

MINUTES

Pacific Fishery Management Council

Crowne Plaza Hotel
 1221 Chess Drive
 Foster City, CA 94404
 650- 570-5700
 June 13-18, 2004

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A. Call to Order

A.1 Opening Remarks, Introductions (06/15/04; 8:01 am)

Chairman Donald Hansen called the 174th meeting of the Pacific Fishery Management Council to order at 8:01 am, June 15, 2004.

A.2 Roll Call

Dr. Donald McIsaac called the roll:

- | | |
|-----------------------------------|----------------------------------|
| Mr. Bob Alverson | Mr. Jerry Mallet |
| Mr. Phil Anderson | Cdr. Fred Myer |
| Dr. Patty Burke | Mr. Dave Ortmann (Vice Chairman) |
| Ms. Marija Vojkovich | Mr. Tim Roth |
| Mr. Ralph Brown | Mr. Bill Robinson |
| Mr. Mark Cedergreen | Mr. Roger Thomas |
| Mr. Donald Hansen (Chairman) | Mr. Darryl Ticehurst |
| Dr. Dave Hanson (Parliamentarian) | Mr. Frank Warrens |
| Mr. Jim Harp | Mr. Gordy Williams |

Mr. Stetson Tinkham was absent.

A.3 Executive Director's Report

Dr. McIsaac announced there will be a Chairman’s reception on Wednesday evening to honor outgoing Council member Mr. Bill Robinson. Mr. Robinson has accepted a position in Hawaii. Dr. McIsaac also noted the closed session does not have a start or end time, but will be between Agenda Items C.1 and D.

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

Mr. Cedergreen moved and Mr. Anderson seconded a motion (Motion 1) to approve the agenda as shown in Exhibit A.4, June 2004 Council Meeting Agenda. Motion 1 passed.

B. Administrative Matters

B.1. Approval of March Council Meeting Minutes (06/15/04; 8:08 am)

B.1.a Council Member Review and Comments

None.

B.1.b **Council Action:** Approve March 2004 Minutes

Mr. Ralph Brown moved and Mr. Frank Warrens seconded a motion (Motion 2) to approve the March 2004 Council Meeting minutes. Motion 2 passed.

B.2 Council Communication Plan - Phase I (Communication During Council Session) (06/15/04; 11:10 am)

B.2.a Agendum Overview

Ms. Jennifer Gilden provided the agendum overview.

B.2.b Reports and Comments of Advisory Bodies

Dr. Kevin Hill provided Exhibit B.2.b, Supplemental SSC Report. Mr. Stuart Ellis provided Exhibit B.2.b, Supplemental HC Report. Ms. Gilden read Exhibit B.2.b, Supplemental GAP Report.

B.2.c Public Comment

None.

B.2.d Council Guidance on Phase I and Final Communication Plan

Ms. Vojkovich said she started on the committee, but did not have time to participate. She did keep up with the email traffic. She said it is a big undertaking to deal with communication issues in this arena. What the team identified as action items is right on as far as she is concerned. These suggestions are ones we should think about implementing. She encouraged people in the California delegation to read the document and provide input. She is happy to see solid suggestions.

Dr. Burke attended the Portland meeting. She gave Ms. Gilden some recognition on her efforts in keeping the quality of the product high and the process going forward. To keep this from going on a shelf she would like to ask Dr. McIsaac to review the recommendations and integrate them into the meeting procedures. A lot of the recommendations are a Council staff workload issue.

Dr. McIsaac said that, in general, a lot of the ideas here are good and we have actually started a process of implementing them. He highlighted some things we are already doing and those things we could be doing. Given some time, we could move forward with trying to implement all of them. He did not recall any here we could not do and asked the Council to provide flexibility as far as a timeframe.

Chairman Hansen said we are on the right track. He would like to have projection screens on both sides of the meeting room just like at the Chairs' meeting in Hawaii.

Ms. Gilden asked if the Council had guidance for going to phase II and III of the plan. Dr. Burke asked Ms. Gilden to summarize what the two phases would entail. Phase II would look into how advisory bodies interact with the Council during Council meeting week. Dr. McIsaac said we could give the timeframes and costs associated with them at the September meeting.

Ms. Vojkovich asked if this task shows up on the workload priority. Dr. McIsaac answered yes.

B.3 Update of Council Operating Procedures

This agenda item was been postponed until the September Council meeting.

B.4 Legislative Matters (06/18/04; 8:08 am)

B.4.a Agendum Overview

Mr. Waldeck reviewed for the Council the briefing book materials for this agenda item.

B.4.b Legislative Committee Report

Mr. Waldeck read Exhibit B.4.b, Supplemental Legislative Committee Report.

Mr. Alverson requested the Council direct staff to send a letter to the West Coast Congressional delegation to inform them about progress in developing an individual quota (IQ) program for the groundfish trawl fishery. Dr. McIsaac noted that the scoping meetings were ongoing and suggested it might be prudent to send the letter after these meetings are completed. Mr. Alverson did not disagree with the concern about timing, but he wanted to ensure that Congressional representatives were informed of the Council's work on the trawl IQ program in case there was a need to request an exemption if Congress were to take action related to IQ programs.

Mr. Brown expressed concern about a recent meeting related to the US Commission on Ocean Policy (US Ocean Commission) held in Seattle, Washington. He reported that the meeting was sponsored by NOAA, but no one from the Council or fishing community was invited. He requested that NMFS inform the Council of these types of meeting and to include the fishing community. He is concerned that the Council and fishing community might not be represented.

Mr. Freese noted that NMFS would communicate and coordinate with the Council.

B.4.c Reports and Comments of Advisory Bodies

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

B.4.d Public Comment

None.

B.4.e Council Action: Consider Recommendations of the Legislative Committee

Ms. Vojkovich moved and Mr. Thomas seconded a motion (Motion 20) to approve the report of the Legislative Committee as contained in Exhibit B.4.b, Supplemental Legislative Committee Report.

On Mr. Brown's request, the GAP Report (B.4.c) was added to the Legislative Committee Report as a friendly amendment to the motion.

Motion 20 passed.

B.5 Fiscal Matters (06/18/04; 8:22 am)

B.5.a Agendum Overview

Dr. McIsaac provided the agendum overview.

B.5.b Budget Committee Report

Mr. Jim Harp provided Exhibit B.5.b, Supplemental Budget Committee Report.

B.5.c Reports and Comments of Advisory Bodies

None.

B.5.d Public Comment

None.

B.5.e **Council Action:** Consider Recommendations of the Budget Committee

Ms. Vojkovich moved and Mr. Thomas seconded a motion (Motion 21) to approve the report of the Budget Committee as shown in Exhibit B.5.b, Supplemental Budget Committee Report. Motion 21 passed.

B.6 Appointments to Advisory Bodies, Standing Committees, and Other Forums

B.6.a Agendum Overview

Dr. McIsaac noted there are no reports.

B.6.b **Council Action:** Appoint Members as Necessary

Ms. Vojkovich moved and Mr. Ticehurst seconded a motion (Motion 22) to appoint Ms. Susan Ashcraft to the GMT (California seat). Motion 22 passed.

Dr. Burke moved and Mr. Brown seconded a motion (Motion 23) to appoint Dr. David Sampson to the SSC. Motion 23 passed.

B.7 Workload Priorities and Draft September 2004 Council Meeting Agenda (06/18/04; 8:30 am)

B.7.a Agendum Overview

Dr. McIsaac talked about Dr. Hogarth's letter outlining the due dates for the five year review of essential fish habitat (EFH). The required EFH review status for our Council within the next year is as follows: nothing due for salmon; groundfish is still the subject of litigation with the EFH EIS in development; the CPS FMP has been implemented for five years and it is time to review the EFH; for HMS, the plan has just been adopted and no review is due. As a matter of initial response to the letter, the Council has indicated to Dr. Hogarth that the review procedures and timing would be discussed during this agendum. Dr. McIsaac then reviewed the three handouts: three meeting outlook, draft September agenda, and Council workload priorities.

B.7.b Reports and Comments of Advisory Bodies

None.

B.7.c Public Comment

None.

B.7.d Council Guidance on Workload, September Council Agenda, and Priorities for Advisory Body Consideration

Mr. Anderson, in reviewing the three meeting outlook and workload, spoke to the need to include the Red/Green Light issue in the Ad Hoc Groundfish Information Policy Committee (GIPC) deliberations. March will be the final consideration of GIPC recommendations and we may need a meeting between September and November, and an additional meeting prior to March. Other potential meetings are an allocation meeting relative to the issue in the IQ discussion yesterday, a meeting of the marine reserves group at some point in time (between September and November), and the EFH EIS committee meeting in August.

With regard to IQ issues, Mr. Seger noted there would be the scoping meetings in August, analytical team meetings in the fall, an Ad Hoc Trawl IQ Committee meeting (probably October), enforcement group meetings (late September), an allocation meeting (sometime in the fall), and one meeting for independent experts.

Mr. Anderson spoke to the Enforcement Consultants (EC) presentation on contact-to-violation ratio in the groundfish sport fishery. He believes it is a good thing for the EC to continue to coordinate and bring us information on such issues, but perhaps on an annual basis rather than every meeting. We need to get a number of data points to see if our management actions are contributing to compliance rates. He requested such presentations be on an annual basis.

Mr. Anderson said there should be a place holder in November for 2004 inseason management - the states may have additional information on how the 2004 regulations worked/didn't work.

Dr. Burke noted we did not talk about the composition of the allocation committee to accomplish the work as tasked. Dr. McIsaac said that could be accomplished in the review of the Council Operating Procedures (COPs) in September when staff will be bringing forth a draft of a COP for the allocation committee.

Ms. Vojkovich agreed with the comments of Mr. Anderson with regard to information from the EC about the recreational fishing for 2004 and how it might relate to 2005 management; and with regard to inseason management in November. She asked that an agenda item be added to September relative to California recreational fishery data this year.

Mr. Anderson said he intended the agenda cover recreational data from all three states.

With regard to California Recreational Fishery Survey (CRFS) data, Ms. Vojkovich said that data will not be released until the September briefing book. They intend to highlight the issues that may come to light as we get the data - questions on how to compare the data with past data points and error checking. She expects a presentation with the results of the program and issues if they exist. She is not convinced that action would be part of the agenda item for September. There must be careful deliberation as to when the data is ready to use and that may not be until 2005.

Dr. Freese noted that the proposed rule for the 2005/06 specifications will have been published just prior to the next Council meeting. The Council could send in comments to the proposed rule should it deem to make any changes early on.

Dr. Freese requested clarification of the strategic plan review in the “off year”. Dr. McIsaac explained the review of the plan might not be a full report. Dr. Freese noted the strategic plan might be a way to influence headquarters to spend money in the right areas.

Dr. McIsaac summarized the September Council meeting agenda (9:20 am). The CRFS update could replace the EC update on Tuesday and regulatory streamlining could be removed. Consideration of the proposed rule for the 2005/06 specifications would also be added.

Mr. Brown noted that the VMS issue is a real hot topic right now and we need to get information out about it.

Ms. Vojkovich requested that there be a break in the agenda when the Council is presented with complex management proposals to allow members to check in with their staffs before discussing and taking action on the issues. Mr. Anderson agreed with that strategy.

C. Groundfish Management

C.1 Initial Consideration of Status of Fisheries and Inseason Adjustments (06/15/04)

C.1.a Agendum Overview

Mr. Mike Burner provided the agendum overview.

C.1.b Groundfish Management Team Groundfish Advisory Subpanel Comments/Questions

Ms. Michele Robinson provided Exhibit C.1.b, Supplemental GMT Report. Dr. McIsaac requested clarification on how much of the NMFS trawl survey has been conducted. Ms. Robinson reported that the survey is just underway with the majority of the summer work still to occur.

C.1.c Reports and Comments of Advisory Bodies

Mr. Rod Moore provided a verbal report from the GAP. Relative to sablefish tier limits, the best solution the GAP has developed at this time is to reduce the daily-trip-limit fishery for open access and limited entry sectors and see how the season and catches progress with the hope that the tier limit fishery does not take its full allocation. Relative to Pacific whiting, the issue at hand resulted from a single tow and the total whiting fishery is still below the 7.3 metric tons proposed in preseason projections. The mother ship fishery has shut down, and the one remaining catcher-processor is not operating anywhere near the areas where this disaster tow occurred. The shore-based processors advised fishermen to stay away from Heceta Bank and not fish on July 4 when the next large high tide event occurs. The GAP prefers to stay with status quo. If there is a need to take regulatory action for the area around Heceta Bank, the industry would be supportive as this is an area of known high concentrations of canary rockfish. Relative to research catches, the GAP has pointed out section 303(b)(11) of the MSA gives the Council the opportunity to deduct research catches from the ABC as opposed to the OY, and noted the canary rockfish ABC is 256 metric tons and the OY is 47.3 metric tons.

Mr. Brown asked if the GAP was presented the information on the status of other fisheries relative to impacts to canary rockfish? Mr. Moore said the GAP did not get a full QSM report and there has not been time for full communication between the GMT and GAP. The GAP did have the opportunity to discuss with the team where the major canary rockfish impacts have occurred and the GAP has a general idea of what the issue is.

Mr. Brown, relative to the trawl fishery, if we were running below expectations, we may not have a problem. Mr. Moore reminded the Council that the revision to the trawl estimate, as noted by the GMT, came as a result of double counting in the Washington EFP fishery, not an update on what has been caught this year.

Ms. Robinson did check with Dr. Hastie on the NMFS triennial trawl survey questions from Dr. McIsaac and Ms. Vojkovich. NMFS reports about 10-15% of the effort has occurred with about 85 to 95% to go. In 2001, the last survey time this survey was conducted, 1 metric ton of canary rockfish was caught.

C.1.d Public Comment

Ms. Michele Longo Eder, F/V Nesika, Newport, Oregon
Mr. Tom Ghio, Ghio Fish Company, Moss Landing, California
Ms. Kathy Fosmark, Pebble Beach, California
Mr. John Crowley, Fishing Vessel Owners Association, Seattle, Washington

C.1.e Council Guidance on Initial Consideration of Status of Fisheries and Inseason Adjustments

Mr. Alverson asked if Dr. Hastie is planning to provide more information this afternoon relative to the sablefish tier limit issue and if so can we take that up later? Dr. Hastie and the Council concurred.

Ms. Robinson and Mr. Moore came to the podium. Mr. Anderson stated that his recommendations are only intended as guidance for now with the understanding that the Council final action would come at a later time. Working from the GMT Report, page 2, there is a section on recommendations for the guidance they would like to receive.

Item 1- fixed gear sablefish fishery. Mr. Anderson is not aware of additional alternatives available to us. He said the alternatives the gap and GMT have discussed represent the scope of options available.

Item 2 - Pacific whiting fisheries. Mr. Anderson's understanding is we are looking for alternatives that would ensure the whiting fishery stays within the estimated impact of canary rockfish in the scorecard. It seems that voluntary closure until a rule is adopted is appropriate; there is a willingness by industry to stay away from areas that have exhibited the potential high canary bycatch in the past. Mr. Anderson requested the Council and NMFS increase their efforts in providing data for whiting tows that have canary interaction; ODFW has some data on this issue. Mr. Anderson is not in favor of imposing trip limits on the whiting fishery in the interim. A trip limit would effectively close the fishery in this case and is not a viable alternative. He also recommended industry consider areas where regulatory closures would be an effective method including the GMT recommendation of implementing area closures in the shore-based sector through the EFP process.

Item 3 - research catches of canary rockfish. There is the ability for the Council to provide for research catches within an ABC in the context of a FMP as provided in the MSA. Mr. Anderson did not have the text available, but understands that the National Standard Guidelines say the research fish should be taken out of the OY and would ask Ms. Cooney and Mr. Robinson about that matter before providing guidance. Mr. Anderson also spoke to the conundrum of potentially increasing research catches signaling good news about stock health while constraining current fisheries by taking a greater share of an historically low OY.

Dr. Burke had reservations about considering area restrictions for the shore-based sector but not the catcher-processor sector. She also had some questions about the ability of the Council to establish area restrictions (hot spot closures) on an inseason action and asked if it would be done through emergency action. We need the GMT to look at the practicality of these options relative to the amount of time it would take to implement,

particularly when the fishery is nearly complete. Dr. Burke also requested guidance from NMFS regarding the regulatory time frame (i.e. what can be implemented in the less than 6 weeks).

Responding to Dr. Burke, Ms. Cooney stated that implementation of RCAs in the whiting fishery (GMT actions 5, 6, and 7) would be emergency actions if recommended this year. The time required depends on how long it takes to identify the areas, write up the rule, and process it through Washington. The estimate is about six weeks. The development of area management preseason would specify the regulations in a notice and comment rulemaking process. Inseason action for this year would be different and would be an emergency rule, done without notice and comment.

Dr. Burke stated that if we acted at this meeting, we would only be able to control the last two weeks of the fishery. Ms. Cooney said Mr. Anderson suggested voluntary closures at first along with an emergency rule to follow as one course of action. Mr. Robinson said the notice and comment period is waived for an emergency rule but, the obligation for NEPA analysis is not waived. At large part of the six week time frame is devoted to the NEPA process and if all of the necessary information is readily available, an abbreviated schedule might be possible.

Mr. Brown, relative to Pacific whiting fisheries, if the fishery is not capable of restricting their catches, the Council will not be able to react before the September Council meeting. Mr. Brown asked about setting up a management mechanism between Council meetings to react to inseason fishery data, similar to the salmon inseason process. He reviewed the status of all the whiting sectors and noted the tribal whiting fishery is half done at this point and there is only 0.6 metric tons of whiting caught in the other whiting fisheries; given that, it appears we are probably not in the crisis situation that seems to be presented.

Mr. Anderson, on a followup to Dr. Burke's comments. He agrees that the GMT should not be spending time developing an emergency rule that defines closed areas to address the issue because the fishery would be over by the time the emergency rule is put in place. Additionally, the spots that will be brought forward are going to be brought up largely by industry and he thinks they are aware of the problem and are making good efforts to deal with the situation.

Ms. Vojkovich requested legal guidance on establishing an emergency rule to close the fishery when certain catch limits are reached and asked if this would be a shorter process than establishing closed areas. Ms. Cooney said an emergency rule to close the fishery if catch restrictions are attained would take less time to implement as it is not as complex to analyze.

Relative to research catch accounting, Ms. Cooney said the MSA section referenced by Mr. Moore was put in place when we were doing the fish for research proposal as a mechanism to pay for research. The rebuilding plans analyzed and are based on total mortality OYs which include all sources of mortality.

Mr. Moore, asked for clarification in terms of a NMFS inseason closure mechanism. The GAP and GMT understood NMFS did not have the authority to close the whiting fishery based on a projected bycatch amount. What would be the basis for a NMFS closure in the absence of specified allocations of canary rockfish for the whiting fishery. Ms. Cooney said the identification of the management trigger and the anticipated NMFS action would be the subject of the emergency rule and is not currently defined. Once the emergency rule and associated triggers are specified, NMFS could take routine inseason action to close the fishery.

Mr. Moore asked if the Council did not want to see the whiting fishery exceed a total harvest of canary rockfish of more than 7.3 metric tons and recommended NMFS close the fishery should the fishery attain that limit. Such a mechanism could be established through emergency rule. Ms. Cooney said she thinks so and would like to discuss it with other colleagues.

Mr. Robinson said to move quickly with the type of emergency rule where the Council asks NMFS to establish the authority to close the fishery, NMFS would not have to wait until the 7.3 metric tons is achieved. NMFS could start the emergency rule process as soon as the Council makes the recommendation and have it in place if the 7.3 mt is achieved. Under these circumstances, NMFS could take action almost immediately.

Dr. Hansen suggested that the Council delay recommendations on Item 1(fixed gear sablefish) until Dr. Hastie's report is available.

Relative to Item 2 (Pacific whiting fishery), Dr. Burke moved (motion 3) to have the GMT pursue a voluntary area closure option and the option that establishes a trigger and NMFS authority to close the fishery if that trigger is attained and that we not pursue any of the other options listed in the GMT report. Mr. Brown seconded the motion.

Mr. Anderson asked what the GMT would be doing in terms of pursuing the voluntary area closures. Dr. Burke said the GMT has done what they were going to do with no additional areas other than those proposed by the GMT and GAP. Mr. Moore stated that industry is already avoiding the area where the disaster tow occurred and would be open to information on other areas of known bycatch potential.

Mr. Anderson said we have one catcher-processor vessel that will be operating, the mothership fishery is currently not active, so the majority of the fishing activity is going to be the shore-based boats. The guidance to the GMT would be to request that the GMT make all information on canary rockfish bycatch available to the industry and ask industry to avoid these areas.

Dr. Burke said the truth is the GMT would be working on very limited information. The identified spots for midwater catch are based on very small amounts of catch, but the data is available and we should use what we can.

Motion 3 passed.

Item 3 (research catch of canary rockfish). Dr. Burke asked about the ABC/OY issue relative to the accounting of research catch and Ms. Cooney said she thinks it comes out of the OY.

Mr. Anderson stated that because the rebuilding plan specifies total mortalities we have to take research catch out of the OY.

Ms. Robinson asked about Motion 3 and requested that the Council specify an actual value for the trigger NMFS would use to implement an inseason closure. It would be very helpful for the team to know a value for canary rockfish impacts in the whiting fishery. This will allow the GMT to assess the overall impacts to canary rockfish relative to the OY. It is likely that the impacts to canary rockfish will exceed the OY if research catches are included and the GMT would appreciate any additional guidance as to where the Council suggests looking for canary rockfish savings.

Mr. Alverson asked Ms. Cooney if research catch has to come off the OY or can it be counted as natural mortality?

Ms. Cooney said in the past, when the stock was healthy, research catch was sometimes accounted for as natural mortality, but she explained that this is not an option under rebuilding plans.

Mr. Brown said we don't know if we are going over the canary rockfish OY or where we stand with the QSM report. Additionally, there are research surveys going on right now. We are in a situation where we need to think more about the management between Council meetings.

Dr. Burke said the whiting target should be the original allocation of 7.3 metric tons.

Ms. Robinson said with that clarification from Dr. Burke, the GMT has adequate guidance to proceed and the GMT will work toward assessing total estimated mortality for canary rockfish.

Mr. Anderson said the QSM is not going to help us later because canary rockfish are not being landed. The critical information is contained in the West Coast Observer Program.

C.2 NMFS Report (06/15/04; 1:10 pm)

C.2.a Regulatory Activities

Mr. Bill Robinson announced Mr. Roger Thomas has been reappointed to the Council for another 3-year term. The paperwork for the Idaho nomination has been slow to come in and will be made later.

Mr. Robinson discussed personnel changes within the Northwest Region, including an official announcement of his change of positions. He has assumed the position of Regional Administrator of the Pacific Islands Region as of May 2, 2004. In the interim, Mr. Bob Lohn has appointed Dr. Steve Freese as acting Assistant Regional Administrator of Sustainable Fisheries while NMFS recruits for a permanent replacement. Dr. Freese will transition into the role of Mr. Bob Lohn's designee on the Council at this meeting. He expressed gratitude and pleasure at working with everyone at the Pacific Council.

Dr. Freese provided the NOAA Fisheries report. There were six Federal Register notices published, including: the final rule to implement Amendment 16-2, the final rule to set the 2004 whiting ABC/OY, the rule to implement the observer program for the at-sea whiting fishery, and three rules implementing Council recommendations on inseason adjustments from March and April. There are several items in progress, including: the Notice of Availability and proposed rule to implement Amendment 16-3, refinements to Amendment 14 on sablefish tier stacking, and an effort to reorganize the existing groundfish regulations to publish them in a more logical and user-friendly fashion prior to publication of the 2005-2006 specifications.

Mr. Dayna Matthews, NOAA Fisheries, provided Exhibit C.2.a, Supplemental NMFS VMS Report and noted that the first half of the report is the same as the report distributed in March with new information on page 2.

Mr. Alverson clarified that the Council will be considering expansion of the program in the Fall. Responding to Chairmen Hansen, Mr. Matthews stated that the directed open access fleet was identified by the VMS as the highest priority for program expansion, and that, to date, no federal funding has been identified for vessels required to carry VMS. Additionally, the fleet has demonstrated the ability to fish up to the RCA management lines and NMFS has not received any complaints about drifting in the RCA and has not developed the ability to differentiate fishing from drifting using the VMS system.

Mr. Brown commented that the Skymate vendor of VMS equipment has not been as easy to work with as reported. The company was responsive, but not all issues were addressed fully and the unit is not as computer friendly as anticipated and lacks two-way communications as currently configured on his vessel.

C.2.b. Science Center Activities

Dr. Elizabeth Clarke reported they are in the middle of the slope/shelf survey on the local trawlers and the triennial survey. Both surveys are being conducted until enough overlap exists between the tow survey methodologies. However, the slope/shelf survey has been reduced from four vessels to three. They have had some equipment problems on all of the vessels and having difficulty getting replacement parts as supplies are often diverted to defense efforts in Iraq. The slope/shelf survey will be on the water through the end of September with a break in July. Mapping work and habitat surveys continue with Mr. Chris Goldfinger. Dr. Clarke announced the Recreational CPUE workshop in July. The plans for the data workshop is scheduled during the last week of July. She noted that all stock assessment authors need to be in attendance at that data workshop. Successful completion of the 23 assessments planned for 2005 relies on full participation at this year's workshops. The video observers are also on the shore-based whiting fleet as a test phase. Relative to the catch of canary rockfish in the slope/shelf survey, the average weight of those fish was 5 pounds.

C.2.c Reports and Comments of Advisory Bodies

None.

C.2.d Public Comment

None.

C.2.e Council Discussion on NMFS Report

Dr. Burke, relative to inseason management on the whiting issue, asked if Dr. Clarke had any discussion relative to the sampling methods aboard at sea whiting vessels. The Council is currently dealing with a small amount of fish extrapolating into a large amount due to sub-sampling methods. Dr. Clarke said they are using the same protocols as those used in Alaska. Sub-sampling is always an issue when it is the only option available. The success of observer sampling is partly in the hands of the vessel, and how much they will slow down operations to allow a full sample. The observer in this case is very experienced and followed sampling protocols. Dr. Burke asked if there would be discussions about the adequacy of sub-sampling. Dr. Clarke stated there has been a lot of research in Alaska in sub-sampling techniques, but nothing is forthcoming as a recommended alternative. The preferred method would be to use partial catch sampling, but if you can only sub-sample, it is not inadequate, but not as good as other more comprehensive methods.

Dr. Burke asked if catcher ships did not have observers and could be "dumping" problem tows. Dr. Clarke said she could not confirm this, but recalls that only the motherships have observers and the catcher vessels are unmonitored.

Ms. Vojkovich asked if Dr. Clarke knew how research was done on the NE coast relative to the take of low abundance species such as cod. Dr. Clarke said she did not know.

Mr. Brown asked about the sampling. Seems that we need to stress to the owners of the vessels that although it may seem expensive to slow down and catch the fish, it might allow them to make more money by not shutting them down in the future. Dr. Clarke said NWFSC is in contact with the vessels and said, in her opinion, it is in the vessels best interest to get the best sample they can provide.

Ms. Vojkovich asked Dr. Clarke if there were plans in the future to use a non-invasive technique to sample some of these low level populations of species. Dr. Clarke replied there are for widow and other rockfish, such as, acoustic techniques, cameras, and other optics. As species recover the take of these species could increase. There has been discussions relative to pairing extractive and non-extractive methods.

Mr. Anderson asked Dr. Clarke on the methods to assess populations on the untrawlable grounds, are you going to try those optical techniques along with the acoustic survey. Dr. Clarke said they are working with industry relative to widow rockfish and have two weeks in October to do some work with ROV's and acoustics. There is an enormous amount of data that comes from the techniques. She invited people to join her in the survey.

C.3. Final Consideration of 2004 Inseason Adjustments (06/15/04; 3:31 pm)

C.3.a Agendum Overview

Mr. Burner provided the agendum overview.

C.3.b Reports and Comments of Advisory Bodies

Mr. Rod Moore provided Exhibit C.3.b, Supplemental GAP Report. Ms. Michele Robinson provided Exhibit C.3.b, Supplemental GMT Report. Dr. Hastie explained page 7 and both responded to Council questions of clarification.

C.3.c Public Comment

Mr. Bill James, northern open access, provided comments noting open access trip limits for Sablefish should not be going down. He recommended correcting the tier limits and keeping open access trip limits the same.

Ms. Michele Longo Eder, representing fixed gear fisheries, spoke to the sablefish issues and recommended keeping the tier limits the same and modifying the trip limits.

C.3.d **Council Action:** Approve Inseason Adjustments in the 2004 Groundfish Fishery (06/15/04; 4:37 pm)

Mr. Alverson moved and Mr. Harp seconded a motion (Motion 4) for the limited entry fixed gear Sablefish tier limit: Correct the tier limits shown on page 1 of Exhibit C.3.b, Supplemental GMT Report. Mr. Alverson said this motion would try to correct the mistake that was made on the tiers to get the fishery back to harvest levels within the OY calculations. He stated the sablefish is a fairly healthy resource and he did not think it was fair to correct the problem by taking from the daily-trip-limit fishery. This is the best solution he can see.

Mr. Anderson spoke in favor of Mr. Alverson's motion, even though we have some individuals that are going to have a windfall as a result of a mistake in the calculation of the tier limits. He thinks we need to make the corrections to the tier limits now and not make any additional adjustments to the regime for either the limited entry or open access sector.

Mr. Brown asked if this was the entire packet for the change. He did not understand if this action made enough of a reduction. Dr. Hastie said at this stage, correcting the tier limits would still result in some amount of projected overage.

Mr. Anderson said his assumption, looking at the table in Exhibit C.3.b, Supplemental GMT Report, was that somewhere between 50 and 75% of the vessels would attain the higher limit by the time we get the tier limit in place. Dr. Hastie said part of the problem is that we don't have a clear idea of how the fishery is performing; in our discussions yesterday, we acknowledged there are participants in this fishery that would also be fishing in Alaska, who would not come back down to get to their tier limits before June action on this matter.

Dr. Burke said this is a tough call and is as much about fairness as it is fishery management. Dr. Burke asked NMFS what their position is on this issue.

Mr. Robinson agreed with Dr. Burke that it is difficult. We made a mistake and one sector benefitted. There is the fairness and equity issue. Do we confine the corrective action to the benefitting sector or do we extend the effect across sectors. Given the fact that sablefish is not an overfished species there is some management flexibility. He thinks that in a perfect world we would manage every species to its OY. The possibility of going over is not great, but he supports Mr. Alverson's motion to confine the correction of the error to the tier limits in the limited entry fixed gear fishery.

Motion 4 passed. Mr. Brown abstained on Motion 4.

Ms. Vojkovich moved (Motion 5), relative to the limited entry trawl fishery recommendations as indicated in supplemental GMT Report Exhibit C.3.b, to adopt recommendations one through ten. She also added an allowance for a chilipepper fishery on page 13, line 21: 1,000 pounds of chilipepper for small footrope gear with no more than 200 pounds per month that could be minor shelf and widow rockfish. Mr. Ticehurst seconded the motion.

Ms. Vojkovich, relative to the chilipepper allowance, stated that flatfish fishing in that area with small footrope encounters the occasional chilipepper and it seems appropriate to allow some landings while not creating a target fishery for anything other than flatfish.

Motion 5 passed.

Dr. Burke, on the whiting trawl fishery, moved (Motion 6) to adopt the GMT recommendation to request voluntary industry cooperation in avoiding specific areas of canary rockfish abundance and to move forward with an option to have an emergency rule initiated by NMFS so that if we attain 7.3 metric tons of canary rockfish, NMFS could close this fishery for all sectors. Mr. Brown seconded the motion.

Dr. Burke said it is wise to have the trigger available and stressed the need to have enough reaction time. Mr. Anderson asked about the referring to the GAP language which specified a closure of the entire whiting fishery and asked if the motion includes the tribal fishery. Dr. Burke said this would be included in all the fisheries in the scorecard, including the tribal fishery. Mr. Anderson said he would be opposing the motion because it doesn't fully take into account the potential impacts of the tribal fishery while addressing the overage in the non-tribal fishery.

Mr. Robinson concurred with Mr. Anderson's comments.

Ms. Robinson, for clarification, stated the motion says adopt the GMT recommendation on page 2 of the report where it says "to close all or some". Mr. Moore said perhaps to further clarify the GAP statement, the GAP is looking at the 7.3 metric tons as reference for guidance. The phrase of closing the entire whiting

fishery in our minds was the closing of all 3 non-treaty sectors. They felt neither the Council or NMFS would have the authority to close the treaty fishery based on bycatch caps. Mr. Moore said the GAP would like to make clear it is for the non-treaty fisheries only.

Dr. Burke, given the intent of what was just discussed, recommended that the Council adopt the GMT recommendation of closing upon attainment of 7.3 metric tons of canary rockfish and leave it to NMFS as to what sectors are closed. Mr. Anderson offered a friendly amendment utilizing the language in the GMT report that the emergency action decision would be to close some or all of the sectors upon attainment of 7.3 metric tons.

Dr. McIsaac said the records in the original motion indicate the voluntary mechanisms and the emergency rule. The GMT statement refers to “projected” rather than “attained” bycatch caps.

Dr. Burke said given the clarification of the GMT statement, she did not consider the alternate suggestion a friendly amendment. Mr. Anderson then changed his friendly amendment to say “attained” instead of projected.

Mr. Brown said he was in favor of the motion. He asked the tribes to continue with their bycatch reduction efforts. We could also be closing other fisheries, not only the whiting fishery if canary rockfish avoidance is not successful.

Mr. Robinson clarified that the motion does not ask to initiate an emergency rule once a bycatch cap has been attained, but initiate the emergency rule now to establish the authority to close once the 7.3 metric tons in attained. Dr. Burke confirmed.

Motion 6 passed. Mr. Robinson voted no.

Mr. Alverson moved (Motion 7) to adopt the recommendations of the GMT as shown in Exhibit C.3.b, Supplemental GMT Report, item #11 on page 3 under limited entry fixed gear, and the recommendation on page 4, item #12 relative to management lines. Mr. Brown seconded the motion.

Motion 7 passed.

Mr. Anderson said the language in the GMT report states they believe they should have 3 metric tons of canary as a placeholder for anticipated catches associated with research.

Dr. Burke, asked if it would be easier to adopt the GMT scorecard as a whole? Mr. Anderson moved (Motion 8) to adopt the remainder of the GMT report, including the trip limit tables and scorecard. Mr. Mallet seconded the motion. Motion 8 passed.

Mr. Burner, on items 3, 7, and 8 which noted some changes to the trip limit tables, confirmed with the Council that the team will be editing the table accordingly.

[The Council returned to C.3 on June 18, 2004 at 11:30 am]

Dr. Burke moved and Mr. Anderson seconded a motion (Motion 24) to amend the previous motion on 2004 groundfish inseason management (Agenda Item C.3). Motion 24 passed.

Dr. Burke explained her motion was procedural in nature. She expects one or more of the member states may need to promulgate an inseason action in September. State managers need to be allowed to manage and act

on new data as an inseason action independent of the Council. We will be getting data in at the end of the summer and want to be able to have the option of proceeding with any necessary inseason actions in September.

Dr. Burke moved and Mr. Anderson seconded a motion (Motion 25), stating that in the event of an inseason action, the states will consult with NMFS, and NMFS would apply conforming rulemaking consistent with actions decided by the affected states (i.e., federal regulations would conform with state regulations upon Council recommendation).

Motion 25 passed.

C.4 Groundfish Essential Fish Habitat Environmental Impact Statement Analytical Framework – Fishing Gear Impact Model Component (06/16/04; 10:23 am)

C.4.a Agendum Overview

Dr. Kit Dahl read the situation summary.

C.4.b NMFS Report

Mr. Graeme Parks gave a presentation describing how the analytical framework has been modified because of modeling constraints, new data incorporated into the framework, the fishing impacts model, and how model results and the analytical framework may be used to develop alternatives for the EFH EIS. (Exhibit C.4.b, Attachment 1, provides a written description of the fishing impacts model.)

C.4.c Scientific and Statistical Committee Report

Dr. Kevin Hill read Exhibit C.4.b, Supplemental SSC Report.

C.4.d Reports and Comments of Advisory Bodies

Mr. Waldo Wakefield read Exhibit C.4.d, Supplemental Habitat Committee Report.

C.4.e Public Comment

Mr. Jim Ayers, Oceana, Juneau, Alaska

Ms. Susan Murray, Oceana, Juneau, Alaska

Mr. Scott McMullan, Oregon Fishermen's Cable Committee, Astoria, Oregon

Mr. Brian Peterson, Shrimp Producers Marketing Association, Astoria, Oregon

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

C.4.f **Council Action:** Approve Use of the Fishing Gear Impact Component of the Analytical Framework, and Establish a Meeting Schedule for the Ad Hoc Groundfish Fishery Management Plan (FMP) EIS Oversight Committee

At the request of Mr. Ortmann, Dr. Dahl summarized the Council task as deciding what aspects of the impacts model could be approved for use by the EIS Oversight Committee to develop alternatives for the EFH EIS and approving a meeting of that committee in August.

Mr. Copps noted that the SSC is preparing a more detailed report of the complete risk assessment containing

more detailed caveats on use of the model. He recommended that the Council direct the Oversight Committee to proceed based on the information in this report.

Mr. Alverson noted that both California and Washington have commercial fishery closures inside 3 miles. This protects presumably essential habitat for the juveniles of the species the Council manages. He didn't see how these mitigation measures were accounted for in the risk assessment.

Mr. Copps responded by noting that the GIS used for the analytical framework does contain data on closed areas, including the ones mentioned by Mr. Alverson. Although there is no quantitative threshold for the amount of area that should be closed, the Oversight Committee should consider the current extent of protected areas and whether it is sufficient.

Ms. Vojkovich summarized what she had heard thus far. Although there has been a lot of hesitation and warnings about the fishing impacts model, it is important to look at the progress that has been made in developing the tools to evaluate impacts to EFH. She commended the project team for their work to develop a quantitative tool to inform management decisions. She described the results of the effort in terms of the identification of data gaps, the difficulty in gathering this type of data, and the complexity of evaluating habitat impacts. Finally, she pointed out the difficult task facing the Committee to develop alternatives.

Dr. McIsaac asked Mr. Copps if he had recommendations on how to proceed with regard to validating the habitat suitability maps. Mr. Copps noted that the budget situation has stabilized and there is now enough money to hold a meeting of the Habitat Technical Review Committee to review the status of the maps. Mr. Copps asserted that the problems with the currently available maps can be fixed. He asked to work with the Council Executive Director to facilitate a review of the maps before the Oversight Committee meets.

Mr. Brown argued that the GIS-based analytical framework eventually can be a good application, but he was cautious about the use of such technology if data and assumptions are not accurate because it can misinform the public. Mr. Brown was concerned that the model will be used prematurely, before model results are sufficiently validated. However, he recommended forwarding elements of the model for use by the Oversight Committee.

Mr. Ticehurst said he had not heard about what data will go into the model in the future and the program plan to make it absolutely useful. He asked for more information about future data gathering. Mr. Copps responded by noting that programmatic elements—such as data collection programs—can be addressed when formulating EIS alternatives, and that would be an important element in the EIS. As far as the types of data that need to be gathered, some broad themes have been identified but further consultation with the Science Centers and others will be needed to work out the specifics.

Chairman Hansen noted that the room in which the GMT/GAP joint session was held was a little small and not all may have been accommodated. He asked if Mr. Copps thought that meeting was successful, because he thought the types of questions being raised at this point should have been addressed during that meeting. Mr. Copps responded that he thought the joint session was successful for people who were there. Mr. Hansen then asked Mr. Copps if the same questions raised now were raised during the joint session. Mr. Copps said that the same types of question did come up at that session.

Ms. Vojkovich moved the following motion (Motion 12):

The Council will use the portions of the fishing impacts model identified in the forthcoming SSC Report on the fishing impacts model and follow the specific detailed guidance therein. The Council will also use GIS data and the other qualitative data on non-fishing effects and non-trawl gear types contained in

the comprehensive risk assessment. The SSC report will be used during the Groundfish EIS Oversight Committee meeting to help determine a range of alternatives in a more qualitative manner than would be suggested by using the fishing impacts model by itself.

Mr. Thomas seconded the motion.

Ms. Vojkovich sought to clarify her motion. She noted that reports and comments thus far have questioned whether the fishing impacts model, which only uses trawl data, should be used. She is not suggesting using this modeling portion of the analytical framework. However, she recommended using the EFH identification model and the other components of the risk assessment, including the various data layers in the GIS, to give insight when developing alternatives.

Mr Brown asked if there would be a working version of the analytical framework at the Oversight Committee meeting. Mr. Copps affirmed this.

Motion 12 passed.

Mr. Ortmann noted that the Council still needed to take action on confirming the schedule for the EIS oversight committee meeting. He asked Dr. Dahl if that related to Exhibit C.4.b, Attachment 3. Dr. Dahl explained the relationship between the Committee meeting and the schedule shown in the exhibit, with alternatives formulated for Council action in September and November 2004. In response to a further question, Dr. Dahl noted that the Committee members agreed to August 16-18 for a meeting. Dr. McIsaac said the members are all aware of this date, and given that the previous motion passed, the Council doesn't have to authorize this meeting; they only need to concur that such a meeting should be held, consistent with Committee members' schedules. The Council concurred.

Mr. Brown asked if the Oversight Committee would address the issue of ongoing updating of EFH data to ensure valid results. If not, the concern raised before would come into play: using the data without sufficient ground truth. Dr. McIsaac said the Oversight Committee should not be charged with data validation. The Council should work with Mr. Copps to schedule a Technical Review Committee meeting and review by other bodies to correct and validate the EFH maps before the Oversight Committee meeting. Mr Copps responded that he would try and schedule those activities before the Oversight Committee meeting. That might not be possible, but the Oversight Committee meeting should go forward in any event in order to meet the EIS schedule set forth in the settlement agreement. Validation could still occur after the Oversight Committee meeting without necessarily compromising their work.

Dr. Burke asked for clarification on the Oversight Committee meeting schedule and asked about the location of the meeting. Dr. Dahl responded, noting that the August meeting is tentatively planned to occur in the Council's Portland office.

C.5 Preliminary Consideration of Exempted Fishing Permit (EFP) Applications for 2005/2006 (06/16/04; 2:07 pm)

C.5.a Agendum Overview

Mr. Burner provided the agendum overview.

C.5.b Recommendations of the States, Tribes, and Federal Agencies

CDFG

Ms. Vojkovich directed the Council's attention to page 7 of Exhibit C.5.b, Supplemental CDFG Report 2. She noted that this EFP has been the same for 3 years, and is included as a placeholder for 2005 should we need another year to compare the results from studies conducted off Oregon and Washington.

Mr. Ticehurst asked about the "other flatfish" and halibut listed as bycatch in the report. Ms. Vojkovich said California halibut is not in the groundfish FMP and it is not being targeted.

ODFW

Dr. Burke said the proposed ODFW EFP is a followup on the cutback flatfish trawl work that ODFW has done in the past. The data presented to the Council on this work indicated there are species they are concerned about in deeper waters. This EFP would be conducted in waters deeper than the RCA to see if net design changes would be effective in these areas. The effort will be not only to focus on gear, net size, and grates, but also fish behavior under different conditions.

Mr. Brown asked Dr. Burke about the examination of fish behavior, will the EFP use a camera? Dr. Burke said the details of the research design are underway.

Mr. Alverson asked Dr. Burke about page 2 and 3 of the ODFW report, relative to catch limits and their inclusion of discard estimates. Dr. Burke said the estimates include both.

WDFW

Mr. Anderson referred to EFP proposals submitted by WDFW for the briefing book. The Arrowtooth EFP, is recommended because of the importance of the results to the Washington trawlers and processors. In 1999, 35% of landings of groundfish, not including whiting, were Arrowtooth flounder. Access to this species is important to the survival of the Washington fleet and processors. This is the third year of the EFP. They have learned a lot, there are now trawl gear specifications as well as area or hot spot closures relative to canary rockfish. The data collected has been used to assist the whiting fishery in minimizing canary rockfish in their fishery. WDFW now feels they can move the EFP into regulations. However, NMFS has requested additional information which will be needed in order to include these provisions in the 2005-2006 specifications.

The dogfish EFP is also an ongoing project, which allows fishing shoreward of the 100 fm line (RCA boundary for the longline fixed gear fishery). They had one participant in 2004 and would like to continue for one more year.

Dr. Burke asked about the exvessel value for Arrowtooth flounder. Mr. Anderson stated the \$235,000 generated is the total value of fish vessels are able to land in excess of the trip limits. Dr. Burke then asked about the participation level. Mr. Anderson said about 8 participants, currently all Washington residents, and Washington delivery licenses. Dr. Burke said the proposed EFP has 3 participants with one more possible. Mr. Anderson said WDFW would like to move this EFP in to regulations in a manner that is canary rockfish impact neutral. Mr. Anderson stated that WDFW would retain the bycatch caps and observer coverage in the fishery at first. Only when everyone was convinced that gear modifications and area restrictions alone would provide adequate reduction in canary rockfish bycatch could we move into an approach similar to the selective flatfish trawl proposals.

C.5.c Reports and Comments of Advisory Bodies

Mr. Mike Burner read Exhibit C.5.c, Revised Supplemental GAP Report. Mr. Burner said the GMT has reviewed the EFPs in the briefing book and recommended they go forward for 2005/2006.

C.5.d Public Comment

None.

C.5.e **Council Action:** Preliminary Approval of EFP Applications for 2005/2006

Mr. Alverson asked about last year's EFP actions regarding discards for non-overfished species. He would like to see the observer information at the end of the year to show numbers for the overfished and non-overfished species.

Mr. Anderson said he would have to get one of the reports out to see if it is not already included. Mr. Alverson said that results often pertain to what is landed, but not what is discarded. Mr. Alverson said the overall experiment should also contain information about what is discarded.

Dr. Burke said the Council has talked about this before and it is easy to get information on the overfished species, but not the non-overfished species. Dr. Burke said Dr. Clarke was looking into a system to release data for EFP result reporting.

Dr. Clarke said at this meeting, NWFSC started discussions with some of the states to develop a protocol for getting the EFP data released so the states could use it more efficiently. This also feeds into the process for getting the data to the stock assessment scientists as well. This will be addressed in the upcoming data workshop.

Mr. Anderson moved (Motion 13) to preliminarily approve these four EFP applications for 2005-2006. Mr. Cedergreen seconded the motion.

Dr. Burke said the GAP recommended reducing canary rockfish impacts in the Arrowtooth EFP down to 1.5 metric tons. Mr. Anderson said the allotments for each one of these EFPs will be considered under the next agenda item.

Motion 13 passed.

C.6 Tentative Adoption of Groundfish Management Measures for 2005/2006 Fisheries (06/16/04; 3:19 pm)

C.6.a Agendum Overview

Mr. John DeVore provided the agendum overview. He also walked the Council through the preliminary draft environmental impact statement of Proposed Acceptable Biological Catch and Optimum Yield Specifications and Management Measures for the 2005-2006 Pacific Coast Groundfish Fishery (Exhibit C.6.a, Attachment 1).

C.6.b Ad Hoc Allocation Committee Report

Mr. DeVore summarized the draft summary minutes of the May 27, 2004 Ad Hoc Allocation Committee

meeting (Exhibit C.6.b, Supplemental Attachment 1), including the Committee's recommendations for 2005-2006 management.

C.6.c Reports and Comments of Advisory Bodies (06/16/04; 3:43 pm)

Ms. Robinson, Mr. Saelens, and Mr. Burden provided the GMT report (Exhibit C.6.c, Supplemental GMT Report). Ms. Robinson reviewed pages 1-3 of the report, then Mr. Saelens provided a summary of pages 17 and 18 describing the selective flatfish trawl. Mr. Burden reviewed the trawl impact tables provided on pages 19-23 of the report.

Mr. Brown stated the selective flatfish trawl options in the GMT report show a re-allocation of some target species to the south. Also, there are some trip limits that are higher for selective flatfish trawl strategies than for deep-water strategies.

Mr. Anderson asked which alternative set of trawl management measures is recommended by the GMT? Mr. Saelens answered those presented in Attachment 3, Table 1.

Ms. Robinson resumed her presentation of the GMT report by reviewing pages 4-11. The GMT recommendations for 2005-2006 management measures were found on page 11.

Mr. Anderson asked if the GMT had reviewed Exhibit C.6.c., Supplemental Proposed Treaty Indian Management Measures and whether that report was the basis for the GMT recommendation for tribal fisheries? Ms. Robinson said the GMT did not see the report, but they did hear the tribal proposal. The GMT recommends the proposed tribal management measures with the expectation that groundfish species' impacts would be within those provided by the tribes.

Mr. Anderson asked if there was any additional action needed by the Council this week to convert Washington's Arrowtooth EFP into regulations by 2006? Ms. Robinson said the GMT expects a tiered EA will be needed to put the EFP into regulations and that would require a 2-meeting process. Preparation of the tiered EA will take a considerable amount of time and cannot be done this week. Therefore, this should not be considered the first meeting of a 2-meeting process.

Mr. Cedergreen asked how the residual canary rockfish OY would be specified? Ms. Robinson said the GMT and NMFS need to work out those details. How the residual OY is apportioned between commercial and recreational sectors affects the specified total catch OY. Mr. Alverson thought this was contrary to the Ad Hoc Allocation Committee's recommendation not to specify a buffer. Ms. Robinson said the difference is the Committee did not want it specified as a buffer in federal regulations, since any residual amount of yield may be needed to cover higher than expected catches later.

Mr. Saelens then corrected some of the text describing the specifications of the selective flatfish trawl found on page 18 of the GMT report. Instead of, "... , that the expected rise of the net could not exceed 3 ft; ...", it should read, "... , that the expected rise of the wing of the net could not exceed 3 ft; ...".

Ms. Vojkovich asked about the differential size of canary rockfish landed in commercial and recreational fisheries and whether these data have been updated based on recent years' sampling. Ms. Robinson said the differential gear selectivities were from a study that was used in the last assessment. The results of this study have not been updated since.

Ms. Vojkovich then provided corrections to the GMT report. On page 6 at the bottom of the page, the report talks about a regional management area demarcation at "Pigeon Point (37°11'N latitude.)". Instead it should

read, "Lopez Point (36° N latitude.)". On page 10 under item (e), the text reads, "... and from any closures for lingcod which may be established from April through October." Instead it should read, "... and from any spawning closures for lingcod which may be established." Lastly, on page 5 of Attachment 4 (Exhibit C.6.c, Supplemental GMT Report 2), the Option 3 table should have June closed in the North Central and S Central - North areas, open <20 fm in July, and open <20 fm (instead of <30 fm) in October for these two areas.

Ms. Cooney asked whether WDFW would want a matching federal action to match Washington inseason action to close all or a portion of the recreational fishery inside 30 fm? Ms. Robinson indicated yes. Ms. Cooney then explained that the ODFW proposals for inseason action on page 9 of the GMT report would need more specificity at this time or it may require more elaborate inseason rulemaking next year. Dr. Burke indicated this was understood.

Mr. Harp read the tribal management proposals from Exhibit C.6.c, Supplemental Tribal Management Measures.

Mr. Rod Moore provided Exhibit C.6.c, Supplemental GAP Report.

Mr. Alverson asked if the GAP supported the GMT's recommendations for the limited entry fixed gear sector and Mr. Moore responded yes. Mr. Alverson asked if the canary rockfish buffer should be flexibly used? Mr. Moore said the GAP discussed this, but believes the first priority should be to those sectors saving/reducing canary impacts.

Dr. Burke asked about the GAP recommendation to establish temporary rolling closures in the whiting fishery? Mr. Moore characterized these rolling closures as voluntary (or Council-directed) area closures when bycatch increases in an area. Otherwise, one cannot predict where bycatch might occur. Ms. Cooney said this strategy is more complex and needs more analytical development. Mr. Moore admitted this might not be a viable strategy for 2005, but the GAP wants this idea to be considered in the future. CDR Meyer thought this could create an enforcement concern.

Dr. Burke asked about the GAP recommendation for limited entry trawl? Mr. Moore said the Table 3 option (in Attachment 3 of the GMT Report) was preferred by a majority of the GAP; there was a minority preference for Table 2. The same coastwide Rockfish Conservation Area is less confusing.

Dr. Burke explained they could not analyze limited entry fixed gear and open access lingcod seasons. Could this be considered a routine change? Ms. Cooney said it could only if it is analyzed in the EIS.

Mr. Anderson noted the GAP proposal extends the season by one month north of 40°10' N latitude with higher trip limits. He expressed concern regarding potential canary rockfish impacts and different season lengths north and south of Cape Mendocino. Mr. Moore explained the southern area representatives on the GAP wanted this.

Ms. Vojkovich asked if the southern area season for limited entry fixed gear and open access for lingcod (in the GAP proposal) ends on October 1 or October 31? Mr. Moore said October 31.

Ms. Vojkovich asked if the GAP reviewed specific California recreational options and Mr. Moore said no.

C.6.d Public Comment

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

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

Mr. Dan Wolford, Coastside Fishing Club, Los Gatos, California
Mr. Wayne Butler, charter boat operator, Bandon, Oregon
Mr. Daniel Strunk, Premier Sportfishing, Long Beach, California
Mr. Joe Villareal, Premier Sportfishing, Long Beach, California
Mr. Frank Ursitti, Premier Sportfishing, Long Beach, California
Mr. Steve Bodnar, Coos Bay Trawlers Association, Coos Bay, Oregon
Mr. Jim Lone, Washington recreational fishing industry, Seattle, Washington
Mr. Rick Harris, Pacific Seafood Group, Seattle, Washington
Mr. Jim Caito, Caito Fisheries, Fort Bragg, California
Mr. Steve Moore, Patriot Sportfishing, Avila Beach, California
Mr. Darby Neil, sportfishing, Morro Bay, California
Mr. Bill James, open access fisherman, Salem, Oregon

C.6.e **Council Action:** Adopt Tentative Management Measures for 2005/2006 Fisheries for GMT Analysis (Including Proposed EFP Set-Asides), and Adopt Final Acceptable Biological Catches and Optimum Yields for Other Flatfish (06/17/04; 8:06 A.M.)

Mr. Anderson moved and Mr. Harp seconded the following motion in writing (Motion 14):

I move to adopt tentative management measures for 2005-2006 fisheries for GMT analysis (including proposed EFP set asides) and adopt final ABC and OY for other flatfish as provided in Exhibit C.6.c, Supplemental GMT Report, June 2004, page 11, GMT Recommendations, with the following additions and specifications:

1. *Any residual amount of canary rockfish is assumed to be apportioned on a 50/50 basis between sport and commercial fisheries*
2. *Same as presented*
3. *Same as presented*
4. *Same as presented*
5. *Adopt recreational harvest guidelines for canary rockfish: California = 9.3 mt, North (Oregon and Washington) = 8.5 mt*
6. *Same as presented*
7. *Same as presented*
8. *Same as presented*
9. *Same as presented*
10. *As presented in Attachment 3, Tables 1 and 2, with the assumption that 6.0 mt will be provided in the scorecard for this fishery to cover any uncertainty in model projections*
11. *Same as presented*
12. *Replace language on page 8 under Washington recreational, 2nd paragraph (below bulleted list), with the following language:*

If the recreational harvest guideline for canary, yelloweye, or lingcod specified for the Washington/Oregon area is projected to be exceeded, the Washington Department of Fish and Wildlife will consult with the Oregon Department of Fish and Wildlife, and may take action inseason to close all or portions of the recreational fishery deeper than 30 fms, or adjust seasons, bag limits, or size limits, as needed. For purposes of consistency and clarification, the action taken by the Washington Department of Fish and Wildlife would be specified in federal regulations.

13. *As presented by states, except canary cap for Washington Arrowtooth EFP set at 1.75 mt*

14. *Include tribal fishery regulations as presented in Exhibit C.6.c, Supplemental Proposed Treaty Indian Management Measures, June 2004*
15. *Revise language on page 18 that addresses the expected rise of the net in the wings could not exceed three feet*
16. *On page 6, replace Pigeon Point with Lopez Point*
17. *Establish ABC for other flatfish at 6,781 mt and an OY of 4,909 mt*
18. *Round the ABC/OY numbers for other fish as proposed on page 1*
19. *Give the latitude to the GMT to include the Dover ABC when the information is provided by the assessment author*
20. *Set limited entry fixed gear tiers and RCA boundaries as proposed (GMT Report)*

Mr. Brown expressed concern with the motion relative to the Other Flatfish ABC and OY. Sanddabs and rex sole are small fish and not readily caught in trawls as shown in the Pikitch gear study. With the use of legal mesh, there is no impact on these species, yet they are constraining in this recommendation. If English sole cannot be caught up to the OY, rex sole and sanddabs won't be caught up to these limits. He would like the GMT to review the 25% OY reduction for these two species. He asked the maker of the motion to reconsider the motion relative to the Other Flatfish ABC and OY. Mr. Anderson did not accept the friendly amendment from Mr. Brown.

Mr. Brown moved to amend the motion (Amendment #1 to Motion 14) to request the GMT to re-examine the 25% reduction for rex sole and sanddabs. Mr. Warrens seconded the amendment. Mr. Anderson asked if re-examination was to take place over the course of the next day? Mr. Brown said yes. Mr. Anderson asked about the GMT workload? Ms. Robinson said the GMT already addressed this issue when the Other Flatfish specifications were reviewed in May. Dr. Burke asked if the GMT reviewed the mesh size study? Ms. Robinson said no. She was not sure the study results were readily available. Mr. Brown then withdrew his amendment to the motion.

Mr. Anderson noted the Other Flatfish OY, with the 25% reduction from the ABC for rex sole and sanddabs, is based on an ABC set based on the highest catches on record. Mr. Brown countered that mesh size selectivity is more protective than quota management and rex sole and sanddabs will escape legal mesh. Mr. Brown then moved to amend the motion (Amendment #2 to Motion 14) to instruct the GMT to remove the 25% reduction factor on sanddabs and rex sole. Mr. Warrens seconded the amendment. Chairman Hansen called for the vote on the amendment and Amendment #2 to Motion 14 failed.

Mr. Brown expressed concern with the GMT's scorecard projection of 6 mt of canary rockfish impact in the limited entry non-whiting trawl fishery. Given the experimental nature of the selective flatfish trawl, he would hate to see the fishery close if 6.1 mt of canary were caught. He would hope there would be extra canary impacts available for the limited entry trawl sector. Mr. Anderson agreed the selective flatfish trawl impacts are not fully understood. His intention was to keep the limited entry trawl fishery open.

Mr. Anderson said he did not disagree with Mr. Brown's issues over rex sole and sanddabs. He thought the issue could be explored further, but there was no time available to do this at this meeting. Mr. Brown said his sensitivity on this issue comes from his 1985 recommendation to increase trawl mesh size from 3.5 inches to 4.5 inches (3.5-inch mesh gilled overfished Pacific ocean perch). The Pikitch mesh retention study was done at a cost of \$129,000, but has not been used.

Ms. Vojkovich asked for an explanation of the proposed 1.75 mt canary cap for the 2005 Arrowtooth Flounder trawl EFP. Mr. Anderson explained that 2.5 mt were originally set aside for this EFP. WDFW scaled the set aside back to 1.5 mt this year due to reduced participation from the trawl buyback program. WDFW again requested a 2.5 mt cap for 2005 to allow for increased participation in the EFP study. A cap

of 1.75 mt is now proposed to accommodate the participation of 4 vessels. The number of participants could be modified before the final EFP is adopted at the November meeting.

Dr. Freese asked whether Oregon representatives desired having Oregon specifications and management measures published in federal regulations? Dr. Burke suggested the GMT add language to their recommendation #12 to read, "*For purposes of consistency and clarification, the action taken by the Washington Department of Fish and Wildlife would be specified in federal regulations (amendment to add language for OR and CA)*".

Mr. Brown asked if Rockfish Conservation Area (RCA) line adjustments would be allowed in future inseason actions? Mr. Anderson presumed the Council would still have that flexibility.

Dr. Burke spoke to GMT recommendation #10 regarding limited entry trawl management measures. She advised the GMT to use the same bycatch modeling approach used for the inseason adjustments action this week.

Dr. Burke asked how many processors would be affected by the arrowtooth flounder EFP? Mr. Anderson said the EFP would produce about \$235,000 of ex-vessel revenues and would affect three processors. Dr. Burke asked if a 2 mt canary rockfish cap in the EFP would accommodate 6 vessels and Mr. Anderson said yes. He added that a 2.5 mt cap would accommodate 8 vessels for 4 months. Changes in the EFP cap affect the number of vessels that could participate. Dr. Burke asked about the timing and process for converting this EFP into regulations. Ms. Robinson explained the EFP could not go into regulations by May 2005, but might be done by May 2006. She expected this action would require an Environmental Assessment (EA) tiered to the 2005-2006 Specifications EIS and a two-meeting Council process, perhaps the November 2005 and March 2006 meetings. Dr. Burke said it seemed this EFP provided a more profitable fishery for petrale sole than arrowtooth flounder. Is the target petrale sole or arrowtooth flounder? Mr. Anderson explained different participating vessels exhibited different behaviors. Skippers are paying observer costs. The strategy is to get 100% observer coverage and full rockfish retention, while still realizing a profit. Keeping petrale sole is important for success in this fishery. Ms. Robinson added there is a detailed report of this EFP fishery in the DEIS, which was also available at the April Council meeting. The number of petrale sole landed in this EFP fishery was less than landed in the large footrope fishery. Dr. Burke asked for a breakdown of impacts from the last three years of this EFP study. Ms. Robinson said the EFP accommodated six vessels per year and they always stayed within the 2.5 mt canary rockfish cap. Dr. Burke read the reported catches of canary rockfish in this EFP. The canary impacts were as follows: 2001- 2.29 mt, 2002- 8.16 mt, and 2003- 2.27 mt. Dr. Burke thought the arrowtooth flounder strategy may be unsupportable. Canary rockfish impacts are relatively high and allocated to just a few vessels. If these vessels didn't fish in the RCA for arrowtooth, they would probably fish with a selective flatfish trawl. There are also potential individual quota implications to consider. We should consider allocating more canary rockfish to the recreational fishery to allow more people access to this fish. Therefore, she would like the Council to consider the GAP recommendation to cap the arrowtooth trawl EFP for canary at 1.5 mt.

Dr. Burke then moved to amend the motion (Amendment #3 to Motion 14) to adopt the GAP recommendations for item #13. Specifically, the GAP recommended a canary cap of 1.5 mt in the Washington arrowtooth flounder EFP and a yelloweye cap of 0.5 mt in the Washington dogfish longline EFP.

Mr. Anderson explained that the Washington arrowtooth EFP fishery has the highest level of accountability on the West Coast. If this standard was applied to open access fisheries, it would be a major burden. Therefore, he was proud of this fishery. Without this EFP, the participating skippers would be out of business. He recommended these high standards should be applied to other fisheries.

Chairman Hansen asked for a roll call vote on Amendment #3 to Motion 14. NMFS abstained. 6 yes and 6 no. Chairman Hansen voted no and said he supports Mr. Anderson's EFP. Therefore Amendment #3 to Motion 14 failed.

Ms. Vojkovich asked to amend the motion (Amendment #4 to Motion 14) to include two options for California recreational fisheries: 1) exempt shore-based anglers and divers from depth and season restrictions, and 2) allow species in the Other Flatfish complex to be retained when caught with Pacific sanddabs (in the exempted sanddab fishery with the accompanying gear and area restrictions that are currently in regulations). Additionally, she wanted to include: 1) a Cordell Bank closure specified with waypoints that approximate the 100 fm contour, 2) an exemption for the ridgeback prawn trawl fishery from the 75 fm trawl restriction south of Pt. Conception (south of 34°27' N latitude) that would allow the fishery to operate out to the 100 fm line, and 3) a 24-inch minimum size limit and two-fish bag limit for lingcod in the California recreational fishery. Mr. Thomas seconded the motion.

Mr. Thomas said he supports the 24-inch size limit on lingcod as it will get people off the water quicker, thus reducing incidental rockfish impacts.

Mr. Alverson asked if there was an enforcement issue since Ms. Vojkovich's amendment included depth restrictions? Dr. McIsaac said, once the GMT has done the analysis, the EC will have a report on this before the final vote on Friday.

Mr. Anderson asked if the California GMT members were able to analyze the 24-inch size limit for lingcod and whether the amendment included two options for lingcod take? Ms. Vojkovich replied the GMT was able to analyze these impacts and there are two lingcod options- a 24-inch and a 26-inch minimum size option. Ms. Vojkovich then asked that the diver/shore-based exemption analysis be done (shore-based anglers vs. non-shore-based anglers).

Chairman Hansen asked for the vote on Amendment #4 to Motion 14. Amendment #4 passed. Chairman Hansen then asked for the vote on the main motion (Motion 14) as amended. The main motion passed as amended (Motion 14).

Mr. Alverson moved and Mr. Cedergreen seconded a motion (Motion 15) to assign the GMT and the Ad Hoc Allocation Committee to analyze how the Council may utilize surplus lingcod while minimizing impacts on other overfished species. He ventured this analysis could be done prior to the September Council meeting.

Mr. Anderson asked Mr. Alverson to withdraw his motion (Motion 15) as the Council will be talking about this during the trawl IQ agenda. Mr. Brown concurred with Mr. Anderson, but thought Mr. Alverson's issue to be important. Mr. Alverson said he was hoping this analysis could be done to allow 2005-2006 inseason adjustments. He noted we won't have ITQs by 2006. Mr. Anderson asked if this issue could be taken up in Friday's workload planning session? Dr. McIsaac agreed that would be a time to discuss this. Mr. Anderson then asked Mr. Alverson if he could change his motion to have the Ad Hoc Allocation Committee take this up and Mr. Alverson agreed.

Motion 15 passed.

C.7 Monitoring Program Alternatives for the Shore-based Pacific Whiting Fishery

C.7.a Agendum Overview

Mr. Burner provided the agendum overview.

C.7.b NMFS Recommendations and Environmental Assessment

Ms. Carrie Nordeen, NMFS provided the report.

C.7.c Reports and Comments of Advisory Bodies

Mr. Rod Moore provided Exhibit C.7.c, Supplemental GAP Report Captain Mike Cenci provided Exhibit C.7.c, Supplemental EC Report.

C.7.d Public Comment

None.

C.7.e **Council Action:** Adopt Monitoring Program Alternatives for Public Review

Dr. Burke moved and Mr. Alverson seconded a motion (Motion 17) to adopt the alternatives in Table 2.6-1 of Exhibit C.7.a, Attachment 1, with the 4th paragraph of the GAP statement incorporated into the tables; secondly, include an SSC and NWFSC formal review of the sampling plan and protocols to provide assurance we are getting not only good sampling, but cost effective sampling.

Mr. Anderson spoke to incorporating concerns from the GAP and the EC relative to monitoring of overages. NEPA does not require and we would not be well served with options that restrict this monitoring to state or federal officials.

Ms. Cooney stated that these options were drawn up to encompass all of the alternatives and in the past there were times when federal enforcement was the sole entity doing this work.

Mr. Brown asked for a friendly amendment, using Table 2.6.1, insert enforcement language from alternative 4 into alternative 3, we could cover these concerns while not excluding any alternative. The maker and the seconder agreed.

Motion 17 passed.

Dr. Burke urged everyone to try to stay on track with the schedule for this program and requested that NMFS look into consistent monitoring of all sectors of the Pacific whiting fishery.

C.8 Council Clarification of Tentatively Adopted 2005/2006 Management Measures (*If Necessary*))
(06/17/04; 6:18 P.M.)

C.8.a Agendum Overview

Mr. DeVore gave the agendum overview. He said there was an additional statement, Exhibit C.8.b, Supplemental GMT Report. The GAP will have oral comments.

C.8.b Reports and Comments of Advisory Bodies

Ms. Robinson read the GMT report (Exhibit C.8.b, Supplemental GMT Report) and Mr. Merrick Burden reviewed the trawl options in the appended Attachment 1 (Tables 1 and 2). Mr. Burden reported the analysis

he did required a downward adjustment to some of the trawl trip limits relative to the previously reviewed Option 1 during agendum C.6 because some target species' OYS were exceeded. The main change was a decrease in the petrale sole trip limits.

Mr. Anderson asked if the GMT was going to analyze California recreational options? For instance, would the GMT be discussing/analyzing diver exemptions and lingcod minimum size limit options? Ms. Robinson said yes.

Mr. Anderson asked about the GMT recommendation to set aside the same yields for 2006 EFPs as specified for 2005. Is this a set-aside for all EFPs? Ms. Robinson said yes, EFP set-asides are specified annually, not biennially. This would set aside a placeholder if 2006 EFP applications go forward. Mr. DeVore clarified the scorecard does not include a cap for selective flatfish trawl EFPs. The total canary EFP cap, including Oregon EFPs, is actually 2.9 mt.

Dr. McIsaac asked about the Oregon recreational regulatory language. Is that the same language as in the motion this morning? Ms. Robinson said there is one change from the language recommended for Washington fisheries. Oregon wanted the flexibility to go to a 20 or 30 fm line inseason if such an action is needed.

Dr. McIsaac asked about the recommendation to set aside 6 mt - 9.2 mt of canary impacts for non-whiting trawl fisheries. Will the GMT recommend a single impact estimate? Ms. Robinson said no, the set-aside should be decided by the Council today. Mr. Brown said the point estimate from the trawl bycatch model is 5.2 mt. He didn't feel comfortable using the point estimate due to the uncertain impacts under the new trawl regime. Ms. Robinson said that 5.2 mt is the point estimate from the trawl bycatch model, but yesterday's guidance was to set aside 6 mt of canary impacts. The GMT recommends something higher than 6 mt. Dr. Burke said she recommends setting aside 8.0 mt of canary rockfish impacts for non-whiting trawl fisheries.

Mr. Moore presented an oral report from the GAP. There is GAP consensus for the trawl option presented in Table 1 as modified by the GMT. There is no GAP consensus to close the north and central California recreational management areas in July and open in June under option 5 (in the original GMT statement).

Captain Mike Cenci provided Exhibit C.8.b, Supplemental EC Report.

C.8.c Public Comment

None.

C.8.d Council Guidance and Direction on Clarification of Tentatively Adopted 2005/2006 Management Measures

Ms. Vojkovich assured everyone that California has an option that meets the targets for the species they are tracking and that the state delegation generally accepts. The GMT will not have to discuss differential bag limits.

Ms. Vojkovich said the recommendation to open the California fishery in June, close in July, and re-open it in August is not desirable. The minimum lingcod size limit analysis should be easy. Initial analysis indicates the impacts under options for a 24-inch or 26-inch minimum size limit are under the recommended harvest guideline. She was not in support of the GMT recommendation to specify a sublimit for Other Flatfish retention using sanddab gear (in areas and at times when this fishing opportunity is allowed). There

is only a small incidental catch of species in the Other Flatfish complex. A one to two sub-bag limit for Other Flatfish is micro-management. The current gear restrictions and small amount of open area is protective enough. She questioned the need for a tiered environmental assessment (EA) for the ridgeback prawn trawl RCA exemption she has recommended. She noted the scorecard impact estimates haven't changed with varying the RCA lines for this fishery. She wants to know what NMFS may require to get this exemption?

Ms. Cooney said GAP representatives suggest there is not enough information currently available to set ridgeback prawn trawl RCA lines, but more information will be forthcoming. She thought a tiered EA may be needed to analyze this new information. Ms. Vojkovich said, prior to this year, the RCA was out to 100 fm, but this past year it was out to 75 fm. Restricting the ridgeback prawn trawl fishery to within 75 fm closes this fishery since it primarily operates in waters deeper than 75 fm. Mr. Anderson asked for the basis for the current bycatch assumptions for the ridgeback prawn trawl fishery? Ms. Vojkovich said expected bycatch is based on past landings when overfished groundfish species were allowed to be landed.

Mr. Anderson asked why California wants to recommend retention of Other Flatfish species in the sanddab fishery when there is a high survival rate of those fish if they are released? Mr. Thomas said the sanddab fishery in this area rarely encounters Other Flatfish species. There would be no targeting of these species.

Dr. McIsaac asked Ms. Vojkovich if the assignment to the GMT was to analyze one or two California recreational options? Ms. Vojkovich said the two proposals outlined this morning are included in this report and have since been narrowed down to one which meets the impact targets. The two proposals are slightly different (shifting of depths and months open to shore-based anglers to meet impacts).

Mr. Anderson moved (Motion 18) to approve the recommendations in Exhibit C.8.b, Supplemental GMT Report. Specifically, approve items #1, #2 (with an 8 mt canary rockfish set-aside for the non-whiting fishery in the scorecard), #3, #4, #7 and #8. Mr. Alverson seconded the motion.

Motion 18 passed.

Ms. Vojkovich moved (Motion 19) to approve a variation of GMT recommendation #6 to allow retention of Other Flatfish species with no sublimit when fishing for sanddabs. Mr. Thomas seconded the motion.

Motion 19 passed.

C.9 Update on Trawl Individual Quota (TIQ) Program (06/17/04; 4:11 pm)

C.9.a Agendum Overview

Mr. Seger provided the agendum overview, focusing on Exhibit C.9.a, Attachment 3, and Chapter 2 of Exhibit C.9.a, Attachment 2. He emphasized that if implemented, the trawl IQ program would likely be in place over a long period of time and therefore needed to be analyzed over a variety of trawl sector allocation levels.

C.9.b Reports and Comments of Advisory Bodies

Mr. Moore provided Exhibit C.9.b, Supplemental GAP Report.

C.9.c Public Comment

Mr. Tony DeFalco, Marine Fish Conservation Network, Portland, Oregon
Mr. Jay Bornstein, Bornstein Seafoods, Bellingham, Washington
Mr. Craig Urness, Pacific Seafood Group, Clackamas, Oregon
Mr. Kent Craford, Coastal Jobs Coalition, Portland, Oregon
Mr. Peter Huttula, Pacific Marine Conservation Council, Astoria, Oregon
Mr. Bob Osborne, United Anglers of Southern California, Huntington Beach, California
Ms. April Wakeman, United Anglers of Southern California, Huntington Beach, California
Mr. Allen Hightower, commercial fisherman, Port Townsend, Washington
Ms. Dorothy Lowman, Environmental Defense, Portland, Oregon
Mr. Bill Clingan, Ocean Gold Seafoods, Westport, Washington

C.9.d **Council Action:** Provide Guidance on Further Development and Approve Scoping Documents for Public Distribution

The initial discussion centered around the PMCC letter and statement that the Council needed to produce a programmatic EIS before proceeding with consideration of trawl IQs. Dr. Freese stated that there is not a definitive answer on the need for a programmatic EIS but rather alternative view points. The PMCC letter expresses one view. Another view is that a number of EISs on the fishery have recently been completed (including the programmatic habitat and programmatic bycatch EISs, rebuilding EIS, and annual specification EISs) and that these EISs include cumulative impact sections that address past present and future actions, taking into account how they interrelate. There is no sequence requirement that a certain type of EIS must be done before another or at certain time intervals in the management process. Ms. Cooney indicated NMFS will be having internal discussions on the need for a programmatic EIS.

Mr. Anderson noted the Council's effort, about 3 years ago, to develop a programmatic EIS, the difficulty encountered in developing that EIS in the face of changes in the fishery and the decision to instead develop the programmatic bycatch EIS. He stated his presumption that, if a programmatic EIS needed to be conducted prior to development of an IQ program, early on NOAA Fisheries would have informed the Council. He also noted the long delay that would be entailed if consideration of a trawl IQ program had to wait for the completion of a programmatic EIS as programmatic EISs are huge undertakings. While there may be other policy development paths the Council could have followed, he viewed the current path as legally correct from a procedural perspective. Ms. Cooney concurred.

Mr. Brown concurred with Mr. Anderson's comments and added that at the time of the decision to produce a programmatic bycatch EIS, Mr. Robinson noted that virtually all other elements of the fishery were being dealt with in other EISs and the programmatic bycatch EIS in conjunction with the other EISs would provide complete EIS coverage for the fishery. Mr. Brown identified that resolving the capacity problem that would be addressed by a trawl IQ program was the number one priority in the strategic plan which had now been in place for five years.

With respect to the appropriateness of the composition of the TIQC, Mr. Brown made a statement inferring the difficulty of including all stakeholders on the TIQC without generating a committee of a size that was too cumbersome. He believed the main issue of concern by those outside the trawl industry is one of allocation. The between sector allocation issue will need to be addressed whether or not there is a trawl IQ program and he spoke in favor of the allocation committee moving forward on this issue. He also referenced a possible need to reconstitute the allocation committee. With respect to processors, he expressed openness to direct allocation of a portion of the IFQ to them.

Mr. Ticehurst noted the testimony of those who felt they were being left out of the process and reiterated his advocacy of the inclusion of those with a recreational angler perspective. He has growing concern that trawl IQs will involve an entrenched privilege. The impression given in the drafting document is that certain species will be reserved for trawl use only and that for those species there is no concern by recreational interests. He disputed this, stating that these species may be important bycatch, may be targeted in the future, or may have been targeted in the past and will be subject to quota in the future.

Mr. Anderson asked about the rules for determining the majority vote for the TIQC. The super majority rule for the committee was 70% and there are four processors on the committee. Concern was expressed about processor representation on the TIQC committee and whether that composition precluded having processor options put on the table. It was clarified that the scoping process continues to be open for the addition of more options and that there was no pressure for the Council to add options at this meeting.

Mr. Brown commented that elements such as transferability, limitations on consolidations, and owner-on-board were more important than initial allocation and would have the longest effect. The program design and allocation issues need to be separated. Dr. Hanson commented that if allocation is addressed first, discussions get difficult before program design is addressed. Once allocation issues are resolved, people spend more time calculating the effect of a design decision on their allocation than they do carefully considering policy implications.

There was a discussion of area management and the current measures which specify that area specific IQs be considered only if necessary for stock conservation. The scoping process will allow the addition of other options to address area concerns and the Council will have an opportunity to add to the list, if it so desires.

Dr. Burke suggested a number of additions to the list of impacts to be analyzed (pages 2-7 through 2-11).

- Under habitat and ecosystem add: Environmental impacts due to economic and community changes and to resource management changes.
- Under fishery resources add: Direct and indirect impact on fisheries prosecuted by other gear sectors, including sport.
- Under socioeconomic production costs buyers and processors add: Consolidation impacts, loss of infrastructure, and indirect impacts on the businesses (e.g., shifts impacting the operation of existing businesses and their competitiveness).
- Under community impacts add: business and infrastructure impacts.
- Under fairness and equity: add affects on non trawl gear fisheries including sport gear.
- Under effects on small entities, after businesses add: including “family businesses”.

The Council concurred on the hearing dates recommended by Council staff (July 20 in Seattle Washington and July 27 in Newport Oregon).

C.10 Final Adoption of 2005/2006 Groundfish Management Measures (06/18/04; 11:30 A.M.)

C.10.a Agendum Overview

Mr. DeVore provided the agendum overview.

C.10.b GMT Analysis of Impacts

Ms. Robinson provided Exhibit C.10.b, Supplemental GMT Report. She noted one change on page 14, Attachment 3, Table 3 - estimated yelloweye rockfish mortality should be changed from 1.5 mt to 1.7 mt.

Mr. Brown asked what species was limiting slope rockfish trip limits in the north? Ms. Robinson stated it was shortspine thornyheads.

C.10.c Reports and Comments of Advisory Bodies

Mr. Moore provided Exhibit C.10.c, Supplemental GAP Report.

Cpt. Cenci provided an oral report from the Enforcement Consultants. He noted, from an EC perspective, the language on page 17 of the GMT report regarding how many types of gear can be on board a trawl vessel is problematic. Allowing more than one type of gear aboard a trawler during a cumulative limit period allows them to land additive limits. It is important to restrict the individual to the limit that applies to the most restrictive gear onboard. Ms. Robinson said there has been little or no time for the GMT to talk with the EC. The differential gear-based limits only apply north of 40°10' N latitude. In both cases, north and south, you can have more than one type of gear on board. However, vessels are constrained north of 40°10' N latitude to the more restrictive trip limits. The language in the trip limit table on page 17 of the GMT report references the trawl limits south of 40°10' N latitude. This language has been in place in federal regulations and is not changed from status quo. The GMT has modeled the impacts associated with these regulations. Lt. Cleary said, since the issue was not discussed with the GMT and EC, their recommendation would be go to one gear type allowed on board per trip. They have done an exemption this year with the midwater whiting fishery. Mr. DeVore said this language was adopted for the inseason action this week. The Council may want to consider this. Ms. Robinson suggested a modification of the regulation south of 40°10' N latitude restricting trawlers to one type of gear on board, but without differential trip limits.

C.10.d Agency and Tribal Comments

None.

C.10.e Public Comment

Mr. Randy Fry, Recreational Fishing Alliance, Sacramento, California
Mr. Bob Ingles, Golden Gate Fishermen's Association, Hayward, California
Mr. Dan Wolford, Coastside Fishing Club, Los Gatos, California
Mr. Gerry Richter, PCGA, Santa Barbara, California

C.10.f **Council Action:** Adopt Final Optimum Yield for Canary Rockfish and 2005/2006 Groundfish Management Measures

Mr. Moore noted there was consensus between the GAP, GMT, NOAA General Counsel, and the EC on an option for the "more than one type of trawl gear on board" issue in the south. He suggested the proposed rule have an allowance for both midwater and large footrope gear on board; otherwise, only one type of gear would be allowed on board. The Council and NMFS could seek final resolution in September. Ms. Cooney said this works from a procedural perspective.

Mr. Anderson asked Ms. Vojkovich about the ridgeback prawn trawl exemption. Is the area recommended for this exemption correctly identified on page 5 of the GMT report? Ms. Vojkovich said no, the affected area should be south of 34°27' N latitude, not south of 40°10' N latitude.

Ms. Vojkovich then corrected two omissions on the California recreational recommendations listed on page 7 of the GMT report. Recommendations # 4 and #6 should characterize exemptions for "divers and shore-based anglers".

Ms. Vojkovich moved and Mr. Thomas seconded a motion (Motion 26) to adopt items 1 through 7 on Exhibit C.10.b, Supplemental GMT Report, with the following changes:

1. Page 5, #11 Ridgeback Prawn Trawl Exemption: Change south of 40°10' N latitude to south of 34°27' N latitude.
2. South of 40°10' N latitude: Align the limited entry fixed gear/open access ten-month season north and south of 34°27' N latitude: March-April closed as follows:
 - a. Correct Table 4 (South) page 20:
 - Line 16: Minor shelf rockfish, widow, and yellowtail rockfish south of 34°27' N latitude:
 - Jan-Feb: 2,000 lb/ 2 months; Mar-Apr: CLOSED
 - Line 23: Bocaccio South of 34°27' N latitude:
 - Jan-Feb: 300 lb/2 months; Mar-Apr: CLOSED
 - Line 27: Shallow nearshore south of 34°27' N latitude:
 - Jan-Feb: 300 lb/2 months; Mar-Apr: CLOSED
 - Line 30: Deeper nearshore rockfish south of 34°27' N latitude:
 - Jan-Feb: 500 lb/2 months; Mar-Apr: CLOSED
 - b. Correct Table 5 (South) page 22:
 - Line 19: Minor shelf rockfish, widow and chilipepper rockfish south of 34°27' N latitude:
 - Jan-Feb: 500 lb/2 months; Mar-Apr: CLOSED
 - Line 25: Bocaccio south of 34°27' N latitude:
 - Jan-Feb: 100 lb/ 2 months; Mar-Apr: CLOSED
 - Line 29: Shallow nearshore south of 34°27' N latitude:
 - Jan-Feb: 300 lb/ 2 months; Mar-Apr: CLOSED
 - Line 32: Deeper nearshore south of 34°27' N latitude:
 - Jan-Feb: 500 lb/2 months; Mar-Apr: CLOSED
3.
 - a. Pg. 7 #4: Correct to "Fishing allowed for divers and shore-based anglers."
 - b. Pg. 7 #6: Correct two parenthetical texts to "(other than divers and shore-based)"
4. Pg 7 Add #9a: North of 40°10' N latitude: Remove black rockfish sublimit of zero within the RCG Complex (sublimit was imposed as inseason action in 2004).

Mr. Anderson asked about potential co-occurring rockfish impacts with varying lingcod minimum size limits in California recreational fisheries? Ms. Aseltine-Neilson explained rockfish impacts would be higher with a 26-inch size limit (relative to a 24-inch size limit) because anglers would spend more time on the water to get their lingcod.

Mr. Brown offered the following friendly amendment, which was accepted as part of Motion 26: for the southern trawl fishery - only one gear allowed on board, except midwater gear is allowed when large footrope gear is on board. Motion 26 passed.

Mr. Harp moved and Mr. Anderson seconded a motion (Motion 27) to adopt the tribal groundfish management measures proposed under Exhibit C.6.c, Proposed Treaty Indian Management Measures provided on Wednesday. Motion 27 passed.

Ms. Vojkovich asked for guidance on using California Recreational Fisheries Survey (CRFS) to revise seasons and harvest specifications once these data become available. Ms. Cooney said the Council can change seasons routinely with new data, but not ABCs and OYS. The mid-process OY adjustment process (e.g., red light/green light) may result in a policy to decrease OYS mid-season with a new stock assessment. Ms. Vojkovich asked if the Council could contemplate routine changes to depths and seasons with new data and Ms. Cooney said yes.

Dr. Burke said it was notable the Council recommended implementation of the selective flatfish trawl strategy for 2005-2006. This was an example of good collaboration between research and industry. She requested Chairman Hansen work with Dr. McIsaac on a “thank-you celebration party” at the November Council meeting. The State of Oregon would be happy to provide financial assistance.

Mr. Brown noted this was the first time in a long time that target species' limits are constraining non-whiting trawl fisheries rather than limits for overfished species. Mr. Anderson requested timely reporting of observer data since early feedback may be critical to manage this fishery well during the 2005-2006 management cycle.

D. Enforcement Issues

D.1 Preliminary Report on Contact to Violation Ratio In Groundfish Recreational Fisheries (06/16/04; 10:31 am)

D.1.a Agendum Overview

Mr. Jim Seger provided the agendum overview.

D.1.b Enforcement Consultants Report

Captain Mike Cenci briefed the Council on the contents of Exhibit D.1.b which provides some data regarding contact to violation ratios in the recreational groundfish fishery. The EC are concerned that there may be a need to use violation ratios to adjust estimates of total mortality in the recreational fishery. Captain Cenci noted there are many problems collecting regulation compliance data and that the level of detail of information collected varies from state to state and, that with dual fisheries occurring at the same time, the officers could code activity in a number of different ways. Captain Cenci explained specific information in Table 1 of Attachment D.1.b, as well as the action plan named operation “Orange Crush”.

Mr. Brown asked about the rate of compliance with regulations in recreational hunting activities. Captain Cenci said the range is generally 5 to 10% violations, but depends on what type of law enforcement you have available in the area. An actual compliance rate may only be around 60%.

Mr. Cedergreen asked about the results of operation “Orange Crush” with regard to whether the canary rockfish were kept knowingly or mis-identified? Captain Cenci said 95% of the retention was intentional as people had problems throwing fish away. There is also a mutilated fish category of which many were canaries. That also lends to the belief that much of the retention was intentional.

D.1.c Reports and Comments of Advisory Bodies

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

Dr. McIsaac asked, in regard to the last sentence of the SSC statement encouraging the EC to continue taking snapshots of compliance, if the SSC considered how a random sampling program could provide the desired information? Dr. Hill responded in the affirmative, but noted the SSC also understands the funding and personnel constraints. A design of further sampling programs would depend on available funding. Dr. Hill stated that perhaps more snapshots could provide enough information for certain ports or areas, but not a generic mortality rate. The SSC felt it might be preferable to improve the overall estimates of discard mortality in the recreational fishery rather than just focusing on the regulation compliance.

Dr. McIsaac asked if the SSC has the expertise to review a stratified random sampling program design that the EC would use over the summer? Dr. Hill replied yes.

Mr. Ticehurst asked if the data is statistically significant? Dr. Hill said they are not in a position to reply, but the SSC recognizes there is a problem and realizes there are larger problems with the total recreational take estimates that need to be addressed.

Mr. Seger read Exhibit D.1.c, Supplemental GAP Report.

D.1.d Public Comment

None.

D.1.e Council Guidance on Preliminary Report on Contact to Violation Ratio In Groundfish Recreational Fisheries

Mr. Robinson asked Captain Cenci if there are instances of one individual having more than one citation. Captain Cenci said yes and agreed that the compliance rate would be higher if you adjusted for those instances.

Mr. Brown cautioned the Council about trying to gear up an extensive and expensive sampling program to better document a relatively small number of fish.

Ms. Vojkovich thanked the EC for undertaking this operation and noted it serves several purposes. Any opportunity to evaluate the effectiveness of our operations are valuable. This also could give us some idea of a trend (if we receive this on a regular basis). Keeping in mind the personnel issues and the cost-benefit ratio of launching into this, it might be a tool for the EC to focus on in certain ports. It could also help us with our communication efforts as well.

In response to questions about what the EC could provide the Council beyond the current information, Captain Cenci said it is hard to run a long term look at the recreational groundfish fishery because it occurs when salmon fishing occurs and resources are limited.

Cdr. Fred Myer stated that Mr. Brown's comments about the low percentage of fish being taken illegally enforces why the U.S. Coast Guard (CG) concentrates its enforcement effort primarily on the high priority groundfish fisheries. In the commercial groundfish fishery they see a compliance rate of about 97%. There may be a potential for the CG to provide additional assistance, but it would have to be a focused, limited time.

E. Habitat

E.1 Current Habitat Issues (06/15/04; 11:24 am)

Ms. Gilden provided the agendum overview.

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

Mr. Stuart Ellis provided Exhibit E.1.a, Supplemental HC Report.

E.1.b Reports and Comments of Advisory Bodies

None.

E.1.c Public Comment

None.

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

Ms. Vojkovich said it appears there will be recommendations about the Central Valley Water Project coming from NMFS in mid-July. The HC recommended a fast track letter or consultation. That portion of the state's watershed produces a considerable amount of salmon for California fisheries, and impacts to EFH can have ripple effects down the road. Ms. Vojkovich recommend a fast-track letter be written.

Mr. Anderson asked Mr. Ellis about the status of the Columbia River summer spill reductions and mitigation package. Mr. Ellis said under the proposal a set of offsets was designed to protect wild fish. BPA was going to put aside funds the basin managers could use for habitat-related projects. They also proposed an offset to benefit hatchery populations; however, one of the main ones proposed that 200,000 subyearling type fish at Lyons Ferry hatchery be held over and be released as yearlings. That led to a disagreement between the states and tribes. At a meeting on Monday, the tribes, states, and feds were going to discuss these issues. Environmental groups may also file litigation to keep the summer spill reductions from happening.

Dr. McIsaac asked how this proposal would be decided upon. Is there a NEPA analysis requirement? Mr. Ellis said the BPA thought a NEPA analysis was not required, but that it could be folded into the rewriting of the hydro system plan.

Mr. Robinson said the SWR will work with Council staff to prepare the fast-track letter referred to by Ms. Vojkovich.

Dr. McIsaac explained the procedures required for a fast track letter. After receiving information from NMFS SWR, Council staff will develop the letter and circulate it to all Council members. When 4 or 5 Council members and the chairman approve the letter, then it will be sent. There is also the opportunity for a conference call if necessary.

F. Coastal Pelagic Species Management

F.1. NMFS Report

F.1.a Informational Update

Mr. Svein Fougner provided a brief report about NMFS CPS-related activities. He stated that NMFS was prepared to do a rulemaking to implement the Pacific mackerel harvest guideline. He noted that preparations were underway to execute the September 1 reallocation of Pacific sardine, per the interim allocation framework. He spoke about the letter to the Council from NMFS (F.1.a), which outlines several CPS FMP-related issues that NMFS is requesting the Council consider. He emphasized that, while the issues raised in the letter are important, these issues were not of a higher priority than the sardine allocation FMP amendment currently under development.

Related to international matters, Mr. Fougner spoke about the Tri-National Sardine Forum (US, Canada, Mexico). He noted that the Forum had provided a beneficial means for scientists and industry participants to share information about their respective sardine fisheries. He encouraged the Council to continue its participation in the Sardine Forum.

F.1.b Reports and Comments of Advisory Bodies

None.

F.1.c Public Comment

None.

F.1.d Council Discussion on NMFS Report

None.

F.2 Pacific Mackerel Harvest Guideline for the 2004/2005 Season

F.2.a Agendum Overview

Mr. Dan Waldeck provided the agendum overview. He described scheduled Council action, which is to review the current Pacific mackerel stock assessment and consider adoption of the harvest guideline for the July 1, 2004-June 30, 2005 fishery.

F.2.b Reports and Comments of Advisory Bodies

Dr. Kevin Hill provided the assessment information (PowerPoint on stock assessment document) and reviewed the harvest guideline derived from the FMP formula. Dr. Hill also provided Exhibit F.2.b, Supplemental SSC Report. Dr. Sam Herrick provided a summary of Exhibit F.2.b, Supplemental CPSMT Report. Mr. John Royal provided Exhibit F.2.b, Supplemental CPSAS Report.

F.2.c Public Comment

None.

F.2.d Council Action: Adopt Pacific Mackerel Harvest Guideline for the 2004/2005 Season

Ms. Vojkovich moved (Motion 9) and Mr. Brown seconded a motion to adopt a harvest guideline (HG) of 13,268 mt for July 1, 2004-June 30, 2005. Of this amount, the directed fishery HG would be 9,100 mt; there would be a set-aside of 4,168 mt for incidental catches and an incidental catch rate limit of 40% when Pacific mackerel are landed with other CPS, except that up to one mt of Pacific mackerel can be landed without landing any other CPS.

In response to the CPSAS request for a mop-up fishery contingent on availability of HG toward the end of the season, Ms. Vojkovich moved and Mr. Thomas seconded a motion (Motion 10) that the Council request NMFS to monitor fishery landings and to report on the remaining HG at the March 2005 meeting. Based on this information, NMFS would advise the Council if additional action (e.g., opening of a mop-up fishery) is warranted. Motion 10 passed. This contingency would only be needed if the directed fishery HG is attained and the fishery is operating under the incidental allowance cap.

F.3 Fishery Management Plan (FMP) Amendment--Sardine Allocation

F.3.a Agendum Overview

Mr. Waldeck provided an overview of the matter at hand and anticipated Council action.

F.3.b Reports and Comments of Advisory Bodies

Dr. Herrick provided Exhibit F.3.b, CPSMT Report. Mr. Royal provided Exhibit F.3.b, CPSAS Report.

F.3.c Public Comment

Mr. John Delucca, State Fish Co., San Pedro, California

Mr. Mike Okeneski, West Coast Seafood Processors Association, Portland, Oregon

Ms. Dianne Pleschner-Steele, California Wetfish Producers Association, California

F.3.d Council Guidance on Initiation of an FMP Amendment

Regarding the May 18, 2004 letter from NMFS, Mr. Fougner emphasized that the sardine allocation framework was the top priority. However, the letter identifies several issues that might need to be addressed through amendment of the CPS FMP and it might be possible to add these issues to the FMP amendment for sardine allocation. He suggested that the review of CPS essential fish habitat could be a candidate for inclusion in the current action. He also noted that, related to bycatch in CPS fisheries, NMFS-SWR was implementing a pilot program to place observers aboard CPS vessels in California. He reiterated that the sardine allocation process is the top priority.

Dr. McIsaac noted that the CPSMT suggested they could review the FMP-related issues and identify those issues that would need to be addressed through amendment to the CPS FMP and if they could be addressed in the short-term or would require more extensive time to complete. Mr. Fougner welcomed the CPSMT recommendation and suggested the CPSMT be asked to report their findings at the September 2004 meeting.

Mr. Alverson asked about the schedule for developing and implementing the sardine allocation amendment. Mr. Waldeck described the schedule developed by Council staff. The Council would review a set of alternatives at the November 2004 meeting, preliminary adoption of a preferred alternative could occur at the April 2005 meeting, and final action could occur at the June 2005 Council meeting. If this schedule held,

NMFS would have six months to review the Council's recommendation, conduct the rulemaking process, and potentially implement the new allocation framework in time for the January 2006 season.

Mr. Waldeck suggested that there are three issues the Council should consider: formal decision on moving forward with the FMP amendment and the contents of an FMP amendment (i.e., to add issues identified by NMFS in the May 18, 2004 letter); direction to the advisory bodies; and the need for scoping meetings.

Mr. Anderson moved (Motion 11) for the Council to: initiate an FMP amendment process and, at a minimum, include consideration of a long term allocation framework for sardine; direct the CPSMT to assess the FMP-related items identified by NMFS in May 18, 2004 letter and report their recommendations at the September 2004 meeting; and at the September 2004 meeting, the Council would determine the scope of the FMP amendment. Mr. Alverson seconded the motion.

Mr. Brown asked for clarification if the motion was directing the CPSAS to develop the initial alternatives for consideration? Mr. Anderson said he would be pleased to include specific direction to the CPSAS to develop a range of alternatives relative to sardine allocation.

Dr. Burke asked about Mr. Anderson's reference to scoping opportunity for consideration of other issues that could be included in the FMP amendments. She thought that the scoping opportunity mentioned by Mr. Waldeck was specific to sardine allocation? Mr. Waldeck stated his understanding that Mr. Anderson was referring to determining the scope of the FMP amendment at the September meeting. That is, deciding what issues to address, solely sardine allocation or other issues as well. Mr. Waldeck continued that the scoping hearings he referred to would be for garnering public input about sardine allocation.

Mr. Anderson clarified that his motion did not include the summer scoping hearings, but specific consideration at the September meeting to determine the workload involved and issues that would be addressed in the FMP amendment. Moreover, the CPSAS would provide a report on development of sardine allocation alternatives at the September meeting and a draft range of alternatives at the November meeting.

Dr. Burke was satisfied by the clarification.

Mr. Brown said the result of the motion would indicate the Council was proceeding with development of a new allocation framework, but inclusion of other FMP issues would not be determined until the September meeting? Mr. Anderson replied, yes, because he did not feel there was enough information at this meeting to determine the scope of the FMP amendment.

Ms. Vojkovich asked for clarification on the requirements for public scoping and the necessity of holding scoping hearings, especially as it relates to the CPSAS beginning development of allocation alternatives? Mr. Waldeck said he envisaged the purpose of the scoping hearings would be to introduce this topic and provide current information to the public so they are aware the Council is considering taking action on the issue of sardine allocation and, possibly, other items. The hearings would not be focused on the alternatives at this point, but would be informational for the public.

Ms. Vojkovich said she is concerned about waiting until September for input from the public on the initial range of sardine allocation alternatives.

Mr. Anderson stated his understanding of scoping under the FMP amendment process was that scoping relates to formal public review of the alternatives, but there is no requirement for informational-type scoping sessions. Mr. Anderson noted that public hearings could occur after the Council adopts a preliminary range of alternatives, possibly after the November 2004 Council meeting.

Mr. Waldeck clarified that his reference to initial public scoping sessions was based on the Council's experience in drafting the HMS FMP where scoping was done at the outset of the process. He suggested that, as an alternative, the Council could publish (in the *Federal Register*) notice of its intent to undertake amendment of the CPS FMP to address sardine allocation. This would provide public notice of the proposed Council action.

Mr. Anderson concurred with this suggestion.

Ms. Cooney and Mr. Fougner agreed that public notice via an Advance Notice of Proposed Rulemaking in the Federal Register would be prudent. Ms. Cooney, in response to a question about the CPSAS developing allocation alternatives, indicated this should not cause procedural issues.

Dr. McIsaac restated the motion (Motion 11). The Council would initiate an amendment to the CPS FMP. The primary purpose of the FMP amendment would be allocation of the coastwide Pacific sardine harvest guideline. To facilitate development of the amendment, the Council directed the CPSAS to draft a range of alternative sardine allocation scenarios. Council staff will publish notice in the Federal Register of the Council's intention to develop an FMP amendment related to Pacific sardine allocation, including solicitation of public comment. The Council also directed the CPSMT to review the FMP-related issues in the NMFS May 18, 2004 letter and to report their findings at the September 2004 meeting.

Motion 11 passed.

Ms. Vojkovich asked, with the new sardine assessment and CPS STAR Panel pending, and the use of the interim allocation contingent on the 2005 sardine HG being at least 90% of the 2003 HG, could there be a problem with the allocation in 2005? Does the Council have options?

Mr. Anderson responded that, if the 2005 HG is too low, the allocation reverts back to the original FMP formula. Chairman Hansen concurred.

Ms. Vojkovich, regarding direction to the CPSAS, requested the CPSAS strive to develop a flexible allocation system. She cautioned against ending up with an allocation program that necessitates another FMP amendment (in the near future) because what was adopted is not adaptable to the current needs of the sardine fishery.

Ms. Vojkovich said Ms. Pleschner has commented before about the need for research and being able to assess the coastwide sardine stock. She urged NMFS to move forward with a comprehensive research program, including collaborative research. She requested NMFS-SWFSC be asked to report about CPS research activities at each Council meeting, similar to what is done for groundfish.

Dr. Burke asked if it would be prudent to have a mechanism in place to develop allocation alternatives if the CPSAS becomes deadlocked?

Mr. Anderson said he contemplated the period of time between now and September would be the time for the CPSAS and CPS industry to begin development of alternatives and to report progress at the September Council meeting. If need be (e.g., if progress is stalled), the Council could intercede.

Dr. Burke wanted clarification of when the states would be able to hold public hearings. Mr. Anderson responded that the alternatives would be brought into focus at the November meeting. Public hearings could be scheduled subsequent to the November meeting.

Mr. Waldeck reiterated that staff would publish notice of the Council's intent in the *Federal Register*.

G. Marine Protected Areas

G.1 Federal Waters Portion of the Channel Islands National Marine Sanctuary (CINMS) Schedule Update (06/17/04; 10:20 am)

G.1.a Agendum Overview

Mr. Waldeck provided an overview.

G.1.b Schedule Update by CINMS Staff

Mr. Chris Mobley and Mr. Sean Hastings updated the Council on progress. They emphasized that CINMS is using a transparent process, coordinating with the Council and state of California, and doing outreach to the fishing community. They reviewed the 3 current alternatives, which propose to extend existing state marine reserves and conservation areas into federal waters within CINMS. CINMS is requesting the Council direct their advisory bodies to review the preliminary working draft document to facilitate development of Council recommendations to CINMS for proceeding with DEIS development. They are particularly seeking input on the adequacy of the range of alternatives and technical merits or deficiencies of data or analyses that would be used in the DEIS.

Mr. Mobley noted that the fishing workgroup was still developing their proposed alternative. This alternative would be incorporated when it is provided to CINMS.

Mr. Fougner thanked CINMS for their cooperative spirit in working with the Council.

G.1.c Reports and Comments of Advisory Bodies

Dr. Kevin Hill provided Exhibit G.1.c, Supplemental SSC Report. Ms. Kathy Fosmark provided Exhibit G.1.c, Supplemental GAP Report. Mr. Mike Osmond provided Exhibit G.1.c, Supplemental HC Report.

G.1.d Public Comment

Mr. Bill James, open access fisherman, Salem, Oregon

Ms. Kathy Fosmark, Alliance of Communities for Sustainable Fisheries, Pebble Beach, California

Mr. Craig Helms, The Ocean Conservancy, Santa Barbara, California

Mr. Randy Fry, Recreational Fishing Alliance, Sacramento, California

G.1.e Council Discussion and Guidance on CINMS Schedule

Ms. Patty Wolf stated she had a schedule to propose and asked Dr. McIsaac to assist with describing it for the Council. She noted that it was clear from the advisory body comments that they require more time to review the CINMS material. She also noted the SSC offer to work with CINMS staff.

Ms. Wolf moved and Mr. Anderson seconded a motion (Motion 16) to ask the SSC to work with CINMS and to review the draft document, to direct the advisory bodies to complete their review of the CINMS materials no later than the September 2004 Council meeting, and for the Ad Hoc Channel Islands Marine Reserve Committee (CIMRC) to meet prior to the November Council meeting to develop recommendations for the Council.

Dr. McIsaac described his view of the Council role. It involves three components – (1) reviewing the proposed range of alternatives, (2) considering selection of a preferred alternative, and (2) drafting fishery regulations under the NMSA. Currently, the Council is deciding how to review and comment on the proposed range of alternatives, which would occur at the November 2004 meeting. After the November meeting, CINMS would begin to develop the DEIS, during this process the Council would have opportunity to address components 2 and 3. He agreed with the schedule of events outlined by Ms. Wolf.

Mr. Anderson said he thinks it is important for the Council to play an active role in this process. The Council has invested a considerable amount of time and resources on the CINMS MPA issue within state waters, and we need to do the same for the federal waters portion. He supported the motion.

Mr. Warrens noted the concerns raised by Mr. Fry about process and information being used by CINMS. He requested that the issues raised by Mr. Fry be discussed by the CIMRC.

Ms. Wolf agreed with Mr. Warrens' suggestion. She suggested the CINMS staff consider all of the comments they have heard this week from the Council and advisory bodies, as well as the comments developed in preparation for the November Council meeting.

Dr. Burke noted that the Council should be mindful of its expanding workload, especially to ensure that the advisory bodies are not overloaded.

Mr. Ticehurst asked Mr. Fry to provide his written statement to Council staff for distribution to the Council. Mr. Fry agreed (audience).

Chairman Hansen asked for the vote. Motion 16 passed.

G.2 Guidelines for Review of Marine Reserves Issues (06/17/04; 11:14 am)

G.2.a Agendum Overview

Mr. Waldeck provided the agendum overview.

G.2.b Scientific and Statistical Committee (SSC) Report

Dr. Hill provided the progress report to the Council.

G.2.c Reports and Comments of Advisory Bodies

Ms. Kathy Fosmark provided Exhibit G.2.c, Supplemental GAP Report. Mr. Mike Osmond provided Exhibit G.2.c, Supplemental HC Report. Mr. Steve Joner read the statement of the Makah tribes about the MPA issue (supplemental in BB).

G.2.d Public Comment

Mr. Greg Helms, The Ocean Conservancy, Santa Barbara, California
Ms. Kate Wing, NRDC, San Francisco, California
Ms. Kathy Fosmark, Alliance of Communities for Sustainable Fisheries, Pebble Beach, California
Mr. Paul Englemeyer, resident of Oregon coast, Yachats, Oregon
Mr. John Holloway, Oregon Anglers recreational group, Portland, Oregon

G.2.e **Council Action:** Consider Adopting Guideline Recommendations

Mr. Waldeck highlighted for the Council the SSC's request for more time to consider the public and agency comments, and to finalize the SSC white paper. The SSC suggested a final version of the white paper should be ready for Council action at the September meeting.

Mr. Brown agrees with the SSC request. In regard to public comments, the SSC has the discretion to accept or reject certain comments. He suggested that, if the SSC rejected certain comments, the SSC should document why the comments were rejected, notably if there was a technical basis for rejecting the comment.

Mr. Waldeck said the guidance from Mr. Brown would be included and Dr. Hill (SSC) concurred.

Mr. Anderson brought to the Council's attention a recent meeting of the Olympic Coast National Marine Sanctuary (OCNMS). At their meeting, Mr. Anderson provided a presentation from the WDFW perspective, Dr. Clarke reviewed NWFSC research activities, and Mr. Waldeck presented information on the regional council process and current Pacific Council initiatives. He described the OCNMS Sanctuary Advisory Council and its representation, including WDFW and tribal representatives. He suggested the Council keep track of their activities and engage them as appropriate.

The Council commended the SSC for their work to date on the draft "white paper." Recognizing the importance of the SSC document, and the need to fully account for public and agency comment about the document, the Council directed the SSC to thoroughly review comments received and finalize the document for Council consideration at the September 2004 meeting. Further, the Council tasked the SSC with briefly responding to comments received in writing, as part of their materials for the September Council meeting.

G.3 Update on Miscellaneous Marine Protected Areas Activities (06/17/04; 1:19 pm)

G.3.a Agendum Overview

Mr. Waldeck provided the agendum overview.

G.3.b Gulf of Farallones and Cordell Bank National Marine Sanctuaries Staff Reports

Ms. Anne Walton and Mr. Dan Howard Central Coast Sanctuaries (Gulf of Farallones NMS and Cordell Bank NMS) provided a PowerPoint presentation describing the sanctuaries joint management review process.

G.3.c Marine Protected Areas Science Institute Update

Ms. Lisa Wooninck, Santa Cruz Lab MPA Science Institute initiative, provided a PowerPoint presentation describing the National MPA Center's Science of MPAs and fishery management project.

G.3.d Reports and Comments of Advisory Bodies

Mr. Dan Waldeck read Exhibit G.3.d, Supplemental SSC Report.

G.3.e Public Comment

Mr. Bill James, commercial fisherman, Salem, Oregon

Ms. Kathy Fosmark, Alliance of Communities for Sustainable Fisheries, Pebble Beach, California

G.3.f Council Discussion on Marine Protected Areas Science Institute Update

Mr. Anderson said that he appreciated the information provided by the presenters. He opined that they are following the correct procedures, in terms of coordinating with and informing the Council.

G.4 Monterey Bay National Marine Sanctuary Krill Harvest Ban Proposal (06/17/04; 2:24 pm)

G.4.a Agendum Overview

Mr. Waldeck provided the agendum overview.

G.4.b MBNMS Staff Report

Dr. Holly Price provided a powerPoint presentation describing how the krill harvest ban proposal evolved from the Sanctuary's management plan review process. MBNMS requested the Council consider a ban on directed harvest of krill within MBNMS. She noted that each of the three West Coast states currently prohibit landing of krill.

G.4.c Reports and Comments of Advisory Bodies

Supplemental GAP Report G.4 was read into the record. Mr. Mike Osmond provided Supplemental HC Report G.4.

G.4.d Public Comment

Mr. Bill James, commercial fisherman, Salem, Oregon

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

G.4.e Council Discussion and Guidance on Monterey Bay National Marine Sanctuary Krill Harvest Ban Proposal

Mr. Brown stated that this issue was an example of the need for a way to address issues that cross-cut the Council's FMPs. That is, this issue is relevant to all Council-managed fisheries and there isn't a simple way to address it procedurally. He suggested there is a need for an overarching Management Plan that could be used to address issues like forage fish, marine reserves, habitat, etc.

Dr. Hanson provided some details about how the NPFMC addressed the forage fish issue. He described the joint FMP amendment for the NPFMC BSAI and GOA FMPs. He stated the amendment was developed rapidly, with virtually no opposition. There is an exception for forage fisheries in state waters.

Dr. Burke said she supports the idea of the Pacific Council developing measures to prohibit development of a krill fishery. She also supported Mr. Brown's suggestion for an overarching, cross-cutting Management Plan.

Relative to krill, Mr. Fougner offered to research potential mechanisms for addressing the Council's concerns. He will work with NOAA General Counsel and the SWFSC to develop a list of options for the Council to consider at the September meeting.

Mr. Tim Roth noted that USFWS supported a ban on commercial krill fishing in the EEZ. He suggested the Council might want to consider other prey forage species as well.

Mr. Anderson supported the thoughts expressed by Dr. Burke, Mr. Roth and others. He supported Mr. Fougner's offer. Ms. Wolf concurred.

The Council initiated consideration of prohibiting directed fisheries for krill and, potentially, other forage species. Council staff will work with NMFS Southwest Region and NOAA-General Counsel to develop information about procedural mechanisms for prohibiting fishing for krill and other forage species within the West Coast U.S. Exclusive Economic Zone. The Council will review this information and provide further guidance at the September 2004 meeting.

4 P.M. PUBLIC COMMENT PERIOD

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

Mr. Peter Hutula, PMCC, Astoria, Oregon, spoke concerning a fisheries related recommendation of the US Commission report. (Written comment provided under 4 pm Public Comment).

ADJOURN

The meeting was adjourned on Friday, June 18, 2004 at 12:45 pm.



Council Chairman

March 8, 2005

Date