

MINUTES
 160th Meeting
Pacific Fishery Management Council
 September 11-14, 2001

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A. Call to Order

A.1. Opening Remarks, Introductions (09/11/01, 11:36 am)

The 160th meeting was called to order by Dr. Hans Radtke, Vice Chairman, at 11:36 am. Mr. Bill Robinson noted the northwest region has a new northwest regional administrator, Mr. Robert Lohn. Mr. Steve Copps was also introduced as a new hire from National Marine Fisheries Service (NMFS) Northwest Region Office (NWR) to work on groundfish and National Environmental Policy Act (NEPA) issues.

A.2. Council Member Appointments

Mr. Robinson noted that Mr. Roger Thomas has been reappointed to the Council for another term.

A.3. Roll Call

Dr. Don McIsaac called the roll. Captain Ted Lindstrom was not available (national emergency). Mr. Jim Lone was not present on Tuesday or Wednesday.

A.4. Executive Director's Report

Dr. Don McIsaac provided comments on the office move; location of a new hotel for San Francisco area meetings; and strategy for the work this week, including adoption of acceptable biological catches (ABCs) and optimum yields (OYs) to allow more time for the Groundfish Advisory Subpanel (GAP) and Groundfish Management Team (GMT) to develop management strategies. He noted the Strategic Plan Oversight Committee (SPOC) has recommendations on marine reserves and that the Council will need to provide substantial staff workload prioritization on Friday. He also reported that Dr. Bill Hogarth has been appointed as the National Marine Fisheries Service Administrator.

A.5. **Council Action:** Approve Agenda

The Council approved the agenda as shown in Exhibit A.5., September Council Meeting Agenda. Mr. Boydston moved and Mr. Brown seconded the motion. (Motion 1)

A.6. **Council Action:** Approve June 2001 Minutes

The Council approved the June 2001 minutes. Mr. Anderson moved to approve the minutes; Mr. Alverson seconded the motion. (Motion 2)

B. Pacific Halibut Management

B.1. Status of 2001 Pacific Halibut Fisheries

Mr. Chuck Tracy provided the agenda overview and summarized the report on halibut harvest (Exhibit B.1, Attachment 1).

B.1.a. Reports and Comments of Advisory Bodies

None.

B.1.b. Public Comment

None.

B.2. Status of Bycatch Estimate

Mr. Chuck Tracy introduced the issue and provided the agendum overview. Dr. Rick Methot presented the report estimating the Pacific halibut bycatch in the groundfish fishery (Exhibit B.2, Supplemental Attachment 1 NMFS Report).

B.2.a. Reports and Comments of Advisory Bodies

SSC

Dr. Kevin Hill presented the SSC report. The SSC recommended the authors proceed to finalize the report and transmit it to the IPHC.

B.2.b. Public Comment

There were no public comments on this agenda item.

B.2.c. Council Guidance on Status of Bycatch Estimate

Mr. Anderson moved to forward the new estimate of halibut discard mortality to the International Pacific Halibut Commission. Mr. Brown seconded the motion. (Motion 3) Motion 3 passed.

B.3. Proposed Changes to the Catch Sharing Plan and Annual Regulations

B.3.a. Agendum Overview

Mr. Chuck Tracy provided the agendum overview.

B.3.b. State Proposals

WDFW

Mr. Anderson provided the Washington state proposal (Supplemental WDFW Report B.3.b).

ODFW

Mr. Bohn spoke to Supplemental ODFW Report B.3.b.

B.3.c. Tribal Comments

Mr. Harp made the following comments:

Mr. Chairman, I would like to offer a very brief comment on the proposed changes to the catch sharing plan for Pacific halibut.

The tribes propose no changes to the catch sharing plan as it relates to the Treaty Indian allocation of halibut for 2002. That allocation would remain at 35% of the Area TAC, plus the 25,000 lb. adjustment, as specified in the Stipulation and Order of the U.S. District Court, Subproceeding No. 92-1.

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

GAP

Mr. Frank Warrens provided the GAP comments.

B.3.e. Public Comment

Ms. Janice Green, Recreational Fishing Alliance, Umpqua, Oregon
Mr. Ron Lethin, charterboat owner/operator, Hammond, Oregon

B.3.f. **Council Action:** Adopt Proposed Changes to the Catch Sharing Plan and Annual Regulations for Public Review

The Council adopted to put out for public review, the proposals as set forth in Exhibit B.3.b, Supplemental WDFW Report. Moved by Mr. Anderson and seconded by Mr. Harp. (Motion 4)

Mr. Bohn moved to adopt the three options as suggested in Exhibit B.3.b, Supplemental ODFW Report. Mr. Ralph Brown seconded the motion. (Motion 5) Mr. Anderson asked about the proposed splitting of the areas, and that it was considered and rejected, could that be included in your proposals for public review? Mr. Bohn said he would support having that in for public review, along with the delayed opening for comment. This could leave us more flexibility in coming up with an option. This was accepted as a friendly amendment by both the maker and seconder of the motion. Mr. Robinson asked Mr. Bohn if he would like NMFS assistance to draft an EA to analyze the impacts of the proposals. Mr. Bohn said yes, he did discuss with his staff that they will provide assistance in the analysis as well. Dr. Radtke asked for a vote, Motion 5 passed.

C. Groundfish Management

C.1. National Marine Fisheries Service (NMFS) Report

Mr. Bill Robinson gave the report. He spoke about regulatory actions taken by National Marine Fisheries Service, and noted Liz Clark will give information from the Northwest Fisheries Science Center as well as the observer program.

C.1.a. Council Discussion on NMFS Report

Mr. Robinson noted that there are issues about reapportionment of whiting. They will be looking at whether that has an effect on or changes the assumption for canary bycatch. Mr. Anderson, not wanting to get into inseason management discussions today, said we need to keep this issue noted when we're talking about this on Thursday. Mr. Robinson agreed.

C.2. Marine Recreational Fisheries Statistics Survey Update

C.2.a. Agendum Overview

Mr. Jim Seger provided the agendum overview.

C.2.b. Report of the Pacific States Marine Fisheries Commission

Mr. Russell Porter, Pacific States Marine Fisheries Commission (PSMFC) and Dr. Dave Van Vorhees, NMFS: Mr. Porter noted that Dr. Hogarth had indicated his intent to allocate \$50,000 toward an effort to see how Marine Recreational Fisheries Statistics Survey (MRFSS) and Recreational Fisheries Information Network (RecFIN) can better respond to management needs. He also spoke to the 2001 sampling through RecFIN, the 2001 catch estimates to-date, and the issue of the need for \$50,000 to hold a series of meetings to see how RecFIN and MRFSS could provide better management information for groundfish. Dr. Van Vorhees also spoke about the request for \$50,000 for the proposed meetings. He indicated that NMFS will commit their staff time and travel expenses to an accelerated evaluation of the recreational fishery data system. He emphasized the need to know the target levels of precision desired by the Council.

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

SSC

Dr. Pete Lawson provided the report for the SSC.

GAP

Mr. Frank Warrens provided the comments for the GAP.

C.2.d. Public Comment

There were no public comments.

C.2.e. Council Discussion on Marine Recreational Fisheries Statistics Survey Update

Mr. Anderson noted his thanks to Mr. Porter and Dr. Van Vorhees. He looked forward to the PSMFC coordinating a meeting between the RecFIN statistical subcommittee and the fishery managers. Mr. Boydston said they are committed to working with RecFIN and its statistical subcommittee to see how California can contribute to an enhanced program.

4 PM PUBLIC COMMENT PERIOD

4 P.M. (taken at 3:35 PM)

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

Ms. Janice Green, Recreational Fishing Alliance, Umpqua, Oregon. Spoke to her letter under the general information tab. She asked that the Council consider increasing the representation of non-charter fishermen on the GAP.

Mr. Brian Petersen, shrimp fisherman, Astoria, Oregon. Spoke about using excluders in the shrimp fishery this year. He felt the use of excluders accomplished the goal of reducing canary bycatch. The shrimp fleet would like to continue to develop the use of the excluders voluntarily until the canary bycatch issue comes into play again.

Ms. Heather Munro, fishery consultant, Waldport, Oregon. spoke about sardine allocation. (Ms. Munro's testimony given 09/12/01 at 8:05 am)

C.3. Preliminary Harvest Levels and Other Specifications for 2002 (09/12/01, 8:10 am)

C.3.a. Agendum Overview

Mr. John DeVore gave the agendum overview. Ms. Cooney was asked to talk about litigation. The lawsuits challenged the discard assumptions used for annual specifications, the progress for setting annual specifications, Groundfish FMP Amendment 12, and our NEPA compliance. The judge ruled we had not adequately explained or given enough rationale for Council decisions on bycatch, discard, and management measures. She talked about proposed rulemaking requirements. She said we have used the abbreviated rulemaking process for the last ten years (waiving the public comment). She said we now need to have a proposed and final rule with public comment as ruled by the judge. The court also ruled there is not adequate NEPA compliance for the annual specifications, or an adequate look at a reasonable range of alternatives. The focus is the discard rates, and coming up with a hard look at a reasonable range of alternatives. For Amendment 12, the rebuilding plans need to be plan amendments or regulations; we need to redo Amendment 12 and reformat the rebuilding plans. We need to figure out the exact format and process.

Mr. Bill Robinson spoke on the issue of notice and comment. For this year the Council should proceed as planned. For the future, we need to look at the annual process and consider making changes to that process. On the rebuilding plans, what we will need to do is to come back in November with a plan that indicates how to take the rebuilding plans and turn them into FMP amendments or regulations. The immediate issue is evaluating the bycatch and discards. He said in order to comply with the court's order, the Council must begin now to make sure that the SSC and GMT work together to do a full and complete evaluation of how the Council sets discard rates and annual management measures. He said the reasonable alternative approaches, including the approach proposed by the plaintiffs, need to be looked at in dealing with discards and final setting of the specifications. He said the group needs to give their items to the Council in writing for the record. He asked for written reports from this group prior to the November meeting and the results of this analysis and report be included in the NEPA EA, which is to be before the Council before it takes its final vote at the November meeting. The group should include one member from the environmental community which would help to make the results more credible and open to the public. He then talked about having an observer program that is just underway. There is a longer term process the Council needs to put into effect to determine discards based on observer data. We need to have the SSC develop a process for a plan with the best methodology and have the Council consider that plan and adopt it sometime in the future. Both of those evaluations (developing short and long term methodologies) need to be done at the top of our workload priorities.

Dr. McIsaac asked Ms. Cooney about achieving NEPA compliance. When the Council looks at the preliminary ABCs and OYs, what type of justification is needed in the record for narrowing the range. Ms. Cooney said the Council should identify whether or not they have a preferred alternative and should include a reasonable range of alternatives that are analyzed. The analysis needs to show the "what ifs", including socioeconomic impacts, to provide adequate information for public comment and Council consideration.

Mr. Anderson was concerned that we come out of this meeting with as few moving parts as we can. We have about seven species that have ranges that are being proposed to us for consideration. We will likely have a group of people looking at bycatch rates, adding to the variables. If we go out with so many variables, the managers will not have any idea how to determine and analyze a range of alternatives. He feels that we should identify alternatives with a range...if we go out of here with a range for seven species with potential changes in bycatch and discard mortality rates, no one is going to be able to comment with any certainty as to what the 2002 management measures are going to be. We need to provide stability in our decision making to allow us to develop '02 measures in a meaningful way.

Mr. Robinson said the NEPA document (range of alternatives) is an explanation or a record saying the Council understood the implications of the different spots in the range. We could, for public comment, identify a range as Mr. Anderson said.

Ms. Cooney said that in the past, we have tended to work and talk in shorthand. Information does not get articulated in writing since so many of us have been around in the process and know what the risks are. Mr. Anderson's comment is on target- it will be difficult for the analysts to come up with a package that makes sense.

C.3.b. Preliminary Estimates of Acceptable Biological Catch, Optimum Yield, and Economic Analysis

Dr. Jim Hastie explained the GMT recommendations for preliminary ABCs and OYs (Exhibit C.3, Attachment 1), with a question/discussion period on those specific numbers. Mr Anderson asked about the shortspine thornyhead GMT recommendation. Will that recommendation lead to a larger total and landed catch in 2002 relative to 2001? Dr. Hastie replied yes. Mr. Anderson stated that the assessment author noted that uncertainty in the assessment led him to conclude that setting specifications using that data should be done with caution. He asked whether the GMT considered a precautionary recommendation for shortspine. Dr. Hastie said the GMT did discuss the management approach with the assessment author. In the past the SSC and GMT concluded that an $F=.75M$ approach for shortspine approximated an $F_{50\%}$ harvest rate. The GMT recommendation is more conservative in that it is based on an $F=.75^*.75M$ strategy which approximates an $F_{56\%}$ harvest rate. Mr. Brown then noted the assessment author clearly recommended in the stock assessment review (STAR) panel report that the survey be used as an index. Dr. Hastie said they would view that as a much broader harvest policy issue and would look toward the SSC for advice. The GMT would not

initiate this on its own. Mr. Anderson, for clarification, relative to sablefish: is the GMT recommending the range on the table here, or proposing some other approach for addressing the sablefish issue? Dr. Hastie said that currently the GMT is looking at the entire range including a ramp-down strategy to get to the lower harvest level in the near future. Mr. Anderson asked if the inclusion of the 4,000 mt harvest represents the first year of the "step-down" strategy? Dr. Hastie replied that was correct.

Dr. Hastie talked about the discard rates issue. He referenced Exhibit C.3, Attachments 3 and 4, which provided an overview of actions taken by PFMC to account for and minimize bycatch. He emphasized that the time between the September and November meetings is very short. He feels it will be difficult to get the new information completed and summarized in written form for the next briefing book. They did talk with the SSC on Monday, and will attempt to coordinate the efforts; they do not have a meeting set up at this time, but plan to include the SSC in discussions of the review of the results prior to the Council meeting. Dr. Hastie noted that a joint meeting would take time away from the personnel involved in putting together the documents/analysis, etc. He then gave more explanation of discard rates, Exhibit C.3.b, Attachment 2 and the process for doing more evaluation before the November Council meeting. Mr. Brown noted his concern about excluding the industry. He asked if this was done intentionally, and if the industry can participate in developing discard rates and developing management measures. Mr. Robinson responded that we're talking about a method to evaluate the effects of the management measures, which is different than the construction of the management measures. He does believe that the industry is a critical component, and is not advocating excluding the GAP or the industry from the process of developing management measures. This process is evaluating data to determine the best estimates of discard rates which should be applied in management. Dr. Hastie added that over the past couple of years we have had discussions with the GAP on the numbers that come out of logbook analyses, and the reasons why those numbers are flawed. We have relied upon the information from the industry and the GAP on where bycatch rates are relative to available logbook data observations, and do not discount the overwhelming importance of gear changes, strategic differences, fishing targets that have taken place over the years.

Council members then continued questions that pertained to Attachment 2. Mr. Bohn asked about the assumed discard mortality rate for cowcod. Dr. Hastie said the last information available was 2000 landings where 8 mt of cowcod were landed. Cowcod were highly targetable then. The GMT believed setting a small landed catch OY for cowcod would result in some targeting. No retention regulations were designed to eliminate target opportunities with the hope that incidental discard mortality is less than 5 mt. Mr. Boydston said that we need to include for public comment, a range of how we apportion the very small amount of yelloweye rockfish available. Dr. Hastie said this will be difficult and needs to be discussed in terms of developing management measures for next year. Mr. Alverson asked about sablefish and the $F_{50\%}$ SSC recommendation. Given that the Council moved last year to adopt an $F_{45\%}$ harvest rate, how do we interpret this recommendation? What is the rationale? Dr. Radtke asked to hold this conversation until after receiving the SSC report.

C.3.c. Proposed Treaty Indian Harvest Levels

Mr. Jim Harp made the following comments:

The tribes are proposing essentially status quo harvest limits for 2002 tribal fisheries. The Makah Tribe has additional fisheries proposed in Exhibit C.3.c Supplemental Treaty Indian Harvest Levels.

The Council should adopt the following options for 2002 tribal fisheries:

Black Rockfish - *The 2002 tribal harvest guidelines will be set at 20,000 pounds for the management area between the US/Canada border and Cape Alava, and 10,000 pounds for the management area located between Destruction Island and Leadbetter Point. As with the non-treaty regulations, for the management area between Cape Alava and Destruction Island, no tribal harvest restrictions are proposed.*

Sablefish - *The 2002 tribal set aside for sablefish will be set at 10 percent of the Monterey through Vancouver area OY.*

Thornyhead rockfish - Tribal fisheries will be restricted to a 300 pound per trip limit for all fisheries. This trip limit will be for shortspine and longspine thornyheads combined.

Lingcod - Tribal fisheries will be restricted to a 300 pound per trip limit for all fisheries.

Canary rockfish - Tribal fisheries will be restricted to a 300 pound per trip limit for all fisheries.

Other rockfish species - The 2002 tribal longline restrictions regarding the landing of other rockfish species will operate under trip and cumulative limits. For other rockfish, tribal fisheries will operate under the same trip limits as the 2001 tribal fishery was structured, (except as indicated in Exhibit C.3.c Supplemental Treaty Indian Harvest Levels proposed by the Makah tribe). Because of the relatively small expected catches of the tribal fisheries, the trip limits established at the beginning of the year will not be adjusted downward, nor will time restrictions be imposed, unless the harvest guidelines are achieved or unless in-season catch statistics demonstrate that the tribes have taken half of the harvest in the tribal area.

Pacific Whiting – For tribal Pacific whiting fisheries, I recommend that the Council adopt a tribal set aside of 27,500 mt (based on the ABC of 238,000 mt). However, the tribal set aside could change if a different OY is finally adopted.

Mr. Steve Joner, Makah Tribe, explained Exhibit C.3.c, Supplemental Treaty Indian Harvest Levels. There were some differences (i.e., recommended slope, minor shelf, and nearshore rockfish specifications) between the Exhibit C.3.c and what Mr. Harp proposed above. Mr. Joner said the lingcod specifications were also different from what was proposed. The Makah Tribe is proposing full retention for all their longline sablefish and halibut fisheries. In the fully competitive fisheries (3 days in halibut season and 2-3 weeks in sablefish in 2001), they will also require full retention and allow sale of rockfish bycatch. These fisheries don't target rockfish but full retention allows full accountability of bycatch. They will require full retention in their other fisheries as well, but sales will be limited to the adopted non-treaty fishery trip limits. Additional bycatch would be forfeited to the tribe. Proposed midwater trip limits for yellowtail and other species is an aggregate trip limit of 30,000 pounds per vessel per two month period. There are currently 3 vessels in this fishery with the expectation of a fourth vessel in 2002. The tribes would adjust this trip limit to minimize bycatches of widow and canary rockfish. All adjustments would try to target an equivalent of 30,000 pounds per vessel per two month period. Observers will be on all midwater trawl vessels. Limits will be adjusted downward if effort increases from 3-4 vessels and they are attaining the 30,000 pound limit. A 300 pound trip limit for multiple day trips with a weekly limit of 900 pounds is proposed for lingcod. This shouldn't lead to targeting lingcod. The bottom trawl fishery will be limited to 3-4 vessels and constrained by the sablefish allocation to this fishery. This is a new (evaluation) fishery and will be stopped once the sablefish allocation is reached.

Mr. Anderson asked Mr. Harp about an increase in canary rockfish landings in 2001 tribal fisheries. Should we assume a similar catch in 2002 or will the tribes ask for an increased allocation? Mr. Harp replied that the landings of canary in 2001 to date are 1.7 mt, which is consistent with the 2 mt projection made last November. Mr. Harp proposes the same trip limits and fisheries for 2002 and projects a 2 mt canary rockfish catch. Dr. Radtke asked Mr. Anderson when would the tribes and Washington get together to discuss where they are out of sync on catch projections for 2001. Mr. Anderson replied this week and Mr. Harp concurred. If it is resolved this week, they will report that before the week is over. Mr. Anderson asked about specifying a yelloweye OY; will the tribes take the steps to separate this from their rockfish species landed? Mr. Harp replied that the tribes have begun to implement a more intensive sampling program to get a better estimate of the composition of the different rockfish species and anticipate that will continue in 2002. He thinks the Makah Tribe already has some catch sampling programs in place for their fishery. Mr. Joner said yes, they are continuing that and they also discussed the need for a full-time port sampler. Mr. Bohn said the Council will probably be trying to hold the commercial fishery coastwide to less than 800 fish (yelloweye) – hopefully that species composition sampling will give us the information we need.

Mr. Harp asked Mr. Joner about his proposal, item #7, those are trawl vessels? Mr. Joner said yes, mid-water trawl. Mr. Harp asked for an estimate for the full retention they are proposing, what levels they are looking at under rockfish. Mr. Joner said our catch so far this year fishing under the trip limits have been around 7 mt this year, but he does not have this broken down by species. The 7 mt does not include yellowtail rockfish.

Dr. McIsaac asked whether full retention is defined under their program as all fish or all marketable fish? Mr. Joner replied that it is defined as all fish fit for human consumption.

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

SSC

Mr. Tom Jagielo provided the SSC's report. Mr. Alverson asked Mr. Jagielo if the SSC had any comments about sablefish. Mr. Jagielo explained that the SSC noted that most recent recruitments were below the replacement line and, in fact most recruitment points are below the $F_{45\%}$ replacement line. The SSC therefore thinks there should be further review of the F_{MSY} proxy for sablefish. Would new survey results prior to the November Council meeting influence a recommendation? Mr. Jagielo said that the new information probably would not influence the recommendation; however, explicit results were not available to be discussed by the SSC. Mr. Anderson asked if the SSC had any comments regarding shortspine thornyhead in light of the uncertainties in the assessment and comments by the STAR Panel? Mr. Jagielo said the SSC did not address shortspine thornyhead which was probably an oversight. Mr. Brown asked why the SSC is not recommending a zero catch of sablefish given that three of four scenarios in both assessments project future overfishing? Mr. Jagielo didn't recommend a zero yield because there was a sense that recruitment would stabilize under the low OY option of 3,200 mt. Mr. Brown asked whether that was in conflict with his answer to Mr. Alverson that the recommendation should be based on results in hand. Mr. Jagielo said the SSC recommendation was based on the available assessment results. Mr. Robinson was interested in pursuing development of a multi-species model that incorporates fishery observer and survey data. Would the SSC Groundfish Subcommittee be willing to participate in this exercise? Mr. Jagielo said yes there was much interest in the SSC to do this. Dr. Ralston and Dr. Hastie have been talking to start this initiative which will take some time to develop. Mr. Don Hansen asked about bocaccio and yelloweye OY recommendations from the SSC. Mr. Jagielo said the SSC did not have any explicit guidance for those species. Mr. Hansen asked if the same (lack of a recommendation) existed for yellowtail or canary rockfish? Mr. Jagielo replied that was correct.

GAP

Mr. Rod Moore presented the report from the GAP. He added to the statement by saying that if the Council intends to convene a working group to assess bycatch rates and invite as an ad hoc member somebody from outside the Council's advisory committees, then the invitation should be extended to either a GAP member or someone from the industry.

C.3.e. Public Comment

Mr. Rod Moore, West Coast Seafood Processors Association, Portland, Oregon
Ms. Karen Garrison, Natural Resources Defense Council, San Francisco, California
Dr. Mark Powell, The Ocean Conservancy, Vashon, Washington
Mr. Joe Easley, Oregon Trawl Commission, Astoria, Oregon
Mr. Phil Kline, American Oceans Campaign, Washington, DC

C.3.f. **Council Action:** Preliminary Harvest Levels and Other Specifications for 2002 -- Adopt Specifications for Public Review

Mr. Boydston asked Dr. Hastie if the 11 mt and 4 mt catches of yelloweye should be included. Dr. Hastie said yes, it should be in there, we should carry forth the discussion from the Allocation Committee meeting. The 8 mt we had in there for OR/WA were based on the 40/10 precautionary adjustment to the $F_{50\%}$ harvest rate. In response to further questions, Dr. Hastie confirmed that the partitioning of the 11 mt provided 2 mt south of Cape Mendocino, 1 mt for CA north of Cape Mendocino, and 8 mt for WA/OR combined.

Mr. Don Hansen asked if we should we think about a two year cycle? Mr. Robinson said we are pretty much locked into the normal cycle for this year. Mr. Hansen asked when do we go with a two year cycle? Mr. Robinson said once we get through the annual cycle for this year, it is not too soon to talk about the process for 2003, in particular, and all the odd years after that.

Mr. Anderson asked Mr. DeVore about the specs for widow and darkblotched - delay until we hear the rebuilding plans; POP as well, should we also wait on POP? Mr. DeVore said it is appropriate to have a preferred option right now; but it will have a direct influence on what we do under C.5., the rebuilding plans.

Mr. Anderson moved the following: Council adopt the preliminary ABCs/OYs for 2002 as indicated in Exhibit C.3, Attachment 1 with the following changes:

- Note that whiting is pending a new assessment;
- Sablefish north of conception: the 2002 ABC is a range from 4786 mt to 4062 mt; the OY is 3200 mt to 4500 mt with a preferred alternative of 4000 mt;
- Dover sole: ABC ranges from 6142 mt to 7221 mt; the total catch OY ranges from 5520 mt to 6410 mt with a preferred alternative of 6410 mt;
- Shortspine: ABC as represented; OY ranges from 955 mt to 751 mt;
- Widow: not included in the motion;
- POP: not included in the motion;
- Exclude darkblotched from the motion;
- Bocaccio: the value addressed in public comment to anticipate bycatch mortalities, we need to ensure it is in there;
- Yelloweye: recommend to leave it as is, not represent the range as discussed earlier;
- Remaining values as represented.

Mr. Boydston seconded the motion. (Motion 6)

Mr. Anderson spoke to the need for a preferred alternative of 4,000 mt for sablefish and the relative proportion that recruitment and environmental factors (ocean productivity) have contributed to the decline of this species. The information from fishermen that they are encountering significant numbers of Dover sole and the information provided by the STAR panel, SSC, GMT indicate we need to look at the middle value for Dover sole. Concerns for shortspine are long standing. Widow, POP, and darkblotched need to be dealt with separately so we don't get confused with our rebuilding plan actions. Relative to yelloweye, there has been some preliminary work done on a rebuilding plan that has produced something lower than the 11 mt shown; to use that number in representing a range does not seem reasonable, he felt the 11 mt we have matches up with the 40/10 policy in the north and represents about a 3 mt harvest allowance in the south where the stock is thought to be in worse shape than in the northern part.

Mr. Boydston seconded the motion assuming he could get a friendly amendment for yelloweye specifications. His amendment would be for a catch of yelloweye in the Monterey area of 2-3 mt. The partitioning of that 1 mt between the CA/OR border and Cape Mendocino needs more development. We need to have that discussion and the coastwide harvest would stay at 11 mt. For recreational fisheries in the Monterey area, the motion would have a range to correspond with 1.5 to 2.0 mt with the remainder to the nontribal commercial (0.5 to 1.0 mt). He has not done the calculations for recreational or tribal for the north as part of this motion.

Mr. Anderson said he agreed with the friendly amendment.

Mr. Brown asked for the Dover sole $F_{40\%}$ harvest level to be included as part of the range as shown in Attachment 1. Friendly amendment accepted by maker and seconder of the motion.

Mr. Brown then said that canary rockfish should be part of the mixed stock exception. He asked for an amendment to the motion that would include an option of 110 mt of canary rockfish. Mr. Bohn seconded the amendment to motion 6.

Mr. Brown said that we are not suggesting to adopt this as an option, but this needs to be evaluated. This species fits the mixed stock exception. He talked about the restrictions, changes in fishing gear, etc. He believes that the analysis would be appropriate.

Mr. Anderson was not in favor of the amendment. He is concerned that people are going to focus their planning on the 110 mt. Unless we are actually going to seriously consider going to 110 mt and offer that as an alternative, he thinks we're setting the industry up for planning for a 110 mt harvest level of canary rockfish.

Mr. Bohn said that in the suit we are in, the issue of a mixed stock exception, it is not clear we will win on that one. We would still manage for the 93 mt, still adopt management measures to reflect that; but if we had consideration for the mixed stock exception and if in our work we did not get there, but ended up at 100 mt or 105 mt, we would not be contemplating that further down the road (i.e. inseason adjustments). Just for that reason, it needs to be in there.

Mr. Boydston asked Mr. Brown how he would distribute that 110 mt?-- 5 mt to research and the rest as previously allocated (i.e., as shown in the Attachment 1 table)? Mr. Brown said yes.

Ms. Cooney said she did not know how this amendment would trigger the mixed stock exception and relate to rebuilding plans. Mr. Brown then said canary rockfish appears to be a mixed stock for nearly every fishery on the west coast. We have made various restrictions up and down the coast with very little analysis. At the same time, the difference between the rebuilding level of harvest (the equilibrium yield was in excess of 200 mt)- we are not proposing we go that far - but he does propose to analyze a longer rebuilding time than the statutory rebuilding plan. It is not that we don't rebuild, but that we analyze looking at a little longer timeframe due to the economics over that period.

Dr. Radtke asked for a roll call vote for Mr. Brown's amendment to motion 6 which resulted in 6 yes, 5 no. Dr. Radtke abstained from the vote. Amendment to the motion passed.

Mr. Alverson asked Dr. Hastie if new survey information would be available between now and October that could verify increased juvenile abundance in the sablefish fishery and inform us of juvenile sablefish abundance relative to the $F_{45\%}$ line? Dr. Hastie said there may be preliminary reports on length frequency of survey catches, but there would be no time to age those fish. The normal procedures for evaluating year class strength would be derived from the modeling exercise. He cannot speak for the people that did the sablefish stock assessment and whether new data can be incorporated in the assessment between now and November. Mr. Alverson asked if the raw numbers could be given to us? Dr. Hastie said we could try to make that data available.

Mr. Alverson asked Mr. Jagielo about the assumed discard rates in the SSC report: on page 2, the SSC noted Dr. Powell's presentation and recommendation, where does that lead? If we have a resource with 1000 mt OY, with a 20% discard rate- what this suggests is, if part of that resource (1%) has a natural co-occurrence with Dover sole for example, then we need to account for that. If our TL is large enough to accommodate for those natural co-occurrences, that would not necessarily drive our bycatch assumptions up, but they could go down. His (Dr. Powell's) assumptions do not necessarily only drive numbers up, do they? Mr. Jagielo said no, the assumptions could drive bycatch up or down. He clarified that there would not be a 200 mt discard rate - it nets out to about a 13% discard rate factor. Mr. Alverson then said he was only talking about a "generic what if". Dr. Jagielo then said the distinction is that co-occurrence rates affect bycatch rates, but the leap from bycatch to discard is significant, and requires substantial analysis of fishing strategies, etc. They recognize that those fairly simple fractions from co-occurrence rates don't get you to discard. Mr. Alverson then said that Dr. Powell's proposal seems more comprehensive, but does not necessarily drive the discard assumptions up. Dr. Jagielo said he did not think it would.

Relative to canary, Mr. Anderson thought the amendment added a number to the range being represented, but then heard it replaced the number 88 mt with 110 mt? Dr. McIsaac said he understood the range would be 93 mt to 110 mt. Mr. Brown said his intention was to be able to look at arrowtooth flounder in the north and find out how much more additional arrowtooth could be caught with that kind of increase in canary or if there is a shrimp fishery, how much more additional shrimp could be caught with that kind of increase in canary rockfish.

Mr. Robinson said we need to be consistent to include both spectrums of the catches knowing that both ends of the range need to include 5 mt for research.

Ms. Cooney said that if the Council goes forward with this range of 110 mt, this needs to be well analyzed with serious proposals at both ends of the range. Mr. Brown said the burden of proof would be much higher at the high end of the range, that is why it is called an "exception" and those circumstances are spelled out in the

regulations. There has to be a definite national benefit. He thinks the burden of proof is quite high, you do need to demonstrate the benefit, and we need to do an analysis to show that.

Mr. Anderson then noted we had an alternative when we adopted the rebuilding plan (60 mt) and we tried to develop management measures for that 60 mt. That was difficult. We, as a Council, have adopted the rebuilding plan and the 93 mt associated with that rebuilding plan. If this motion passes as amended, we need to recrank the canary rebuilding model at 110 mt so we can see what the repercussions are. Mr. Brown said that we have two parts to this analysis, biological and economical. If there is an overall benefit to the country, this needs to be heavily weighted. The economics have to outweigh the biological risks. Mr. Brown then said that, in terms of research, there is 5 mt set aside for that.

Mr. Jim Caito, on Mr. Brown's comments of benefits to the nation, are we going to get any economic data on the different options to see what the economic damage is going to be to the industry? Dr. McIsaac said that we are going to have a full set of NEPA documents (which includes an economic analysis) before we go to any votes on the final deal in November.

Mr. Robinson said that Mr. Brown did make it clear that there is 5 mt for research, the real range is 93 mt to 110 mt.

Mr. Anderson stated there was a question about yelloweye and the apportionment to the north. He is contemplating zeroing out the commercial hook and line harvest to get to where we need to be. The best information he has is about 1 mt for the trawl fishery to prosecute the other fisheries on the table with 2 mt for hook and line associated with the black cod fishery. In the range of 8 to 9 mt, the breakdown would be 3 mt to 4 mt for commercial and the rest to recreational.

Mr. Anderson clarified that the management intent is to develop a regime to stay within 93 mt and look at the additional fisheries that may or may not be provided by going up to 110 mt.

Mr. Brown said that these fisheries would be crafted with the understanding that the burden of proof increases with the increased harvest. We may find that a one or two ton increase may be okay, or it may never be justified. He just wants this analyzed.

Mr. Boydston, confirmed that the ABC for lingcod is as presented at 745 mt. Mr. Anderson said that is correct.

Motion 6, as amended, passed. Dr. Radtke abstained and Mr. Anderson and Mr. Robinson voted no.

Dr. McIsaac then went through the items that may possibly be left from C.3.

Mr. Robinson offered his perspective of Ralph's amendment. He was concerned principally with the level of documentation and analysis required to apply the mixed stock exception for canary rockfish. This would be a substantial diversion of workload and time before the October meeting. In view of recent litigation, this would not be the time or place to test this exception. Considering the status of the groundfish stocks, requirements of the MS Act and guidelines for rebuilding, and the workload issue, the probability that NMFS would approve using the mixed stock exception would be somewhere between very low and zero.

Dr. Hanson was asked for help on how this would work. Mr. Alverson moved to reconsider the previous motion 6. (Motion 7). Mr. Alverson noted that Mr. Robinson expressed his concerns.

Mr. Brown asked if NMFS would deny any mixed stock exception, regardless of the results of the analysis? Mr. Robinson said that he is not sure there is time to do that kind of analysis and this is not the time and place to apply that mixed stock exception.

Mr. Anderson asked the parliamentarian if we could amend the main motion? Dr. Hanson said you have to vote to reconsider the main motion first.

Dr. McIsaac called the roll for Motion 7 (reconsideration of Motion 6). Mr. Brown and Mr. Caito voted no. Dr. Radtke abstained. Motion 7 passed.

Mr. Boydston moved (Motion 8) to reconsider the amendment to motion 6 regarding the range in canary rockfish OY from 93 mt to 110 mt, including 5 mt for research. Mr. Donald Hansen seconded motion 8. Mr. Boydston concurred with Mr. Robinson's concerns and appreciates concerns about the constraints of the canary OY on the fisheries coastwide. At some point we do have to look at the mixed stock exception, but believes this is not the time or place to do that. In light of the litigation and repercussions, he is making this motion to reconsider the amendment.

Dr. McIsaac called the roll on Motion 8 (motion to reconsider the amendment to Motion 6). Mr. Caito and Mr. Brown voted no. Dr. Radtke abstained. Motion 8 passed.

Mr. Boydston moved to amend Motion 6 (Motion 9) by retaining the canary OY as originally provided in Exhibit C.3, in the original motion (93 mt; 88 mt for harvest and 5 mt for research). Mr. Donald Hansen seconded the motion.

After some discussion, Mr. Boydston withdrew his motion (Motion 9).

Mr. Brown's amendment to have a range of canary OY was proposed as Motion 10. Motion 10 failed on a roll call vote with. Dr. Radtke abstained.

Dr. Hanson noted the main (original) motion is now in front of the Council without any amendments (except the friendly amendments) (Motion 11). Motion 11 passed on a roll call vote.

Mr. Anderson made the following motion (Motion 12): For widow rockfish, adopt an ABC of 3,727mt and an OY of 726-856 mt with the preferred alternative of 856 mt (60% probability of rebuilding). For POP adopt an ABC of 640 mt with an OY of 290-410 mt with a preferred alternative of 350 mt (70% probability of rebuilding). For darkblotched rockfish, adopt an ABC of 187 mt and an OY of 157-181 mt with a preferred alternative of 168 mt (70% probability of rebuilding). Mr. Alverson seconded the motion.

Mr. Anderson noted the rationale for selecting his preferred alternative for widow: widow is a species that is taken in midwater complex and is critical to allow us to get any kind of access to the more abundant yellowtail species. Looking at the rebuilding plan, he felt this would give us a very real and reasonable probability of recovery, while at the same time allowing flexibility to target yellowtail. For POP, the 2001 OY was 303 mt and again, this is a species caught in a complex, and would give flexibility for recovery while targeting other species. Same rationale for darkblotched.

Motion 12 passed. Dr. Radtke abstained from the vote.

Mr. Anderson proposed pulling together a group of experts including the SSC's Groundfish Subcommittee and other individuals to do a review of assumed bycatch/discard rates. Mr. Robinson asked that we expand the group to the SSC Groundfish Subcommittee, GMT, one GAP member, and one member from the environmental community (possibly Dr. Mark Powel) to make recommendations at the November Council meeting. This same group could also be used in a long term process. The group would function by consensus. Failing consensus, they could provide majority and dissenting views.

Mr. Anderson said he would prefer to task the SSC to bring together the appropriate folks, including an environmental participant (they can select), a GAP member, and the GMT, and come back to the SSC with recommendations (the SSC would be responsible for coming back to the Council). After further discussion it was agreed that the SSC would review the GMT's work and invite a member of the environmental community and a GAP member.

Mr. DeVore asked for clarification of the tribal allocation. Mr. Harp confirmed that the tribes are recommending status quo with the exception of the Makah's proposal for full retention. Mr. Joner did explain his proposal to the Council as well as passed it around. Mr. Anderson stated that Gordon Smith could help and if there are any changes in the expected catch levels, he would be available to help plug those in to the process.

Mr. Moore and Dr. Hastie requested clarification on establishing details such as trip limits, bag limits, seasons, etc. Mr. Anderson, referred to the Allocation Committee's report (Exhibit C.7, Supplemental Attachment 1). In that meeting they did talk about allocations and had recommendations to the Council (page 12). Regarding the discussion from Mr. Moore about ranges and preferred alternatives, we do have ranges for sablefish and Dover sole. Given the restrictions on Dover sole and sablefish, the range set for shortspine should allow access to the other DTS species. Mr. Anderson then went on to explain what was on page 12 of the Allocation Committee meeting minutes. Mr. Brown, recalling the NRDC lawsuit, we did not have a reasonable range of alternatives for analysis. In our ranges, we have something above and below our preferred alternatives (talking about the ranges specified in the allocation report).

Mr. DeVore said that it is not very clear that the tribal proposals have been acted upon.

Mr. Harp made the following motion (Motion 13):

To facilitate Council Action on preliminary 2002 groundfish harvest limits for the Treaty tribes, I would like to make a Motion for tribal fisheries.

Motion:

____ *For Tribal groundfish fisheries, I move that the Council adopt for public review the proposed limits as outlined in the Tribal proposal C.3.c. for the 2002 fisheries and the additional elements contained in Exhibit C.3.c. Supplemental Treaty Indian Harvest Levels submitted by the Makah tribe.*

I will reiterate the tribal proposal that was presented earlier.

____ *The Council should adopt the following options for 2002 tribal fisheries:*

Black Rockfish - *The 2002 tribal harvest guidelines will be set at 20,000 pounds for the management area between the US/Canada border and Cape Alava, and 10,000 pounds for the management area located between Destruction Island and Leadbetter Point. As with the non-treaty regulations, for the management area between Cape Alava and Destruction Island, no tribal harvest restrictions are proposed.*

Sablefish - *The 2002 tribal set aside for sablefish will be set at 10 percent of the Monterey through Vancouver area OY.*

Thornyhead rockfish - *Tribal fisheries will be restricted to a 300 pound per trip limit for all fisheries. This trip limit will be for shortspine and longspine thornyheads combined.*

Lingcod - *Tribal fisheries will be restricted to a 300 pound per trip limit for all fisheries.*

Canary rockfish - *Tribal fisheries will be restricted to a 300 pound per trip limit for all fisheries.*

Other rockfish species - *The 2002 tribal longline restrictions regarding the landing of other rockfish species will operate under trip and cumulative limits. For other rockfish, tribal fisheries will operate under the same trip limits as the 2001 tribal fishery was structured, (except as indicated in Exhibit C.3.c Supplemental Treaty Indian Harvest Levels proposed by the Makah tribe). Because of the relatively small expected catches of the Treaty fisheries, the trip limits established at the beginning of the year will not be adjusted downward, nor will time restrictions be imposed, unless the harvest guidelines are achieved or unless in-season catch statistics demonstrate that the tribes have taken ½ of the harvest in the tribal area.*

Pacific Whiting – *For tribal Pacific whiting fisheries, I recommend that the Council adopt a tribal set aside of 27,500 mt (based on the ABC of 238,000 mt). However, the tribal set aside could change if a different OY is finally adopted.*

Mr. Anderson seconded the motion. Motion 13 passed.

C.4. Groundfish Strategic Plan Implementation (09/12/01, 4:29 pm)

C.4.a. Agendum Overview

Mr. Dan Waldeck provided the agendum overview.

C.4.b. Ad Hoc Groundfish Strategic Plan Implementation Oversight Committee (SPOC) Report

Mr. Waldeck reviewed the recommendations of the SPOC (see italicized text in Exhibit C.4, Supplemental SPOC Report).

Mr. Brown asked General Counsel if the recent court decision affected the Strategic Plan implementation priorities adopted by the Council; notably – number 3 (revision of the groundfish management process) and number 11 (regulatory incentives to reduce bycatch). Ms. Cooney responded that the Council may want to revisit the implementation priorities.

Mr. Anderson highlighted that allocation would be critical to capacity reduction under the Strategic Plan, notably – development of a trawl permit stacking program and rationalization of the open access fishery. He noted that the Council should seek to address allocation issues as soon as possible.

Dr. McIsaac discussed revision of the groundfish management process, specifically, use of multi-year management. He noted the interest of NMFS-HQ in multi-year management and reiterated that multi-year management could provide some relief from the current stress. The initial steps could include scoping and developing of a multi-year management framework, and how to synchronize the assessment cycle. He highlighted the SPOC recommendation that a SPOC subcommittee be formed.

Mr. Robinson noted that even under multi-year management, notice and comment prior to the start of the fishing season would need to be accommodated, and the crush between September and November could still occur. He suggested two alternatives: (1) set management specifications using a June – September framework, which would accommodate notice and comment prior to start of fishery (January 1); or (2) move the fishery start date to March 1 and use a three meeting (June, September, November) specification setting process. We need to determine the best management cycle that works for one year, two years, and three years, and accommodates notice and comment.

C.4.c. Report of the Open Access Permit Scoping Group

The Open Access report was included in the SPOC report (for details refer to Exhibit C.4.c).

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

GAP

Mr. Waldeck read the GAP statement, Exhibit C.4.d.

The Groundfish Advisory Subpanel (GAP) received a report from Council staff regarding the meeting of the Council's Ad Hoc Groundfish Strategic Plan Implementation Oversight Committee (SPOC) and offers the following comments on that Committee's report.

Open Access Restrictions: The GAP agrees with the SPOC recommendation to delay work on this issue until after the Council's October meeting. However, the issue should remain on the Council's workload list.

Trawl Permit Stacking: The GAP agrees this should be a high priority for Council workload, as it is unclear whether buyback legislation will be enacted and funded in this Congress. While the GAP

recognizes there may not be time to convene a meeting of the permit stacking committee before the Council's October meeting, work should begin soon thereafter.

Marine Reserves: The GAP offered extensive comments on marine reserves and Council response under agenda item D.1 and will not repeat them here.

Allocation: The GAP unanimously repeats its request that the Council engage in a formal allocation process rather than the ad hoc approach that has been taken to date. Continued restrictions on species that are harvested by all gear types and both commercial and recreational fisheries make it imperative a formal allocation take place.

Multi-year Management: The GAP believes the Council should explore this approach to management as a means of providing some continuity for the fisheries. However, a multi-year approach must include a mechanism to adopt recent scientific information, especially in cases where there are significant questions of stock assessment results.

C.4.e. Public Comment

Mr. Steve Bodnar, Coos Bay Trawlers Association, Coos Bay, Oregon
Mr. Kenyon Hensel, commercial fisherman, Crescent City, California

C.4.f. **Council Action:** Consider SPOC Recommendations

Mr. Anderson spoke to the issue of multi-year management, noting the difficulties inherent in the current process. He believes the SPOC should devote attention to the issue and moved that the Council direct the Executive Director to develop (1) a list of prospective names for a SPOC subcommittee to work on the multi-year management issue, (2) a timeline for development of a multi-year approach, and (3) schedule of meetings. Mr. Brown seconded the motion. (Motion 14) Motion 14 passed.

Mr. Boydston spoke to permitting in the open access fishery issue. He suggested convening the ad hoc subcommittee after the October/November Council meeting.

Mr. Waldeck noted the three SPOC recommendations regarding the open access fishery, trawl permit stacking, and multi-year management. Mr. Anderson's motion addressed multi-year management. The Council has yet to address the other two.

Mr. Brown suggested the items be taken up on Friday under the workload agendum.

Mr. Anderson moved to accept the SPOC recommendations and consider their recommendations under the workload agenda item, Agendum I.4. (Motion 15) Mr. Brown seconded Motion 15 which passed.

C.5. Rebuilding Plans

C.5.a. Agendum Overview

Mr. John DeVore introduced the agendum overview.

Mr. Bill Robinson noted the most important thing is the rebuilding analysis and time trajectory and harvest rates that relate to our harvest decisions. As a consequence of the litigation, NMFS and NOAA GC will need to come back and advise the Council at the November meeting what these plans need to look like in terms of substance and format in order to be considered amendments as well as any other items that need to be taken care of. He also mentioned putting multiple plans into a single amendment.

Dr. Rick Methot presented a powerpoint presentation on Pacific Ocean Perch and a separate presentation for darkblotched rockfish.

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

SSC

Mr. Tom Jagielo presented the SSC report.

GAP

Mr. John DeVore read the GAP statement.

HSG

Ms. Jennifer Bloeser read the report for the HSG.

C.5.c. Public Comment

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

C.5.d. **Council Action:** Consider Rebuilding Drafts

Mr. DeVore reported that the Council adopted preferred alternatives for 2002 OYs that are consistent with specific rebuilding strategies. In considering the rebuilding plans it may be helpful to start with widow rockfish under Attachment 7.

Mr. Anderson referred to Attachment 7 for widow rockfish and highlighted the alternatives that were consistent with our earlier action today or previous actions. He recommended that under 2.5, we choose Alternative 5 instead of Alternative 2. He suggested we apply the same logic in moving through the alternatives for the other plans.

Mr. Anderson moved the Council adopt the new rebuilding analyses that have been presented and include them in the rebuilding plans. Seconded by Mr. Boydston. (Motion 16) In response to questions, Mr. Anderson clarified that the motion calls for adopting the new analyses to be put into the rebuilding plans which would come back to us in the future for final adoption. Motion 16 passed.

Mr. DeVore noted his understanding that the OYs are to be consistent with the rebuilding plan for final adoption at a later date (after analysis). He noted a typo on POP in the table.

Mr. Anderson requested that the authors of the rebuilding plan respond to the request of the HSG regarding habitat concerns. He also suggested that some sort of coordinating person or group review the plans to make sure they are all consistent. Mr. Bohn opposed the formation of additional committees and recommended coordinating the rebuilding plans through the Council staff who in turn coordinate with the authors. Mr. Robinson confirmed that this was occurring.

In answer to questions, Mr. DeVore said the rebuilding plan adoption schedule is somewhat uncertain due in part to current litigation. There should be a presentation at the next Council meeting to help guide the form and scheduled adoption of the plans.

C.6. Exempted Fishing Permits (09/12/01; 6:40 pm)

C.6.a. Agendum Overview

Mr. John DeVore gave the agendum overview.

C.6.b. Status of Ongoing EFPs

C.6.b.i. Arrowtooth Flounder and Rockfish Permit

Ms. Michele Robinson presented "Preliminary Update on the WDFW Arrowtooth Flounder EFP, Exhibit C.6.b.i, Supplemental WDFW Report".

C.6.b.ii. Chilipepper and Bocaccio Rockfish Permit

Ms. Jennifer Bloeser said they have continued to be in contact with Mr. Kenyon Hensel and NMFS staff. Currently we are waiting for funding from the state to employ the observers proposed in the EFP. They still have a CDFG biologist who is willing to put some time in with Mr. Hensel for the months of September and October.

C.6.b.iii. Vertical Line Gear Selectivity Permit

Mr. Boydston reported funds were not available to proceed.

C.6.c. New EFP Applications

None.

C.6.d. Reports and Comments of Advisory Bodies

GAP

Dr. Don McIsaac read the report for the GAP.

C.6.e. Public Comment

None.

C.6.f. **Council Action:** Recommendations to NMFS on EFPs

None.

C.7. Proposed Management Measures for 2002

C.7.a. Agendum Overview (09/14/01; 10:56 A.M.- see note below on the agenda schedule change)

Mr. John DeVore gave the agendum overview. Dr. McIsaac stressed that the Council's job at this time is to adopt a reasonable range of management alternatives with specified preferred alternatives and to eliminate those that don't warrant consideration. These would go into a draft EA which would be before the Council when the decision is made in November. Chairman Lone thought we didn't need to revisit C.7.b since that was done on 09/13/01. Mr. Anderson agreed. Mr. DeVore recommended proceeding to the reports of the Advisory Bodies, then the States' Reports, Public Comment, followed by Council action. Mr. Anderson thought we should refer to the Ad Hoc Allocation Committee minutes and review the "Management Challenges" on page 12 of Exhibit C.7, Supplemental Attachment 1. (see C.7.b 09/14/01 minutes below).

C.7.b. Ad Hoc Allocation Committee Report (09/13/01; 1:38 pm)

Mr. Phil Anderson highlighted the recommendations of the Ad Hoc Allocation Committee contained in their report (Exhibit C.7, Supplemental Attachment 1). He felt that the Ad Hoc Allocation Committee's recommendations needed to be adopted before the Council took action on agenda item C.8. as well as C.7. Agendum C.7 was then postponed until 09/14/01.

{Council took the following action before Agenda Items C.8. and C.7.}

Mr. Anderson moved to accept the Ad Hoc Allocation Committee recommendations as represented in Exhibit C.7, Supplemental Attachment 1 (Motion 18). Mr. Bob Alverson seconded the motion. (09/13/01; 1:51 pm)

Mr. Brown noted, under "alternative management strategies", he concurs with the motion to adopt the recommendation, but will be cognizant to consider increasing economic benefits.

Mr. Anderson said it means just what it says, it means to "consider". If we don't ask them to consider it, then they won't consider it. Right now, he did not say there was no one willing to consider it, it just means he would like them to talk about it and have a meaningful discussion.

Mr. Boydston said that he is in favor of the motion, with the understanding that the recreational set asides should be consistent with the specifications adopted at the meeting yesterday. Motion 18 passed.

{Council then went back to Agenda Item C.8. followed by Agenda Item C.7.}

Mr. Anderson reviewed and explained the "Management Challenges" on page 12 of Exhibit C.7, Supplemental Attachment 1. Mr. Brown reiterated the need to clearly articulate the rationale for any decisions made today. These need to be captured in the EA. Mr. Anderson explained that the Allocation Committee and GMT minutes are improved and help make the process more transparent.

C.7.c. Reports and Comments of Advisory Bodies (09/14/01; 11:04 A.M.)

GMT

Mr. Brian Culver discussed the GMT statement, Exhibit C.7.c, Supplemental GMT Report 1. Mr. Anderson asked about the statement that the Council and NMFS do not have inseason control of recreational fisheries. Does this refer to the EEZ? Mr. Culver said the statement was based on the frustration in having to rely on inaccurate MRFSS estimates/projections and the fact that recreational fisheries have chronically exceeded set asides forcing inseason restrictions to the commercial fisheries. Mr. Brown asked whether the process would be helped if the Council were to adopt specific sport/commercial allocations instead of set asides? Mr. Culver agreed that would help if the states coordinated inseason management of sport fisheries.

Mr. Culver read and discussed the GMT-proposed trawl trip limits (Exhibit C.7.c, Supplemental GMT Report 2). Mr. Brown asked about trawl recommendations for rex sole--why limit rex sole with large footropes? Mr. Culver said the concern is the need to limit large footrope effort on the shelf to reduce incidental catches of canary and other overfished stocks. Mr. Anderson wanted to know if the GMT discussed a seasonal fishery structure? Perhaps a staggered approach to target fishing strategies/opportunities that would allow larger trip limits? Mr. Culver said the GMT has looked at such structures in the past. The problem always has been that one size does not fit all. There is the large v. small boat issue, the north/south issue, and processor issues. When the GMT has developed such staggered strategies they don't fit all sectors of the fishery. The GMT needs specific direction from industry and the Council to model such scenarios.

Mr. Caito asked what the recommendation was with regard to fishing for rex sole with large footrope south of Cape Mendocino. Mr. Culver said he is at a loss to answer since the California GMT representative (Mr. Thomas) helped structure those specifications. The answer was deferred until Mr. Thomas was available. Mr. Brown asked about yellowtail and widow specifications during March and April (not clear on table). Mr. Culver said the GMT is only proposing a two month (Jan-Feb) midwater fishery. Mr. Culver then discussed the limited entry fixed gear limits proposed by the GMT (Exhibit C.7.c, Supplemental GMT Report 2). Mr. Alverson asked about the primary sablefish fishery. Mr. Culver said those specifications were missing because Dr. Hastie hasn't had time to calculate the tier limits yet. Mr. Alverson stated the season has been set but wanted to know whether the Council would have estimated tier limits in November. Mr. Culver said there was some discussion about the reduced tier limits but the bycatch/discard analysis hasn't been done yet. At this point the GMT is not sure the reduced tier limits and expected bycatch can support the extended primary season that is on the books. The GMT needs to do more work on this.

Mr. Robinson wanted to know how to account for discards when tier limits are set in November. Mr. Culver said the GMT would be prepared to address that in November at the Council meeting. Mr. Anderson asked if the three sablefish options are connected with the range of preliminary harvest levels adopted earlier in the week? Mr. Culver said that was correct. Mr. Anderson asked if the same apportionment of sablefish between the primary season and the DTL fishery (as used in 2001) was used in the 2002 specifications recommendation? Mr. Culver said that was correct. Mr. Anderson said if we wanted to examine a different apportionment, we would need to specify that today. Mr. Culver stated that, without specific direction on allocation options from the Council, the GMT would only model current allocations.

Mr. Brown asked if, in the extreme case where the Council would elect to do away with the DTL fishery, would we run into problems vis a vis endorsement qualification rationale, etc.? Ms. Cooney recalled that the allocation between the primary and DTL fishery was not set in the FMP; however, that was part of the consideration in the equity issues. She thinks any allocational adjustments need to be accompanied by clear rationale (i.e., for bycatch reasons). Mr. Alverson was confused why the GMT would have problems calculating tier limits by November. Mr. Culver responded that he meant they couldn't calculate that today--we need to get an allocation decision, etc.

Ms. Cooney questioned the recommendation to shift the management line south to Pt. Conception from the Conception/Monterey border. How do we account for catches with a different OY and management line? This needs to be resolved before next meeting.

Mr. Culver then reviewed the open access (OA) recommendations. Mr. Brown asked about Open access limits other than exempted trawl--what about allowable canary catch in the pink shrimp fishery? Is the allowable yellowtail catch in the pink shrimp fishery 200 lbs/mo? Mr. Culver said that these specific limits were not included in the table and still need to be calculated. Mr. Robinson asked whether the GMT was planning on calculating discards for those fisheries where there is year-round non-retention? Mr. Culver replied that we will have to do that but he's not sure how to calculate total fishing-related mortality in the non-trawl fisheries. Mr. Boydston was confused why we're not allowing chilipepper in the south as part of the minor shelf rockfish allowance in the limited entry and open access sectors. Is the 200 lbs/mo allowance to allow bycatch in other target fisheries? Mr. Culver said the minor shelf limits are to allow bycatch in other fisheries such as sablefish. Bocaccio problems also played into the limit, but he would have to defer to Mr. Thomas on some of these southern issues.

Ms. Cooney commented that the DTL fishery in Open access was missing the footnote regarding 36° N. lat. Mr. Culver acknowledged that. Mr. Culver said the recommendations are based on modifying the existing year-round trip limits to accommodate the newly recommended harvest levels. If we want to move in a different direction, the GMT needs specific guidance from the Council. Mr. Anderson reminded the Council that there needs to be a discussion on how we can effectively adopt regulations for January and February given the revised process and how that affects decisions in November.

GAP

Mr. Moore reviewed the GAP report. Recommendations were not discussed in the GAP as a whole body but are proffered by sector representatives and combined in the GAP statement. He recommended that some of the proposals represent a range of options. He urged the Council to adopt a range of proposals as preliminary measures, thus allowing the GAP to work with the GMT to analyze these options before the November meeting. Mr. Moore pointed out some typographical errors on the GAP tables. Mr. Alverson asked about proposed summer closures in the sablefish fishery--did the trawl industry endorse this? Mr. Moore said the options were developed independently with no time for other GAP members to review and discuss them. Mr. Brown wanted Mr. Moore to address his rex sole concern. Mr. Moore's understanding is the trawl group failed to discern a differentiation of rex sole specifications north and south and also overlooked the large footrope issue Mr. Brown brought up earlier. He urged the Council to adopt a range to cover the various alternatives. Mr. Bohn noted the lack of the pink shrimp Open access exemptions in the GMT or GAP recommendations. Mr. Moore stated that it wasn't addressed in the GAP.

WDFW

Mr. Anderson reviewed the WDFW recreational fishery proposals in Exhibit C.7.c, Supplemental WDFW Report.

ODFW

Mr. Bohn reviewed the ODFW recreational fishery options in Exhibit C.7.c, Supplemental ODFW Report. He pointed out a typo in the first ODFW proposal—where it says one lingcod, it should say two.

CDFG

Mr. Boydston spoke to Exhibit C.7.c, Supplemental CDFG Report 2. Mr. Brown asked if these are the worst case scenario, would current regulations be the best case? Mr. Boydston said yes.

EC

Lt. Dave Cleary gave the Enforcement Consultants (EC) report. The EC recommends all states adopt a 20 fathom curve for consistency and the language about prohibiting other species while in possession of nearshore rockfish be considered. Mr. Anderson said Washington has a 4 mile closure on crab approximating the 25 fathom contour. They'll coordinate with Capt. Cenci to work out the depth contour in their regulations. Mr. Boydston said they would reword their proposals to address the EC recommendation (re: possession of nearshore rockfish language) and adopt language regarding shallow water rocks and pinnacles near nearshore islands.

C.7.d. Public Comment

Mr. Joe Easley, Oregon Trawl Commission, Astoria, Oregon
Ms. Michele Longo Eder, fixed gear sablefish, Newport, Oregon
Mr. Mark Cedergreen, Westport Charterboat Association, Westport, Washington
Mr. David Glimm, fixed gear sablefish, Seattle, Washington

C.7.e. **Council Action:** Adopt Proposed 2002 Management Measures for Public Review

Dr. McIsaac asked Ms. Cooney to talk about adopting a reasonable range of alternatives for consideration and how to consider "new" options/ideas that might come up in November. Ms. Cooney said the best plan is to adopt a reasonable range of alternatives today. This range applies not only to a range of trip limits but also other fishery structures. Dr. McIsaac posed a hypothetical: if the Council were to adopt a fixed gear sablefish season now, but in November the Council wanted to adopt a summer closure that wasn't analyzed in the EA--is that OK? Ms. Cooney said if that is an option, it would be best if it were adopted now and analyzed. This is short of being prohibited from doing something different if it makes sense or new information becomes available. Mr. Robinson said that where possible a range should be adopted. Mr. Don Hansen asked whether economic information needs to be included in the EA? Mr. Robinson said that an analysis of effects on the human environment is a NEPA requirement.

Mr. Brown said the process this year would probably be an emergency regulation to start the season in January. Mr. Robinson said the operating assumption is that emergency regulations will be adopted for the beginning of the year. He's still uncertain whether those emergency regulations will be for the entire year or the first two months. Ms. Cooney said there will be a public comment period for proposed regulations that may only include specifications for a portion of the year (March-December).

Mr. Robinson said that to the extent we could identify factors that would influence a final decision, they should be identified now. However, if the Council wants to consider something further afield such as a staggered seasonal fishery structure, then that should be identified now as an alternative. Mr. Brown asked how specific do we need to be in those options? Mr. Robinson replied that the more specificity, the better the analysis.

It's hard to draw that line. Ms. Cooney offered that if a logical connection or rationale from the NEPA analysis can be made to justify a decision that was outside the range of considered alternatives, that is better than one that isn't supported at all by the EA. Don't choose the range based on ease of analysis- it needs to make sense.

Mr. Anderson asked if we incorporate a range of alternatives offered by the GMT and GAP, and added state recreational options and a general description of a new seasonal fishery structure, who develops this further? This is a daunting challenge. Once bycatch rates are applied, we might be faced with trip limits that are unacceptably small. With regard to the primary species and strategies, we could structure a seasonal approach where any one strategy could only be prosecuted for four months. This would give direction to the analysts. Mr. Brown is concerned that we adopt alternatives without GMT and GAP input.

Mr. Bohn moved and Mr. Brown seconded a motion (Motion 24) to adopt for consideration the state recreational fishery proposals identified in Exhibit C.7.c, Supplemental WDFW Report, Supplemental ODFW Report, Supplemental CDFG Report 2, and the EC comments. Mr. Robinson asked Mr. Boydston about hook restrictions, dress requirements, and other miscellaneous regulations that were in place in 2001. Is it the intent to carry those over into 2002? Mr. Boydston answered that it was and is explicit in the written proposal. Motion 24 passed.

Mr. Anderson moved and Mr. Brown seconded a motion (Motion 25) to adopt for consideration the proposed GMT trip limits (Exhibit C.7.c, Supplemental GMT Report 2), the proposed GAP trip limits (Exhibit C.7.c, Supplemental GAP Report), and in addition, include for the limited entry fixed gear primary season an alternative season length of three months and an alternative midwater fishery, DTS, and flatfish fishery designed to not exceed four months. Mr. Brown asked for a friendly amendment of a suboption for full retention in the limited entry fixed gear sablefish fishery during July-September. Mr. Anderson agreed. Mr. Anderson also wanted to include the necessary correction to the trawl rex sole specifications. Mr. Boydston asked about the DTS, midwater, and flatfish option--do the four months overlap? Mr. Anderson said it is not specified in the motion but left to the analysts. Mr. Boydston asked about the rex sole issue- an option of no limit across the board. Mr. Anderson believed that was when using large footropes. Mr. Brown's concern was that rex sole was left out of the large footrope restriction (already included in small footrope specs.). Mr. Boydston understands that yelloweye would have a non-retention restriction in limited entry trawl- it's not addressed. Mr. Anderson said that isn't included in the motion and would like an opportunity to discuss this before he accepts this as a friendly amendment. He thought there was a calculation for yelloweye bycatch in limited entry trawl of 1-2 mt. He wanted to put a trip limit on yelloweye in limited entry trawl to accommodate bycatch. Mr. Boydston offered as a friendly amendment an alternative of no retention of yelloweye in limited entry trawl. Mr. Anderson and Mr. Brown accepted.

Mr. Boydston on limited entry fixed gear, offered as a friendly amendment to put chilipepper south of Cape Mendocino into the minor shelf rockfish. Mr. Anderson and Mr. Brown accepted. Mr. Boydston, on open access, requested the same friendly amendment for chilipepper in Open access as in limited entry fixed gear. Add south of Pt. Conception DTL regulation in Open access and add the pink shrimp specifications. Mr. Anderson and Mr. Brown accepted.

Ms. Cooney asked about the pink shrimp limits--are they specified? Mr. Bohn was going to suggest to add the limits in place for 2001 (he read the specifications) as a placeholder. Mr. Anderson accepted with the added language that they would change if needed to stay within 2002 OYs. Mr. Alverson requested a friendly amendment to add a fourth Limited entry fixed gear sablefish option of an April-October season with a June-August closure and a suboption of an allowance to fish in June-August in depths greater than 150 fathoms. Mr. Alverson explained his rationale for proffering his friendly amendment. He recommended that the 150 fathom caveat would only work if it's enforceable with a vessel monitoring system (VMS). Mr. Anderson and Mr. Brown accepted.

Ms. Cooney asked if the vessel owners would purchase the VMS equipment and NMFS would set up the system? Mr. Alverson said NMFS in Juneau offered the equipment to vessel owners; if it's not available, purchase cost would be on the owner. Dr. McIsaac asked for details about VMS and Mr. Alverson explained that VMS allows remote monitoring of vessel location. Mr. Anderson went into specificity in the GAP alternatives that are part of his motion. Dr. McIsaac expressed concern about the season option and the

desire to have the designers structure this option. He thought the Council should design the structure. Mr. Anderson contemplates assembling a group of individuals to meet soon and design the structure of this alternative. Mr. Robinson assumes that would be the GMT and Council staff.

Mr. Anderson reconsidered the season option and how it gets developed. He presented two alternatives for doing this. The simpler approach would be to specify the season alternative. Mr. Brown said we could add a specific season option in addition to one that is flexibly designed by GMT and Council staff. Mr. Robinson suggested specifying criteria such as structuring the season at times when bycatch is lowest, etc. Mr. Brown thought it would be difficult to follow Mr. Robinson's suggestion- there are geographic differences, etc. that make the criteria unreasonable to design or analyze coastwide.

Dr. McIsaac suggested voting on everything but the seasonal option. The seasonal option could still be specified as long as it brackets a reasonable range of season structures. The actual decision could still be different. Mr. Bohn recommended adopting the simpler (specified) season alternative for analysis. Mr. Anderson suggested removing the season option from the motion, voting, and then readdressing the season option.

Dr. McIsaac restated the revised motion. Mr. Alverson asked whether the limited entry fixed gear sablefish April-October status quo season is part of the motion? Dr. McIsaac stated that it was not part of the motion but may be part of the convention (NEPA requires analysis of status quo). Ms. Cooney stated that the season was part of the proposal last year (when 2001 management measures were decided) but is not in the regulations yet. Chairman Lone asked if it's inherent in the motion? Mr. Anderson said that if it isn't, it is now. Mr. Brown said it is part of the status quo. Mr. Robinson said the six month season is status quo in the FMP but wasn't adopted as a regulation because of the shortened season this year (to adopt permit stacking). Mr. Anderson said for clarity the April-October season is in the motion (as a friendly amendment). Mr. Brown accepted as second. Motion 25 carried.

Mr. Brown asked if we were to have Mr. Moore, Mr. Culver, Dr. Hastie, and Mr. Leipzig get together and address qualitatively the seasonal approach, would that be an acceptable NEPA analysis? Dr. McIsaac said we are looking for something to analyze for the EA before the final decision in November. Ms. Cooney said they could identify issues but you need enough analytical information to reach a conclusion.

Chairman Lone said he now expected a motion to be made (to address preliminary measures left out of original motions). Mr. Robinson said it appears that, without a motion, we are left with a year round season option. Mr. Anderson said since OYs are "falling like a rock" he's having a hard time accepting that we are only going to dial down trip limits to allow a year-round fishery. Mr. Bohn then moved (Motion 26) to adopt a seasonal groundfish alternative: open January-March and October-December, and closed April-September except for the primary whiting fishery. He recommends that the GMT and Council staff develop the analysis and EA. Seconded by Mr. Alverson.

Mr. Boydston asked if this would be for just trawl or all limited entry? Mr. Bohn said just trawl and the challenge would be designing the limits. Mr. Brown said this would be a complicated analysis without pre-developed information such as the best times to market different species. Would the analysts be contacting industry folks to get critical information? Mr. Bohn said yes; there was time for the GMT to contact industry representatives prior to the September GMT meeting in two weeks. Mr. Anderson asked if this would not apply to line gear (LE fixed gear)? Mr. Bohn said he wouldn't preclude it, a seasonal approach could apply to trawl and fixed gear. Mr. Anderson thought that we could segregate DTS, shelf flatfish, midwater, whiting, and directed rockfish fisheries and stagger seasons that would allow less discard and year-round product flow with the reduced harvest levels we have. Chairman Lone asked Mr. Bohn if his motion was contemplating different seasons for different strategies? Mr. Bohn said that his motion was specific for ease of analysis.

Dr. McIsaac stated that the motion opens the door for consideration of a seasonal approach. Mr. Brown stated the analysis has a dual purpose of determining why we do some things and don't do other things. There are extreme difficulties with a seasonal approach that may come out in the analysis. Mr. Anderson asked for a friendly amendment to include a seasonal approach for limited entry fixed gear and open access? Mr. Bohn accepted. Mr. Robinson said that a reasonable range seems to be covered with the preliminary options adopted. Ms. Cooney agreed, especially with the friendly amendment to consider a seasonal

approach for Open access and LE fixed gear. Dr. McIsaac then restated the motion and asked Mr. Alverson (the seconder) if he would accept Mr. Anderson's friendly amendment (he did). Motion 26 carried.

C.8. Status of Fisheries and Inseason Adjustments (09/13/01; 1:56 pm)

C.8.a. Agendum Overview

Mr. John DeVore presented the agendum overview.

C.8.b. Reports and Comments of Advisory Bodies

GMT

Dr. Hastie presented the GMT Report. Mr. Brown asked about the in-column landings in the QSM report, do they include discards? Dr. Hastie said they don't but the allocation amounts on the table are landed catch allocations and therefore directly comparable to the displayed landed catches. Mr. Brown asked if the GMT considered closing the trawl fishery in November and what that would mean for sablefish re-allocation? Dr. Hastie explained that there was discussion regarding what would happen in October and an expectation that trawlers would scramble to fill their cumulative landing limits. The GMT would be willing to craft alternatives that would redirect shelf flatfish effort away from Dover sole and petrale where canary bycatch is a concern. The GMT could also structure a plan to close the trawl fishery in October and November and reconsider later what to do in December.

Mr. Brown asked about bycatch rates in the midwater trawl fishery. Dr. Hastie said the bycatch rate from logbooks in the fourth quarter of 1999 was actually 0.00018%. We don't know if a fishery shifted to target yellowtail would produce the same results. There is not enough data for informed modeling. Expected observations of new fishing strategies such as midwater targeting of yellowtail will help in crafting future measures.

Mr. Jim Caito asked about canary landings in QSM- did the unused 3 mt from the whiting fishery get factored in the QSM analysis? Dr. Hastie replied that the landed catch targets for directed commercial fisheries did not include the 3 mt set aside for the at-sea whiting fishery. Adding 1 mt of canary not used in the whiting fishery would result in .84 mt of added landed catch for the commercial fishery. Dr. Radtke asked about the 0.00018% canary bycatch. Dr. Hastie explained that was the recorded canary bycatch in association with landed widow rockfish in midwater trawl fisheries in the 4th quarter of 1999.

Mr. Alverson wanted to confirm the idea of transferring sablefish from fixed gear to trawl. Wouldn't there still be problems with darkblotched, canary, and other species? Dr. Hastie explained the soft data estimates from California were high and have been subsequently adjusted downward. The GMT expects there will be an additional 300 mt of Dover sole available from California (the California rebate) but we won't know that until the end of the year. Mr. Alverson still wondered about increased bycatch of darkblotched and canary. Where is the benefit to the resource? Dr. Hastie represented that there are economic and conservation trade-offs. For example an additional 30,000 pounds of petrale in a targeted trawl fishery would lead to a bycatch of about 100 pounds of darkblotched rockfish.

Mr. Brown asked how the fishery attained their canary rockfish relative to the projections made last year? Dr. Hastie replied that the data obtained, which is reasonably complete through July, indicated that the shrimp fishery caught 6 mt of canary prior to mandating excluders. Fixed gear caught about 6-7 mt of canary. Along with some troll caught canary, the GMT believes that the annual catch of canary will be less than the 31 mt allocated to commercial fisheries.

Mr. Boydston asked about the limited entry fixed gear and open access recommendation of 500 pounds/month south of Mendocino- is that correct? Dr. Hastie said that was the recommendation discussed with the GAP. Mr. Robinson asked about the projected lack of attainment of sablefish in limited entry fixed gear and open access. Will there be sablefish left over? Dr. Hastie said some left over is projected which is why a limit increase in these sectors is an option. Mr. Robinson asked about the option of shifting sablefish to limited entry trawl being accompanied by a decreased limit in the DTL fishery.

Dr. Hastie explained that the options recommended attempted to keep limited entry fixed gear and open access opportunities available while providing some sablefish to the trawl sector. Mr. Anderson asked if canary retention would be allowed in the trawl fishery when it is specifically not recommended for limited entry fixed gear or open access? Dr. Hastie said that wasn't recommended because the GMT was trying not to provide target rockfish opportunities on the shelf. Allowing retention in the trawl fishery would give us a handle of incidental catches of canary where targeting isn't occurring given gear restrictions, etc.

Mr. Anderson asked if the regulations in place allow 300 pounds/month of canary (in the trawl fishery) in October and 100 pounds/month in November and December? Dr. Hastie said that was correct. Mr. Anderson recalled that targeting yellowtail in the midwater trawl fishery has the consequence of increased canary bycatch relative to strategies that target widow. Was this discussed in the GMT/GAP? Dr. Hastie said not specifically but they could shape a more balanced strategy of accessing widow and yellowtail while attempting to minimize canary bycatch. Dr. Radtke asked about the economic impacts of closing the trawl fishery. Dr. Hastie said that he has not projected the impacts of closing trawl. The petrale fishery is especially important in the winter and the implications of closing trawl in the winter go beyond the lost ex-vessel revenues. The industry is impacted relative to market shares and other economic considerations that could have a more long-lasting impact. Dr. Radtke said he was aware of that but lost ex-vessel revenue would still be important for him to understand the impacts.

Mr. Alverson asked for an explanation for reducing the canary limits in limited entry fixed gear in the northern nearshore. Dr. Hastie said the recreational catch is projected to be 200 mt over the set aside for 2001. The commercial fishery therefore has 200 mt less than what was set aside. Mr. Alverson asked if the trawl industry is being held harmless by taking the potential yield out of the LE fixed gear sector? Dr. Hastie said the trawl sector doesn't have a target in the nearshore fishery, only a small incidental bycatch. Mr. Alverson asked whether the trawl fishery has an incidental bycatch of canary elsewhere? Dr. Hastie explained that this wasn't a canary issue but a nearshore rockfish issue. Part of the reason to eliminate canary retention in the LE fixed gear fishery is to eliminate shelf rockfish target opportunities which is driven largely by the need to protect yelloweye.

Mr. Anderson asked whether there was any thought to closing trawl opportunities for Dover sole in October, assessing actual landings, and deciding later whether to reinstate some Dover opportunity later in the year? Dr. Hastie said the lag in data flow compromises the plan but by the next Council meeting in October/November, he should have catch accounting through September. Mr. Brown asked whether sablefish catch accounting in California has the same problems as the accounting of Dover sole? Dr. Hastie said no major adjustments have occurred in the soft/hard data systems in California for sablefish. He doesn't know why that is the case.

GAP

Mr. Rod Moore presented the GAP Report. He reported that the GAP did speak about the allocation items, and felt Mr. Anderson was misinformed that the GAP did not discuss allocation issues (Agenda Item C.7).

EC

Lt. Dave Cleary gave the comments for the Enforcement Consultants (EC).

C.8.c. Public Comment

Mr. Kenyon Hensel, commercial fisherman, Crescent City, California
Mr. Kelly Smotherman, commercial trawler, Hammond, Oregon
Mr. Peter Leipzig, Fishermen's Marketing Association, Eureka, California
Mr. Jim Potts, fixed gear fisherman, Fort Bragg, California
Mr. Tommy Ancona, Fishermen's Marketing Association, Fort Bragg, California
Mr. Rod Moore, West Coast Seafood Processors Association, Portland, Oregon
Ms. Michele Longo Eder, fixed gear sablefish, Newport, Oregon
Mr. Marion Larkin, trawler, Mt. Vernon, Washington
Mr. Robert Briscoe, Jr., trawler, Ferndale, Washington

Mr. Joe Easley, Oregon Trawl Commission, Astoria, Oregon
Mr. David Glenn, Fishing Vessel Owners Association, Kingston, Washington

C.8.d. **Council Action:** Consider Inseason Adjustments in Management Measures

Mr. Brown asked Mr. Anderson about what he said to Mr. Larkin about the closure of yellowtail and widow due to bycatch, "I think we closed it because widow was coming in too fast". Mr. Anderson said he did not say it was due to bycatch, it was just that he was trying to address the issue of canary bycatch in the midwater trawl fishery.

Mr. Anderson stated he believes there is a significant difference between the last time we came up against this and now. There was some sablefish available in the trawl which was rolled into the fixed gear then. This is a different situation. There is an opportunity to reconstruct the trip limits in the Open access and fixed gear to allow the trawl fishery to continue. He is not advocating making a shift from the fixed gear and open access sablefish to the trawl. He said we are also nearly out of the species that support the trawl fishery. We need to make a good decision here and recognize that we just don't have many fish to work with here. He is focusing on the species where we do have surplus left and how can we construct a package to allow access to those fish while recognizing and taking into account the concerns for the other species where we are bumping up against or are over our OYS.

For discussion purposes, Mr. Anderson suggested looking at Exhibit C.8.b, Supplemental GMT Report and, for flatfish, moving ahead with the package as proposed for those species (which is the same for October-December). We should apply a discard mortality for the species that are taken incidental to those as bycatch and the three species he would identify for making an adjustment for bycatch mortality of sablefish. He understands the estimate is a 5% bycatch rate for those fisheries. He thinks we need and would advocate to use the best rate the GMT has. For Dover sole the bycatch rate is 0.8% and for shortspine the rate is 0.5%. He feels we can stay within our OY for Dover and shortspine and recognize we are going to be over a little bit on sablefish and accept that as part of our management. We know our OY is set below the ABC, we're not fishing over the ABC and he does not expect to go over the 102% projected by the GMT. The other issue is canary rockfish for which the GMT has an overhead. Dr. Hastie made note of past petrale target tows as captured in logbook data. The fishery targets petrale in the fall at the outer edge of the depth range for canary; he estimates a low incidental catch of canary based on this data.

Mr. Anderson continued by stating the lingcod would be left as proposed. The widow and yellowtail is more problematic relative to canary and what he suggests is that the Council consult with Dr. Elizabeth Clarke and see if we can essentially put every available observer we have to observe midwater trawl effort this fall and allow us to collect bycatch data. The only vessels allowed to participate would be those with observers on board. Then come back at the end of October and at that time we may have the latest catch information. We should have information from those observed midwater fisheries, which would allow us to construct the fisheries starting November 15. We would be leaving the flatfish fishery running as proposed, but this would allow us to augment fishing opportunities after we had a chance to collect the latest information on the catch for all the species, along with the observer information from the midwater fisheries.

Mr. Brown asked about the proposal relative to widow and yellowtail, are you saying the only boats that can fish are those that have observers, yet we only have 22 observers and 220 or so vessels that may want to participate? Mr. Anderson said you heard me correctly. I want to be really cautious about what we do with those fisheries because we are at 117% of the canary OY. He then said the selection of the vessels that are provided the opportunity is probably a can of worms at best - we need either a random way to choose, or have vessels interested in participating be in a random draw.

Mr. Caito suggested having the names of the boats on a random draw and then have the observers go from boat to boat. He did not know if that was doable.

Mr. Brown said it would be helpful to know how many midwater boats we're talking about. He said he did not know what level of participation we are talking about. He's not sure that all midwater boats need to be observed. What is the concentration of observer coverage per vessel- half day? Full day?

Dr. Radtke suggested that since there are two objectives--gain more information and have more economic information--could the boat offer to pay for the observer in order to do this?

Mr. Alverson commented that for limited entry fixed gear and open access, he recommended the thought of continuing the current schedule as shown without an increase for the remainder of the year or at least through October.

Mr. Robinson said if you want to discuss the placement of observers, it would be wise to call Dr. Clarke to the podium when she comes in. He concurs with Mr. Anderson's proposal. He is concerned about setting up an infrastructure based on vessels being lucky enough to have an observer onboard which is not really an easy regulatory action. This is beyond the scope of an inseason action. There also has to be an environmental assessment (EA) or NEPA compliance or some type of experimental fishing permit (EFP) arrangement. An inseason action to setup that complex structure is probably difficult and beyond the scope of what we can do.

Mr. Brown, the actual number of midwater boats is about 100-150; with 22 observers you have a 22% observation rate, which is very little. This is larger than the pilot projects we're running on fixed gear, etc. There probably is an opportunity for these observers to be able to observe on more than one vessel. Mr. Robinson said we have some flexibility on deploying the observers. Some of that flexibility can be exercised to focus on the trawl fleet. He is concerned about the part that said "only boats with an observer can fish" which is beyond the scope of this regulatory action.

Dr. Hanson noted we shouldn't use the observer program to chase the latest hot issue. We have to go very carefully here on how we implement the observer program.

Mr. Anderson said he did not disagree with Dr. Hanson's comments. He felt this is an emergency, and was just trying to get access to these fish for the folks involved in this fishery. If we need to take a little time here at this meeting to figure out the widow/yellowtail piece, let's take that time.

Dr. Clarke was asked about potential observer coverage. Mr. Anderson restated his intent in the proposal (getting focused observer coverage for vessels engaged in the midwater fishery targeting widow and yellowtail this fall). He asked what flexibility we have. Dr. Clarke responded that we have some flexibility because we're worried about how many trawl vessels will be fishing. By default that will give us flexibility on available observer coverage. For September/October the observers and vessels have been selected, but since vessels are not expected to fish everyday, observers could be relocated in October. The most critical issue would be how fast we could get that information to the Council for their use. She could not guarantee how fast the October observer information could be made available to the Council. Mr. Robinson was concerned that with this new observer program, we need acceptance with the fishing fleet. The idea of right off the bat collecting information and using it inseason to close fisheries or provide additional opportunity without a thorough evaluation of the data may be unwise. There are issues of using observer information to generate inseason data which gives him discomfort.

Mr. Brown understands the concerns on the observer program, as we want it to be accurate and functional. An important consideration of vessel selection for observer coverage is how we use the results. Typically in November/December a lot of boats quit groundfish and go crab fishing. He did not know how many boats stay in the trawl fishery during that timeframe. The odds of being selected are quite a bit higher in the winter than in the summer; and if we got the number of boats that go out into the fishery with midwater gear, the odds are there will be a fair amount of observations on those boats. It will be useful information. We will also have information on the other fishery (flatfish) going on at that time. We don't have to target particular strategies to get useful information.

Mr. Bohn said it would be fair to say we already have the boats selected for September/October and some of those boats will probably be known to be midwater gear users. Without making adjustments to the observer program, we could just use that information to gauge the success of the program. This is more for an accountability situation since we are already over on canary. He thinks it would work with the observers already in place and signed up.

Mr. Robinson asked how comfortable is the Science Center in using new observer information fresh off the boats inseason? He is concerned about the problem of us being over on canary and darkblotched. It is hard to justify any kind of strategy with significant bycatch of either of those stocks. The only strategies that should continue are those where the target species is available and the bycatch of canary and darkblotched can be minimized. In order to continue fishing over the OY, we have to be confident the bycatch rate is going to be very low.

Mr. Boydston remarked that this is a difficult issue. There are issues to the south of Mendocino. Was canary an issue in the south? There is the issue of bocaccio in the south, as well as slope rockfish and chilipepper. He looked at the GMT table and noted the total fleet QSM for chilipepper, splitnose, and slope rockfish indicates under-attainment. If there is going to be more data crunching, we would like to construct increased trawl opportunity for chilipepper and slope rockfish to the south.

Mr. Caito, when we were looking at the slope rockfish and Mr. Anderson was looking at the flatfish, I took it that his bycatch rates for sablefish would be included. That is the reason we brought this up. It would not make any sense to discard these fish since they are not darkblotched. Mr. Anderson said his understanding is that the concern is for darkblotched and there was about a 5% incidence of darkblotched in that slope complex.

Dr. Clarke said the Science Center feels it is very risky to use the observer data for inseason management; the program was not designed to do that.

Chairman Lone asked Dr. Hastie to come to the podium. Dr. Hastie talked about the logbook data and noted the rates estimated from last year's data (as a percentage of landed petrale) were as follows: slope rockfish = 0.7% (not all darkblotched, probably about 50% of slope in fall and winter), therefore would use 0.35% darkblotched as a percent of petrale; shortspine = 0.5%; sablefish less than 5.0%; Dover = 0.8%. For rates as a percentage of target shelf flatfish strategies: canary = 0.01%-0.04% depending on depth; sablefish = 0.01%-0.41%; and Dover = 0.5%--3.0%.

Mr. Caito asked if the rates are for the northern area? Dr. Hastie said yes, the most recent logbook data we had for California was from 1997. We don't have any recent logbook data for the south (for California). We would not be able to calculate the percentages of Dover, sablefish, slope rockfish, etc. relative to target trawl fisheries in the south. We are also making assumptions about the percentage of darkblotched in the slope complexes since this species wasn't required to be sorted. We have similar uncertainty in the bycatch of bocaccio and canary in the south.

Mr. Bohn, speaking of canary and looking at the midwater fishery, what is the expected bycatch of canary in October/November/December? Dr. Hastie said it would be negligible if we used the widow rate. The percentage derived from looking at the summer whiting at-sea fishery where we had observations was about 1.3 mt of canary with about 95 mt of yellowtail and 95 mt of widow. Dr. Hastie explained that the ratio of widow to canary in the at-sea whiting fishery would be higher than in a directed midwater widow fishery. There is also a seasonal difference. Actual rates are unknown at this time. Based on logbook data, the canary bycatch in a widow directed fishery in the fourth quarter would be quite low.

Mr. Bohn, to Mr. Robinson, if we want to continue fisheries knowing we're over, you would want to continue fisheries where the bycatch is the lowest. This information suggests that this is as safe or is safer than the shelf flatfish fishery bycatch we were talking about earlier. Mr. Robinson said that was particularly true if the fishery was tailored to a ratio that more favored widow. Dr. Hastie explained that there is no logbook data available for midwater fisheries targeting yellowtail because we hadn't invoked the small footrope requirement at that point and created the differential trip limit structure. We could pare down the amount of yellowtail provided in the limit. He would want to look at the data again before commenting on whether it is safe to raise the widow limit much.

Mr. Anderson stated the comments he has heard over time about yellowtail and canary is that they are very difficult to target one without the other; he has not heard that about widow. That is why he has been concerned about the canary bycatch in yellowtail tows. Now it appears that even if we have observers on the

boats we're not going to have any data to look at anyway to tell us about that strategy. This leaves me in a pretty tough position when talking about yellowtail.

Mr. Brown, on yellowtail, he reminded everyone that the directed midwater fishery for yellowtail prior to the small footrope regulation occasionally occurred but was not common. If the footrope is not down pretty hard on the bottom, you will not catch canary. Given that, he would feel better about potential canary catch in the midwater nets.

Mr. Anderson asked for assistance with the rationale as to why we went from 10,000 pounds/mo and 15,000 pounds/mo (for widow and yellowtail, respectively in October) to 10,000 pounds and 20,000 pounds in November and December. Mr. Anderson was told it was a two month total in November-December and represents a reduction.

Mr. Bohn asked is it the ratio between yellowtail and widow indicating whether or not we have a problem? If we want to have this go forward, you could reduce the yellowtail down to match the widow, what is the issue? Are we really going to reduce canary bycatch by changing widow and yellowtail limits/strategies?

Mr. Anderson replied if we're going to do something in a strategy that we know in the past (with all the qualifiers) has had a bycatch of canary and if we were going to move forward with something that will allow that to occur, we will need to make a discard rate calculation and quantify that discard rate for canary. Another way to do this is to go with the flatfish strategy as previously mentioned, and be ready to move forward with the widow and yellowtail opportunity in the November-December timeframe. If we waited, would there be any additional information derived from the data we already have to estimate what the canary bycatch would be? He would like to delay the decision on that piece and see if the GMT could give us information on that to make an informed decision.

Mr. Brown said the question is - are you proposing we don't change the scheduled increases at this time? Or that we do? If we don't, we do have information on the widow rockfish part of that - we should at least go ahead with that portion of it.

Mr. Boydston explained he was trying to understand exactly what this fishery is we're framing. There are north/south differences in these trawl fisheries. He would like the fishery framed for him. Mr. Boydston requested the GMT and GAP have some time.

Chairman Lone asked if the GMT, GAP, and the states can spend more time on this tonight.

Mr. Anderson is in support of the part where the GMT and GAP take a look at what we propose, without getting too crazy on us. Maybe give them a half hour or so and then we can check in with them and in the interim we can move on to other things. He then reiterated what he is proposing for the trawl fishery, recognizing there may be holes in the south: a flatfish fishery with the new limits proposed coastwide, and not have allowance for retention of the species that are above that, and apply a discard rate for sablefish, Dover sole, and shortspines consistent with what Dr. Hastie proposed; that we leave lingcod as proposed; that we move forward with the widow rockfish portion for the midwater fishery strategy as identified in the GMT Report; and at the moment, we leave yellowtail off to the side to see if there is a way to access them while addressing the canary concern. We would ask the GMT/GAP to talk about that.

Mr. Moore said we could talk about that with the GMT. He asked Mr. Anderson for clarification, there are several other species such as slope rockfish in the south that under current regulations are going to be ongoing. The document presented to the Council dealt only with increases/decreases as appropriate; are we assuming all other species are as is in the current regulations? Mr. Anderson replied yes.

Mr. Alverson moved to adopt the second page of the GMT Report and include the top section where it says without shift of sablefish (the current schedule); below that line, everything to the right column (the third under "column proposed - beginning with canary rockfish". (Motion 19). Mr. Anderson seconded the motion.

Mr. Anderson asked what is the rationale for not including the proposal to raise LE fixed gear and Open access limits to attain their allocation? Mr. Alverson looked at the cumulative and monthly reports in August

and they jumped up during that month for fixed gear sablefish and felt the existing trip limit regime is probably going to get close to their OY. Mr. Caito asked if it is the either or 2,000 pounds nearshore part of it? Mr. Alverson said it was for the nearshore rockfish. Mr. Anderson asked for a calculation for the yelloweye discard mortality under this regime. Mr. Alverson said perhaps we send this proposed motion to the GMT/GAP which is in session with the question of the yelloweye concern.

Mr. Robinson said on the current schedule, the 4,000 pounds and 900 pounds are believed to be the black and blue exceptions, where is the allowance for those?

Mr. Alverson withdrew his motion at the request of the Chairman (Motion 19).

Ms. Cooney said we have to provide the public opportunity to comment on this after new information is presented.

Dr. McIsaac said if we could finish with the trawl segment, then there is the recreational segment. If people could come back in the morning with a motion in writing that would be good. Chairman Lone proposed that we call it a night. Mr. Anderson said he had a sense we will get something back from the GMT and GAP real soon and talked about the public comment. We could be here until 7 pm notwithstanding the recreational pieces. We may have to cut short the CPS and HMS agenda items. Mr. Fougner said he will work with Council staff to keep HMS and CPS short.

Mr. John DeVore framed the pending issues and stated that Exhibit C.8.b, Supplemental GMT/GAP Report addresses the LE trawl and LE fixed gear inseason adjustment recommendations of the GMT and GAP. Exhibit C.8.d, Supplemental CDFG Motion details the CDFG motion for inseason adjustments to the California recreational fishery. After hearing those reports, the Council needs to provide for public comment.

Mr. Culver reviewed Exhibit C.8.b, Supplemental GMT/GAP Report. Mr. Brown asked about the discard rates used and requested that those rates be put on the record for legal purposes. Mr. Culver said he would put the entire Excel spreadsheet into the Council record after conclusion of this agenda item. Dr. Hanson asked about the large footrope trawl limit for other flatfish, the exhibit report indicates 1,000 pound/trip and Mr. Culver said 1,000 lb/mo. Mr. Culver said it is supposed to be 1,000 pound/trip. Mr. Anderson addressed a concern about potential canary bycatch in the midwater fishery. The limited entry fixed gear recommendation is no retention of canary and the logic of yellowtail and widow trip limits is to minimize canary bycatch- is that correct? Mr. Culver said the lower trip limit of yellowtail relative to widow is designed to minimize canary bycatch which is expected in a widow target fishery. The smaller yellowtail limit accommodates incidental catches of that species. Mr. Anderson thought it important to communicate to industry that this strategy is at risk in the future if they attempt to target yellowtail and thereby increase canary bycatch. Mr. DeVore pointed out some inconsistencies in Exhibit C.8.b, Supplemental GMT/GAP Report: trawl bocaccio limits no retention starting October 1; limited entry fixed gear chilipepper no retention for limited entry and open access; bocaccio, chilipepper, and lingcod in the south apply to LE fixed gear and OA. Mr. Culver and Mr. Moore agreed with those changes to the report.

C.8.d Public Comment (continued)

Mr. Gary Richter, Pt. Conception Groundfish Fishers Assoc., southern California
Mr. Robert Briscoe, Jr., trawler, Ferndale, Washington

Mr. Boydston reviewed Exhibit C.8.d, Supplemental CDFG Motion.

Chairman Lone invited additional public comment. There was none.

Mr. Robinson reminded the Council we may want to also address reapportionment of 10,000 mt of whiting to the non-treaty whiting fishery. He explained that 10,000 mt of the 27,000 mt of whiting allocated to the tribes is available for the non-tribal fishery. The allocation of the 10,000 mt would be as per the prescribed allocation of the non-treaty whiting sectors. The main issue is canary bycatch. He reviewed the canary bycatch assumptions and the observed bycatch of canary in the at-sea sector to date. Total canary bycatch to date (in all sectors) without reapportionment is 3.83 mt compared to the assumed set aside of 4.96 mt of canary.

With reapportionment, an additional 0.38 mt of canary projected to be incidentally caught. The total projected canary bycatch would be less than the set aside. He proposes to reapportion the 10,000 mt of whiting.

Chairman Lone invited public comment. Mr. Rod Moore stated that the GAP recommends reapportionment and industry is hoping to get these fish. Dr. Radtke noted that this represents about a \$5M increase to coastal economies.

C.8.e Council Action

Mr. Bohn moved to reapportion 10,000 mt of whiting from the tribal to the non-tribal fishery. Dr. Radtke seconded. Mr. Anderson asked how that would be allocated to the whiting sectors? Mr. Bohn replied it would be apportioned as Mr. Robinson described. Motion carried (Motion 21).

Mr. Boydston moved to adopt the inseason adjustments as described in Exhibit C.8.b, Supplemental GMT/GAP Report. Seconded by Mr. Caito (Motion 22). Chairman Lone asked if that motion included the editorial changes previously noted. Mr. Boydston said yes. Mr. Caito asked about the B platoon and whether they would be extended to October 15 or do those fisheries end October 1? Ms. Cooney said the B platoon starts Sept. 16 and the ending period needs to be clarified. Mr. Robinson thought the B platoon would be extended to October 15. Mr. Moore remarked that the GMT and GAP recommended all other measures not addressed would remain in effect. Mr. Anderson was still unclear on the B platoon and how it affects QSM projections. Will this project higher catches than in the QSM report. Mr. Culver stated that the QSM assumes the B platoon extension. Mr. Anderson asked if trawlers will switch to B platoon? Mr. Robinson stated that they have to declare at the beginning of the year and can't shift. Mr. Boydston said he understood that the distribution of vessels is heavily skewed to the A platoon. Mr. Moore agreed that the number of B platoon boats is very low. Mr. Culver stated that B platoon boats often land their cumulative limits in the first part of the limit period. He concurred that closing in the middle of the limit period shouldn't be a big problem. Ms. Cooney asked if B platoon boats working a two month limit would start on Nov. 16 and end at the end of the year? In the past she thought the B platoon ended at the end of the year. Is this part of Mr. Boydston's motion? Mr. Boydston requested more explanation. Ms. Cooney explained the first scenario already described where the B platoon has six weeks (November 16-December 31) to land an end of year two month limit. But the second scenario, where monthly limits are prescribed in November and December, they would have a month for November but only two weeks (December 16-31) to land that monthly limit. In the past they have allowed B platoon boats to combine their two monthly limits in the final period (November and December) into one six week period (November 16-December 31). Mr. Robinson agreed that was the way to construct limits if the Council decides to adopt monthly trawl limits at the end of the year. Mr. Moore said the GMT and GAP intent was not to change the management structure beyond the recommended trip limit changes. Mr. Anderson offered this B platoon specification as a friendly amendment which Mr. Boydston accepted. Motion carried.

Mr. Boydston drew attention to Exhibit C.8.d, Supplemental CDFG Motion and moved to adopt the specifications referring to California recreational adjustments as described in the written motion. He corrected the reference to sport catch projections through Wave 4 to read through Wave 3. Seconded by Mr. Caito (Motion 23). He commented on the annual regulation structure and explained the CDFG Commission meeting schedule and the need to obtain authorization to close fisheries from that body. Mr. Robinson asked whether by catches he was referring to landings plus discards? Mr. Boydston said yes. Mr. Brown asked if the landings for canary and bocaccio exceeded the set aside already. Mr. Boydston said the MRFSS-based sport catch projections changed downward this week and he is uncertain what projected catch will be. That is why the motion describes an action to close pending updated projections through Wave 3. The CDFG will confer with NMFS on the need to close. Mr. Brown asked if the intention is to close if the set aside is projected to be exceeded? Mr. Boydston said yes- a decision would be made by mid-October. Mr. Hansen asked if in the case of the recreational fishery projecting to exceed and the commercial fishery projecting to not attain their allocation and the total catch OY is not projected to be exceeded, could the recreational fishery continue? Mr. Bohn asked about the Enforcement Consultants recommendation to specify the 20 fathom contour in structuring the fishery. Is that accounted for in the motion? Mr. Boydston accepts that as a friendly amendment which Mr. Caito (the seconder) also accepts. Mr. Robinson said what he expects to happen is for the MRFSS people to give the best projection they can to CDFG, PSMFC, and NMFS and act according to the motion. Is that correct? Mr. Anderson asked about Mr. Brown's question and the fact that a decision

would be made by mid-October. When would the regulations change? Mr. Boydston said that is when a decision would be made pending the CDFG Commission agreeing to delegate authority to CDFG to make a quick inseason change. Mr. Brown is still confused. If projections indicate you won't be over until November, would you close then? Is this a process you are setting up? Mr. Boydston said this is a process because we don't have a good projection at this point. He committed to immediately close the fishery if the projection is that the catch will exceed OY. Ms. Cooney said there are two things: a request to CDFG Commission to delegate authority to close the fishery if needed and a request to NMFS to also close the EEZ at the same time. She wanted to know whether early closure would also apply to non-trawl commercial fisheries as well. Mr. Boydston explained that we just took action on the commercial fishery. To make his motion in writing clearer, he offered the following changes: strike "non-trawl" and the word "and" after "NMFS adopts ...". It would now read, "NMFS adopts recreational regulations in the EEZ consistent with numbers one and two above". Mr. Caito agreed with the modified language. Motion 23 passed.

C.9. Amendment 15 to the Groundfish Fishery Management Plan (FMP) - American Fisheries Act (09/13/01; 10:15 am)

C.9.a. Agendum Overview

Mr. Waldeck provided an overview of the agenda topic and the briefing book material. He suggested a process for getting through the agenda item. He also reviewed progress to date on developing Amendment 15, the matters currently before the Council, and possible Council action.

Mr. Jim Seger reviewed the analysis of the proposed management alternatives (Exhibit C.9, Attachment 2).

C.9.b. Reports and Comments of Advisory Bodies

GAP

Mr. Dale Myer presented the GAP report (Exhibit C.9.b, Supplemental GAP Report).

The Groundfish Advisory Subpanel (GAP) reviewed options for a fishery management plan (FMP) amendment to address impacts of the American Fisheries Act (AFA). A majority of the GAP supported the following as preferred alternatives for public review. Our comments are based on the issues and analysis laid out in Exhibit C.9, Attachment 2. The majority GAP opinion reflects a presentation made by whiting fishermen and offshore processors.

Issue 1 - Qualification and Subdivision

Question 1: Should AFA catcher vessel participation be limited?

The majority of the GAP prefers Option 1.a, limit vessels by sector (at-sea, shore-side, non-whiting).

Question 2: Should qualification require that a permit be held on a specific date?

The GAP supports Option 1.a, no date requirement.

Question 3: What landing requirement should be used?

The qualifying landings must have occurred during the period of January 1, 1994 to September 16, 1999.

In regard to landing requirements, the GAP believes that one additional piece of analysis needs to be done in order to determine whether a 50 ton or a 500 ton requirement is most appropriate. The GAP requests that a simple analysis be done for vessels that qualify for non-whiting groundfish using the 50 ton criterion. The

analysis should list: the length of the vessels qualified; the years that those vessels delivered non-whiting groundfish; the number of trips by each vessel per year during the qualifying period; and the poundage of non-whiting groundfish delivered per vessel per year. This will help determine if the 50 ton limit is sufficient to provide the protections required under the American Fisheries Act.

Issue 2 - Catcher Vessel Restrictions

The majority of the GAP supports Option 2.a, which requires issuance of a medallion. Vessels qualifying by virtue of having met landing requirements would be issued a medallion which restricts the vessel to participation in the sectors for which the vessel qualifies. Medallions would be transferable under the same conditions and restrictions as apply to limited entry permits. However, medallions would be transferable only as a whole. In other words, a vessel qualifying for more than one sector cannot subdivide its medallion among those sectors.

Issue 3: Catcher - Processors

The GAP supports Option 3.a

Issue 4: Motherships

The GAP supports option 4.a

Issue 5: Duration

The GAP supports Option 5.b

Issue 6: Appeals and Technical Amendment

The GAP supports Option 6.b and the technical amendments regarding permit review proposed by Council staff.

C.9.c. Public Comment

Mr. John Henderschedt, Premier Pacific Seafoods, Seattle, Washington
Mr. Brent Paine, United Catcher Boats, Seattle, Washington
Mr. David Jincks, Midwater Trawlers Cooperative, Newport, Oregon
Mr. Dale Myer, Arctic Storm, Inc., Seattle, Washington
Mr. Chris Petersen, F/V Pacific Challenger, Auburn, Washington
Mr. Bill Clingan, Merinos Seafoods, Westport, Washington
Mr. Joseph Bersch, Supreme Alaska Seafoods, Seattle, Washington

C.9.d. Council Guidance on Staff Recommendations for Amendment 15 to the Groundfish Fishery Management Plan (FMP) - American Fisheries Act

Mr. Waldeck reviewed for the Council the matter at hand. He noted that the Council had reviewed excerpts from Amendment 15 and an analysis of the management alternatives, as well as received recommendations from the GAP and comments from the public. He noted two issues in front of the Council: (1) inclusion of GAP AFA option 2 (from June 2001 – see Exhibit C.9, Attachment 3, September 2001), and (2) selection of preferred alternatives and adoption of a public review draft.

Mr. Alverson spoke to GAP AFA option 2, he noted that restrictions under this option relied on groundfish landing by species. If the Council does not go forward with GAP AFA option 2, he wanted the record to reflect that one of the reasons was the complexity associated with the option. In comparison, GAP AFA option 1 appeared much simpler. He suggests GAP AFA option 2 not be included.

Mr. Brown noted that the two options address different things. He noted that putting people into a category of delivery (per GAP AFA option 2) does not necessarily mean they would have more flexibility in terms of participation in Bering Sea fisheries and West Coast fisheries, but there could be some preemption. This is because of the flexibility provided under the AFA, AFA vessels have the potential of spending more time in West Coast fisheries. At this point, the effect seems isolated to the whiting fishery, but could spill over into other groundfish issues. Flexibility in participation in Bering Sea fisheries could allow greater participation, not necessarily in whether they were here or not, but the amount of effort they put into West Coast fisheries.

Mr. Bohn noted that in the June GAP report, the GAP expressed no preference for either GAP AFA option 1 or 2. His expectation was, that if GAP AFA option 2 were still in play, the GAP would have recommended that option in their September report. As the GAP does not refer to the option, he agrees with Mr. Alverson's comments that Option 2 would not need to be pursued.

Mr. Anderson's interpretation was that the GAP felt further work on option 2 would make the alternatives more complicated. In an effort to simplify the alternatives, the GAP developed their current recommendations for preferred alternatives based on the suite of alternatives in the analysis and, thus, did not speak to GAP AFA option 2.

Mr. Alverson asked for clarification on potential Council action.

Mr. Waldeck stated that if the Council requested inclusion of GAP AFA option 2, additional analysis would be required and Council adoption of a public review draft would be delayed until 2002. Whereas, if the Council did not include GAP AFA option 2, the Council could select preferred alternatives and adopt a public review draft at this time.

Mr. Brown moved that the Council adopt for public review the draft amendment (Exhibit C.9, Attachment 1) with the exception of including an additional analysis to address Question #3 as presented in Exhibit C.9.c, Supplemental GAP Report. The preferred alternatives are specified as those in the GAP Report. (Motion 17) Mr. Alverson seconded the motion.

Mr. Robinson, in terms of putting together the public review draft, he would like to see a little more explanation in the beginning of the document to explain what is meant by harm and what forms the harm might take if AFA vessels are not restricted in the manner specified by the alternatives. In addition, it would help to have a description of how each of the options address the issue of harm. He also requested flexibility in how NMFS implements the "medallion" requirement. He suggested there may be a simpler way to accomplish the intent without establishing a new type of permit (i.e., medallion).

Mr. Brown accepted as a friendly amendment Mr. Robinson's suggestion of adding additional explanation in Amendment 15 describing "harm". Both the maker and the seconder of the motion agreed to the friendly amendment. Mr. Brown also agreed with Mr. Robinson's request for flexibility in implementing the medallion requirement.

Mr. Anderson requested an analysis, for those AFA vessels that would qualify to participate in either the shoreside or at-sea whiting fishery, of the potential harm if those vessels were able to participate in both the shoreside and at-sea sectors. Both the maker and the seconder of the motion took that suggestion as a friendly amendment.

Ms. Cooney stated it would help to have more explanation of the reasons for the specified qualifying years and landing requirements, how they were derived, and the rationale for the preferred alternatives. Ms. Cooney also asked for an explanation about the new analysis (requested by the GAP) as to what it is supposed to demonstrate and why it is relevant to protecting against harm caused by the AFA. Motion 17 passed.

C.10. Groundfish FMP Environmental Impact Statement (09/13/01; 8:00 am)

Mr. Jim Glock reported on the groundfish supplemental environmental impact statement (SEIS): NMFS briefed the Council in June on the scoping process and general schedule. Referencing Attachment 1, Scoping Summary Report, need for SEIS Based in Groundfish Strategic Plan and Litigation.

Mr. Anderson noted this discussion and question should be under Council guidance, when he looks at the description of the types of things the EIS is going to cover, they are extremely broad; it also has major overlaps with issues that the Council is already dealing with or has dealt with. He is interested in knowing how will we achieve close coordination/collaboration between the efforts to develop the document and the Council. He heard Mr. Glock say that this is something they are preparing for. If we don't coordinate, we will go down two separate tracks, we put ourselves at risk for running into difficulties; difficulties that can be avoided.

Mr. Glock noted he will be coordinating with the Council staff, as other assessments are prepared (ie rebuilding plans) all of those will be background and reference material for the EIS. The EIS will not be replowing those areas. His goal is to make sure this is coordinated so we are getting the best use of the resources and make sure it is comprehensible as possible.

Mr. Alverson asked Mr. Glock about the economic parts of this, is this going to be incorporated? Will we leave fish on the table will there be a section to address economic losses? Mr. Glock said we will be looking at the whole suite of the costs/benefits and value of fish left; the value to the extent possible of what is currently being thrown away and the social impacts. He noted Mr. Seger has been working on the community baseline document. He hopes to be looking into the costs of the different approaches.

Mr. Robinson said the approach towards the EIS is going to be more of a major policy issue document. There will be an attempt to not get bogged down with specific regulations, but dealing at a more programmatic level. As far as consulting with the Council, this is at the top of our list.

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

GAP

Mr. Frank Warrens presented the comments of the GAP.

HSG

Ms. Michele Robinson presented the comments of the HSG.

C.10.b. Public Comment

None.

C.10.c. Council Guidance on Groundfish FMP Environmental Impact Statement Process

Mr. Anderson was struggling with what and how we're going to prepare ourselves to interact with the development of this document; what kind of group should be put together; what sectors of the Council family should be included; how much funding is available; and what their charge would be. Relative to their charge, he thought they would be a coordinating body interacting with NMFS as the document was developed. But in terms of what is ultimately in the document, that decision was ultimately with NMFS (that was his understanding). Could we have Dr. McIsaac and Mr. Bill Robinson talk about the funding, function.

Dr. McIsaac noted there was discussion in the budget committee meeting. Our application to NOAA grants says that the Council could consider details on the EIS at every meeting and make recommendations to NMFS. The model is to have a subcommittee of Council members that would do that and bring back their recommendations to Council. The money is available for subcommittee members (about \$16,000 travel, compensation \$23,000). The GMT will be doing analytical work (six focused meetings with travel money budgeted and salary compensation budgeted as well). There is also budgeted SSC review of the groundfish analysis including travel. A GAP review meeting with travel and compensation is also budgeted. With regard to HSG and other input from other advisory bodies, those could be included at the Council meetings.

Dr. McIsaac said this money has not been authorized by NOAA grants at this time, but there is near certainty that the money will be there.

Mr. Robinson said he thought that Mr. Anderson described the relationship between the Council and NMFS that NMFS does ultimately decide what the final alternatives are and NMFS is looking forward to the Council and its advisory entities input. Mr. Brown asked what are our expectations for input? Mr. Robinson said he envisions that we are working on this full time, and will take the lead in developing the 'strawman' approach, and see if it matches policy alternatives the committee feels are appropriate. He is expecting direct interaction and feedback from this committee, while at the same time the Council's advisory entities will also have input.

Mr. Alverson was not sure about options? This is not for plan amendments under the GF FMP; could you explain please? Mr. Robinson noted these alternatives could be: the EIS, like the strategic plan would provide a set of FMP amendments that would guide management in the future, provide the information base. It could very likely result in one or more FMP amendments. We want to look at the major policy choices the Council would like to make (ie habitat protection, bycatch reduction). Do we want to rebuild overfished stocks one at a time or through a strategy that addresses complexes. Those are the types of things we are trying to get at. We also want the EIS to be the basic source of data and analysis to comply with all the different federal laws (biological opinions, etc). So later, the job of complying with NEPA on individual decisions, this would make them easier since the analysis pieces have been done. The EIS would serve as background.

Dr. McIsaac, what will we have when the EIS is over? What happens to the existing GF FMP? Mr. Robinson said that will be up to the Council. We hope that the EIS will lay out a full range of benefits and consequences of these policy choices. The Council may want to embark on one or more of these and have a new FMP.

Mr. Brown, depending on the options chosen and the way the analysis is done, the Council may not have any choice but to go down a particular road. The difference in the committees is very different (how they direct the analysis, chooses what goes in it).

Mr. Bohn asked if the new EIS leads the Council to a decision that they need to do a significant overhaul of the FMP with several amendments, when those are done, does that trigger the need for a new EIS? Will this keep rolling over for the next couple of years.

Mr. Robinson said the discussion is "tiering". Depending upon actions the Council may take, to the extent they are not entirely analyzed in the EIS, they will have to have their own NEPA documents. The "tiering" concept is that they don't have to be as comprehensive since the previous EIS will serve as background.

Mr. Anderson, on the composition of the committee and ensuring the funding Dr. McIsaac referenced – is this a wise use of our time as opposed to appointing a small group of Council members to come up with the composition and bring that to the Council for consideration. He would prefer that. Dr. McIsaac suggested that the Chairman and Mr. Robinson and the four state seats meet at the conclusion of today's business to discuss how to make that recommendation tomorrow.

C.11. Full Retention Measures (09/13/01; 8:58 am)

Mr. John DeVore gave the agendum overview.

C.11.a. Report of the Ad Hoc Full Retention Committee

Mr. Brian Culver presented the Report of the Ad Hoc Full Retention Committee. He referred the Council to the minutes of that meeting (Exhibit C.11.a).

C.11.b. Reports and Comments of Advisory Bodies

GAP

Mr. Frank Warrens presented the GAP Report.

C.11.c. Public Comment

Ms. Michele Longo Eder, F/V Nesika, Newport, Oregon
Mr. Joe Rock, commercial shrimp fisherman, Newport, Oregon
Mr. Jeff Boardman, shrimp fisherman, Newport, Oregon

C.11.d. Council Guidance on Full Retention Measures Process

Mr. Anderson said he heard the comments from Mr. Brown and Mr. Don Hansen, we need to have the objectives up front - give those to our committee. They recommend it would be useful to meet over the winter after the information is given to us. He suggested that we make the opportunity available for the committee to meet over the winter. The implementation measures need to be tied to the objectives and need to be identified next time they come back to us.

Mr. Brown suggested that they look seriously at recapturing the economic value of those fish. They will probably start out with a pilot project (the trawl fishery); it really does not make any difference if we count dead fish – we need to look at getting economic value out of these fish.

C.12. 2002 Stock Assessment Schedule

Dr. Clark presented the proposed STAR Schedule for 2002 (Exhibit C.12.a, Supplemental NMFS Report).

C.12.a. Reports and Comments of Advisory Bodies

GAP

Mr. Frank Warrens presented the GAP report.

C.12.b. Public Comment

There were no public comments.

C.12.c. Council Guidance on Proposed 2002 Stock Assessment Schedule

Mr. Brown asked about the cabezon assessment, when will you know when it is going to happen. If you find out it is not going to happen, are there plans for substituting another species? Dr. Clarke said they do not have a plan, but was pretty much assured CDFG will be available for the cabezon assessment. Mr. Brown, in looking ahead, he knows there is a push to update the sablefish assessment with new information coming in from the triennial survey, is that a major workload issue? Dr. Clarke said no, it is not to update that; but this is something we would like to speak to the SSC about since updates are not a part of the STAR process. Since it is outside the usual STAR process, she would like permission to allow the SSC to do that.

Mr. Donald Hansen noted his concerns about the Pt. Conception line? Dr. Clarke says the trawl survey really does stop at Pt. Conception. Mr. Hansen said he was concerned that there are a lot of fish south of conception, what about those? Dr. Clarke said that they use the data from the states. Mr. Hansen said he is not really sure if you are getting the data from the state of California. We are looking at major closures because of bocaccio. Dr. Clarke said she would give us an update on what data are potentially and have been included in the bocaccio assessment along with new data sources.

Mr. Bohn, relative to the GAP statement, the third paragraph, do other Council members feel the same - he believes if you have a peer reviewed model which is agreed to, if it is simply the matter of inputting the new information, that should be strongly considered. If you set up a system that is not flexible, it becomes dysfunctional. We should add the new data.

Mr. Brown said the STAR panel process was set up due to contention of stock assessments; if the base models were being used unreviewed, I would continue to be the one causing contention. He still believes there is a major difference of reusing an accepted model with updated data sets vs. coming in with a new

model and then running it without review. He still has concerns about the model which has been reviewed. He urged the SSC to consider that during their deliberations. He feels it is important, ie dover sole and sablefish, the importance of those fisheries – we need to look at every possibility that we're being overly restrictive.

Dr. McIsaac, complemented Dr. Clarke on the accommodation of schedule changes. He asked her about the multi-year management measure process. As we move through the year of 2002, if the Council decides to go to a two year management cycle for groundfish, would your group be able to react to a two year management cycle? Dr. Clarke says it looks doable on the surface, but would still like to take a look at the historical documents about this subject. It is not obvious to her that there would be a problem. If you would allow her to look at those documents, she could give a report at the November meeting on how it would all work, along with the state processes for data.

Dr. McIsaac, noted there have been suggestions for tinkering. We could accept or reject the proposal for the star report schedule. With regard to Dr. Clarke's offer to bring up the subject of future stock assessments, she could react to some of the suggestions for tinkering and firm up some of these at the November meeting.

D. Marine Reserves

D.1. Review of West Coast Marine Reserve Efforts (09/12/01, 2:34 pm)

Mr. Jim Seger reviewed a report on the Status of Efforts to Consider Marine Reserves on the West Coast (Exhibit D.1.a, Staff Report), the list of members for the Ad Hoc Marine Reserves Steering Group (Exhibit D.1.b, Attachment 1) and a Federal Register notice requesting nominations for the Federal Advisory Committee on Marine Protected Areas. Ms. Cindy Thomson provided a report on the status of the SSC's review of the marine reserve size issue (see SSC statement under D.2).

D.1.e. Reports and Comments of Advisory Bodies

GAP

Mr. Gordon Smith read the report for the GAP.

The Groundfish Advisory Subpanel (GAP) held two separate meetings with Council staff and staff of the California Department of Fish and Game (CDFG) to discuss marine reserve efforts on the West Coast. Because all of the marine reserves issues are related, the GAP is providing a single comment on this agenda item which also reflects discussions on agenda item D.2, Channel Islands National Marine Sanctuary.

First and foremost, the GAP repeats comments made at several previous Council meetings that there is a desperate need for coordination of marine reserves efforts along the entire coast. The GAP appreciates the Council adopting its suggestion for a coordinating committee consisting of representatives of Council advisory entities, which will help the Council better manage marine reserves efforts. The Council needs to ensure that this committee is used effectively and not just as a paper flow monitor. However, coordination among other federal and state entities is still lacking.

To this end, the GAP believes California should submit a consistency determination request for any marine reserves proposals being made under California's Marine Life Protection Act (MLPA). Removal of access to fishable grounds and potentially substantial amounts of biomass will have an effect that extends far beyond the State of California, especially for those species where a coast-wide harvest limit is in effect. The same situation applies to either of the other coastal states that move to establish marine reserves. State regulations affecting Council-managed fisheries outside of state boundaries must be found consistent with Council management plans.

As a potential means of forestalling a multitude of requests for consistency, the Council, the states, and NOAA should consider the approach taken by the South Atlantic Fishery Management Council of establishing a memorandum of understanding (MOU) which clearly delineates the roles and responsibilities of all parties. Any such MOU should not, however, relinquish the Council's fishery management responsibilities.

Second, while the GAP does not oppose marine reserves per se, their establishment should be fully justified, based on clear (not theoretical) science and put in place only after extensive consultation with affected resource users. To date, the GAP has seen no scientific justification for the system of marine reserves being considered in California under the MLPA, nor for the marine reserve proposals being discussed in the Channel Islands. At the last meeting with Channel Island representatives in June, the GAP asked specific questions about scientific justification and benefits, and pointed out studies which were contradictory as to the effects of marine reserves. To date, no reply has been received from any GAP inquiries.

Third, before embarking on establishment of a wholesale system of marine reserves, there is a need to examine the effects of existing management measures, especially in relation to how those measures have decreased effort and reduced harvest of sensitive species. As we have said before, we need to examine what has already been done before embarking on new, untested efforts.

Fourth, any proposals submitted to the Council involving marine reserves should be complete proposals. The Council does not have the time, money, or staff to complete all of the required paperwork on every marine reserve measure, including documents needed to comply with the National Environmental Policy Act. Those proposing marine reserves should pay the cost of making sure proposals are complete, accurate, and legally defensible.

Fifth, entities proposing marine reserves should consider establishing smaller, more discrete areas to determine whether marine reserve theory translates into fact in regard to West Coast fisheries. Jumping immediately to vast tracts of areas being set aside without determining if these will make a difference is illogical and harmful to those who are displaced.

Sixth, if marine reserves are established based on the principles above, they should be phased in to avoid overwhelming economic impacts.

Finally, because establishment of a system of marine reserves will result in additional harvest displacement, the Council should move forward on its goal of capacity reduction before moving to establish a system of reserves.

D.1.f. Public Comment

Ms. Avalon Taylor, Audubon Society of Portland, Portland, Oregon
Ms. Jennifer Bloeser, Pacific Marine Conservation Council, Arcata, California
Mr. Kenyon Hensel, commercial fisherman, Crescent City, California

D.1.g. Council Discussion on Review of West Coast Marine Reserve Efforts

Mr. Brown, reminded those advocating for Council action on marine reserves that due to the need to respond to recent law suits there were a number of important Council activities that were being moved down in the priority list and that marine reserves will likely be among them.

Mr. Boydston suggested that the steering group be put on hold. Mr. Brown said that it had been noted that people may come to us with proposals for marine reserves. The Council may not be able to respond, in which case response may fall to the Secretary of Commerce. Mr. Anderson added that the Council has a capable group of advisory bodies available to advise the Council on marine reserve issues. The issue here is that we don't want to create another committee right now, it is not timely due to workload issues.

With respect to the request for nominations to the Federal Advisory Committee on Marine Protected Areas, Mr. Boydston noted that the states would be sending in their own nominations and he therefore recommended that the Council not go forward with a nomination for that particular group.

D.2. Marine Reserve Proposals for Channel Island National Marine Sanctuary

D.2.a. Agendum Overview

Jim Seger

D.2.b. Agency Reports

Mr. Sean Hastings reviewed the process for consideration of marine reserves for the Channel Island National Marine Sanctuary (CINMS) Area and maps that had been developed. Ms. Patty Wolff reported that a composite map had been forwarded by the CDFG and sanctuary staff to the California Fish and Game Commission (CFG). The composite map would include 25% of the area in marine reserves. It includes marine reserves in the Anacapa and Santa Barbara Island area for which the Marine Reserve Working Group did not reach consensus. The California Fish and Game Commission will be considering three basic options, (1) create marine reserves in 12%-38% of the CINMS area, (2) no action, or (3) include the issue of marine reserves for the CINMS area as part of the consideration of marine reserves under the Marine Life Protection Act process. Mr. Hastings indicated that they had not yet determined how best to proceed with consideration of marine reserves for the federal waters of the CINMS area and would be communicating with Council staff about the issue.

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

SSC

Ms. Cindy Thomson provided the comments for the SSC.

The Scientific and Statistical Committee (SSC) was briefed by Mr. Sean Hastings, Channel Island National Marine Sanctuary (CINMS), and Ms. Patty Wolf, California Department of Fish and Game, on the current status of the process to develop a network of marine reserves within the Sanctuary's boundaries. The California Fish and Game Commission is currently considering a number of options for the size and placement of reserves at CINMS. They may select an option as early as February 2002. This is ahead of the time frame in which the Council is likely to come to its own conclusions. The process through which consistent state and federal fishery regulations will be developed is not clear.

It will be important that there be close coordination between CINMS and the Council. In accordance with National Environmental Policy Act (NEPA) requirements, it will also be important that the Council receive a full regulatory analysis of reserve size and location alternatives considered by the CINMS. These documents should include a socioeconomic as well as an ecological comparison of options. These analyses are necessary to inform Council deliberations on this issue, and the Council should not be expected to take action without these analyses. The SSC looks forward to reviewing these documents when they become available.

The SSC Ad Hoc Marine Reserves Subcommittee will be meeting with the CINMS Science Panel on October 1 and 2, 2001 in Santa Barbara, California to discuss the Science Panel's findings and recommendations. This meeting will focus on the Science Panel's recommended reserve size and how they determined the potential fishery benefits that would result from a marine reserve network in the CINMS. The SSC will present a statement to the Council at the November meeting on the results of this meeting.

HSG

Ms. Jennifer Bloeser read the report of the HSG.

The Habitat Steering Group (HSG) received a briefing on the Channel Islands National Marine Sanctuary (CINMS) reserve proposal process from Ms. Patty Wolf, California Department of Fish and Game (CDFG) and Mr. Sean Hastings, CINMS staff. It is our understanding that CDFG staff are in the process of developing proposed regulation language for the options identified by the California Fish and Game Commission (Commission). The Commission may take public input on these options at its December meeting in Long Beach, California with final adoption potentially scheduled for its February 2002 meeting. If marine reserves at the Channel Islands are adopted by the Commission, then the next step would be for CINMS to propose complementary closures in federal waters for the Council's consideration.

The HSG would like to reiterate its support for active participation by the Council in marine reserve initiatives. The HSG plans to continue to track the CINMS marine reserve process and receive periodic updates from CDFG and CINMS staff on their progress. The HSG also intends to support the Council by working with the Ad Hoc Marine Reserves Committee and will review any marine reserve proposals which are developed outside of the Council process and presented to the Council for consideration.

D.2.d. Public Comment

None.

D.2.e. **Council Action:** Marine Reserve Proposals for Channel Island National Marine Sanctuary -- Consider Update or Recommendations of the Source Agencies

Mr. Boydston commented that it would be difficult for the Council to provide much comment based on information provided at this meeting but that he thought additional information would be available for the Council after the October CFGC meeting. He suggested the Council advisors review any documents that are available prior to the November Council meeting. He expressed concern that after the Council's October/November meeting, there would not be another opportunity for Council comment until the Council's March meeting. Dr. McIsaac noted that the Council had asked the SSC to invest time in this issue and that it should therefore be put on the November Council agenda. Mr. Anderson expressed concern that advisory bodies set aside time at the November meeting to review CDFG and SSC reports and comment to the Council.

E. Habitat Issues

E.1. Essential Fish Habitat Issues (September 12; 4:16 pm)

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

Ms. Jennifer Bloeser and Ms. Michele Robinson presented the report for the HSG (Exhibit E.1.a, Supplemental HSG report). Ms. Robinson also provided a indicated that the HSG developed a list of agenda items for the November HSG meeting. Mr. Brown requested that the HSG provide the list in writing. Mr. Tracy indicated that the list would be provided under agenda I.5.c, Identify Priorities for Advisory Body Consideration (see Exhibit I.5.c, Supplemental Attachment 1, HSG Report).

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

None.

E.1.c. Public Comment

None.

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

None.

F. Salmon Management

F.1. NMFS Report (September 14; 7:44 am)

F.1.a. Columbia River Flow Issues

This item was postponed until the March 2002 Council meeting.

F.1.b. Miscellaneous Matters

Mr. Svein Fougner requested the Council include an agenda item for the November meeting relating to the development of an FMP amendment that would allow adjustment of harvest levels for Sacramento winter and spring run chinook.

F.1.c. Council Discussion on NMFS Reports

Mr. Thomas asked if Mr. Fougner will provide a review of the Sacramento winter chinook Biological Opinion prior to the November Council meeting, which could allow changes to next year's early recreational openings south of Point Arena. Mr. Fougner indicated that NMFS would provide that review.

Mr. Bohn noted there was a recent development in a lawsuit relative to ESA listing of Oregon Coast Natural coho (Exhibit F.1.b, Supplemental Court Report). He asked Ms. Cooney if she had comments on this issue. Ms. Cooney had not read the entire court ruling, but indicated that the plaintiffs had challenged the listing based on exclusion of hatchery fish, and the judge had apparently agreed.

F.2. Update of Ongoing Fisheries (September 14; 7:48 am)

F.2.a. Sequence of Events

Mr. Tracy requested that the Council read Exhibit F.2.a Sequence of Events as time allowed.

F.2.b. Status of Fisheries

Mr. Tracy requested that the Council read Exhibit F.2.b, Supplemental STT Report, as time allowed.

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

Mr. Bohn asked the Council to read Exhibit F.2.c, Supplemental ODFW Report as time allowed.

F.2.d. Public Comment

None. Mr. Bohn noted there were some letters in the briefing book and ODFW received calls and letters about the improved fisheries, which have provided a positive impact on coastal communities.

F.2.e. Council Discussion on Update of Ongoing Salmon Fisheries

None.

F.3. Update on Scientific and Statistical Committee (SSC) Methodology Review (September 14; 7:52 am)

F.3.a. Agenda Overview

None.

F.3.b. SSC Report

Ms. Cindy Thomson provided the SSC Report (Exhibit F.3.b).

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

None.

F.3.d. Public Comment

None.

F.3.e. Council Guidance on Scientific and Statistical Committee (SSC) Methodology Review Priorities

None.

F.4. Queets River Coho Status Review

This item was postponed until the November Council meeting.

G. Highly Migratory Species Management

G.1. NMFS Report (09/14/01; 7:55 a.m.)

In the interest of time, rather than reporting in detail on recent international and domestic activities, Mr. Fougner will provide a written report at a later date on domestic regulations for the drift gill net fishery, Hawaii longline fishery, shark finning prohibitions, and High Seas Fishing Compliance Act; on the international front, his report will include updates on the IATTC activities, US/Canada Albacore Treaty discussions, and the MHLC. He specifically noted a letter from Dr. Michael Tillman (SWFSC) to the Council about a meeting about North Pacific and Pacific tuna and tuna-like species in Japan in January 2002.

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

None.

G.2.. Update on FMP Development (09/14/01; 7:58 a.m.)

G.2.a. Agendum Overview

Mr. Waldeck provided a review of the agenda item. He reminded the Council of the plan development schedule. He highlighted that the Council continues to receive numerous letters about pelagic longlines.

G.2.b. Highly Migratory Species Plan Development Team Report

Ms. Michele Robinson provided a PowerPoint presentation.

The highpoints of her presentation were – (1) status of the FMP, working toward completion of draft in time for consideration at October/November meeting; (2) per Council directive, developing two documents that will form the basis of the FMP and regulatory alternatives; (3) economic survey information ongoing, but information still being collected, will not be ready for inclusion in October draft; (4) legal gear options, clarified the implications of the proposed legal gear options, especially pelagic longline gear; (5) sought Council guidance on readiness of FMP (given status of economic data), legal gear options (prohibition of pelagic longlines outside the U.S. EEZ), and completeness of pelagic longline and drift gill net gear options.

Mr. Brown asked for clarification of the Ocean Wildlife Campaign (OWC) proposal for a research longline fishery and how it differed from an Exempted Fishery. Ms. Robinson noted that rather than a prohibition on longline gear, OWC seeks an indefinite moratorium on pelagic longline gear. The research fishery is intended

to provide information for determining whether to lift the moratorium, and is intended to not be an exempted fishery.

Mr. Fougner noted that OWC believes there is a substantive difference between their proposed fishery and an exempted fishery. That is, their proposal is for a fishery solely for research, rather than an exempted fishery where commercial fishing is the primary objective and research is secondary.

Mr. Brown stated his concern that research under the OWC proposal was less likely to occur as no one would be willing to fund the research. Whereas under an exempted fishery, industry would be willing to pay for the research.

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

HMSAS

Mr. Larry Six provided the comments for the HMSAS (Exhibit G.2.c, Supplemental HMSAS Report).

The Highly Migratory Species Advisory Subpanel (HMSAS) met August 26-27, 2001 with some members of the Highly Migratory Species Plan Development Team (HMSAS) to review changes to fishery management plan (FMP) chapters 3 and 8 and a first partial draft of the initial regulatory measures. Following are comments on the FMP. No formal comments are provided at this time on the regulatory document, which has not been completed.

The HMSPDT should draft a separate document that analyzes the management unit option which excludes sharks and present it to the Council at the September meeting.

The HMSAS notes that maximum sustainable yield (MSY) has not been estimated for some HMS due to lack of information and recommends that NMFS provide guidance on the legal requirement for MSY estimates in data poor cases and on any precedent for including species in the management unit without an MSY estimate.

The HMSAS also believes NMFS needs to clarify requirements for unilateral U.S. action to rebuild overfished HMS in the Pacific in cases where U.S. catch is a small fraction of the total harvest.

The term "local depletion" needs to be defined in the FMP.

The HMSAS supports an annual management cycle for HMS fisheries, but points out that June and September are not good times for commercial and recreational participants to attend meetings, because of ongoing fisheries. We further recommend the Council start holding meetings in southern California as soon as practicable.

The definitions of surface hook-and-line and longline gears need to be revised to make sure there is a clear distinction between these gears. The definitions of HMS gear in the Code of Federal Regulations need to be reviewed and incorporated in the FMP where appropriate.

One option in the legal gear section would not include longlines as legal gear, as requested by the Council in June. Was it the Council's intent that this option would prohibit all landings of HMS with longline gear (including fish harvested beyond the exclusive economic zone [EEZ]), or was it the intent to prohibit longline fishing only in the EEZ?

The HMSAS recommends that shark finning not be addressed as an option in the FMP since these regulations will be implemented by NMFS in a separate process to implement the new legislation. Shark finning restrictions should be referenced in chapter 9 which describes other applicable law.

The HMSAS would like to meet during the November Council meeting to comment on the next draft of the FMP and regulatory document prior to adoption for the public review process.

HSG

Ms. Michele Robinson provided the comments for the HSG (Exhibit G.2.c, Supplemental HSG Report).

The Habitat Steering Group (HSG) would like to thank the Highly Migratory Species Plan Development Team (HMSPDT) for incorporating our suggested essential fish habitat changes into the next draft fishery management plan (FMP). The HSG urges the HMSPDT to adhere to the proposed timeline of having a draft ready for the November Council meeting with final adoption scheduled for March 2002. The HSG plans to have a more thorough review of the draft FMP following the November Council meeting and will make suggested changes, as appropriate, prior to final adoption.

G.2.d. Public Comment

None.

G.2.e. Council Guidance on Completion of Draft FMP

Mr. Fougner stated for the record that NMFS – SWR and SWFSC are committed to working with the HMSPDT and HMSAS to address legal issues or other questions relevant to development of the FMP. He does not believe the questions raised by the committees present any problems which would delay the FMP.

Mr. Anderson asked Ms. Robinson to display the slide from her presentation that outlined the issues for which the HMSPDT was seeking Council guidance.

These issues include:

- Readiness of the draft FMP for the November Council meeting (i.e., economic surveys are ongoing and not ready, what are the NEPA requirements?)
- Legal gear options (they would like clarification on whether it was the Council's intent to exclude pelagic longline from the U.S. EEZ. and the high seas)
- Pelagic longline and drift gill net options (do they cover the full range)

Mr. Anderson asked what fisheries were involved in the economic surveys. Ms. Robinson responded that surveys are ongoing with the troll fishery, drift gill net fishery, and charterboat fishery. The results will not be available by the October/November Council meeting deadline; but will be available for inclusion in the March 2002 draft.

Mr. Fougner noted that the surveys are “cost and earnings surveys,” which will provide useful information, but are not critical to analysis of the draft management options. Further, the initial regulations will not address the albacore fishery (troll fishery) nor charterboat fisheries, so the relative importance of the survey information is low. For the drift gill net fishery, economic analyses have been done for other purposes, which could provide sufficient information for the October/November draft.

Mr. Fougner believes the current options represent the full range of reasonable alternatives. He noted, that while it may be extreme, given the heightened concern about pelagic longline gear it is not unreasonable to have an option that would eliminate the use of pelagic longline gear by West Coast-based HMS fishing vessels.

Mr. Brown agrees that the current options cover the range. However, the HMSPDT should fully explain the implications of each option. He reiterated his concern that the Ocean Wildlife Campaign option would exclude research sponsored by the fishing industry.

H. Coastal Pelagic Species Management

H.1. NMFS Report (09/14/01; 8:29 a.m.)

Mr. Fougner reported there was nothing new to report.

H.1.a. Council Discussion on NMFS Report for CPS

H.2. Final Report on Market Squid Maximum Sustainable Yield Methodology Workshop (09/14/01; 8:30 a.m.)

H.2.a. Agendum Overview

Mr. Waldeck described scheduled Council action. However, because the CPSAS was unable to meet they will not have the opportunity to comment on the squid MSY workshop. Therefore, the report of the workshop will be delayed until the October/November Council meeting. As a result of this delay, preliminary action on Amendment 10 to the CPS FMP will be delayed until March 2002. The Council does have the option of decoupling limited entry provisions from squid MSY provisions in Amendment 10. Limiting the scope of Amendment 10 to the limited entry provisions could allow preliminary action on Amendment 10 in November 2001. He noted that the presentations and reports noted on the agenda will be delayed until October/November, but opportunity for public comment should be provided at this time.

H.2.b. Final Workshop Report

Delayed until the October/November Council meeting.

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

Delayed until the October/November Council meeting.

H.2.d. Public Comment

Ms. Heather Munro, representing West Coast Seafood Processors Association, Waldport, Oregon

H.2.e. Council Guidance on Final Report on Market Squid Maximum Sustainable Yield Methodology Workshop

The Council discussed whether to separate the limited entry provisions from the squid MSY provisions in Amendment 10 in terms of delaying work on Amendment 10.

Mr. Fougner asked for information about how far along the CPSMT is in developing the limited entry portions of Amendment 10. Mr. Waldeck indicated the CPSMT made significant progress in developing the amendment, but there are several subissues for which they would like guidance from the CPSAS.

Ms. Vojkovich noted that the issues of squid MSY and limited entry permit transfer are linked. Moreover, CDFG is in the process of developing limited entry in market squid fishery. Delay of Amendment 10 would provide for coordination between the CDFG process and Council process. She recommends delaying Amendment 10.

Mr. Brown noted his concern about the impact to individuals in the fishery if limited entry permit transferability is delayed for an extended time. That is, holding up the Council process in order to coordinate with the CDFG process could have an impact on fishermen.

Mr. Fougner encouraged staff, the CPSMT, and CPSAS to work together on developing a game plan for proceeding on Amendment 10. He asked the CPSMT to report back on when the limited entry portions would be ready, when the squid MSY portions could be ready, and when the Council could expect to take action on either or both. That is, he would like to know how long it will take to develop the squid MSY provisions and what impact that would have in terms of delaying implementation of limited entry permit transferability. If the limited entry provisions were isolated, how quickly could the amendment be done?

Dr. Hill (CPSMT chair) noted the CPSMT has made considerable progress on Amendment 10. The Council has selected preferred options for a limited entry capacity goal and limited entry permit transferability. He noted there are several subissues specific to limited entry that would benefit from CPSAS review. Those include (1) alternatives for adjusting permit transferability and (2) the process for considering issuance of new permits. The question is whether the Council wants to move ahead on the limited entry portion without the inclusion of CPSAS comments on the subissues. He also highlighted the workload facing the CPSMT, and noted a delay could provide for development of a more complete draft amendment.

Mr. Brown asked Dr. Hill, if the CPSAS thought the current draft options were adequate, would the amendment be ready for preliminary action in November?

Dr. Hill said the limited entry portions of the amendment have been developed and if the CPSAS was satisfied with the alternatives developed for the subissues (i.e., did not request additional options), then, perhaps, Amendment 10 could be developed in time for Council consideration in November. However, he noted the other analyses that accompany the EA/RIR/IRFA are still being developed and would benefit from additional time.

Mr. Brown felt that, if the limited entry provisions of Amendment 10 could be completed in time for the October/November meeting, perhaps the Council should consider decoupling the squid MSY portions. He requested that work on the limited entry portions of Amendment 10 proceed, and that the CPSMT and CPSAS report back at the October/November meeting in terms of the readiness of both Amendment 10 as a whole and its component parts. He stressed that the squid MSY provisions should not delay action on limited entry permit transferability.

Mr. Waldeck reiterated the guidance provided by the Council and discussed the next several steps. In November, the Council will review Amendment 10 and discuss how to proceed on the contents, i.e., whether to sever the squid MSY portions from Amendment 10 and proceed with only the limited entry provisions. The Council expects input from the CPSMT and CPSAS on the readiness of the limited entry portions of Amendment 10 and the schedule for completion if both squid MSY and limited entry provisions are included.

H.3. Pacific Sardine Fishery Update (09/14/01; 9:23 a.m.)

H.3.a. Agendum Overview

Mr. Waldeck briefed the Council on the matter at hand.

H.3.b. Reports from Coastal States

H.3.b.i., Washington; and H.3.b.ii., Oregon

Ms. Michele Robinson, Washington Department of Fish and Wildlife and Ms. Jean McCrae, Oregon Department of Fish and Wildlife presented a PowerPoint presentation. Ms. Robinson also referenced Exhibit H.3.b.i, Supplemental WDFW Report, the WDFW preliminary report of the 2001 trial purse seine fishery for Pacific sardine.

H.3.b.iii. California

Dr. Kevin Hill updated the California's Pacific sardine fishery in 2001 (Exhibit H.3.b.iii, Supplemental CDFG Report).

Between January and August of 2001, California's purse seine fishery landed approximately 35,206 metric tons of sardine; 34,430 mt in the southern allocation subarea, and only 776 mt in the northern subarea based in Monterey. This represents 63% percent of the total U.S. catch to date, but only 26% of the total U.S. harvest guideline for the current season.

The southern California sardine fishery typically peaks from late-fall through early-spring, and usually coincides with the market squid fishing season. The southern California fishery had a strong start in 2001, but was soon impacted by closure of the directed Pacific mackerel fishery. Stringent incidental catch restrictions and high percentage mixes of mackerel in sardine hauls hindered normal

prosecution of the fishery from April through June. Many of the traditional CPS finfish vessels have been targeting more lucrative market squid. Los Angeles area fish markets and processors have been paying \$250/ton for market squid, while the ex-vessel price for sardine remains from \$80-120/ton. In spite of the above, the southern California fishery resumed at a steady pace in July, and cumulative landings were 34,430 mt by the end of August, with 55,395 mt remaining on the southern allocation.

The northern California fishery, based in Monterey Bay, has had a very slow sardine season so far this year. Unseasonably cool water temperatures from late winter through spring pushed sardine offshore making them inaccessible to the local fleet. Sardine eggs sampled during the April CalCOFI cruise indicate that spawning population was at least 50 miles off the coast. The Monterey fishery has only landed 776 mt to date, most of which was caught in January, and the purse seine fleet has resorted to fishing for anchovy (over 17,000 mt) and market squid (2,200 mt). The Monterey sardine fishery typically peaks between June and October, so there is still a chance that this fishery will increase in the next two months.

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

Dr. Kevin Hill read the CPSMT statement (Exhibit H.3.c, Supplemental CPSMT Report).

At the August 14-15 meeting of the Coastal Pelagic Species Management Team (CPSMT), the CPSMT held a discussion on the status of the 2001 Pacific sardine fishing season. State representatives provided brief overviews of landings to date, along with projections for the remainder of the year. Landings and remaining harvest guidelines for northern and southern allocation areas were discussed with respect to the October 1 reallocation authorized by the fishery management plan (FMP). The Oregon and Washington fisheries have had relatively high landings to date, but the Monterey, California fishery has had negligible landings due to poor resource availability. The Monterey fishery is anticipated to increase in the fall if a more typical season resumes. Given the possibility that the Oregon and Washington fisheries could preempt the Monterey fishery from the northern harvest guideline, the CPSMT recommends that the October 1 reallocation schedule, as specified in the FMP, be executed. This will ensure the harvest guideline is achieved, and the Monterey, California fishery is provided opportunity to harvest a reasonable share of the harvest guideline.

H.3.d. Public Comment

Ms. Heather Munro, representing West Coast Seafood Processors Association, Waldport, Oregon

H.3.e. **Council Action:** Consider Inseason Management Measures for Pacific Sardine Fishery

Mr. Waldeck noted no specific Council action is required. There are provisions in the FMP for NMFS to reallocate the uncaught portion of the sardine harvest guideline as an automatic measure. At the Council's discretion a recommendation could be made to NMFS to trigger reallocation per the FMP.

Mr. Anderson moved that the Council recommend to NMFS that the reallocation of the sardine harvest guideline between the southern area and the northern area be executed per the FMP, effective October 1. Mr. Brown seconded the motion. (Motion 20) Motion 20 passed.

I. Administrative and Other Matters

I.1. Status of Legislation

Dr. McIsaac referred the Council to the briefing book exhibit and attachments for their reference. Discussion was limited in the interest of completing the remaining Council agenda.

I.1.a. Magnuson-Stevens Act Reauthorization

No comments.

I.1.b. Other Current Legislation

No comments.

I.1.c. Council Discussion on Legislation

No comments.

I.2. Appointments to Advisory Bodies

The Council appointed the following persons to fill recent vacancies in various Advisory Bodies: Ms. Kathleen Fosmark to the southern open access position on the Groundfish Advisory Subpanel; Ms. Heather Munro to the northern processor position on the Highly Migratory Species Advisory Subpanel (HMSAS); and Mr. Robert Osborn to the private recreational position on the HMSAS. The Council did not fill the public-at-large vacancy on the HMSAS, but will re-issue a call for nominations for that position along with suggested criteria to help determine appropriate candidates. All persons previously nominated for this position will remain under consideration when the Council again considers nominees at the November Council meeting. The Council will also issue requests for nominations to the northern California charter/sport position on the Coastal Pelagic Species Advisory Subpanel and the recreational fisher position on the Habitat Steering Group.

The Council also appointed an ad hoc Groundfish FMP EIS oversight committee to help coordinate development of the EIS. The appointed members are: Messrs. Phil Anderson; Burnie Bohn; Ralph Brown; LB Boydston; Robert Eaton; Jim Lone; Paul Heikkila; and Rod Moore. This committee will be supported by the SSC, GMT, and HSG. In view of current management and workload priorities, the Council delayed action to appoint an ad hoc Marine Reserve Steering Group.

I.3. Report of the Budget Committee

Mr. Jim Harp read the report of the Budget Committee (Exhibit I.3).

I.3.a. **Council Action:** Adopt Recommendations of the Budget Committee

The Council adopted the Budget Committee Report (Exhibit I.3).

I.4. Council Staff Work Load Priorities

The Council reviewed the proposed staff workload (Exhibit I.4, Supplemental Staff Workload Report). Dr. McIsaac noted that the proposed work plan exceeded the full time efforts of the staff. He stated that overtime would be necessary in this case, but that he did not want to get in the habit of expecting overtime on a continuing basis. The Council approved the proposed work priorities.

I.5. November 2001 Council Meeting Draft Agenda

I.5.a. Consider Agenda Options

The Council made minor modifications to the proposed agenda (Exhibit I.5) which included adding a session on the Marine Recreational Fisheries Statistics Survey and some rearrangement of agenda items to help the orderly and efficient development and adoption of the 2002 management measures for groundfish.

I.5.b. **Council Action:** Adopt Draft Agenda for the November 2001 Meeting

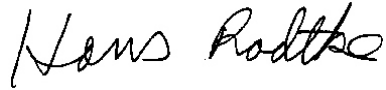
The Council approved the draft agenda with changes as noted above.

I.5.c. Identify Priorities for Advisory Body Consideration for the November 2001 Meeting

The Council approved the priorities for issues to be considered by the SSC as provided in the draft agenda.

ADJOURN

The Council meeting adjourned on Friday, September 14, 2001 at 4:53 p.m.



April 12, 2002

Hans Radtke, Council Chairman

Date