage to finer resolution (utilizing 0.6 metric tons of canary by moving lines). He seriously doubts that the precision of the available information is sufficient to make these tight decisions.

Mr. Coenen asked how many months of observer data were included in the analysis that lead up to the action in April. Mr. Robinson replied twelve months, August 2001 - August 2002. Mr. Coenen said that August to August scheduling was discussed under agenda item B.2. as an intended time frame with a proposed transition process. He also asked how many years of data were used to update the bocaccio assessment. Mr. DeVore responded that two new data points or two new years of data went into the stock assessment.

Ms. Vojkovich addressed the subject of whether we use new stock assessments for inseason management. In 2003 the California fisheries are highly restricted by bocaccio as a result of the last assessment. The OY proposed for 2004 ranges from 2 to 100 times the existing management goal of less than 20 metric tons. She asked if NOAA Fisheries could provide additional guidance on what possibilities exist for exploring an inseason increase in the bocaccio OY for 2003. Specifically, have we ever had an OY situation like this one for bocaccio in the past and whether there have been changes inseason to OYs that any regional Council's manage?

Mr. Robinson said he is not aware of the situation where this has been such a radical change from one stock assessment to another as we have seen in bocaccio within the Pacific Council process. He did not know of any actions taken by other regional councils. He is not aware of any inseason changes in OY. The current groundfish fishery FMP does not contemplate inseason OY changes. Although action may be taken under emergency authority of the MSA with adequate justification.

Ms. Vojkovich referred to the public suggestion of borrowing OY from next year's bocaccio OY for this year, has that ever been addressed? Mr. Robinson said it is not something the Council has ever done, but has been discussed in terms of amending the FMP according to long-term strategies and multi-year management. Ms. Vojkovich recalled that salmon management has a similar mechanism in place. Mr. Robinson said this is done in the preseason process for salmon when impacts in the fall of one year are applied to fisheries in the next year.

Ms. Vojkovich asked if there was any other means or mechanism to address the issue of allowing more fishing opportunity because of the bocaccio assessment that does not involve changing the OY inseason. Mr. Robinson said if any change we discuss resulted in a total mortality of bocaccio that exceeded the OY it would be appropriate to request an emergency rule. The key criteria is any action that would result in a total mortality in excess of the 20 metric tons would require an emergency rule.

Ms. Vojkovich asked for clarification on the emergency rule. Would the action be to change the OY? Mr. Robinson stated that it is somewhat a matter of semantics, but the emergency rule would implement the fishery changes and provide rationale for any change in OY.

Dr. McIsaac offered an assignment to the GMT to get estimated bocaccio impacts as a place to start prior to making a motion on the subject.

Ms. Vojkovich asked for clarification on the scope of inseason management changes the GMT analyze. Dr. McIsaac suggested a motion from the Council that directs the GMT to do a preliminary analysis of tentative inseason adjustments with a final motion to follow later in the week when the results are available.

Ms. Vojkovich said she was interested in pursuing a GMT analysis of impacts of adjusting the management lines in two areas, south of Lopez Point and south of Point Conception. This would provide a comparison of bocaccio and canary impacts in these two areas. She so moved Motion 6, seconded by Chairman Donald Hansen. Mr. Ralph Brown requested a friendly amendment to include the suggestion by Mr. Leipzig to include removing the April inseason action on the trawl fleet south of 40° 10' N latitude. The friendly amendment was accepted.

Dr. McIsaac reviewed the motion including the request to analyze the impacts of moving the recreational management line south of Lopez Point and Point Conception to 30 fathoms. He also asked for clarification on the specific management line adjustments being requested for the trawl fleet.

Ms. Vojkovich said the motion included moving the management lines out to 60 fathoms for trawl sector.

Mr. Anderson repeated the motion just for clarification and assumed that there would be canary rockfish impacts associated with these suggested changes. He noted some concerns about reopening the issue of canary rockfish impacts as it has coastwide implication. He can understand accessing increased opportunity south of Point Conception in response to new bocaccio results, but is concerned that additional opportunity north of Point Conception could require canary rockfish impacts that have already been allocated to other fisheries.

Dr. Hastie replied that he could not commit to a specific estimate at this time but expects that the flatfish fishery inside 60 fm would have a fairly small impact on canary rockfish, perhaps 0.1 to 0.3 metric tons.

Ms. Vojkovich requested that Mr. Tom Barnes be given the opportunity to address the Council relative to recreational fishery impacts in southern California. Mr. Barnes reported that data from the late nineties, when the fishery was not restricted by depth, was open all year and the bag limits were higher than current limits, estimated canary impacts in the San Luis Obispo catch area at approximately 3 metric tons. Therefore, it is likely that the estimate for canary impacts south of Point Lopez well result in some fraction of 3 metric tons as the fishery is restricted to six months within 30 fathoms.

Mr. Robinson clarified that the Council is not voting on an emergency rule or a proposed set of regulation changes, rather we are voting to forward a suite of regulatory actions for GMT analysis.

Mr. Anderson asked if there is a 30 fathom line defined in the areas in California being considered. Ms. Vojkovich responded that there was not.

Dr. Radtke clarified that the Council will take a vote on this motion, move on to public comment, and then return to this agenda item.

Mr. Anderson asked if California was going to provide a 30 fathom line to the GMT. Ms. Vojkovich responded that California will provide all available information to assess the impacts as requested by the Council.

Mr. Robinson stated previous inseason line changes were possible because the new lines were previously specified and considered in the EIS for 2003 groundfish fisheries. If a 30 fathom line has not been established and therefore was not considered in the EIS, implementation of such a line would require an emergency rule and a corresponding NEPA analysis.

Vote on Motion 6. Roll call vote. 9 yes, 5 no. Motion 6 passed.

Mr. Anderson asked for some clarification on the status of the canary scorecard to help determine which one of the trawl options we have room for.

Mr. Anderson asked Ms. Patty Burke for the best estimate of canary rockfish in the Oregon recreational fishery. Ms. Burke replied that 9.6 metric tons is the best estimate at this time but, as Ms. Robinson explained, this is a moving target. Mr. Anderson asked Dr. Hastie if the slight change from 9.3 to 9.6 metric tons allow room to do Option C in the GMT report which includes trawl line changes in periods 4 and 6. Dr. Hastie replied that alternative would utilize all but 0.1 metric tons of the canary rockfish OY.

Mr. Brown stated we did not make a decision on the earlier motion, but asked only for analysis. He stated his support for the motion as a matter of fairness, to see the tradeoffs between opening previously closed areas and expanding areas that are currently open.

Mr. Anderson requested clarification on what Council business was required to complete this agenda item.

Mr. Brown said with regard to the DTS limits, we should go toward the middle of the GMT recommendations.

Dr. McIsaac stated that final action on inseason actions is scheduled under another agenda item later in the week. It is important for the Council to give the GMT a complete package for analysis so that final action can be taken the next time inseason action comes before the Council. There is considerable work to complete on the 2004 management specifications this week so it would be undesirable to take more than two sessions to complete inseason adjustments for 2003.

Mr. Anderson asked Mr. Brown for clarification of his recommendation for the DTS fishery. Mr. Brown referred to the values the GAP presented on the back of their report, he recommends splitting those values for Dover sole and thornyheads and leaving sablefish at status quo.

Mr. Moore requested Council direction on the need for the GAP to revisit their inseason recommendations so that the GAP could do so overnight, thus expediting tomorrow's business..

Mr. Anderson asked Mr. Brown about DTS limits south of 40° 10' N Latitude.

Dr. Radtke requested any motions from the Council before adjourning.

Mr. Anderson thought the GAP was looking for Council guidance on inseason recommendations and was not offering a motion at this time. He just wanted to put on the record, for GAP consideration, Option 1C (shallow opportunity in periods 4 and 6) for the trawl fleet north of 40° 10' N Latitude, recognizing the increase in canary impacts; the trip limit changes in the DTS fishery as recommended by Mr. Brown and would like to hear some discussion, if necessary, on nearshore open access/fixed gear adjustments that would require Oregon to restrict their commercial nearshore fisheries by state action to avoid exceeding black rockfish harvest caps. South of 40° 10' N Latitude, the values as represented in the GMT report with the addition of the values where there is a range represented. Fixed gear south of 40° 10' N Latitude, Option 1A.

Ms. Burke said Oregon nearshore open access and limited entry non-trawl fisheries are tracking as expected but would support increasing the trip limit to 4,000 pounds. However, Oregon would likely take state action at 3,000 pounds. Oregon would like to maintain this increase as an inseason component as part of the analysis to provide flexibility.

Mr. Caito asked Mr. Anderson if he wanted the GMT to take a look at the open access DTL sablefish fishery recommendations in the GAP statement. Mr. Moore said they hope to work closely with the GMT on these issues to get a joint statement.

Ms. Robinson said that while considering the analyses requested by Council action the GMT' requests a change in the Council's schedule. We would prefer to come back on Thursday morning. In the meantime, the GMT and GAP can get started on 2004 management measures.

Dr. Radtke expressed concern about adjusting the agenda. Dr. McIsaac recommended that the GMT proceed and brief the Council on progress Wednesday giving the Council the opportunity to adjust the schedule at that time. Dr. Hastie reported that the GMT is unable to complete the requested analyses until CDFG provides

some data that will not be available before Wednesday afternoon.

Dr. Hastie, speaking to the sablefish DTL fishery said he was able to get an update on landings from PacFIN and based on the data, would support an increase in cumulative limits. The data will be made available at the next GMT report. Dr. Hastie also provided clarification on DTS trip limit expectations that will also be provided in upcoming GMT reports.

Dr. Radtke confirmed that the GMT and the GAP have adequate direction on this issue from the Council and we will assess progress on inseason adjustments on Wednesday afternoon.

#### B.6 Standards and Criteria for Approving Exempted Fishing Permits (EFPs) (06/18/03; 3:20 pm)

##### B.6.a Agendum Overview

Mr. DeVore provided the agendum overview and noted there were three GMT reports.

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

### **GMT**

Ms. Robinson provided an overview of the following GMT Reports: Exhibit B.6.b, GMT Report 1; Exhibit B.6.b, GMT Report 2; and Exhibit B.6.b, Report 3.

Mr. Brown noted that, if EFPs are to be judged successful, we need to understand the results. He recommended that expected results should be included in EFP applications with standards for assessing how results are evaluated. Ms. Robinson noted the recommended Council Operating Procedure (COP) presented in Exhibit B.6.b, GMT Report 3 has a requirement for report contents. She stated this section of the COP could be refined.

There was a question regarding the GMT recommendation for how to release OY set-asides during the off-year of a biennial management period. Ms. Robinson was asked if the recommendation was to set aside EFP OYs for two years at a single meeting, but consider releasing unused OY set-asides every year during a biennial management period? Ms. Robinson responded yes.

### **GAP**

Mr. Moore provided Exhibit B.6.b, GAP Report.

Mr. Brown asked if the GAP was recommending a definite timetable for considering release of EFP OY set-asides? Mr. Moore replied it would be in time for inseason actions.

Mr. Coenen asked Ms. Robinson where universities apply under these recommended protocols? Ms. Robinson explained universities are considered Non-Governmental Organizations. Mr. Brown asked if there was a difference between research and EFPs? Ms. Robinson said yes, research requests fall under a Letter of Acknowledgment (LOA) process.

Mr. Robinson asked if all EFP set-aside releases be considered coincident with inseason actions (i.e., during the April, June, and September meetings)? Mr. Moore said that was the intent of the GAP recommendation. Ms. Robinson stated the GMT agrees with this recommendation as well.

##### B.6.c Public Comment

Mr. Joe Easley, Oregon Trawl Commission, Astoria, Oregon  
Mr. Gary Frederic, fisherman; El Granada, California

**B.6.d Council Action:** Adopt Criteria and Standards for Approving EFPs

Mr. Coenen asked if we are providing enough guidance for EFPs? He would not want to establish the precedence that this is a "come one, come all" open process; but would like a more focused productive strategy. He suggested that we request the SSC and GMT to recommend the more productive lines of inquiry (i.e., top priorities of the Council) for EFPs. Mr. Anderson believes we have addressed important areas in our EFP process. Good examples include the Washington Arrowtooth Trawl, Oregon Selective Flatfish Trawl, Washington Dogfish Longline, and Washington Yellowtail Trawl EFPs. The peculiarities of fishing in each region require different EFPs. We could do a better job of considering more comprehensive EFPs, but he believes we have not been ignoring important areas and priorities. Mr. Coenen said his concern is the large workload due to a proliferation of EFPs and a more significant review process. He recommended consideration of some sideboards for the EFP review process.

Mr. Brown said we don't have to adopt anything then. Mr. Brown moved (Motion 9) to not adopt the COP. Ms. Vojkovich seconded the motion.

Mr. Brown suggested we need a better discussion of how to achieve EFP goals in EFP applications. The future of the groundfish fishery depends on well-designed EFPs to test new strategies. The Arrowtooth Trawl EFP is a good EFP, but this is the third year of conducting this EFP and some are anxious for the results to be applied fleet-wide. Other past EFPs have not been well-designed. One valuable EFP strategy would be to mount cameras on gears to study fish-gear interactions. We should look beyond the next EFP to design innovative studies. He recommended adding to "Proposal Contents" (in the draft COP included in Exhibit B.6.b, GMT Report 3) a stated objective and how long the EFP is expected to last.

Mr. Anderson recommended the Council be specific as to what to add to/subtract from the COP. He recognized there are some people that have concerns with using observers as EFP compliance monitors. Mr. Brown thought the GMT had done a good job drafting the COP, but needs to go a step further. The COP needs a statement of how we judge when the EFP is complete and perhaps some discussion of how it is integrated into our fishery management. Concern arises with two EFPs (Arrowtooth Trawl and Oregon Selective Flatfish Trawl) with 12 fishermen participating who have as much canary rockfish impacts set aside as the rest of the coastwide fleet. He appreciates that we have to collect this valuable information, but we need to know where the EFPs are going and how and when to apply results.

Mr. Mallet asked for clarification on the motion. Mr. Brown withdrew motion 9. Ms. Vojkovich agreed.

Mr. Anderson said Ms. Robinson was the principal author of the document and wanted to give her the opportunity to ask for clarification. He felt we could just give her additional direction; not a motion. Ms. Robinson suggested we add a bullet under "Proposal Contents" mandating a timeline (duration) of the EFP. Also, under GMT and SSC review, add "assess how the EFP is to be integrated into management". Mr. Brown also wanted consideration in the COP for testing new gears and how those results would be integrated in management. He suggested there may not be a definitive answer. Mr. Robinson suggested changing the word "duration of the EFP" in the draft COP to "expected lifespan of the EFP".

Mr. Coenen thought there was sufficient time between now and April 2004 for the Council to consider guidance and finalize the EFP COP. Ms. Robinson said the GMT took a stab at Council priorities under "Review and Approval" (page 2 in Exhibit B.6.b, GMT Report 3). The GMT could refine this section prior to the April meeting. Dr. McIsaac said the Council should consider the timeline for release of EFP set-asides. While it would be attractive to have an off-year in the process, the GAP felt release of set-asides should be

considered more than once a year.

Mr. Anderson explained that EFP implementation is a huge workload. Mr. Robinson expressed concern with the possibility of waiting until April 2004 to finalize the EFP COP. He preferred adopting the COP at the September meeting, but no later than the November meeting. Mr. Anderson said if we are going to ask them to do that, then the Council should provide better guidance on prioritization. Dr. Radtke noted there is a real cost with workload for both the states and the Council. As the GAP stated, weigh the costs/benefits of setting aside OY for EFPs versus the fisheries. Mr. Coenen suggested the GMT examine the bycatch scorecard and evaluate the benefits of allocating OY to the directed fishery versus the potential benefits of EFPs. Ms. Robinson said the GMT would take a shot at incorporating the changes made today and bring it back to the Council at the September meeting.

Mr. Robinson suggested that EFPs should be prioritized with the highest priority for those with a focus on bycatch reduction in existing fisheries using gear modifications or new strategies. The next highest priority should be EFPs that focus on improved utilization of groundfish resources and development of new fish marketing opportunities.

Ms. Robinson said she felt she had enough guidance.

#### B.7 EFP Update and New Proposals for 2004 (06/18/03; 4:23 pm)

##### B.7.a Agendum Overview

Mr. DeVore provided the agendum overview.

##### B.7.b Agency and Tribal Proposals

#### **WDFW**

Mr. Phil Anderson provided Exhibit B.7.b, Supplemental WDFW Report. Two EFPs that Washington is proposing for 2004 include the Arrowtooth Trawl and Dogfish Longline. In 2003 the Arrowtooth Trawl EFP was designed to test gear modifications that exclude rockfish and retain flatfish. In 2004 this EFP will require adherence to successful gear modifications. The 2003 Dogfish Longline EFP was recently concluded. There was one participant who was successful in targeting dogfish while avoiding canary and yelloweye rockfish in one particular area off the north Washington coast. They plan to repeat this EFP in 2004 but confine fishing activities to this particular area. Both EFPs will require 100% observer coverage and full retention of rockfish. The proposed bycatch caps are listed in the Supplemental WDFW Report. The funding mechanism for observers still needs to be worked out. The 2003 Arrowtooth Trawl EFP was done with participants subsidizing observer costs. This may be considered again.

#### **ODFW**

Mr. Coenen said their proposals are encapsulated in Exhibit B.14.b, Supplemental Ad Hoc Allocation Committee Report. Oregon may not repeat the Selective Flatfish Trawl EFP, but may want the Council to consider applying the results in fleet-wide management measures for 2004. Oregon will sponsor the 2004 shoreside whiting EFP if the Amendment 10 rulemaking is not completed.

#### **CDFG**

Ms. Vojkovich said California has one EFP to test a modified trawl design for nearshore flatfish scheduled to start in July this year. This EFP is different than last year's and similar to the Oregon Selective Flatfish

Trawl EFP. They also have a request for an EFP to test Bycatch Reduction Devices (BRDs) in ridgeback prawn trawls starting in October 2003. The intent is to test a variety of different BRDs to more effectively avoid rockfish while targeting ridgeback prawns. There is a request for a CPFV Sampling EFP in the San Luis Obispo area in 2004 to determine rockfish encounter rates by depth. There was a request to conduct a brown rockfish selectivity EFP, which CDFG may not support.

### **Tribes**

Mr. Harp explained the tribes do not have any EFP proposals for 2004.

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

### **GAP**

Mr. Moore noted the GAP was not given information for upcoming EFPs. They will look at it in September.

#### B.7.d Public Comment

Mr. Gary Frederic, fisherman, El Granada, California

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

#### B.7.e **Council Action:** Consideration of EFP Proposals and Recommendations to NMFS

Council concurred we would flesh out the standards and criteria for the proposals and take the proposals to the September meeting. Mr. Robinson noted that by September we will need information for the set-asides with the actual approval of the EFPs in November. If the intent of selective flatfish gear studies in all three states is to ultimately put them into regulations, it would be NMFS preference that we ultimately settle on one design if that is feasible for the entire coast. He asked the state EFP sponsors to consider this request and coordinate their efforts.

Mr. Brown remarked that the selective flatfish trawl studies may reveal that one fishing gear design may not work along the entire coast. He suspects we will end up with area-specific gears. Gear standards could be developed and certified before you go on. He then questioned how the Dogfish Longline EFP results would be applied? Is it to ultimately keep vessels fishing in that one area? The long-term objective needs to be considered.

#### B.8 Final Action on Groundfish Inseason Management (06/18/03; 4:45 pm)

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

Mr. Moore and Dr. Hastie provided Exhibit B.8.b, Supplemental GMT Report.

Mr. Brown asked if the anticipated impacts from the recreational changes in southern California are going to vary enough with further analysis that the Council cannot make final recommendations at this time. Dr. Hastie reported that it was unclear if the estimated impacts would be large enough to exceed the OY in conjunction with the increased areas open to the trawl fleet south of 40° 10' N Latitude.

Dr. McIsaac recommended that the Council continue with any questions of the GMT or the GAP and anticipate a complete analysis for final consideration in the morning.

Ms. Vojkovich asked for clarification on the GAP statement on review in September. Mr. Moore stated the

GAP was not in favor of adjusting the OY but was in favor of moving the 20 fathom line in California to 30 fathoms. In today's discussion, the GAP agreed that if there is any flexibility in bocaccio management due to an emergency rule between now and September, the GAP would be in favor of considering additional recommendations for inseason adjustments in September.

Mr. Brown added that even with an emergency rule on bocaccio, canary rockfish management is not likely to change between now and September.

Mr. Anderson requested clarification on the canary impacts associated with moving the nearshore line north of 40° 10' N Latitude. Dr. Hastie confirmed that the line could not be moved through period 6 because the OY would be exceeded by roughly 100 pounds. It would be possible to reconsider this action in September when we have a better understanding of actual mortality.

Mr. Robinson spoke against recommending an emergency rule to implement a new OY followed by a management process to determine the best way to utilize the increase. Rather, he recommended that the Council first determine if an emergency rule is necessary to achieve a specific management purpose. There should be a proposal for regulatory changes that includes rationale for changing the bocaccio OY.

Mr. Moore responded that the only management proposal reviewed by the GAP in detail was to move the 20 fathom line south of Point Conception to 30 fathoms. Following the analysis of this action and any subsequent inseason adjustment or emergency rule, the GAP only expects to be able to reassess in September.

Mr. Robinson stated that he does not see any rationale for increasing the bocaccio OY and would like to see a fully analyzed package of proposed management measures. Mr. Moore explained that the GAP recommendation only speaks to the suite of management measures that have been presented. The GAP is only hopeful that the analysis will show that moving the line to 30 fathoms is achievable. If these adjustments do occur, the GAP presumes that there would be an opportunity to assess the results of such actions and make appropriate changes. Mr. Robinson concurred.

## **Tribal**

Mr. Jim Harp provided Exhibit B.8.b, Supplemental Tribal Comments.

### **B.8.c Public Comment**

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

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

Mr. Gary Frederic, fisherman, El Granada, California

### **B.8.d Council Action: Consider and Adopt Inseason Adjustments, if Necessary (06/19/03; 11 am)**

## **GMT**

Dr. Jim Hastie and Mr. Tom Barnes provided and reviewed Exhibit B.8.b, Supplemental GMT Report 2. They also referenced Exhibit B.8.b, Supplemental GMT Report which was previously provided.

## **GAP**

Mr. Rod Moore reported that Mr. Tom Barnes briefed the GAP on the CDFG and GMT analyses of bocaccio and canary impacts resulting from moving the management line out to 30 fathoms south of Point Conception. Because these impacts were greater than anticipated, there is no longer consensus in the GAP for this inseason

adjustment. Several members in the GAP suggested that there were flaws in the analysis due to angler missidentification of vermillion rockfish as canary rockfish, recent fishery closures in marine sanctuaries, and uncertainties in the MRFSS estimates.

Dr. McIsaac asked the GMT if their analysis takes into account the state closures in the Channel Islands that were implemented more recently than the 1993-1999 period the analysis is based on. Mr. Barnes stated that the team did not attempt to adjust the estimated impacts for recent reduced fishing opportunities and therefore, CDFG considers these estimates to be maximum estimates.

Dr. McIsaac asked about total effort. Were there any adjustments to total effort estimates to reflect current trends. Mr. Barnes stated that the analysis assumes that effort would remain similar to that observed in the 1993-1999 period.

Mr. Hansen asked how many fish the reported impact of 0.07 metric tons of canary represents. Mr. Barnes replied around 100 pounds.

Mr. Thomas reminded the Council that the rockfish bag in this area during the base period was 15 and is currently 10. Mr. Barnes added that the number hooks that can be used has also been reduced.

Dr. Hastie added that the GMT has not presented a revised scorecard at this time and intends to update the scorecard following Council action on this item for presentation tomorrow.

**Public Comment** (06/19/03 11:19 am)

Mr. Darby Neil, CPFV owner, Morro Bay, California

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

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

**Council Action** (06/19/03; 11:26 am)

Ms. Vojkovich stated the data just presented on bocaccio and canary rockfish in California for the combined impacts for the entire area that was analyzed provide an expected canary impact of 0.64 metric tons and a bocaccio impact of 2.53 metric tons. The scorecard indicates there are less than 20 metric tons of bocaccio at this stage, leaving her to believe there is room for discussion of additional bocaccio impacts. Canary rockfish impacts are a little harder to find especially if we consider management options north of 40° 10' N Latitude to restore fishing in period 4.

Dr. McIsaac suggested the GMT come forward to further clarify bocaccio and canary rockfish impacts as these values were not available when the earlier motion under agenda item B.5 was passed.

Dr. Hastie said the only substantial update not included in the B.5.b presentation is the change in estimates of the Oregon recreational fishery impacts. This results in available bocaccio impacts of 1.3 metric tons with trawl adjustments and 0.5 metric tons without the trawl adjustments.

Dr. McIsaac asked for clarification on canary rockfish impacts. Dr. Hastie confirmed that, after the adjustment to the Oregon recreational numbers and before any inseason action, the scorecard estimate for canary rockfish is 40.8 metric tons.

Dr. Hastie reported if we move the lines for period 4 for trawl fisheries, the canary impact total for the trawl fleet would be 11 metric tons. We have 11.3 metric tons of canary available. In summary, he stated that the current analysis suggests that including the recommended trawl line changes coastwide and the 20 fathom

to 30 fathom line change for recreational and fixed gear fisheries south of Point Conception would result in a canary rockfish impact estimated below the OY. However, the addition of a 20 to 30 fathom line change north of Point Conception in the Morro Bay area would add sufficient additional canary rockfish impacts to exceed the OY.

Referring to Exhibit B.5.b, Supplemental GMT Report, Mr. Robinson stated the scorecard shows 18.9 metric tons of bocaccio taken. Dr. Hastie said the value has been revised to 18.7 metric tons. Mr. Robinson then noted the combined area from Point Lopez south for bocaccio is 2.53 metric tons. Dr. Hastie confirmed that the bocaccio impact associated with the trawl line changes coastwide and the recreational and fixed gear line change to 30 fathoms south of Point Conception would result in bocaccio impacts of 21.72 metric tons.

Ms. Vojkovich said that Mr. Robinson's number is greater than the 20 metric ton OY at this stage. This number is only arrived at by providing limited additional opportunity to fisheries south of Point Conception from September through December. The recreational fishery has been closed and is closed today until July 1. She thinks it would be extremely important to open up that small bit of opportunity in the south at least to have more access to deeper waters than 20 fathoms. It means asking for a change in bocaccio OY since the current estimate is greater than 20 metric tons. She cited the stock assessment as justification for additional impacts to bocaccio and mentioned Dr. McCall's assessment of limited risk. She moved for an emergency rule to allow recreational and fixed gear fisheries south of Point Conception to operate out to 30 fathoms. (Motion 14) Mr. Donald Hansen seconded the motion.

Mr. Robinson asked if the motion assumes an effective date of September 1, 2003. Ms. Vojkovich said we cannot begin earlier than September without exceeding the canary rockfish OY. Mr. Robinson said the canary rockfish OY issue is more constraining at this point. The bocaccio issue is one where we have a new assessment and we are aware it will lead us to higher harvest opportunity next year and the understanding that the southern California fleet is unnecessarily restricted. Mr. Robinson stated that he is not convinced that a series of inseason changes like this resulting in 21.7 metric tons of bocaccio would lead to an emergency rule and suggested the terms of the motion say "if necessary". Even under an inseason action, a 30 fathom line was not analyzed in the EIS and there are no established coordinates. He suspects the line crosses between state and federal waters and that it would take some time to develop an accurate description of the line. There would need to be an analysis to support the inseason action. He said he was under the directive to vote no on any request for an emergency rule, but that is not a reflection on how the agency would decide to move. Therefore he would like to leave the door open for an emergency rule (if necessary) or to make the change through the inseason management process. Either way, the effective date would be September 1.

Mr. Caito requested a friendly amendment to include the phrase "if necessary" when requesting an emergency rule and both the maker and seconder agreed.

Dr. McIsaac confirmed with Ms. Vojkovich that the motion included a 30 fathom line south of Point Conception for both recreational and commercial fixed gear fisheries.

Mr. Brown offered a friendly amendment to include the analyzed trawl changes in Washington, Oregon, and California as recommended by the GMT.

Ms. Vojkovich replied that is tough issue for her because the GAP was split on this issue. There are people north of Point Conception that would like to have those fishing opportunities. However, negotiating a few hundredths of a ton of canary rockfish is not productive; so she and the seconder agreed to the friendly amendment.

Mr. Alverson expressed concerned about the observer program results for target species discard rates and asked about how the Council will proceed in September.

Mr. Robinson said he did not instruct the Council to use the observer data the Council recommended that in April. There were some risks with these decision. He said he thinks the obligation is to manage for the OY and the Council's purpose is to wrestle with the issue of regulating for the OYs sector by sector or in total.

Mr. Alverson still did not understand why the observer data is good enough to use for the overfished species and why it is not good enough to use for the other species. He thinks that NMFS put itself in a difficult box by not embracing the data we had in May, we should be using the observer data. He is concerned that NMFS should put greater consideration on bycatch issues and that the DTS OYs and fisheries are in jeopardy. We have National Standard 9 to manage for bycatch and allocate for the clean fisheries.

Mr. Robinson said he is not presuming anything about the use of the observer data. We heard from the science center that the data will be analyzed by September and we will have to consider actions then. There is some risk of the circumstance you described. He did not suggest that the solution was to reallocate. Under the current regulations each sector can be held responsible for its bycatch.

Mr. Anderson said Mr. Alverson brought up some very good points and the risks he identified are very real. There are at least two important policy calls we may yet need to make given what circumstances may come up in September. One is if the observer data analysis on target species bycatch is completed and if we can use that data. He is not going to presume that we are going to make the same decision for target species relative to inseason that we did for inseason changes for overfished species. That will be taken up in September. Mr. Anderson then said the second policy call, if the data is ready for use, involves decisions on how the results will be applied to the various fishing sectors. Mr. Anderson stated that he is not going to presume how those policies will be decided upon by the Council.

Mr. Anderson noted the tribes brought forward a concern yesterday relative to the 50 fathom line for trawl fisheries north of 40° 10' N Latitude. The issue is the potential affects on the Dungeness crab resource from having increased trawling or trawling at all in shallow areas. There are state regulations in place to close areas and times to crabbing to protect molting crab and to put the trawl fishing in the same area we're closing the crab is a problem. That is at least, in part, the issue the tribes were bringing to us. He spoke in favor of trawl changes contained in this motion to go out to 75 fathoms for period 4. He requested that the Council and GMT consider ways to continue this extension into periods 5 and 6 to alleviate concerns about Dungeness crab. He suggested that if the data and the model has the specificity, to leave the area north of Umatilla Reef open out to 75 fathoms while closing the area from there south to Grays Harbor down from the beach out to 200 fathoms.

Mr. Brown stated the issue of how we are going to deal with new information will have to be made when it becomes available. We cannot presuppose what the results will be at this meeting. We did make a policy call to treat the sectors bycatch issues separately and hopes we stay with that.

Mr. Harp concurred with Mr. Anderson's comments about the area off the Washington coast. He is in favor of moving the boundary line from 50 to 75 fathoms and considering nearshore closures south of the Umatilla Reef alleviates many of his concerns.

Mr. Brown stated that the GAP would also like the opportunity to speak to crab issues as we move closer to the crab seasons.

Ms. Vojkovich stated that she had spoken to enforcement personnel and requested clarification on wether weigh points for the 30 fathom curve needed to be developed or if a 30 fathom depth curve would be adequate.

Mr. Robinson said this is an issue he needs to talk over with the Enforcement Consultants and NMFS General

Council.

Mr. Burner noted the motion does not include the items on the first or second page of Exhibit B.8.b, Supplemental GMT Report 2. Mr. Anderson requested a friendly amendment to add the remainder of the recommendations of the Exhibit B.8.b, Supplemental GMT Report 2. Ms. Vojkovich and seconder agreed to the friendly amendment.

Dr. Radtke asked for a roll call vote. Motion 14 passed.

Dr. McIsaac asked Ms. Vojkovich whether the intent of the motion was to open any of the areas currently closed in the Cowcod Conservation Area when the fishery is opened out to 30 fathoms. Ms. Vojkovich responded that was not the intent.

Dr. McIsaac also brought forward an issue relative to canary rockfish. He stated that the current assessment for canary rockfish is only inclusive of the population south to 36° N Latitude and therefore does not include the areas south of Point Conception. He stated that if canary impacts south of Lopez Point are not counted, estimated impacts fall below the OY. He asked Mr. DeVore for clarification.

Mr. DeVore confirmed the situation stating that the assessment was for the Monterey INPFC area and north only.

Ms. Vojkovich asked about the implications for canary impact accounting and management of fisheries south of Point Conception.

Mr. DeVore stated that he felt the OY was based only on the assessed portion of the stock but recommended deferring to the GMT.

Dr. McIsaac stated that there are also policy implications to be considered as canary rockfish impacts north of the U.S./Canada border are also not considered against the OY. Mr. Robinson offered the policy suggestion of leaving any available canary impacts that could result from this consideration as a buffer against future inseason developments.

Ms. Robinson said there is some confusion on this issue and reported that the GMT has determined that even though the stock is assessed north of 36° N Latitude, the OY is coastwide. The GMT will prepare a new scorecard as updated with the inseason recommendations.

## B.9 Implementation of a Vessel Monitoring System (06/19/03; 8 am)

### B.9.a Agendum Overview

Mike Burner provided the situation summary and reviewed the reference materials for this agenda item. As requested by the Council in April, NMFS has extended the public comment period for a proposed rule for the implementation of a Vessel Monitoring System (VMS) to include this Council meeting. The primary focus of this agenda item is for Council, advisory body, and public review and comment on the proposed rule.

### B.9.b Reports and Comments of Advisory Bodies

## **GAP**

Mr. Moore summarized Exhibit B.9.b, Supplemental GAP Report. The main idea was to make sure the comments to the proposed rule and requests be submitted to NMFS along with any other comments prepared

by the Council or its advisory bodies. The GAP also requested that the Council develop a time line for its consideration of expanding the VMS program to other sectors.

Dr. McIsaac requested that Mr. Moore highlight any controversial items. Mr. Moore highlighted items 8 and 9 in the report. The GAP has requested some exemptions to VMS requirements for vessels that are not going to be in the RCAs due to extended periods fishing in Alaska or during times the vessels are out of the water for maintenance or storage. Additionally, the GAP has requested that implementation of the VMS program be postponed until the results of the buyback program are known. A long standing issue between the industry and NMFS has been over costs. NMFS has paid for VMS units in other fisheries around the country but has not identified funds for this program.

## EC

Messrs. Dayna Matthews and Joe Albert of NMFS, offered verbal updates on the VMS program. The VMS committee has not met since the last meeting. The proposed rule was published and the comment period is underway (July 21 deadline). The earliest that rule would be approved is September 1 with implementation expected December 1 or shortly thereafter.

The declaration system is ahead of schedule and an automated phone system is being developed to log and report declarations. The system will be operational on September 1 allowing time for testing. Hardware is being tested now with three VMS units approved. NMFS is working with equipment manufactures to ensure that units are tested and available once the program is ready for implementation.

Mr. Matthews provided some clarifications on some of the items presented by the GAP. The cost analysis reports a range of costs of \$2,000 - \$6,000 for existing programs around the country but expected costs for this program are in the \$800 to \$3,800 range. Revenue analyses consider VMS as a mitigative response to depth-based management, in other words, without VMS, depth-based management would be difficult. Concerning the Newport Dory fleet and turning the unit off when the vessel is out of the water, NMFS is working with that fleet to identify a unit that will work for them. NMFS is also experimenting with creating a geofence that would turn the signaling off when the vessel crosses onto land. If it works for them, they will expand it to other fleets as necessary.

Finally, on the future of the VMS program, Mr. Matthews and Mr. Albert will be glad to continue to work with the committee as Steve Springer has retired. He sees the committee as an integral part of any potential expansion of the program.

Mr. Donald Hansen asked if NMFS pays for all the VMS in the country as stated by the GAP. Mr. Matthews reported that as an overstatement citing programs in New England, Hawaii, and Alaska where industry has paid some or all the costs.

Mr. Brown asked about the boundary line issue, especially for the dory fleet. Currently most trawl vessels are fishing a few days a month and if you don't have the provision for those boats sitting at the dock, you will be tracking many docked vessel which does not seem like a good use of their time.

Mr. Anderson said another issue not addressed by the GAP is the issue of state enforcement personnel's access to the information coming from this system once it is up and running. We have up to 10 enforcement personnel in our two marine detachments who have responsibilities along the coast of Washington. Most of their time is spent outside 3 miles enforcing federally managed fisheries. One fishery in particular, Dungeness crab, has time/area closures that are difficult to enforce and there are concerns about the lack of enforcement personnel being able to access the data. Mr. Matthews responded that NMFS intended to give states access to this proprietary information but discovered that the MSA prohibits that from occurring.

NMFS is looking into being able to give states access but this may require a reauthorization of the MSA. In the meantime, the states would be able to get information as it relates to federal violation investigations but the states would have to be careful, under the rules of evidence, about using that data if it is strictly a state violation.

Mr. Anderson asked if the limitation of sharing information only if it is associated with a federal violation is in the current language in the MSA. Mr. Matthews responded it was. Mr. Anderson asked in the case of the dungeness crab, if there was a way to work with NMFS to put those particular state regulations also under federal regulations to allow VMS in the enforcement of those state management plans.

Ms. Cooney said she did not know, they could look into it.

Mr. Anderson asked for language drafted by NMFS relative to the amendments to the MSA so we can go to our state congressional delegation for support. Mr. Matthews said there are situations around the country where other countries or states implement VMS as part of a state regulation. Mr. Anderson asked if the states would have to purchase their own terminals. Mr. Matthews replied that could be explored and said hardware on vessels is really the costly part of the system.

Mr. Alverson asked about the installation requirements in the GAP statement. Mr. Matthews stated that NMFS is prepared to engage the Ad Hoc VMS Committee in developing a time line for VMS expansion and would look to the Council for guidance on that issue. Mr. Matthews stated that provisions for equipment breakdown will be incorporated as the program moves into a procedural phase.

Mr. Joe Albert stated that it was recommended a certified third party does the installations for security reasons, etc. NMFS is interested in consistent and proper installation of units nationwide.

Mr. Anderson asked about security issues. Mr. Albert stated there have been incidences of tampering with the units and false GPS signals being transmitted. Mr. Anderson said that if someone installed the unit professionally, would that insure that someone else couldn't tamper with it later. Mr. Albert responded no, but it would be a good first step.

Mr. Anderson asked what access the Coast Guard would have to VMS data. Mr. Matthews stated that the USCG is one of the agencies mandated to enforce the MSA so they will have ready and primary access to that data.

Dr. Radtke asked about transmission costs. Mr. Matthews stated that the costs are about a nickel per pulse and that the declaration system would be about 25 cents a minute. Costs of declaration system is picked up by a NMFS toll free number.

Mr. Coenen asked about time frame for VMS implementation in the context of the new groundfish year. Mr. Matthews stated that the implementation date is a policy call and enforcement has no stance on that situation. Mr. Coenen said the most common complaint he hears about the VMS program is the timing of it. Mr. Coenen recommended a January 1, 2004 implementation date to coincide with the new fishing year and the completion of the trawl buyback program.

Mr. Brown disagreed with the security issues surrounding installation requirements. He spoke in favor of a January 1, 2004 implementation date.

Mr. Anderson understands why you would want to have the unit checked once it is installed to make sure it is installed properly. The situation on the Washington coast is that the demise of the fleet has resulted in a decrease in the availability of electronic shops and technicians in those communities. Mr. Anderson stated

that he would like to find a way to allow vessel owners to install their own units. Mr. Matthews stated he sat in on the session with the GAP and learned many good ideas on security and keeping the costs down and that NMFS would take these concerns into account.

Mr. Cedergreen asked how the signal costs would add up in a day. Mr. Matthews said about one signal per hour or about \$1.20 per day of actively fishing, 5 cents a day docked.

#### B.9.c Public Comment

Ms. Janice Baker, Newport Dory Fleet, California

#### B.9.d **Council Action:** Consider the Environmental Assessment, Proposed Rule, and Next Steps in the Process—Make Recommendations as Necessary

Mr. Brown moved and Mr. Cedergreen seconded a motion (Motion 10) to forward the comments by the GAP as contained in Exhibit B.9.b, Supplemental GAP Report to NMFS. Motion 10 passed.

Mr. Anderson said he would like to see the language that NMFS GC has developed to allow state agencies to access the federal VMS information so we can be working with our congressional delegations during the MSA reauthorization process.

Mr. Robinson said they have a call into HQ and will provide that language as soon as the agency allows us to. Mr. Anderson asked if they find out they cannot give it to us please let us know. He also wants to know if the language is going to be part of the recommendations from NMFS so they can take the appropriate actions at the state level. Mr. Robinson said my would get that.

Mr. Coenen moved and Mr. Anderson seconded a motion (Motion 11) to propose to NMFS that they declare January 1, 2004 as the VMS implementation date.

Mr. Anderson said the GAP recommendations included a provision #11 that the rule not go into effect until NMFS provides a means for purchase and is interested in finding a way to reconcile this and the new motion.

Mr. Brown said this motion is a policy decision and the previous motion (Motion 10) is simply our comments to NMFS on the proposed rule.

Motion 11 passed.

Mr. Burner asked about the next steps in the VMS program, it might be helpful to discuss the next meeting of the ad hoc VMS Committee. Mr. Hansen stated that he will defer to Mr. Matthews and Mr. Albert regarding the timing of the next meeting.

Mr. Anderson said the expansion of the VMS program should be the committee's focus and that the VMS program should extend to most all vessels subject to closed areas.

Mr. Hansen and Dr. McIsaac agreed with Mr. Anderson and will consider a meeting schedule.

Mr. Anderson said we need to develop those next steps and waiting until our march Council meeting to figure out what additional vessels need these units will not work. Dr. McIsaac said that might be sufficient direction and revisited during the Council workload planning agenda item later in the week.

Mr. Burner, suggested that the Council consider expanding the representation on the committee to include

those sectors being considered for VMS program expansion. Mr. Anderson asked the committee chair to consult with the other members and bring back a recommendation. Mr. Hansen said he agreed with Mr. Anderson.

#### B.10 Groundfish Stock Assessment Review Process for 2005 through 2006 (06/19/03; 1:39 pm)

##### B.10.a Agendum Overview

Mr. DeVore provided the agendum overview.

##### B.10.b NMFS Report

Dr. Elizabeth Clarke provided the NMFS NWFSC report in a PowerPoint presentation.

Ms. Vojkovich asked Dr. Clarke how long are STAR Panels? Dr. Clarke replied the last two have been four days. When asked whether that provided enough time for an adequate review, Dr. Clarke responded the review should be longer to be more robust.

Dr. Radtke, dwelling on the point made by Dr. Clarke that reviews are compromised when assessment scientists miss deadlines, asked her opinion of the best way to enforce these deadlines? Dr. Clarke thought a reminder letter to the NWFSC and assessment scientists would suffice.

Mr. Brown asked how the data workshops proposed by the NWFSC would be structured? He noted the last were simply data/analysis presentations. Dr. Clarke thought we need something more robust in this process with independent reviewers and a broader audience to look at all data details.

Dr. McIsaac noted that page 9 of the SSC Terms of Reference addresses schedules, but what about whiting? Dr. Clarke revealed the plan for delivery of the whiting assessment is January 2004. The timing of this is driven by analysis of new acoustic survey data.

Mr. Brown noted that data conditioning for assessments is important. Would the data workshops focus on data inputs? Dr. Clarke said yes and provided an acoustic survey data example.

Ms. Vojkovich asked about the September 15-19, 2003 STAR Panel and noted those assessments are for use in 2005-2006. Would results also be used for 2004 management? Dr. Clarke said she didn't know, she was just presenting the assessment schedule. Dr. McIsaac said the draft assessments will be available in September when the Council decides final 2004 management measures. The decision could be responsive to this new information. Ms. Vojkovich asked if only new assessments for cabezon and lingcod are to be reviewed in September and Dr. Clarke said yes.

Mr. Alverson asked when widow rockfish would be re-assessed? Three years from now? Dr. Clarke said that depends on whether assessments are done annually or every two years. She said up to 18 stocks could be assessed in 2005-2006. Do assessments sit on the shelf? Are they done every other year? Dr. McIsaac noted that Amendment 17 outlines this. No assessments would be done in the off year under biennial management. Otherwise, this would challenge the wall of science. A large load of assessments would be adopted in November 2005 for the 2007-2008 management period. The off year could be used to refine assessments.

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

**GAP**

Mr. Marion Larkin provided Exhibit B.10.c, Supplemental GAP Report.

## SSC

Mr. Tom Jagielo provided Exhibit B.10.c, Supplemental SSC Report. Mr. Jagielo made the point that the SSC could deliver better products/reviews if STAR-lite members had the ability to go to a full assessment with good justification.

Mr. Anderson asked if the SSC discussed the ability to review up to 18 assessments in one year? Mr. Jagielo replied yes and the SSC is concerned. This many assessment reviews is a bottleneck and could compromise the level of scrutiny. To be effective, we would need to have more assessment updates reviewed by a STAR-light Panel. Dr. McIsaac noted that the most recent STAR-light review was delayed until May 28-29. Dr. Ralston made a heroic effort to get the STAR-light Panel report in the June briefing book; however, this was difficult. Did the SSC discuss the timing of STAR-light reviews? Mr. Jagielo said no, but this is an issue.

### B.10.d Council Action: Approve Process and Terms of Reference

Ms. Vojkovich moved to adopt the Terms of Reference as presented in Exhibit G.10, Attachment 1, along with the suggestions contained in the SSC statement (the page 2 recommendation regarding the STAR-light process and the full STAR process recommendations- items 3 and 4), the recommendations in the GMT report (Exhibit B.3.b, Supplemental GMT Report) that assessments include quantities such as ABC projections,  $T_{MID}$ , etc. (last paragraph in that exhibit), and the GAP recommendations in Exhibit B.10.c, Supplement GAP Report regarding the need to do assessments on overfished species every two years (Motion 15). Mr. Donald Hansen seconded the motion.

Mr. Brown asked if other items were included in the motion? Dr. McIsaac said, for example, the Center for Independent Experts (CIE) reports? Mr. Brown asked for a friendly amendment to provide the CIE reports to the SSC for their final review. Dr. Clarke said the NWFSC could provide a summary of CIE comments to the SSC. Ms. Vojkovich and Mr. Hansen accepted the friendly amendment.

Mr. Brown encouraged continued development of the data workshop process. It is where we need to focus.

Mr. Anderson broached the issue of the timing and frequency of assessments. Does this motion, if passed, lock us in to doing them all every other year? Dr. McIsaac said this action is to adopt the Terms of Reference and the process only for the upcoming management cycle that begins in November and covers the 2005-2006 management period. Mr. Anderson said he is uncomfortable not having a new canary rockfish assessment in the timeframe that won't allow us to react until 2007. He is also concerned with the concept of assessing up to 18 stocks in one year. If voting on this motion does not lock us in, then he would be in favor. Mr. Brown said the list of proposed assessments for 2007-2008 is due in September. Dr. McIsaac said today's action only pertains to the upcoming management cycle (2005-2006). There would be a Terms of Reference forthcoming for subsequent assessments and management periods. This Terms of Reference would not be binding for these later assessments. Ms. Vojkovich asked if this discussion implies that canary rockfish would next be assessed for the 2007-2008 management period? Dr. McIsaac said that is correct. Mr. Anderson asked if the decision of when to next do a canary assessment would be before the Council in September? Dr. McIsaac said this is still an open question, but an earlier canary assessment (than November 2005) would be disruptive under multi-year management. The Council further debated this issue before asking Dr. Clarke to clear this up. She said the way to get a canary stock assessment would be to do it by November along with cabezon and lingcod. You would have to add another stock assessment now; which means you would have to find an author that can get it done by November. That would be the smoothest way, but no scientists from the NWFSC are available. Mr. Anderson asked if it was acceptable to anybody else

to wait four years for the next canary assessment? (Heads nod no).

Ms. Vojkovich asked, if we vote no on the motion, what effect does that have on the Terms of Reference for upcoming STAR Panels? Dr. Clarke said the lingcod and cabezon STAR Panels would operate under the old Terms of Reference if this one is not adopted. Mr. Brown said he assumed that voting down this Terms of Reference would not provide a new canary rockfish assessment any sooner; that is a separate issue. Mr. Anderson suggested we go ahead and take action on the motion and then give some thought on how we can deal with the canary issue. Mr. DeVore noted that Terms of Reference is silent to the Pacific whiting assessment schedule.

Dr. Radtke asked for the vote on motion 15. Motion 15 passed on a voice vote.

Mr. Anderson suggested we should try to adopt a new canary assessment by April 2004. Otherwise, let's figure out how to modify Amendment 17 to get it done in time for 2006. It is not acceptable to wait until 2007. Dr. McIsaac recommended the Council consider the whiting assessment schedule as well. The Council could provide guidance to the NWFSC rather than consider a formal motion and vote. Mr. Brown said that the widow rockfish assessment schedule is similar in that it is data-poor. He would like to move up the widow assessment schedule, although canary is more important.

Mr. DeVore said Mr. Anderson's recommendation to adopt a new canary assessment by April 2004 could conceivably work. This agendum could be an opportunity to consider that. Ms. Cooney remarked that, under Amendment 17, preliminary OYs are decided in November with final harvest specifications decided (as best you can) in April. The real final decisions are not made until June (just in case something comes in for that timeframe for canary).

Mr. Anderson asked the entities and agencies who have stock assessment authors to try to identify a team to perform the canary rockfish assessment and give a timeframe for that. Maybe these discussions can occur this week before we leave so we can have some idea on a possible new canary assessment.

#### B.11 Status of the Groundfish Essential Fish Habitat (EFH) Environmental Impact Statement (EIS) (06/19/03; 3:05 pm)

##### B.11.a Agendum Overview

Dr. Kit Dahl gave the agendum overview.

##### B.11.b NMFS Report

Mr. Steve Copps, Senior Policy Analyst and the team involved in developing the risk assessment model for EFH gave a presentation. (Team members Alison Bailey and Waldo Wakefield were on hand to answer questions. Mr. Marion Larkin was available to address the fishing effort study, see Attachment 4.) Mr. Copps described the last meeting of the Ad Hoc Technical Review Committee and summarized the recommendations of the Committee. The main outcome was a recommendation to proceed with the risk assessment modeling project and validate the results.

Mr. Graeme Parkes, a consultant from MRAG America, Inc., described progress to date on developing the risk assessment model. He summarized the report labeled Attachment 5, Pacific Coast Groundfish EFH Analytical Framework Version 1 (28 May 2003).

Mr. Ralph Brown commented on the difficulty in assigning probabilities to different components of the model. He expressed a concern that the model results will be used as "propaganda" by different groups and

asked how model results will be validated. Mr Parkes responded by noting that this question had to do with the fishing impacts component of the model, which is still in an early development stage. Validation would occur by wide circulation and review by different bodies involved in the Council process. He also provided more detail on how the specific issue Mr. Brown raised, as far as trawl impacts on habitat, would be addressed. Mr. Brown responded that there is a danger various assumptions will be buried in the model, making it difficult for the public to know what they are. Mr. Parkes responded that the Bayesian statistical approach would help to make these assumptions explicit.

Dr. McIsaac asked Mr. Parkes to expand on the SSC's role in the model validation. Mr. Parkes responded that the Ad Hoc Technical Review Committee would have the primary role in reviewing and validating the model. In addition, the model development team will also circulate model outputs among experts, including fishermen, as part of validation. He noted that the model allows evaluation at the species level and the overall composite of habitats for different species. This approach makes updating the model easier as well.

Mr. Robinson emphasized the impacts on Council activities that flow from the settlement agreement that revised the timeline (see Attachment 1, Joint Stipulation..., and Attachment 2, Draft Timeline and Major Milestones...). The longer timeline allows the EFH/HAPC designation process to be based on real data. This will require the Council to extend the life of the Ad Hoc Technical Review Committee. Second, one alternative will be developed by the plaintiffs in the case. Third, under this new timeline the EIS process and the FMP amendment process are concurrent so that the alternatives that the Council adopts in the EIS will also be the alternatives the Council would take action on in terms of adopting and FMP amendment. Therefore, in June 2004 the Council selects a preliminary range of alternatives, and in September 2004 they approve the final alternatives and development of an FMP amendment. Then in March 2005 the Council makes a final recommendation for FMP amendment to the Secretary.

Dr. McIsaac asked Mr. Robinson to clarify whether, for example, as part this process the Council would vote on an FMP amendment with geographic boundaries for HAPCs and maybe MPAs. Mr. Robinson responded that he wasn't sure what the actual content of the alternatives would be, but the opportunity for that level of detail would be there. Dr. McIsaac asked the technical team whether the model output would be a specific geographic description of an MPA or HAPC. Mr. Parkes replied that the model will be designed to produce information needed to produce a problem statement. When policy choices are available the model can be updated to determine the risk of different choices. Experience in the Gulf of Mexico and Caribbean regions is that the Councils prefer to retain the ability to designate specific areas even if the model can produce designation-type results. Mr. Robinson said he didn't think model results will be used to draw specific lines without further policy input by the Council; instead the model will help the Council when it sits down to develop alternatives.

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

### HC

Exhibit B.11.c, Supplemental HC Report provided by Mr. Michael Osmond.

*The HC received a presentation on the groundfish EFH EIS that summarized the data gathering, GIS work, and modeling that is being done. This project represents a significant step forward in making new information available to the Council, including information on benthic substrates. The searchable databases and GIS-based maps also represent a major step forward in making the enormous quantity of existing groundfish data useable. This project will result in a useful tool not only for the EFH EIS process, but for many other Council applications.*

*A data quality layer for benthic substrates is an important component of the GIS data used in the*

*modeling. This component is complete for Oregon and Washington. To increase the consistency and reliability of the model, it is important to complete this data quality layer for California. This will cost about \$10,000. The Habitat Committee recommends that the Council ask NMFS to provide those funds.*

Mr Anderson asked what other types of applications the HC thought this tool might be useful for. Dr. Waldo Wakefield responded that the HC was thinking about further application of the Bayesian approach and the use of the tools for visualizing data with GIS, such as overlaying information from trawl surveys over habitat maps.

Dr. McIsaac noted that the Ad Hoc Technical Review Committee report was in the briefing book.

## SSC

Mr. Tom Jagielo provided Exhibit B.11.c, Supplemental SSC Report.

*The Scientific and Statistical Committee (SSC) heard a presentation from Mr. Steve Copps, Dr. Graeme Parkes, and Ms. Allison Bailey who gave an overview of methodologies being developed to analyze West Coast groundfish essential fish habitat (EFH).*

*The SSC was impressed by the scope of the work in progress; however, due to time limitations at this meeting, the SSC was not able to delve into the details of the analyses to be performed. In order to provide useful advice, the SSC would like to schedule a longer, more in-depth discussion with the analytical team members to gain a better understanding of the methodologies to be employed.*

*During the short time available for discussion, the SSC raised the following points.*

- 1. When using the NMFS triennial trawl survey data, the analysis should incorporate the latest updates, which reflect adjustments for "water hauls."*
- 2. In the construction of fishing sensitivity indices, factors such as fishing strategies and gear type interactions should be considered.*
- 3. When employing expert opinions to evaluate fishing effort, the analysis should strive to ensure consistency and should be representative on a coastwide basis.*

### B.11.d Public Comment

Mr. Peter Huttilla, PMCC, Astoria, Oregon

Mr. Jeff Shester, Oceana, Seattle, Washington

### B.11.e Council Discussion on Status of the Groundfish EFH Environmental Impact Statement

Mr. Alverson asked Mr. Robinson whether there will be an economic analysis of the impacts of closing areas, citing sablefish distribution as an example. Mr. Robinson said that the Council will have the opportunity to develop a wide range of alternatives. Once those alternatives are identified, the DIES would analyze the economic impacts.

Mr. Anderson asked Mr. Robinson whether the Council is being led to an outcome of designating MPAs. Mr. Robinson said that the Council will have to consider the establishment of MPAs very carefully since the litigation shows that these options have not yet been carefully evaluated.

Mr. Brown emphasized the value of the modeling approach and other applications of it. However, this depends on the quality of the data and assumptions in the model. Therefore, it is very important to groundtruth the assumptions and data. He also cautioned against early release of results because they could be used in a lot of other disputes before they are fully validated.

Mr. Alverson asked, first, when the final version of the analytical framework (risk assessment model) would be completed and Mr. Copps responded in March 2004. Second, he asked Mr. Robinson whether information on biological substrate is being incorporated into the model in as sophisticated a fashion as physical habitat. Mr. Robinson couldn't answer the question but said he would ask the Science Center.

Dr. McIsaac asked Mr. Robinson about the timing of the implementation of any FMP amendments and its relation to the multi-year management schedule. Would regulations be in effect for the balance of 2006 stemming from the EFH EIS? (They would then come into effect in the middle of the 2005-2006 multi-year cycle.) Mr. Robinson responded that it depends on the process, but the intent is that the Secretary will complete the review process and be ready to implement any provisions no later than that date.

## B.12. Update on Groundfish FMP Programmatic EIS

### B.12.a Agendum Overview

Dr. Dahl provided the agendum overview.

### B.12.b NMFS Report

Mr. Glock discussed the change in the scope of the PEIS to focus on bycatch issues and presented a revised set of alternatives for Council consideration. He also summarized the results of a scoping session held earlier in the week.

Ms. Vojkovich asked about the goal of reducing all unobserved fishing mortality of all fish. She wanted to know if there is an example of how it is covered in the alternatives. Mr. Glock said he wasn't sure it was addressed in the alternatives directly, but it is part of National Standard Guidelines addressing unseen bycatch.

Mr. Robinson added that both testimony at the scoping session and a letter from NRDC strongly opposed the change in scope. He wanted to point out to the Council that the concept of a broader programmatic EIS is still alive as far as NMFS is concerned. But the resources available didn't allow preparing three major EISs simultaneously. The EFH EIS and bycatch reduction are mandated by the Court so they take precedence. Hopefully, NMFS can prepare a programmatic EIS in the future once resources were made available.

Mr. Alverson noted that there are components of all of these alternatives that are already being done. It would be helpful to indicate those components in some way, such as by means of italic or boldface type.

Mr. Brown asked about the name, "bycatch management program." He recommended such a change since the analysis is not programmatic anymore. Mr. Glock said that was a consideration, but the bycatch EIS will still qualitatively evaluate program policies rather than specific management measures (e.g., gear regulations). For this reason Mr. Glock said he wasn't sure what the most appropriate title should be.

### B.12.c Reports and Comments of Advisory Bodies

## **GAP**

Dr. Dahl read Exhibit B.12.c, Supplemental GAP Report:

*The Groundfish Advisory Subpanel (GAP) received a briefing from Mr. Jim Glock on the groundfish fishery management plan (FMP) programmatic environmental impact statement (EIS). Six alternatives focusing on how to monitor and control bycatch of groundfish species were presented.*

*While the GAP agrees that achieving a sustainable and economically viable groundfish fishery depends on effective bycatch accounting and control, there are concerns with draft alternatives 4, 5, and 6 which focus on the use of bycatch caps. The concerns include the implications of using bycatch caps which will require increased observer coverage; there is no indication of who will bear the cost of this coverage, what that cost might be, or what benefits might offset the cost. The vessel-based bycatch cap alternatives (alternatives 5 and 6) would probably require 100% observer coverage, and alternative 4 would probably, at least require enhanced observer coverage. It is also unclear whether these alternatives would apply to the recreational fishery. Having vessel owners bear the cost of increased observer coverage is not a viable option for an industry already on the economic edge due as a result of current groundfish management decisions.*

*Alternative 6 also focuses on the use of "broad, long-term Marine Protected Areas (MPAs) encompassing primary habitat areas of all overfished groundfish stocks" as a means to control groundfish bycatch. The GAP believes that, due to a lack of compelling scientific information on the efficacy of MPAs to control groundfish bycatch, this strategy should only be considered as a last resort. The GAP also notes that we already have one of the largest MPAs in the continental United States off the West Coast - an area approximately the size of the states of Vermont, New Hampshire, Rhode Island, and Delaware combined.*

*Other alternatives that are not considered, but should be included in the programmatic EIS are gear modifications, full retention strategies, and alternative fishing strategies. The GAP recommends a refined analysis of current bycatch control strategies such as depth-based management which has not been adequately evaluated. The GAP also recommends there be a complete analysis - including social and economic impacts - of the individual sub-alternatives contained within the main alternatives.*

#### B.12.d Public Comment

Mr. Peter Huttilla, PMCC, Astoria, Oregon  
Mr. Chris Dorsett, Ocean Conservancy, San Francisco, California  
Ms. Karen Garrison, NRDC, San Francisco, California  
Mr. Phil Kline, Oceana, Washington, DC

#### B.12.e Council Discussion on Programmatic EIS Process

Mr. Brown suggested a name change for the EIS. The key point is that the name should be something more definitive so the public doesn't think it is a broader programmatic EIS.

Mr. Donald Hansen asked Dr. Dahl what the Council action should be. Dr. Dahl noted that there was a list of items for Council action in Mr. Glock's presentation; these were:

1. State any disagreement with NMFS about the intent to refine the PEIS scope.
2. Clearly articulate any suggestions about the draft proposed alternatives.
3. Schedule time at September 2003 meeting for discussion of the analysis and also approve the release of

a preliminary draft EIS for public comment.

4. Schedule adoption of preferred alternative for November 2003 meeting.

Dr. McIsaac said that the last two items would be addressed under Agendum H.4 (Staff Workload Priorities and September 2003 Council Meeting Agenda)..

Mr. Anderson concurred with the recommendation that the scope be narrowed to bycatch, and the alternatives presented by Mr. Glock should be included in the EIS. However, closed area proposals would fit better under the EFH EIS. He recommended analyzing practical bycatch cap systems, citing the arrowtooth flounder EFP as an example. In his presentation, Mr. Glock discussed an assessment of the bycatch mortality and particular actions that could be taken to reduce it. However, the current draft language gives a general overview and doesn't really provide suggestions as to how mortalities might be reduced. He would like those alternatives fleshed out in the document with specific examples.

Ms. Vojkovich wondered whether Mr. Robinson's recommendations for the inclusion of bycatch reduction measures ("clean fishing") would be part of a bigger package of measures in an alternative, such as the incentives statement in Alternative 4 (see Attachment 2, page 4). Mr. Anderson asked if he could request Ms. Garrison to address that in terms of what she had in mind on this issue. Ms. Garrison said she thought that Alternative 4 is going in the right direction, but should be expanded to an annual allocation rather than an inseason allocation. An annual, sector-wide allocation—versus individual vessel, inseason allocations—could be done more easily (e.g., for less money, investment of observers, etc.).

Ms. Vojkovich said that brings up the issue of whether Alternative 4 locks in controls by sector, because in some fisheries it might be more appropriate to have vessel-level caps or an inseason adjustment rather than an annual cap. Flexibility should be maintained, although she was unsure how to structure an alternative for this flexibility.

Mr. Anderson said these were not necessarily stand alone alternatives. You might choose different elements from different alternatives in the decision. Ms. Vojkovich asked if that meant the Council could choose elements from the different alternatives to craft a preferred alternative. Mr. Anderson concurred. Ms. Vojkovich emphasized that even after a particular approach was adopted there should still be some flexibility to apply different measures to implement the overall approach. Mr. Anderson said that was possible in crafting a preferred alternative.

Mr. Robinson said that whichever preferred alternative is identified, elements of different alternatives could be adopted as part of a regulatory proposal. He then noted that the "clean fishing" proposal could be worked into Alternative 4 and requested Mr. Glock do so.

Mr. Coenen asked Mr. Glock if full-retention is a component of one of the alternatives. Mr. Glock said it is in Alternative 6, and is not necessarily excluded from the other alternatives. He hopes to evaluate the available tools, including full-retention. This could also address Ms. Vojkovich's concerns because the EIS would analyze the full suite of available tools.

Mr. Anderson asked whether there was a request to release the preliminary document. Mr. Glock responded that this would occur at the September meeting. A preliminary draft EIS would then be available for the Council to release for public review between the September and November 2003 meetings.

B.13. Final Adoption of FMP Amendment 16-1 and Amendment 16-2 (06/19/03; 5:46 pm)

B.13.a Agendum Overview

Mr. DeVore provided the situation summary.

B.13.b Reports and Comments of Advisory Bodies

**GAP**

Mr. DeVore read Exhibit B.13.b, Supplemental GAP Report.

**SSC**

Mr. Jagielo provided Exhibit B.13.b, Supplemental SSC Report.

B.13.c Public Comment

Mr. Chris Dorsett, The Ocean Conservancy

**B.13.d Council Action:** Adopt FMP Amendments 16-1 and 16-2 for Implementation by NMFS  
(06/19/03; 6:05 pm)

Mr. Brown said he had trouble understanding the long term tradeoffs of rebuilding alternatives when he referred to the Amendment 16-2 EIS. He provided an example by comparing the Mixed Stock Exception (MSE) alternative to the Maximum Conservation alternative. While the projected economic returns from the fishery look good after stocks are rebuilt, the “costs” of rebuilding are not immediately evident. Mr. DeVore referred Mr. Brown and the Council to a table on page 5-12 of the EIS, which depicts estimated OYs under the MSE and long term MSY harvest levels. He also referred to the table on page 5-15 and also the OY trajectories starting on page 4-28 and continuing through that section to understand the tradeoffs in terms of the length of rebuilding and value of fisheries once rebuilding has been achieved. Mr. Brown requested additional economic analyses to understand the tradeoffs of alternative rebuilding timelines. Dr. Radtke explained this would be a net present value analysis. Mr. Anderson agreed with Mr. Brown's point that there are still a lot of social concerns with rebuilding alternatives, even if the analysis came out from an economic perspective.

Mr. Anderson moved that we adopt Amendment 16-1 (motion 16) and for issue 1, we adopt option 1d; issue 2 - option 2b; issue 3 - option 3e; issue 4 - option 4b. Mr. Bob Alverson seconded the motion.

Mr. Anderson said under issue 1, option 1d is similar to 1c, but it provides additional information on stock status and gives us flexibility to respond appropriately to new stock assessments. It also provides for two circumstances to change the target rebuilding year. The Issue 2, option 2b alternative would allow us to review rebuilding goals every two years. Issue 3, option 3e specifies standards for determining process. He felt Issue 4, option 4 b was the only valid choice since he did not think option 4a was an option. He felt we could not have a rebuilding plan which did not meet the minimum requirements of the ESA if that species was listed. Mr. Brown agreed with all the points made by Mr. Anderson, but didn't understand the rationale for proposing Option 4b. Mr. Anderson said if we had a rebuilding plan and the specifications under a Biological Opinion for an ESA-listed species were met or exceeded by the rebuilding plan, then our parameters would stand as adopted. If the species was ESA-listed and the Biological Opinion specified stricter restrictions than the rebuilding plan, then we would have to adopt the stricter standards. Mr. Brown agreed but thought it very likely ESA standards would be less restrictive than those specified in a rebuilding plan. Dr. Radtke noted the SSC's support of the range of alternatives in the Amendment 16-1 EA.

Motion 16 passed.

Mr. Anderson moved (Motion 17) and Mr. Alverson seconded a motion to adopt Amendment 16-2 as shown in Exhibit B.13, Attachment 2, consistent with the Council Interim alternative, which includes an 80% rebuilding probability for darkblotched rockfish, a 70% rebuilding probability for Pacific ocean perch, a 60% rebuilding probability for canary rockfish, and a 60% rebuilding probability for lingcod.

Mr. Brown asked about the justification for specifying different rebuilding probabilities for the two trawl species (darkblotched rockfish and Pacific ocean perch) compared to the rest of the species analyzed in the Amendment 16-2 EIS? Mr. Anderson said he did not differentially consider different fishing gear sectors. He felt the Council should consider fishing opportunities and rebuilding risks. Mr. Brown pointed out there were many people not fishing due to the darkblotched rockfish closure. This is a particular problem north of Cape Mendocino where additional canary rockfish constraints make it hard to fish. Ms. Cooney noted many of these tradeoffs and considerations are discussed in the Amendment 16-2 EIS.

Motion 17 passed. Mr. Brown voted no.

Mr. Robinson said, now that we have adopted Option 1d in Amendment 16-1, what are the starting parameters that are specified in the FMP? He was not sure whether to specify the new stock assessment parameters (i.e., for POP) or specify the original parameters analyzed in the Amendment 16-2 EIS. It may be we have to think about putting the most recent parameters into the FMP. Ms. Cooney said the Council needs to decide how to mesh the OYs just adopted with the new assessments with the existing parameters specified in rebuilding plans. She then referred to the framework adopted under Amendment 16-1, Option 3e, which says, "a specific standard for determining when progress has been adequate is established for each plan" and asked where these review standards were specified in Amendment 16-2 rebuilding plans? Mr. DeVore explained the language on page 1-8 of the Amendment 16-2 EIS (bullet #4) specifies the review standard for the four species' rebuilding plans analyzed under Amendment 16-2. Ms. Cooney said she was comfortable with that review standard.

#### B.14 Adoption of a Proposed Range of 2004 Groundfish Management Measures (06/20/03; 10:45 am)

Chair and Council recognized Mr. Caito for his service on the Council as this was his last meeting.

##### B.14.a Agendum Overview

Mr. DeVore noted that the GMT has produced two supplemental reports (Supplemental GMT Report 3 and Supplemental GMT Report 4) under Exhibit B.8.b, including a revised bycatch scorecard and an itemized accounting of the expected take of bocaccio and canary rockfish under the inseason actions the Council decided on Thursday. These reports were for the record.

Mr. DeVore proceeded with the situation summary for this agendum. The Council task is to propose a range of 2004 groundfish management measures for public review and analysis prior to final decisions in September.

##### B.14.b Reports and Comments of Advisory Bodies

###### **GMT** (06/20/03; 10:55 am)

Ms. Robinson read pages 1-5 from Exhibit B.14.b, Supplemental GMT Report and Dr. Hastie reviewed pages 6-11 from the same report which focused on modeling trawl bycatch.

###### **GAP** (06/20/03; 11:20 am)

Mr. Moore read Exhibit B.14.b, Supplemental GAP Report. While most of the GAP recommendations were consistent with those from the GMT, the GAP disagreed with the GMT recommendation to eliminate the trawl B platoon and the proposal to amend the FMP to allow trawlers to take their quota using fixed gears. Mr. Moore also highlighted a problem with considering bycatch caps in the commercial fishery. The GMT Bycatch Scorecard does not account for the occasional disaster haul where significant bycatch can occur. The scorecard uses average bycatch rates observed by fishing sector and is therefore a poor basis for allocating bycatch caps across sectors.

## EC

Captain Cenci provided Exhibit B.14.d, Revised Supplemental EC Report.

Mr. Brown asked Captain Cenci if someone was suggesting not using latitude/longitude waypoints to specify lines deeper than the nearshore lines currently used to manage recreational fisheries? Captain Cenci said the issue arose during inseason adjustment discussions and he understood a proposal to use only depth contours for some of the deeper lines was forthcoming from California. The Enforcement Consultants believe this will erode their ability to effectively enforce depth-based management measures.

Mr. Brown asked Dr. Hastie how he envisions modeling and implementing selective flatfish trawls on a fleet-wide basis next year (as per the GMT and GAP recommendations)? What kind of regulations would be needed? Dr. Hastie stated that we are in the exploratory stages of considering this measure. We could use this summer's EFP results to evaluate the effectiveness of this gear. While we may not have all the results analyzed by September, it may be possible to implement larger shelf flatfish trip limits and Rockfish Conservation Area (RCA) exemptions using this type of gear inseason next year.

Mr. Brown referred to the two trawl scenarios in the GMT report and asked if the differential canary rockfish impacts projected were due to the period 4 line changes? Dr. Hastie said that was correct and referred to the projected impacts for period 4 in tables 2b and 3b.

Mr. Alverson asked about an option for a new fixed gear line at 125 fm. Is there new information that suggests this management line needs to be deeper? Ms. Robinson said yes, there was limited information to evaluate a new fixed gear line. The GMT wants to evaluate this line for the commercial Pacific halibut fishery as well. Dr. Hastie added that it is important to analyze new lines in the 2004 Specifications EIS to have the ability to make a routine inseason adjustment next year when observer data for the fixed gear fleets becomes available.

Mr. Anderson referred to page 6 of the GMT Report and asked for clarification of the GMT request for Council guidance on trawl distributions of bocaccio, canary, and lingcod for analysis. Dr. Hastie replied that there are recommendations regarding commercial and recreational catch shares for analysis. However, it would be helpful to receive guidance on how much of the commercial catch should be used in analyses to specify a trawl target. He could use the catch shares from 2003 catch projections in the bycatch scorecard which would be considered the default without specific advice from the Council. There is also the darkblotched question of whether to model 2004 specifications using the entire OY.

Mr. Alverson asked whether the RCA fixed gear line alternatives were for Oregon only or the entire coast north of 40°10' N. lat.? Ms. Robinson said the recommendation was for the coast north of 40°10' N. latitude. The reference to Oregon was because the state of Oregon proposed fixed gear line alternatives for analysis.

Mr. Brown returned to the GMT request for guidance on bocaccio catch distributions. He suggested Dr. Hastie could look at alternative RCA boundaries in California, determine the impacts in recreational and commercial hook and line fisheries, then use whatever bocaccio impacts are left over to model the trawl

fishery. Dr. Hastie said this could theoretically work, but there is a time constraint to get trawl modeling done by mid-July and the California public hearing process will not be concluding until the end of July. He was also unclear how quickly the fixed gear analysis would come together. Although a host of catch sharing options can be modeled, it would be preferable to limit the options since the size of the NEPA document would increase exponentially. The other option is to hit a spread of trawl targets within a reasonable range.

#### B.14.c Tribal Comments and Recommendations (06/20/03; 11:49 am)

Mr. Harp provided Exhibit B.14.c, Supplemental Proposed Treaty Indian Management Measures.

Mr. Anderson asked Mr. Harp if the full retention of rockfish measure the tribes propose pertains to the Makah trawl fisheries? Mr. Harp thought the measure only pertained to the open competitive halibut fishery in 2003 and was not sure about the trawl fishery. He deferred to Mr. Steve Joner for clarification. Mr. Joner said the whiting fishery requires full retention of all rockfish which is forfeited to the tribe for charitable contribution. The other trawl fisheries (bottom and midwater) also require full retention with overages of rockfish forfeited to the tribe. The open competitive halibut fishery allows full retention of rockfish which tribal fishers are allowed to sell.

#### B.14.d Agency Comments and Recommendations

##### **WDFW**

Mr. Anderson remarked that the GMT and GAP have done an outstanding job with their recommendations and that he had nothing to add.

##### **ODFW**

Mr. Coenen repeated Mr. Anderson's appreciation for the GMT and GAP efforts this week. He recommended changes to the GMT Report as follows: 1) page 3, under Commercial Management Measures- Oregon, the RCA in bullet #2 should include a 30 fm line; and 2) under Recreational Management Measures include a minimum size length of 10-12 in. for greenling (status quo is 12 in.). He also referred to page 2 of Exhibit B.14.d, Supplemental ODFW Report and highlighted the proposed 2004 harvest guidelines for black rockfish, other nearshore rockfish, cabezon, and greenling. The harvest guideline for other nearshore rockfish would equal a modified 2003 guideline which now includes shore and estuary catch in addition to ocean boat catch. The greenling and cabezon modified guideline would be 10-20% greater than the 2003 harvest guideline.

##### **CDFG**

Ms. Vojkovich made some corrections and slight additions to Exhibit B.14.b, Supplemental GMT Report as follows: 1) page 3 under "Options for Sharing of Bocaccio", change the wording to reflect commercial and recreational catch sharing options ranging from 50:50 to 56 recreational and 44 commercial; 2) page 5, maintain a status quo option for the California recreational fishery; and 3) page 5, bullet 6 regarding RCA exemptions for shore-based anglers should also include recreational divers.

##### **NMFS**

Mr. Robinson had no agency comments.

#### B.14.e Public Comment

Mr. William Smith, fisherman, Birkenfeld, Oregon

Mr. Joe Easley, Oregon Trawl Commission, Astoria, Oregon  
Ms. Karen Garrison, Natural Resources Defense Council, San Francisco, California  
Mr. Phil Kline, Oceana, Washington, DC  
Mr. Peter Huhtula, Pacific Marine Conservation Commission, Astoria, Oregon  
Dr. Rod Fujita, Environmental Defense, San Francisco, California  
Mr. Kenyon Hensel, Hensel's, Crescent City, California  
Mr. Pete Leipzig, Fishermen's Marketing Association, Eureka, California

**B.14.f Council Action:** Adopt a Proposed Range of 2004 Management Measures for Public Review

Mr. Brown asked either Mr. Robinson or Ms. Cooney whether we should be managing for the set optimum yield (OY)? This is an issue the GMT raised with darkblotched rockfish. Mr. Robinson said the answer generally would be yes absent constraints imposed for overfished species. Ms. Cooney agreed and added there is flexibility in setting OY, but the proposal was to keep OY as low as possible. Using the 2003 darkblotched example, the OY was set as a hard cap and the management measures were conservative enough to buffer unexpected inseason events. Mr. Anderson concurred with Mr. Brown's view on this question and the GMT should model fishing opportunities to take the available OY. We did not use the 2001 recruitment for selecting 2004 darkblotched OY alternatives, which is a conservative action. Therefore, it is appropriate to model management measures that use the entire OY to the extent possible given other constraints. Mr. Brown added that the uncertainty in the darkblotched assessment is no worse than the uncertainty in all other groundfish stock assessments.

Mr. Coenen moved (Motion 27) to adopt the GMT report as modified by state and tribal reports for the 2004 management measures. Mr. Anderson seconded the motion.

Mr. Anderson asked for a friendly amendment to analyze an option to eliminate the Trawl "B" platoon. This was accepted by the maker and seconder.

Ms. Vojkovich asked for a friendly amendment to include an Oregon/California black rockfish catch sharing option (option 2 on page 5 of Exhibit B.14.b, Supplemental GAP Report). This was accepted by the maker and seconder.

Mr. Brown said there was a specific GMT question about the sharing of bocaccio, canary, and lingcod - is the NEPA analysis to assume status quo sharing? Mr. Coenen said he intended to defer the catch sharing options until after the range of management measures was adopted. The narrative on page 6 of the GMT report addresses the issues of sharing, allocation, shaping, modeling, etc. and he hoped this motion did not speak to the management modeling issues and catch sharing policies.

Motion 27 passed.

Mr. Anderson raised the issue of EFP set-asides as they relate to the general management measures. He asked to consider them in totality as they did last year. That is, do not set-aside EFP caps as a portion of the OY before analyzing what the tradeoffs are in terms of foregone directed fishing opportunities. Mr. Coenen said the GMT was seeking guidance on modeling trawl limits. Maybe we should hear from Dr. Hastie on how he proposes to model trawl impacts. The Council could use recent experience on a proportional basis to shape the impact model and bycatch scorecard accordingly and take that as guidance. Mr. Anderson said he thought the GMT was recommending at least two of the EFPs. They could model fishery impacts after setting aside OY for those EFPs. We could then look at the costs and benefits of using the fish for an EFP or for the general fishery.

Mr. Anderson addressed the GMT request for guidance on how to divide the OY of the three overfished

species (bocaccio, lingcod and canary) among sectors. He supports the suggestion by Mr. Leipzig to use recent year catch history proportion of these species to assign to each sector. Mr. Brown suggested that, if it turns out the particular limit for each gear sector encourages targeting, he would ask the GMT to flag it for us. Ms. Vojkovich said assigning sector shares of bocaccio is less of an issue since it only affects California fisheries. However, as we look at canary impacts, this is a significant problem for California since fisheries in 2003 were restricted inside of 20 fm and were not able to get out where canary and bocaccio mix. She proposed we look at some time frame when we didn't have restrictions on shelf fishing or retention. She was encouraged by the options for recreational fisheries in the state of Oregon that showed a willingness to restrict their fishery to provide canary impacts so California could have a fishery. We need to have some fishing opportunity in 2004. Mr. DeVore asked if it was adequate to exclude 2003 from the analysis or did she have a more refined range? Ms. Vojkovich said she has RecFIN catch estimates for all three states going back to 1980. After 2001 we had considerable bag limit and retention restrictions which don't reflect less restrained fishing. She suggested using the data in the 1990s. (Motion 28) Mr. Thomas seconded the motion.

Ms. Vojkovich recommended using catch histories from 1993 to 2001 to determine catch shares. Mr. Anderson said we adopted voluntary canary restrictions back in 2001 or 2000 and therefore wouldn't want to use those years. Mr. Coenen asked for a friendly amendment to use RecFIN data from 1998-2001. The maker and the seconder did not agree to the friendly amendment. Ms. Cooney suggested you may want more than one number, maybe a couple of different options. Mr. Coenen asked for a friendly amendment to ask the GMT to shape the time periods of catch histories in the same fashion they did for black rockfish (1990-1999). Ms. Vojkovich asked if the friendly amendment was for the GMT to set the time period? Mr. Coenen said yes, the GMT could recommend catch sharing options much as they did for black rockfish. Ms. Vojkovich said she would rather make the decision of what years we are going to analyze; therefore, the friendly amendment was not accepted. Dr. McIsaac clarified the motion: use the canary rockfish catch history for the years 1993-1999 as sector allocations solely for modeling purposes. Mr. Anderson asked for clarification of the term sector in this context? Ms. Vojkovich said her motion was for apportioning canary impacts for recreational fisheries between states. There was some further discussion relative to the motion and what to analyze for the other non-recreational sectors and for the other species (bocaccio and lingcod) highlighted in the GMT report. The motion stood for the canary rockfish analysis in coastwide recreational fisheries alone. Dr. Radtke called for the vote. Mr. Brown and Mr. Coenen voted no. Dr. Radtke abstained. (Motion 28 passed).

Mr. Anderson recommended analysis proportional shares of lingcod and canary between all the sectors and use those shares to determine the respective catch targets or harvest guidelines for those sectors. When they get the recreational portion of canary, they would use the proportions from the 1993-1999 average to distribute the recreational portion of the canary harvest guideline between the 3 states. Mr. DeVore asked Mr. Anderson if he was supporting using recent year proportional catch distributions or have the GMT consider this? Mr. Anderson said relative to canary we need to use the year or years we had a similar OY. He would use that same proportional approach for lingcod. Mr. DeVore said that would leave this year for the canary historical catch profile.

Mr. DeVore asked if the Oregon spot prawn trawl fishery would be eliminated or converted to a trap fishery? Mr. Coenen said yes. He then asked whether seasonal recreational options/California recreational options would be decided by the state representatives to the GMT or by the Council at this time? Mr. Coenen said he preferred having the GMT members decide how to structure these alternatives and do the modeling. The Washington and California Council representatives agreed with this approach.

Mr. DeVore asked if all the states were considering a nearshore management line of 30 fm for 2004? He also wanted to know whether the waypoints for the 30 fm line would be specified? Ms. Vojkovich said that in order to be responsive to the EC recommendation to specify waypoints for the 20 fm line in southern California, we would need 1400 waypoints. That is the same situation we are faced with in specifying a

30 fm line and, until we get to a depth of 50 fm, does it become more realistic to specify waypoints rather than a depth contour. The same problem does not exist north of Pt. Conception. That is why CDFG is proposing depth contours instead. Mr. Robinson asked how to enforce a fm line without coordinates? Ms. Vojkovich said California has a lot of on-the-water enforcement unlike the other states. California enforcement operates adequately using specified depth contours. Mr. Anderson said Washington would be developing the waypoints for a 30 fm line. Mr. Brown disagreed with the remark of not having problems specifying waypoints north of Pt. Conception. It bothers him that the issue is being construed as "too complicated" for recreational fishermen. Ms. Vojkovich said she did not mean to imply that, but rather many of the boats in the recreational fleet are small and don't have GPS. Dr. McIsaac noted this is the time to specify options for analysis; this is not the September final vote.

Mr. DeVore asked Mr. Harp if the tribes are recommending safeguards in their proposed tribal management measures to avoid exceeding harvest guidelines? It would be important to have these safeguards specified. He asked if someone from the tribes could provide that. Mr Harp said yes, Mr. Jones will provide that information to the GMT over the summer.

Mr. DeVore asked whether to assume vessel-funded observer coverage (similar to the Arrowtooth Trawl EFP) when analyzing the option of converting the selective flatfish trawl EFP into regulations in 2004? Mr. Coenen said no; assume the current observer coverage rate from the NMFS program.

Dr. Radtke asked about analyzing bycatch caps. Mr. Brown expressed concern with analyzing bycatch caps as noted in the bycatch scorecard. This concept is premature since observer data is only available for the trawl fleet at this time. Mr. Anderson said this particular concept should be developed when the Trawl ITQ Committee meets this winter. We don't have the ability to manage with bycatch caps in 2004. Mr. Brown agreed with Mr. Anderson that we need to make sure the ITQ discussion includes bycatch caps and full catch accounting through the observer program. Mr. Robinson said the programmatic bycatch EIS will now focus on examining the issue of bycatch caps; therefore, this analysis should be deferred to that EIS.

Mr. DeVore asked how to calculate the bocaccio distributions? Ms. Vojkovich moved that we use the ranges in the GMT report for commercial/recreational catch sharing. Use recent year's catch sharing for apportioning trawl/nontrawl gear impacts and maximize opportunities by assuming the entire OY will be attained. (Motion 29) Mr. Donald Hansen seconded the motion.

Ms. Vojkovich suggested these catch shares should be construed as guidelines, not hard allocations. Mr. Caito asked Ms. Vojkovich to define "recent years"? Ms. Vojkovich suggested the analysis focus on years when there was a similar bocaccio OY range as considered for next year. Mr. DeVore thanked the Council for this guidance.

Motion 29 passed. Mr. Brown voted no.

#### B.15 Alternative Long-term Groundfish Management Strategies (06/20/03; 8:19 am)

##### B.15.a Agendum Overview

Dr. McIsaac provided the agendum overview.

##### B.15.b Reports and Comments of Advisory Bodies

#### **GMT**

Dr. McIsaac read the report of the GMT.

### B.15.c Public Comment

Dr. Rod Fujita, Environmental Defense

### B.15.d. Council Discussion and Guidance on Alternative Long-term Groundfish Management Strategies

Mr. Alverson mentioned that there are one or two species managed with hard bycatch caps in the Canadian IFQ program. He noted an upcoming meeting in Canada to discuss the Canadian IFQ program and asked if we have someone going up there. Dr. Radtke said there are about six people from the Council family who plan to attend, including Mr. Marion Larkin. Dr. Rod Fujita said they are also planning a larger meeting that would probably take place in the fall. Dr. McIsaac noted Mr. Jim Seger will be attending that meeting as well.

Mr. Brown said that part of the ITQ discussion would be such things as managing bycatch (i.e., hard bycatch caps) and that discussion really ends with redesigning the entire groundfish management system. We may want to have discussion on these other things regardless if we have the discussion on ITQs or not. He sensed that this fall or early winter is a good time to start that discussion (time to think about future); any pre-notice of the discussion has to include items such as observer programs and bycatch caps. Dr. McIsaac noted that under the administrative matters legislative item, there is some ITQ information for the Council to consider.

Mr. Anderson supported the GMT's recommendation to convene a meeting to focus solely on alternative long-term management strategies. He realizes it is a budget issue, but feels we need to provide the GMT the opportunity to do this. Mr. Mallet concurred with Mr. Anderson's comments and asked Dr. McIsaac if we could find the funds to do this. Dr. McIsaac said currently there is not an additional GMT meeting funded; but he could take a look at that. Mr. Anderson said the states would be willing to make sure the costs are held down or shared. Mr. Brown asked if the meeting could encompass more than the GMT. Mr. Anderson said the GMT would like to talk about some of these items as a team; with the meeting being open to the public.

Dr. McIsaac stated that, in Council staff discussions, there is little time devoted to long-term management approaches. He encouraged the Council to consider allotting time for such long-term planning when developing workload plans and future agendas.

## C. Salmon Management

### C.1 Salmon Fishery Update (06/17/03; 8:01 am)

Mr. Chuck Tracy presented an agendum overview. He noted the only inseason conference call to date was on June 5<sup>th</sup> regarding the north of Cape Falcon non-Indian commercial troll fishery. That fishery was closed effective June 6 as the 40,000 chinook quota was approached.

Mr. Dell Simmons, Salmon Technical Team Chairman, provided Exhibit C.1, Supplemental Attachment 1.

#### C.1.a Reports and Comments of Advisory Bodies

None.

#### C.1.b Public Comment

None.

### C.1.c Council Discussion on Salmon Fishery Update

Dr. Radtke inquired about the price for salmon this year. Mr. Caito noted the prices started out fairly high with more product available, and a larger than average size.

Mr. Alverson asked if there was an increasing market opportunity for wild salmon as opposed to farm raised salmon. Mr. Caito replied that a lot of good publicity of wild salmon has increased market opportunity, primarily for the East Coast and the Seattle area, although the San Francisco market is still primarily using farmed fish.

### C.2 Mitchell Act Update (06/17/03; 8:08 am)

#### C.2.a Agendum Overview

Mr. Tracy presented an agendum overview.

#### C.2.b NMFS Report

Mr. RZ Smith, NMFS, noted the Mitchell Act program has been moved from the Sustainable Fisheries Division to the new Salmon Recovery Division.

For FY 2003, the Mitchell Act spending allocation was received in May. He referenced Exhibit C.2.b, Supplemental NMFS Report. The same funding level was received as FY2002, minus some minor revisions. In the NMFS portion of the 2003 Omnibus Bill, the Oregon salmon recovery program received \$1.1 million for mass marking in the Columbia River basin. This covered marking expenses that were covered in FY2002 under Monitoring, Evaluation and Reform. Procurement of automated marking trailers was also included in the language. The base Mitchell Act budget includes only the Hatchery Operation and Maintenance, and Facilities (screens and fishways); Monitoring, Evaluation and Reform, Marking, and Marking Trailers are not part of the base funding.

For FY 2004, the projection is the President's budget, level funding with the caveat that the \$1.1 million for marking in the Oregon salmon restoration funds is not included, and the \$1.6 million for tagging trailers may not be included. NMFS plans to continue to mass-mark the majority of coho, steelhead and spring chinook releases working within the available funds in O&M, which equates to a \$1.1 million reduction, and could result in closing two or three hatcheries or eliminating two or three hatchery programs. Eggs for spring chinook will be taken in July, which is the first irreversible decision. In addition, the mass marking requirement included in the USFWS portion of the FY2003 Omnibus bill could increase demand for marking funds.

The best chance for change is in FY2006 and beyond. Agency input into the FY2005 budget is complete. NMFS has been working on a bottom up budget for Mitchell Act programs, and as a rough figure has come up with \$25-\$26 million to support a full program for current production. After completion of the budget, it will be available for review by the states and tribes.

Over the last 11 years, the base funding has increased only from \$10.3 million to \$11.457 million. One year actions by congress have increased funding for special projects.

Mr. Roth asked if given level funding through FY2005, have the tribes and agencies given any indications as to what kind of program levels and marking reductions would result. Mr. Smith said he has not had time to do that as he had been concentrating on 2003. He will inform the agencies of their funding levels and ask what their priorities are. Past efforts to prioritize programs across all agencies have been unsuccessful,

primarily because it is difficult to plan ahead when budgets are year to year.

Dr. Radtke asked if a cost-benefit analysis was being conducted. Mr. Smith replied no, that NMFS is basically reacting to a crisis. The only way left to maintain programs is to cut overhead. Hatchery maintenance has been put off for years.

Dr. McIsaac asked for an explanation of NOAA reprogramming represented on the Exhibit for FY2003. Mr. Smith replied there were two adjustments to funding in FY2003: the rescission was an across the board 0.645% reduction in all government programs mandated by Congress; the reprogramming was an internal (within NOAA) redistribution of funds to cover other program shortfalls. The agency is allowed to take up to 5% of a program budget for internal reprogramming without going back to Congress.

Dr. McIsaac noted that the Council's effort regarding FY2004 funding suffered from a lack of a unified position on program goals, and asked for an update on the goal setting process. Mr. Smith replied that no progress has been made. Congressman Dicks has been working on an add-on for FY2004 to increase the budget by about \$3 million, but again, as a one year fix. The bottom up budgeting needs to occur for a long term solution, which needs direction from Secretary Evans and Admiral Lautenbacher.

Dr. McIsaac asked if there were any plans for developing priorities and goals, and presenting the bottom up budget along a unified front. Mr. Smith said yes, and to impact the FY2006 budget they need to have that done by the end of this summer. Bob Lohn could use the budget to request funding within the agency, and the rest of the participating agencies and interested parties could use it to respond to inquiries from congress, etc.

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

None.

#### C.2.d Public Comment

None.

#### C.2.e Council Discussion on Mitchell Act Update

Mr. Anderson stated that part of the problem in the past has been not having a single person or entity responsible for bringing people together to address both the budgeting aspects and the political/policy issues. Stakeholders should be included in the latter issues. Mr. Roth asked if Mr. Anderson was recommending the Council facilitate the process. Mr. Anderson replied that the Pacific States Marine Fisheries Commission could fill the role since they could assist in the political strategy.

Mr. Robinson supported having PSMFC facilitate a meeting that NMFS could participate in as an advisor. The group could then develop and move forward with a strategy.

Mr. Anderson recommended a two step process to acquire the necessary funds. First, a group should meet to develop a bottom up budget; second a meeting with the first group and policy representatives from agencies, tribes and stakeholders should be held to hear the results of the first meeting and to develop an implementation strategy.

Dr. McIsaac suggested following up with a letter to NMFS and PSMFC detailing the Council recommendation.

C.3 Progress Report on the Establishment of the Model Evaluation Work Group (06/17/03; 8:51 am)

C.3.a Agendum Overview

Mr. Tracy provided the situation summary.

C.3.b Reports and Comments of Advisory Bodies

None.

C.3.c Public Comment

None.

C.3.d Council Discussion and Guidance on Progress Report on the Establishment of the Model Evaluation Work Group

Mr. Anderson summarized previous Council discussions, indicating the MEW should identify and prioritize the projects that need to be completed. The STT and SSC recommended that the documentation of the Chinook FRAM be the first priority. He recommended the MEW identify the amount of manpower necessary, and the individuals that would do the work of documenting the Chinook FRAM, once the group is appointed.

**D. Habitat**

D.1 Current Habitat Issues (06/18/03; 8:02 am)

D.1.a Agendum Overview

Ms. Jennifer Gilden provided the agendum overview.

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

Mr. Stuart Ellis provided Exhibit D.1.b, Supplemental HC Report, Exhibit D.1, Supplemental Revised Attachment 2, and Exhibit D.1, Supplemental Attachment 3.

D.1.c Reports and Comments of Advisory Bodies

None.

D.1.d Public Comment

Mr. Phil Kline, Oceana, Washington, DC. (Gave a brief presentation on sponge and coral habitats).

Dr. McIsaac asked Mr. Kline whether there was a source paper on the mapping of corals that the Council could use.

Mr. Kline said he had seen a draft map created by NOAA Fisheries. There is a map done with a “raised data set” that includes data from the survey trawls over the years. MCBI and Ecotrust have mapped that data. He said the most complete map is the draft map that NOAA Fisheries has developed that hasn’t been released

yet. He encouraged NOAA Fisheries to make the information available to the Council.

Dr. McIsaac asked whether two photos presented during the presentation - one of pre-trawled habitat and one of post-trawled habitat - were “before and after” pictures or whether they were taken in different places.

Mr. Kline said the photos were not “before and after” photos, but were representative of before and after. It’s difficult to get “before and after” photos. He said the NRC report said that it was relevant to use comparable sites in comparable habitats to see effects of trawling.

**D.1.e Council Action:** Consider HC Recommendations (06/20/03; 8:12 am)

Mr. Anderson asked for some suggested changes to the FERC letter. He noted the relicensing of this project is under negotiation, and has been for several years. This is a sensitive subject and he wants to ensure that the letter does not disrupt or negatively influence the negotiations. This hydro project alone is not responsible for the problems associated with salmon survival and production in the Columbia River system. The Grand Coulee Dam probably plays as big a role as any other project on the surges in water. There were a few items in the letter that suggested that these particular hydroprojects were solely responsible for the problems, and he did not want to leave that impression. He also did not want a particular negotiating position reflected in the letter, which is why he developed the edits he proposed. (Exhibit D.1, Supplemental Revised 2 Attachment 2).

Mr. Anderson moved the Council approve the draft letter to Ms. Salas, FERC, as shown in Exhibit D.1, Supplemental Revised 2 Attachment 2 (Motion 19). Dr. Radtke abstained from the vote due to conflict of interest (he has a FERC license). Motion 19 passed.

Ms. Vojkovich moved that we accept the comments on the Klamath letter as shown in Exhibit D.1, Supplemental Attachment 3. (Motion 20) Mr. Roger Thomas seconded the motion. Motion 20 passed.

**E. Coastal Pelagic Species Management**

**E.1 NMFS Report**

**E.1.a Informational Update**

Mr. Fougner informed the Council that the proposed rule for the Pacific sardine allocation regulatory amendment would be published the week of June 22<sup>nd</sup>.

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

None.

**E.1.c Public Comment**

None.

**E.1.d Council Discussion on CPS Update**

None.

**E.2 Pacific Mackerel Harvest Guideline for 2003 through 2004 (06/18/03; 8:35 am)**

#### E.2.a Agendum Overview

Mr. Daniel Waldeck provide a brief overview of the matter at hand, reports that would be presented to the Council, and materials in the briefing book.

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

##### **CPSMT**

Dr. Kevin Hill presented a summary of the Pacific mackerel assessment (Exhibit E.2, Att. 1, App. 2).

Dr. Sam Herrick summarized Exhibit E.2.b, the CPSMT Report.

The Council discussed with Dr. Hill and Dr. Herrick the issue of increased harvest in Mexican CPS fisheries, which have risen dramatically in recent years. Dr. Radtke suggested the CPSMT prepare a background document to help the Council better understand the issues.

##### **SSC**

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

##### **CPSAS**

Mr. John Royal provided Exhibit E.2.b, CPSAS Report.

#### E.2.c Public Comment

Ms. Karen Reyna, Ocean Conservancy, San Francisco, California

#### E.2.d **Council Action:** Adopt Pacific Mackerel Harvest Guideline for the 2003 through 2004 Season

Ms. Vojkovich moved and Mr. Thomas seconded a motion (Motion 7) to set the 2003-2004 Pacific mackerel harvest guideline at 10,652 mt for the fishery starting July 1, 2003. Based on this harvest guideline, the directed fishery would be set at 7,500 mt to begin on July 1, 2003. After the directed fishery is reached, the fishery will revert to an incidental-catch-only fishery. The set-aside for the incidental fishery will be 3,152 mt. Ms. Vojkovich also included the recommendations of the CPSAS for a 40% incidental catch rate when mackerel are landed with other CPS, except that up to 1 mt of Pacific mackerel could be landed without landing any other CPS.

Motion 7 passed by voice vote.

Ms. Vojkovich spoke to the need to engage Mexico in cooperative management of CPS fisheries. She asked if NOAA Fisheries had considered or planned for formal cooperative arrangements with Mexico, specifically, in terms of staff, resources, and funding.

Mr. Fougner stated that he was not aware of formal preparation by NOAA Fisheries. He noted the current cooperative working relationship between Mexican and U.S. fishery scientists, but that cooperative management has not been welcomed by Mexico. He stated he would look into the matter and provide information to the Council at a later meeting.

It was also noted that the Council had sent a letter previously (April 2003) to the U.S. Department of State

asking for initiation of formal science and management arrangements.

## **F. Highly Migratory Species Management**

### F.1 NMFS Report on Highly Migratory Species Management (06/18/03; 9:38 am)

#### F.1.a Regulatory Matters

Mr. Fougner provided Exhibit F.1.a, NMFS Report, which he summarized for the record.

He also discussed preparations for international meetings related to Pacific ocean tuna fisheries.

Finally, Mr. Fougner noted that NOAA Fisheries had submitted a final rule relative to the drift gillnet fishery. The most recent biological opinion required a regulatory action in the event of a declared El Nino event, including an area closure during January and August 15 through 31. Recent discussions among the ESA-mandated "take reduction team" and industry indicate a modification of the closed period might be advantageous. NOAA Fisheries is considering this information and it could be included in the final rule for the HMS FMP.

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

None.

#### F.1.c Public Comment

Mr. Wayne Heikkila, Western Fishboat Owners Association,

#### F.1.d Council Discussion on NMFS Report on Highly Migratory Species Management

None.

### F.2 Potential Modification of FMP Preferred Alternative for High Seas Longline Fishing in Response to Sea Turtle Impact Analysis (06/18/03; 9:46 am)

#### F.2.a Agendum Overview

Mr. Waldeck provided an agendum overview and reviewed the sequence of events leading up to this action. When the Council adopted the HMS FMP the preferred alternative for the high seas pelagic longline fishery, if implemented, would allow swordfish-style sets on the high seas in waters east of 150° W longitude. NOAA Fisheries expressed concern that this action could result in a jeopardy determination relative to sea turtles. At the March 2003 meeting, NOAA Fisheries requested the Council delay submission of the FMP to provide time for NOAA Fisheries to complete analysis of observer data comparing sea turtle interactions with the high seas long line fishery east and west of 150° W longitude. The HMSPDT, HMSAS, and SSC were provided a report on the results of this analysis. At this meeting, the Council will hear from NOAA Fisheries, review the results of the NOAA Fisheries analysis comparing turtle interactions, and receive reports from the SSC, HMSPDT, and HMSAS. After considering this information and public comment, the Council will consider taking action to modify the previously adopted preferred alternative for the high seas longline fishery.

The Council briefly discussed procedural elements for reconsidering a previously adopted motion. It would first require passage of a motion to reconsider. Second, a motion to modify or amend the previous preferred

alternative would need to be approved. Finally, there would be a vote on the amended alternative. It was also noted that the motion passed by the Council at the March meeting, which delayed submission of the FMP and set the stage for reconsideration, specified that reconsideration would be isolated specifically to the preferred alternative for the high seas pelagic longline fishery.

#### F.2.b NMFS Report

Mr. Fougner reviewed Exhibit F.2.b, Supplemental NMFS Report, which provided the context for the matter at hand and information for the Council to consider in their decision making. It was noted that the comparison of sea turtle interactions east and west of 150° W longitude is based on pooled observer data from the Hawaii-based and California-based fisheries.

Mr. Brown asked about the NOAA Fisheries conclusion that there was no difference in turtle take rates east and west of 150° W longitude. Mr. Fougner explained that there is no clear difference in fishing strategies used by the two fleets and, therefore, no basis to conclude the interaction rates would not be similar.

Mr. Brown opined that the two fleets would likely fish in different areas, notably because of product quality. That is, California-based vessels would fish farther east of 150° West longitude (closer to the Pacific coast) to protect the quality of the products they were delivering into California ports.

The Council asked for clarification about how “jeopardy” (under the ESA) is determined for sea turtles. Mr. Mallet noted that, for salmon, jeopardy is based on a review of impacts relative to population size of the affected stock.

Ms. Kathy Campbell, NOAA Fisheries–Protected Resources, noted that the status of the population is considered as well as all types of takes, including both domestic and international fishery and non-fishery impacts. This information is used to derive an “environmental baseline” from which jeopardy to the population from additional impacts is determined.

Mr. Anderson asked how the turtle take rates shown in the NMFS report (Exhibit F.2.b) related to a determination of jeopardy. Mr. Fougner responded that the numbers in the report did not guarantee that jeopardy would occur under the Council’s preferred alternative, but that a jeopardy determination was more likely because the rates east and west of 150° W longitude are similar. Turtle take rates east of 150° W longitude resulted in a jeopardy determination for the Hawaii-based pelagic longline fishery. Given that takes rates east and west of 150° W longitude are comparable, NOAA Fisheries believes it is very likely that an analysis of the Council’s proposed action (which would allow a swordfish targeting longline fishery east of 150° West longitude) would result in a determination of jeopardy.

Presently, it is not possible to say with certainty if jeopardy will be determined, because the biological opinion and section 7 consultation have not been completed. After the Council decides what proposed action for the high seas longline fishery they will recommend to NOAA Fisheries, the consultation and biological opinion will be completed based on the proposed action.

Mr. Jim Carretta provided a PowerPoint presentation comparing sea turtle take rates.

Mr. Brown asked if he was correct that there were seasonal and areal patterns of sea turtle encounter rates, which might be used as a basis for area and seasonal management of the fishery to reduce sea turtle takes.

Mr. Carretta stated, yes, there are sub-area and seasonal differences, especially for loggerhead turtle. The data indicate higher takes in the 1<sup>st</sup> and 4<sup>th</sup> quarters.

The Council discussed how turtle mortality is determined. Mr. Fougner described studies conducted by NOAA Fisheries that are the basis for differential mortality rates depending on how a turtle is hooked, captured, and released. The average mortality rate is 27%.

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

##### **HMSPDT**

Dr. Dale Squires and Mr. Steve Crooke provided the team's recommendations (Exhibit F.2.c, Supplemental Second Revision of the HMSPDT Report, June 2003). The HMSPDT recommendations include:

1. *Relative to the swordfish target fishery, shift line from 150° W to 140° W longitude, with appropriate management measures applying east and west of this line.*
2. *Direct HMS Plan Development Team to initiate a plan amendment process for limited entry of the pelagic longline fishery.*
3. *Request NOAA Fisheries conduct a common Biological Opinion with the Western Pacific Fishery Management Council.*

##### **HMSAS**

Mr. Bob Fletcher provided Exhibit F.2.c, HMSAS Report.

##### **SSC**

Mr. Tom Jagielo provided Exhibit F.2.c, Supplemental SSC Report. Dr. Kevin Hill joined him at the podium as he is the HMS subcommittee chairman of the SSC.

#### F.2.d Public Comment (06/18/03; 1 pm)

Mr. Liem Thanh Truong, Vietnamese Community Fishermen, California  
Mr. Tony H. Nguyen, fisherman, San Jose, California  
Ms. Nalani Kito-Ho, community support (Vietnamese fisherman), Pearl City, Hawaii  
Mr. Quang D. Nyugen, fisherman, California  
Ms. Nina Tran, representing her fishing family, Pearl City, Hawaii  
Ms. Tina Hoang, F/V Captain David, Hon, Hawaii  
Mr. Thompson Hah, F/V Lady Karen, Honolulu, Hawaii  
Ms. Madeline Agau, longline fishery, San Ramon, Washington  
Mr. Tom Raftican, United Anglers of Southern California,  
Ms. Kate Wing, NRDC, San Francisco, California  
Mr. Tim Hobbs, National Coalition for Marine Conservation,  
Mr. Russell Nelson, Billfish Foundation, Oakland Park, Florida  
Mr. Bob Fletcher, Sportfishing Association of California, San Diego, California  
Mr. Pete Dupuy, Ocean City Seafood, Tarzana, California  
Mr. John Gibbs, commercial fisherman, San Diego, California  
Mr. Chris Dorsett, Ocean Conservancy, San Francisco, California  
Mr. Bob Osborn, United Anglers of Southern California,  
Mr. Lillo Augello, Western Fish Company, Terminal Island, California  
Mr. Andrew Jacobson, Bay Oak Law, Oakland, California  
Mr. John LaGrange, longline fisherman, Solana Beach, California

#### F.2.e **Council Action:** Adopt a Modified Alternative for High Seas Longline Fishing, If Necessary

Mr. Waldeck explained the possible Council action. He described the current proposed alternative in the HMS FMP. The Council discussed whether to amend the current proposed alternative for the high seas pelagic longline fishery.

Ms. Vojkovich commented that, in developing the HMS FMP, the Council has considered the individuals involved in the fisheries as well as the affected fish and protected resources. There is a need to balance these issues, but the lack of data makes it difficult. Ms. Vojkovich opined that we as a nation need to set an example for fisheries management. We need to take responsibility in bringing pressure to bear on the fishery management of other countries so the U.S. is not carrying all of the resource conservation burden, especially in the Pacific ocean. Since the turtles are distributed throughout the Pacific ocean; all activities need to be taken into account in developing management policy. She noted the studies currently being conducted by NOAA Fisheries on the East Coast to minimize sea turtle catch. Initial results show promise, which might be applicable to the West Coast-based longline fishery. Public comment conveyed a desire to maintain the fishery; and she felt fishery participants would embrace changes to eliminate turtle interactions. Ms. Vojkovich wants to see the FMP implemented because there are other issues that would be addressed through the FMP.

Given the available information, she supports the current proposed action. She also supports limiting entry in the high seas pelagic longline fishery, notably to provide a sustainable fishery with limited impacts to seabirds and sea turtles. Finally, Ms. Vojkovich supports increased observer coverage to provide more information for decision making.

Mr. Alverson was not convinced of the biological impacts based on the information provided. Information presented does not provide a basis for closing the current fishery.

In addition to Mr. Alverson's comments, Mr. Brown noted the need to consider the food supply to the nation.

Mr. Anderson said one of the primary reasons he did not feel it would be responsible to make a motion for reconsideration is because no information was provided to show that the current proposed action would cause jeopardy. The information presented, which included the estimate of the effort that would be expended in the longline fishery east of 150° W longitude and using current mortality rate estimates, estimated 53 mortalities of loggerhead turtles and 14 leatherback turtles. But there is not information about what the impact would be on the sea turtle population and whether jeopardy would result. Nor was information provided that would lead him to the conclusion that the Council needs to close the fishery.

Based on the preceding discussion and no motion to reconsider, Mr. Donald Hansen noted the November 2002 decision about the proposed action for the high seas pelagic longline fishery stands.

Ms. Vojkovich moved and Mr. Caito seconded a motion (Motion 8) to instruct the HMSPDT to look at a limited entry program for the California-based high seas pelagic longline fishery and report their findings to the Council at the November 2003 meeting. The scope of the initial work should include a control date, qualifying period, qualifying landings, the issue of capacity goal, and permit transferability issues. Motion 8 passed by voice vote.

Mr. Waldeck asked the Council if the transmittal letter should include a request for a joint biological opinion?

Mr. Anderson answered yes. The Council concurred.

Mr. Waldeck also asked if the HMSPDT recommendation for an increase in observer coverage of 20% should also be included in the transmittal letter?

Ms. Vojkovich answered yes. The Council concurred.

## **G. Marine Reserves**

G.1 Planning for Federal Waters Portion of the Channel Islands National Marine Sanctuary (CINMS)  
(06/19/03; 9:15 am)

### G.1.a Agendum Overview

Ms. Jennifer Gilden provided the agendum overview.

### G.1.b Scoping Presentation by CINMS Staff

Mr. Chris Mobley and Mr. Sean Hastings gave a presentation on planning for marine reserves in the federal waters of CINMS.

Ms. Burke noted that there were two processes for changing the designation document - through the management plan review and through this marine reserves process. She asked Mr. Mobley to clarify how that would occur.

Mr. Mobley said that CINMS is getting ready to release a draft EIS later this summer or in early fall for the management plan review. That process relates to non-fishing changes, such as research and outreach priorities and bringing regulations up to date, and it may require a change to the designation document. The marine reserves process is on a parallel track. If implementing the preferred action requires a change to the designation document, they will send out another consultation letter. So the designation document could be changed twice.

Dr. McIsaac asked about the timeline for the management plan review.

Mr. Mobley said a draft EIS is being internally reviewed now, and eventually will be released to the public (probably this summer); then there will be a comment period, and by spring 2004 they expect to have a final EIS and issue a final rule. For marine reserves, a draft EIS isn't expected until spring 2004 at the earliest. Some components may be ready by September and November, but he is doubtful that they will have a complete preliminary DEIS by then.

Mr. Hastings noted that there are specific steps that must be built into the timeline, including consultation on any proposed amendments to the designation document. They may know whether the designation document will need to be changed by September, and would come to the Council in November with a consultation letter about changes to the designation document, and requesting assistance in drafting any potential regulations that relate to fisheries. Then they would look at the statutory timeframes and the Council schedule and see how well they can be coordinated.

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

## **HC**

Mr. Michael Osmond provided Exhibit G.1.c, Supplemental HC Report.

## **GAP**

Ms. Kathy Fosmark provided Exhibit G.1.c, Supplemental GAP Report.

## SSC

Mr. Tom Jagielo provided Exhibit G.1.c, Supplemental SSC Report.

## EC

Cpt. Mike Cenci provided Exhibit G.1.c, Supplemental EC Report.

### G.1.d Public Comment

Ms. Kathy Fosmark, Seeadler, Pebble Beach, California

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

Mr. Duncan MacLean, President, Half Moon Bay Fishermen's Marketing Association.

### G.1.e **Council Action:** Consider and Comment on CINMS Proposal

Ms. Patty Wolf moved to forward the comments of the advisory bodies to CINMS in response to the invitation to consult on scoping for the marine reserves draft EIS. Mr. Bob Alverson seconded the motion. (Motion 12).

Dr. McIsaac wanted to clarify that those comments include the comments received by the Council today, and the comments prepared on the state process over the past couple of years. Ms. Wolf said yes, and said to specifically include the Council's April 24<sup>th</sup> letter (Exhibit G.1 Attachment 1), as there is reference to changes in the designation document.

Motion 12 passed.

Ms. Wolf asked about the ad hoc committee that was put together last year to look at marine reserves in state waters. Dr. McIsaac explained its composition and said that it has not yet been disbanded.

Ms. Wolf moved, and Mr. Donald Hansen seconded, a motion (Motion 13) to instruct the ad hoc marine reserves committee to review the documents that CINMS is producing regarding the marine reserves draft EIS, and to have the committee provide recommendations to the Council regarding the Council's response to that document. She would also ask the committee (as a secondary task) to look at CINMS' draft management plan. Some of the changes proposed may affect fisheries indirectly (for example, limiting take of marine mammals, seabirds, etc.). The committee would also look at the scoping documents that would be provided by CINMS.

Motion 13 passed.

Dr. McIsaac asked whether the Council wanted to respond to the Dept. of Commerce on the non-fishing changes to the CINMS management plan. Also there is the issue of asking the chair of the SSC Marine Reserves Subcommittee to be available to clarify any SSC statements to CINMS.

Ms. Wolf suggested that the Council wait and respond to the draft plan when it becomes available. Dr. Radtke said that would be taken as Council direction.

Ms. Wolf said it was her understanding that a representative from the SSC [Ms. Cindy Thomson] was on the ad hoc marine reserves committee. Would that suffice for SSC involvement? Mr. Jagielo asked that Ms.

Thomson be authorized to interact with CINMS and clarify any questions they might have about SSC comments. Dr. McIsaac pointed out that this would take place outside the ad hoc committee. Ms. Wolf said that would be productive; Dr. Radtke noted that was taken as Council direction.

Mr. Brown brought up fishermen's concerns about the "promise" of sanctuaries not to get involved in fisheries management. Mr. Fougner emphasized that the FR notice for the scoping clearly says the intent is to "consider" marine reserves; the decision has not been made.

## G.2 Central California Sanctuary Processes Including Krill Ban (06/19/03: 10:14 am)

### G.2.a Agendum Overview

Ms. Gilden provided the agendum overview.

Mr. Bill Douros, Superintendent for the Monterey Bay National Marine Sanctuary, gave a brief overview of activities in the Monterey, Gulf of the Farallones, and Cordell Bank Sanctuaries. Dan Howard of Cordell Bank, and Maria Brown of Gulf of the Farallones, also briefly summarized their activities.

### G.2.b Brief Overview and Question and Answer Session

Mr. Fougner asked whether working documents were posted on the sanctuaries' web sites. They are.

Mr. Donald Hansen asked whether there were fishermen on the Sanctuary advisory councils. Mr. Douros said there are. The Monterey Bay SAC has one fishing seat; the working groups related to fishing also have fishing representatives.

Dr. McIsaac wanted to clarify that at this point they are not considering changes to their designation documents, but there is some discussion of fishing-related changes. How would that be done?

Mr. Douros said that the proposed action plans do not contain recommendations to change the designation document. However, there are recommendations that could lead to that. For example, a krill harvest ban could be proposed to the Council. If the Council agrees, and can implement the ban through its regulatory processes, that would accomplish the goal without making changes to the designation document. If the Council cannot resolve that, we could theoretically change the designation document to only allow a regulation banning krill harvest in one or more sanctuaries. As far as marine reserves go, there are years of work that would need to occur before we talk about whether and where to locate marine reserves. We intend to collaborate with CDFG, the Council, and fishermen on this.

Ms. Brown clarified that the three sanctuaries are addressing changes to their management plans both independently and jointly.

Ms. Wolf said that in California there is an existing ban on landing of krill for commercial purposes that is in effect until 2011. There is a bill in the works to make it more permanent. (Mr. Brown noted that there is also a rider on an Oregon bill to prohibit krill fishing in Oregon).

Dr. Radtke asked Ms. Wolf why a krill harvest ban was being discussed if it is already prohibited by California.

Ms. Cooney noted that in the absence of a federal FMP, state regulations apply to state vessels wherever they fish. So if California bans krill fishing, that applies to all California vessels. But if Oregon doesn't ban krill harvesting, Oregon vessels could conceivably fish in California federal waters and land in Oregon or

elsewhere.

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

### HC

Mr. Michael Osmond provided Exhibit G.2.c, Supplemental HC Report.

#### G.2.d Public Comment

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

Ms. Kathy Fosmark, Seaddler, Pebble Beach, California

Mr. Duncan MacLean, President, Half Moon Bay Fishermen's Marketing Association.

#### G.2.e Council Discussion on Central California Sanctuary Processes Including Krill Ban

Mr. Cedergreen noted that the HC Report suggested they continue to monitor the krill ban issue. He suggested that they do so.

Mr. Anderson said he was not sure what they would monitor. The states don't have a ban yet. What is the issue?

Mr. Coenen said he understood the HC was planning to look at krill as a bycatch or habitat issue. He wasn't sure if either are appropriate. If there is a market on krill, ought not we treat it as a managed species? Do we have the authority? He asked the HC and possibly the SSC to just scope out the issue for now. He felt that the Oregon legislature's response was emotional. Our delving any further into this is a waste of our time (for the next couple of years).

Mr. Brown said that in Oregon if somebody wanted to fish krill they would need a developmental fishery permit. A couple of boats have made overtures in that direction, but he suspects they will not be approved. In response to that, Senator Joan Dukes from Astoria has introduced this amendment. This started as a discussion about krill fishing in the Monterey Bay area (there is concern that boats could fish in Monterey Bay and land in Oregon). He personally felt the fishery would not happen.

Dr. McIsaac said in terms of what the HC might monitor, the Council does not have a crustacean FMP, so the reason this issue is before us is because the Sanctuary may request that the Council deal with it under the NMSA. So the HC may monitor the Sanctuary process. It may not go anywhere.

Mr. Coenen said in Oregon, krill fishing *would* be legal under any available legal gear. There is a small fishery under a developmental fishery permit that allows some krill fishing for aquarium food. This is not a high priority.

## H. Administrative Matters

### H.1. Legislative Matters

#### H.1.a Agendum Overview

Mr. Waldeck provided the agendum overview.

#### H.1.b Legislative Committee Report

Mr. Alverson provided Exhibit H.1.b, Supplemental Legislative Committee Report. He also noted the legislation (SB 1106) put forward by Senator Olympia Snow (R, Maine) eliminates the double referendum provision. The bill also proposes a transfer fee for individual fishing quota shares. He noted the elimination of perceived duplicative requirements that were included in previous legislation.

Mr. Hansen asked about the Senate bill related to the Capital Construction Fund (SB 1193). Mr. Alverson said that because the bill is related to tax law it has to pass through several committees not familiar with fisheries, which could delay its passage into law.

Mr. Robinson states that, relative to Vessel Monitoring Systems, NOAA Fisheries will provide language related to data confidentiality.

Mr. Brown asked if Mr. Leipzig could give an update on the trawl buyback proposed rule, notably the schedule for completion and public comment. The chairman allowed it.

Mr. Leipzig said the public comment period is open on the proposed regulations until June 26<sup>th</sup>. After the comment period ends, it could take several weeks for the final regulations to be published and bid packages to be sent to all permit holders. After the bidding process, NOAA Fisheries will mail out referendum ballots to groundfish trawl, shrimp, and Dungeness crab permit holders in Oregon, Washington, and California about how many permits will be retired; how much production those permits caught; and estimates of the costs and fees into the future, which would be repaid by the trawl sector. The referendum would ask permit holders to vote for or against the buyback program. To pass, a simple majority (with votes weighted by sector) is required. He anticipates the process will be completed during Fall 2003.

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

None.

#### H.1.d Public Comment

None.

#### H.1.e **Council Action:** Consider Recommendations of the Legislative Committee

Mr. Alverson moved and Ms. Vojkovich a motion (Motion 21) to approve the report of the Legislative Committee as shown in Exhibit H.1.b, Supplemental Legislative Committee Report. Motion 21 passed.

### H.2. Fiscal Matters (06/20/03; 9:15 am)

#### H.2.a Agendum Overview

Dr. John Coon provided the agendum overview.

#### H.2.b Budget Committee Report

Mr. Harp provided Exhibit H.2.b, Supplemental Budget Committee Report.

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

None.

H.2.d Public Comment

None.

H.2.e **Council Action:** Consider Recommendations of the Budget Committee

Mr. Brown moved and Dr. Radtke seconded a motion (Motion 22) to approve the report of the Budget Committee as shown in Exhibit H.2.b, Supplemental Budget Committee Report.

H.3. Appointments to Advisory Bodies, Standing Committees, and Other Forums (06/30/03; 9:19 am)

H.3.a Agendum Overview

Mr. Chuck Tracy provided the agendum overview.

H.3.b Appointments to the Highly Migratory Species Advisory Subpanel, Scientific and Statistical Committee, Salmon Technical Team, Salmon Model Evaluation Workgroup, and Other Membership Issues

H.3.c Reports and Comments of Advisory Bodies

None.

H.3.d Public Comment

None.

H.3.e **Council Action:** Consider Appointing New Members and Addressing Other Membership Issues as Necessary

Mr. Coenen moved (Motion 23) to appoint Craig Foster to the ODFW seat on the STT. Mr. Ralph Brown seconded the motion. Motion 23 passed.

Mr. Harp moved (Motion 24) appoint to the following persons to the Model Evaluation Workgroup (MEW):  
Mr. Larrie LaVoy representing the Washington Department of Fish and Wildlife;  
Mr. Andy Rankis representing the Northwest Indian Fisheries Commission;  
Mr. Curt Melcher representing the Oregon Department of Fish and Wildlife;  
Mr. Dell Simmons representing the National Marine Fisheries Service;  
Mr. Henry Yuen representing the U.S. Fish and Wildlife Service;  
Mr. Rishi Sharma representing the Columbia River Intertribal Fish Commission; and  
Mr. Allen Grover representing the California Department of Fish and Game.  
Mr. Anderson seconded the motion. Motion 24 passed.

Mr. Tracy noted that the STT and SSC seats on the MEW were not yet filled and asked if the selection of representatives could proceed without formal Council action. Mr. Harp responded that there were three STT members on the MEW and that one of them could fill the STT seat, and that the SSC could select their representative without additional Council action.

Mr. Anderson moved (Motion 25) that the HMSAS northern processor and the HC at-large positions not be advertised for the remainder of the 2001-2003 term, but wait until this fall and advertise them for the 2004-2006 term. For the SSC social scientist position, although the Council appreciates the interest and carefully

reviewed backgrounds of the three nominees, none of the individuals have the particular skill set desired for this position, additional nominees should be solicited for the 2004-2006 term. Mr. Alverson seconded the motion. Motion 25 passed.

Mr. Hansen moved (Motion 26) to include the following persons on the Ad Hoc VMS Committee:  
Mr. Dayna Matthews representing NMFS enforcement;  
LTJG Gregg Casad and LTJG Jordan Balduenza representing the U.S. Coast Guard;  
CPT Mike Cenci representing the Enforcement Consultants Committee;  
Mr. Marion Larkin, Mr. Kelly Smotherman or Bill Hunter representing the limited entry trawl sector;  
Mr. Tom Ghio or Mr. John Crowley representing the limited entry fixed gear sector;  
Mr. Rod Moore representing fish processors.  
Ms. Becky Renko representing the NMFS Northwest Region;  
Mr. Kenyon Hensel or Ms. Kathy Fosmark representing the open access commercial sector; and  
Mr. Don Hansen representing the California charter boat sector.  
Mr. Caito seconded the motion. Motion 26 passed.

#### H.4 Staff Work Load Priorities and September 2003 Council Meeting Agenda (06/20/03; 9:51 am)

##### H.4.a Agendum Overview

Dr. McIsaac provided the agendum overview and referred the Council to the documents containing the three meeting outlook, the timeline for groundfish amendments and annual specifications, the draft September agenda, and Council Staff workload priorities (Exhibit H.4.a (1-4)).

##### H.4.b Consider Workload and Agenda Options

The Council reviewed the pertinent documents and provided comments which included having only informational reports for CPS and HMS in September and keeping habitat and MPA's together on the agenda.

##### H.4.c Reports and Comments of Advisory Bodies

#### **GAP**

Mr. Moore provided Exhibit H.4.c, Supplemental GAP Report. The GAP is frustrated with the increasing workload and decreasing amount of time to do its work and propose the September agenda include only those groundfish items that are essential to completing the 2004 management process.

##### H.4.d **Council Action:** Identify Priorities for Advisory Body Consideration and Adopt Draft Agenda for the September 2003 Council Meeting

Council members provided comments on structuring the September and future Council agendas for the staff to incorporate into the final agendas. Council staff also suggested the possibility of utilizing a 2 hour lunch break on some days to allow Council members time to interact with advisory bodies, staff, etc. The Council was not in favor of the suggestion.

#### **4 PM Public Comment** (06/17/03; 4:15 pm)

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

Mr. Steve Joner, Makah Tribe, introduced the subject of marine stock enhancement and asked for an opportunity to give a formal presentation to the Council at the November meeting.

Mr. David Jincks, Mr. Dale Myer, and Mr. Vidar Westepad, talked about the issue of Pacific whiting management and individual quotas. They would like the Council to find space on the September agenda to discuss this issue.

Ms. Jennifer Bloesser, PMCC and Ms. Kye Russell, Institute for fisheries resources, invited all to the website launch/reception outside the Council chambers in the lobby at 6 pm on Wednesday.

Ms. Kate Wing, NRDC, San Francisco, California, provided information for addition to the minutes of the March 2003 PFMC meeting. She also noted there were a couple of bills in Congress to form the capital construction fund. She made that memorandum available to the Legislative Committee.

Mr. Gary Frederic, commercial fisherman, California, talked about the issue of the water flow necessary to the estuary in San Francisco Bay.

**ADJOURN**

The meeting was adjourned on Friday, June 20, 2003.



---

**Council Chairman**

**March 9, 2004**

---

**Date**