

# MINUTES

## Pacific Fishery Management Council

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 September 7 - 12, 2003

<b>A. Call to Order</b> .....	3
A.5 <b>Council Action:</b> Approve Agenda .....	3
<b>B. Administrative and Other Matters</b> .....	4
B.1.b <b>Council Action:</b> Elect Chair and Vice Chair .....	4
B.2.b <b>Council Action:</b> Approve April 2003 Minutes .....	4
B.3.d <b>Council Action:</b> Consider Submitting Formal Input Into the NOAA Fisheries Constituent Survey .....	7
B.4.e <b>Council Action:</b> Consider Recommendations of the Legislative Committee .....	10
B.5.e <b>Council Action:</b> Consider Recommendations of the Budget Committee .....	10
B.6.d <b>Council Action:</b> Consider Current Composition of Advisory Bodies and Direct Staff to Request Nominees for the 2004-2006 Term .....	11
B.7.c Council Guidance on Workload, Draft Agenda for the November 2003 Council Meeting, and Identify Priorities for Advisory Body Consideration .....	12
<b>C. Groundfish Management</b> .....	13
C.1.d Council Discussion on NMFS Report on Groundfish Management .....	15
C.2.e <b>Council Action:</b> Provide Guidance on Observer Data Implementation .....	16
C.3.f <b>Council Action:</b> Adopt Final Harvest Levels for 2004 Groundfish Management .....	19
C.4.e <b>Council Action:</b> Consider and Adopt Groundfish Inseason Adjustments as Needed .....	22
C.6.m <b>Council Action:</b> Guidance and Direction as Needed on Groundfish Management Measures for 2004 .....	30
C.6.s <b>Council Action:</b> Adopt Final Proposed 2004 Groundfish Management Measures .....	33
C.7.e <b>Council Action:</b> Adopt Alternatives for Public Review on the Proposed Monitoring Program for the Shore-based Pacific Whiting Fishery .....	36
C.9.e <b>Council Action:</b> Adopt Options for the Groundfish Bycatch Program EIS for Public Review .....	42
C.10.h <b>Council Action:</b> Plan Future Council Action Regarding Groundfish IQ Development ...	44
D.1.e <b>Council Action:</b> Consider Habitat Committee Recommendations .....	46
<b>E. Marine Reserves</b> .....	47
E.1.e Council Discussion on Update on Marine Reserves Issues .....	48
<b>F. Salmon Management</b> .....	49
F.2.f <b>Council Action:</b> Establish Final Prioritization and Schedule for Review of Salmon Methodology Changes for the 2004 Season .....	51
F.3.f <b>Council Action:</b> Provide Guidance on Mitchell Act Issues .....	52
<b>G. Pacific Halibut Management</b> .....	53
G.2.e <b>Council Action:</b> Provide Guidance on Pacific Halibut Bycatch Estimation Issues .....	54

**NOAA Fisheries 2003 Constituent Sessions . . . . . 55**  
**4 PM Public Comment for Items not on the Agenda . . . . . 55**

## A. Call to Order

### A.1 Opening Remarks, Introductions 09/08/03; 4:47 pm

The 170<sup>th</sup> meeting of the Pacific Fishery Management Council was called to order. The Council held a closed session prior to the general session.

### A.2 Council Member Appointments - Swearing in of New Members

Dr. Bill Hogarth swore in new members Messrs. Darrell Ticehurst and Frank Warrens. He confirmed reappointments for Messrs. Jim Harp, Bob Alverson, and Donald Hansen.

### A.3 Roll Call (09/08/03; 4:54 pm)

Dr. Donald McIsaac called the roll.

Bob Alverson  
Phil Anderson  
Neal Coenen  
Marija Vojkovich  
Ralph Brown  
Mark Cedergreen  
David Gaudet  
Donald Hansen  
David Hanson  
Jim Harp  
Jerry Mallet (Absent)  
Lt. Greg Casad  
Dave Ortmann  
Tim Roth  
Bill Robinson  
Roger Thomas  
Darrell Ticehurst  
Stetson Tinkham (Absent)  
Frank Warrens

### A.4 Executive Director's Report

Dr. McIsaac

### A.5 Council Action: Approve Agenda

The Council approved the agenda as shown in Exhibit A.5, September 2003 Council Meeting Agenda. (Motion 1)

## **B. Administrative and Other Matters**

### B.1 Election of Council Chair and Vice Chair

#### B.1.a Agendum Overview

Mr. Chuck Tracy presented the agendum overview.

#### B.1.b **Council Action:** Elect Chair and Vice Chair

Mr. Phil Anderson moved (Motion 2) to appoint Mr. David Ortmann for the term beginning September 8, 2003 through December 31, 2004, to Council Vice-Chairman. Mr. Bob Alverson seconded the motion. Motion 2 passed.

Ms. Marija Vojkovich moved (Motion 3) to appoint Mr. Donald Hansen for the term beginning September 8, 2003 through December 31, 2004, to Council Chairman. Mr. Roger Thomas seconded the motion. Motion 3 passed.

### B.2 April 2003 Council Meeting Minutes

#### B.2.a Council Member Review and Comments

Provided under B.2.b.

#### B.2.b **Council Action:** Approve April 2003 Minutes

Mr. Brown moved to approve the April 2003 minutes with Mr. Anderson's correction. Ms. Vojkovich seconded the motion (Motion 4) Mr. Anderson made one correction as follows: on page 21 where it says "We need to wait to make the decision on whether or not to use the new rates", add after that sentence the phrase "for target species". Motion 4 passed with the one correction by Mr. Anderson.

### B.3 Council Input into NOAA Fisheries Constituent Survey (09/09/03; 10:14 am)

#### B.3.a Agendum Overview

Dr. McIsaac provided the agendum overview. He welcomed Dr. Hogarth and noted for the Council that this was an opportunity to convey issues and concerns to Dr. Hogarth. Dr. McIsaac outlined several topics that might be discussed, including suggestions for how to improve the process in general, regional council funding and other budget-related matters, NMFS staffing levels and resources, coordination with and support for state management agencies, National Standard guideline revision, Magnuson-Stevens Act reauthorization, incorporation of ecosystem and oceanographic regime dynamics into management, ways to improve fishery data – observer program, resource surveys, logbooks, “card swipe,” implementation of the Groundfish Strategic Plan, coordinated management of coastal pelagic species with Mexico and Canada, individual fishing quota programs, and cooperation in response to litigation. Dr. McIsaac stated Council staff could be directed to draft a letter conveying the Council’s input to Dr. Hogarth.

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

## HC

Mr. Stuart Ellis provided Exhibit B.3.b, Supplemental HC Report.

*From a habitat perspective, the most important issues facing fisheries in our region are the lack of knowledge about the offshore habitat on which Council-managed species depend and the lack of action to address **known** problems such as pollution; degradation and loss of wetlands and estuaries; and freshwater habitat loss.*

*To address the lack of information on our offshore areas, a consistently funded, long-term research program needs to be established.*

*Regarding the better-known problems, essential fish habitat consultation requirements need to be strengthened when the Magnuson-Stevens Act is reauthorized so that agencies seriously consider the effects of their actions on fish species and habitat, and respond to comments made by the Council in a detailed and effective way. For example, the Council has made detailed comments on issues such as Klamath and Trinity River flows and hydropower relicensing and has received only limited responses that do not address the Council's specific comments.*

*NMFS is currently developing an environmental impact statement addressing EFH in the Pacific region. As we move forward with this effort, agencies need to acknowledge the impacts of their actions on living habitat such as sponges, kelp, and coldwater corals. These non-fish species play an important and often unrecognized role in the health of the ecosystems that support our fish populations.*

## SSC

Mr. Tom Jagielo provided Exhibit B.3.b, Supplemental SSC Report.

*The Scientific and Statistical Committee (SSC) identified three broad areas that we consider important to the quality and effectiveness of West Coast fishery management in the near future.*

### Capacity Reduction

*Capacity reduction is the highest priority for the West Coast groundfish fishery. If an aggressive groundfish capacity reduction program is implemented many of the problems facing the West Coast groundfish fishery could be reduced or eliminated. The fishing industry has taken the initiative on this issue but considerable support from the Council and NOAA Fisheries is needed to make this successful. Additional measures such as permit stacking and fishing quota programs may be necessary for long-term effective management of capacity.*

### Data Collection

*Given the intensity of current management and the high economic and social stakes of fishery closures, it is important to have high quality and consistent long-term data sets. Stock assessments, species rebuilding plans, by-catch estimates, and economic assessments all have specific data requirements. To address these needs, the SSC encourages NOAA Fisheries to conduct and expand fisheries sampling and fishery independent data collection. This applies to all species that are managed by the Council including groundfish, coastal pelagic species, salmon, and highly migratory species. The need for independent sampling is especially important for monitoring rebuilding of stocks that have severely restricted fisheries.*

### Marine Reserves

*Marine reserves are an important and contentious issue. There are differences and potential conflicts in the objectives of the Magnuson-Stevens Act and National Marine Sanctuary Act. Lines of authority and responsibility among NOAA Fisheries, the Council, and the National Marine Sanctuary Program are not clear. Clarification of each agency's role is needed to facilitate communication and coordination.*

## GAP

Mr. Tom Ghio provided Exhibit B.3.b, Supplemental GAP Report.

*The Groundfish Advisory Subpanel (GAP) appreciates your visiting the West Coast and conducting a constituent listening session during the Council meeting. Although GAP members may have individual comments, we would also like to offer these collective points of view.*

*One of the highest priorities of the GAP is improvement of the science that is used to assess and manage Pacific groundfish. As you know, groundfish research has long been the poor stepchild of NMFS funding on the West Coast in spite of the tremendous contribution of groundfish to our commercial, recreational, and tribal fisheries, as well as coastal communities. We continue to assign harvest levels on the basis of three to four-year-old data. Our observer data, which is supposed to provide real-time management, is over one year old and doesn't reflect current management situations. As a result, we have seen precipitous economic declines to the point where one segment of the fleet sees a buyback as the best way to maintain a sustainable fishery.*

*While some of these problems are funding related, there are also operational research improvements that can be made to improve the amount, precision, and timeliness of data collection.*

*We recommend the following:*

- \* the administration needs to request funding for the level of groundfish research needed;*
- \* additional full time employees need to be assigned to the groundfish observer program so that observer data can be analyzed in a more timely manner;*
- \* data collection needs to be conducted using means that are appropriate for the species and location; using swept-area trawl surveys for rockfish that are primarily found in un-trawlable areas makes no sense;*
- \* consideration needs to be given to natural functions, including, but not limited to, changes in ocean productivity, the impacts of lunar cycles and tides, population cycles, and predator/prey relationships, when collecting and analyzing data;*
- \* data sources need to be centralized to ensure higher quality stock assessments; assessment authors should not have to spend their time searching for obscure sources of data, or trying to figure out which state or federal office has the data needed for an assessment;*
- \* additional peer review of stock assessments which precludes full analysis by the Council's Stock Assessment Review Panels should be questioned; and*
- \* a card-swipe system to record landings, which would provide better real-time data, should be initiated.*

*In addition to concerns about science, the GAP believes that improvements can be made to management. Far too often, management measures are changed without determining whether they have met their goals. This not only represents a cost to the taxpayers but creates significant instability among participants in the fishery. Processes are started and then faced with premature termination due to end of funding, such as the essential fish habitat EIS now being conducted. The National Standard 1 Guideline review needs to be completed as quickly as possible.*

*Finally, the GAP has some general comments about NMFS. There is concern about lack of communication, when efforts to get general information are stymied, due to fears of lawsuits. There is concern that NMFS does not do enough to defend itself when lawsuits are filed; it is worth noting that NMFS lost three lawsuits in a row on groundfish management measures and only won the fourth lawsuit when industry groups intervened. Of special concern to the West Coast is the continued erosion of fisheries management authority within National Marine Sanctuaries, where NMFS appears to be willing to let the National Ocean Service assume management over important commercial and recreational fisheries in vast stretches of the ocean. Current language in many designation documents reference fishing regulatory authority now and in the future as under NMFS and state control, not the Sanctuaries. That includes those regulations that directly or indirectly affect fishing.*

*We hope that these comments and recommendations are helpful to you as you seek to improve fisheries conservation and management. GAP members are interested in working with you and your staff to ensure achieve a groundfish fishery that is sustainable for users and the coastal communities in which they live.*

### B.3.c Public Comment

None during the course of the Council session. Public comment was provided directly to Dr. Hogarth during the NOAA Fisheries Constituent Survey, Monday evening (September 8, 2003) and Tuesday morning (September 9, 2003).

### B.3.d **Council Action:** Consider Submitting Formal Input Into the NOAA Fisheries Constituent Survey

Mr. Alverson raised several issues in response to Dr. Hogarth's presentation. He noted the large difference reported in economic value between recreational and commercial fisheries. Recreational value is based on many inputs, whereas commercial value is solely based on ex-vessel value of catch. He suggested the commercial value presented does not include the total value realized from commercially harvested fish. He opined the commercial industry, historically, has been undervalued. Dr. Hogarth agreed that the commercial value represented ex-vessel value. He noted it was difficult to represent the total value of U.S. commercial catch, notably accounting for imports and aquaculture. He stated that in the future he would clarify how the different values were derived.

Mr. Alverson thanked NMFS for the support of the West Coast groundfish observer program. He encouraged NMFS to provide additional funding.

Mr. Alverson spoke to the issue of IFQs and the recent letter to regional councils from Congressman Gilchrist. Mr. Alverson stated that regional councils should be provided the flexibility to deal with regional issues in a way best suited to the needs of the specific region, and noted the Pacific Council's intent to move forward on IFQ program development.

Dr. Hogarth acknowledged he understood the concern. He noted current discussion about developing national standards for IFQ programs, and that he would relay Mr. Alverson's comments.

Mr. Anderson thanked Dr. Hogarth for taking the time to listen to the Council's concerns. He appreciated partnerships between the states, Council, and federal agencies; for example, Dr. Hogarth's meeting with state directors. Mr. Anderson also acknowledged the good relationship between the Council and NMFS, notably the West Coast regional offices and the science centers. He discussed cooperative efforts and partnerships, including fisheries conducted under Exempted Fishing Permits and submersible survey research on rocky reef habitat.

Mr. Anderson expressed concern about funding for salmon hatcheries under the Mitchell Act, noting the level funding since 1996. He was concerned about a chronic erosion of the ability to produce salmon at those facilities. With the increased demands on the limited Mitchell Act funds, some facilities might be closed. He recommended increased and secure funding for Mitchell Act hatchery facilities, which is necessary to maintain quality fisheries derived from salmon production at those facilities.

Mr. Anderson also noted funding issues for the Pacific Fisheries Information Network (PacFIN). Staff impacted by budget shortfalls do work that is critical to the federal and state fishery management and assessment science. For example, there are seven ports in Washington where groundfish are landed, yet there are only three port samplers for collecting information from catch landed at those ports. Current port sampling levels would be lower without cooperative funding between WDFW and northwest tribes. Continued level funding for PacFIN will result in loss of critical abilities to collect, compile, and manage necessary data.

In sum, funding for PacFIN and Mitchell Act hatcheries is a critical concern.

Dr. Hogarth responded that, indeed, federal/state partnerships are extremely important and should be fostered. Relative to Mitchell Act funding, he understands the concern and NMFS is working to find solutions. He also noted that NMFS recognizes the need for sufficient levels of port samplers, this is a problem in many regions. NMFS is working on increasing their numbers.

Ms. Vojkovich thanked Dr. Hogarth for the work of NMFS staff. She agrees with Mr. Anderson's remarks about PacFIN, and noted funding for RecFIN and jurisdictional and enforcement agreements is also important. Effective enforcement is critical to the success of regulations developed by the Council and NMFS.

She noted concern about the need to balance funding for current programs with the need for new or expanded programs, e.g., new initiatives for Essential Fish Habitat and Marine Protected Areas (MPAs).

Ms. Vojkovich also supported the SSC's comments about the relationship between NMFS and the marine sanctuary program, as well as the issue of MPAs and the roles of federal agencies. The Council needs assistance and guidance on how to address competing issues.

Dr. Hogarth stated that NMFS will continue to push for funding for enforcement. He noted that in response to the September 11 tragedy, the U.S. Coast Guard priorities have shifted away from fisheries enforcement. This has increased the burden on state and NMFS enforcement. On jurisdictional issues related to National Marine Sanctuaries and MPAs, he suggested it would be useful to get the parties together to discuss the issues.

Mr. Ticehurst, from the standpoint of recreational angling, a more careful economic analysis of fish by species and geographic area would help in management. For example, the value of salmon in the commercial fishery relative to the recreational fishery.

Dr. Hogarth said that was in the works.

Mr. Coenen also thanked Dr. Hogarth. He felt optimistic that the issues raised by others would see improvement in the future. He agreed with Mr. Alverson about proceeding on fishing quota program development. He noted the need to address core issues through long-term solutions, and the need for increased Council resources. Relative to Mitchell Act funding, he noted that the hatchery programs were critical to the U.S. v. Washington agreement for Columbia River salmon fisheries.

Dr. Hogarth commented that NMFS intends to maintain its close working relationship with the U.S. Coast Guard. This is in recognition of the critical role of enforcement. And stressed that reducing capacity and fishery rationalization are key to many systemic issues and fishery sustainability. He also appreciated the positive comments about the NMFS staff.

Mr. Brown echoed the comments of the other Council members. He spoke to the need to heed the fundamental management philosophy guiding U.S. fisheries. That is, marine resource policy aims to manage for long-term sustainable fisheries, which includes sustaining harvest opportunities, not simply conserving fish. Fishermen need stable management to be able to plan a business, which isn't possible under the current fishery. It might be possible to attain the healthiest fish stocks in the world, but not achieve the goal of "sustainable fisheries."

Dr. Hogarth agreed that more stable management and long-term planning is needed. Fishery management has many facets—commercial harvest, recreational fishing, existence value, product to consumers, fishing communities, etc. He was encouraged by the Council's recently adopted multi-year management regime, in that it would increase stability in the fishery.



Dr. Hogarth introduced Admiral Garret from the U.S. Coast Guard. Admiral Garret noted that homeland security has been a challenge for the Coast Guard. However, fisheries enforcement remains a priority and, with new resources, some increases have been made. In the future, vessel monitoring systems will increase the efficiency of fishery enforcement. Coordination with federal and state enforcement agencies continues and is important.

Dr. McIsaac reiterated for the Council that staff was prepared to draft a letter to Dr. Hogarth highlighting issues of importance to the Council. Many of those issues were discussed by Council members during this agenda item. If there are other items to highlight in the letter this would be the time to note them.

The Council was satisfied with what had already been discussed and directed staff to draft a letter. Dr. McIsaac anticipated the letter would be sent during October 2003.

Dr. Hogarth noted the comments made by the Council were informative and positive. He thanked the Council for their time.

#### B.4 Legislative Matters (09/12/03; 8:10 am)

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

Mr. Dan Waldeck reviewed the briefing materials.

##### B.4.b Legislative Committee Report

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

Cmdr. Fred Myer briefed the Council on the USCG automated identification system (AIS), which is being developed as part of a maritime transportation security initiative (under the U.S. Department of Homeland Security). AIS equipment would be required on vessels 65 feet or greater that transit certain waters, e.g., Puget Sound, Washington. He stated the USCG had received many comments regarding the proposed system. He anticipated that final rules would be published on or about October 24, 2003, with an effective date of approximately November 25, 2003.

Regarding the AIS proposal, Mr. Alverson asked Cmdr. Myer if there was a meeting (to be held in the Seattle, Washington area) planned for the near future, and if it would be announced soon. Cmdr. Myer said he did not know if such a meeting was planned, but would look into it and report back to Mr. Alverson.

Dr. Dave Hanson noted that the Commerce, Justice, and State appropriations bill had passed the Senate Commerce committee, but Senate floor action would likely be delayed because of several riders attached to the spending bill.

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

None.

##### B.4.d Public Comment

None.

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

Mr. Alverson moved and Mr. Cedergreen seconded a motion (Motion 17) to adopt the Legislative Committee's report as shown in Exhibit B.4.b, Supplemental Legislative Committee Report. Motion 17 passed by voice vote.

B.5. Fiscal Matters

B.5.a Agendum Overview (09/12/03; 8:21 am)

Dr. John Coon provided the agendum overview.

B.5.b Budget Committee Report

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

B.5.c Reports and Comments of Advisory Bodies

None.

B.5.d Public Comment

None.

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

Mr. Alverson moved and Mr. Anderson seconded a motion (Motion 18) to adopt the recommendations of the Budget Committee as provided in Exhibit B.5.b, Supplemental Budget Committee Report. There was no Council discussion. Motion 18 passed.

B.6. Appointments to Advisory Bodies, Standing Committees, and Other Forums for the 2004-2006 Term (09/12/03; 8:26 am)

B.6.a Agendum Overview

Mr. Chuck Tracy presented the agendum overview

Dr. McIsaac noted that Dr. Kevin Hill , SSC Vice Chair, has changed jobs from CDFG to NMFS , and asked Mr. Robinson for some clarification of Dr. Hill's role in the SSC.

Mr. Robinson responded that Dr. Hill now works for the NMFS SWFSC, and that the designated SWFSC position is held by Ms. Cindy Thomson. After consultation with Dr. Tillman, director of the SWFSC, he recommended the Council approve a second designated SSC position for the SWFSC. This would provide two designated seats each for the NWFSC and the SWFSC on the SSC, and allow Dr. Hill to continue his service. CDFG would then need to nominate someone to fill their position. The two other SWFSC staff on the SSC (Drs. Ralston and Conser) hold at-large positions.

B.6.b Reports and Comments of Advisory Bodies

None.

B.6.c Public Comment

None.

B.6.d **Council Action:** Consider Current Composition of Advisory Bodies and Direct Staff to Request Nominees for the 2004-2006 Term

Mr. Anderson recommended eliminating the Public At-Large seat on the SAS to allow one additional Sport Fisheries seat on the GAP. The linkage of the current SAS Public At-Large representative to Council fisheries is not as strong as desired, and it has been difficult to find people willing to serve in that position. The recommendation would also be cost neutral to the Council. The diversity of interest in the recreational groundfish fishery requires more representation than currently exists with the two Sport Fisheries positions on the GAP.

Mr. Thomas agreed with Mr. Anderson's comments and recommended that there be two Charter Boat Operator seats for California on the GAP because of the diversity of the groundfish fishery within California.

Mr. Warrens asked Mr. Anderson if his recommendation for the GAP would include Sport Fisheries seats from designated areas. Mr. Anderson responded that his intent was to increase the Sport Fisheries seats, not the Charter Boat Operator seats on the GAP, and not specify a geographic area for those representatives.

Ms. Vojkovich recommended that one of the Charter Boat Operator seats on the CPSAS be eliminated, with the remaining seat representing the entire state, then add another Charter Boat Operator seat to the GAP, and specify one California seat for north of Point Conception and one for south of Point Conception. The CPS fishery is primarily commercial, and the largest impact on the recreational fisheries is in the bait sector. She also supported Mr. Anderson's recommendation regarding the GAP and SAS.

Mr. Anderson moved (Motion 19) to revise the composition of the CPSAS by combining the two California Charter Boat Operator seats into one seat covering the entire state effective January 1, 2004; add one At-Large Sport Fisheries seat on the GAP; add one At-Large Charter Boat Operator seat to the GAP; eliminate the Public At-Large seat on the SAS; change the Tribal Fisher seats on the GAP and SAS to a three year term rather than an indefinite appointment; the Tribal Representative seats (California and Washington Coast/Columbia River) on the HC would remain an indefinite appointment; and add a NMFS SWFSC seat to the SSC. Ms. Vojkovich seconded the motion.

Dr. McIsaac noted that if the HC Tribal Representative seats are appointed to indefinite terms, there will be no opportunity to rotate membership on the SAS and HC among the Klamath tribes.

Mr. Harp recommended the California Tribal Representative seat and the Washington Coast/Columbia River Tribal Representative seat on the HC be appointed for a three year terms beginning January 1, 2004 to address the rotation issue.

Mr. Anderson accepted Mr. Harp's recommendation as a friendly amendment that the two Tribal Representative seats on the HC be three year terms. Ms. Vojkovich also accepted the friendly amendment.

Mr. Thomas requested a friendly amendment to designate the additional At-Large Charter Boat Operator seat on the GAP as a northern California seat. Mr. Anderson stated his intent was to allow flexibility in appointing the additional Charter Boat Operator seat so that circumstances could dictate the best representation, but that he did not object to the friendly amendment. Ms Vojkovich also accepted the friendly amendment.

Mr. Tracy asked if there was a proposed boundary for the two California Charterboat Operator seats on the GAP. Mr Thomas responded that the boundary would be Point Conception.

Motion 19 passed.

Mr. Ticehurst suggested that when Council staff advertise the Advisory Body positions, that recreational anglers be solicited for the HC Fishing Industry position.

Mr. Anderson stated he has no problem identifying descriptions of the recreational, commercial, and at-large seats, and who may apply for them, however he was concerned that the Council not solicit one interest in favor of others. Mr. Coenen and Chairman Donald Hansen agreed with Mr. Anderson's comments.

Council consensus was to direct staff to solicit nominations for the HC Tribal Representative, At-Large, Commercial Fisheries, Sport Fisheries and Conservation Group seats, the SSC At-Large seats, and all seats on the CPSAS, GAP, HMSAS, and SAS.

B.7. Staff Work Load Priorities and November 2004 Council Meeting Agenda (09/12/03; 9:47 am)

B.7.a Agendum Overview

Dr. McIsaac provided the agendum overview, referring the Council to Exhibit B.7, Supplemental Attachments 1-4.

B.7.b Reports and Comments of Advisory Bodies

None.

B.7.c Council Guidance on Workload, Draft Agenda for the November 2003 Council Meeting, and Identify Priorities for Advisory Body Consideration

Mr. Thomas said there should be a placeholder for an earlier opening for the recreational salmon fishery in California (already have it for Oregon).

Mr. Alverson requested consideration of an early opening of the incidental halibut harvest in the sablefish fishery. Mr. Robinson said normally the Council considers the incidental catch regulations at its March/April meetings after the TAC has been established by the IPHC. If we want fishermen to have access for that amount of fish in April we would have to move the process up. That adds to the problem though when you don't know what the 2004 TAC will be since you're still operating under 2003 TAC.

Mr. Anderson said he has not heard about this interest in moving the date when incidental retention could begin from May 1 to April 1. Mr. Robinson said he understood some of the Washington longliners have approached some of the staff and asked what it would take to do it.

Mr. Anderson asked what would prevent us from making that decision? Is the sole issue that we would be looking at it in the November-March timeframe?

Ms. deReynier said there is the issue of the IPHC schedule for setting its TAC, our scheduling of a two meeting process, and the current IPHC licensing schedule - they don't issue the licenses until May 1. Dr. Coon added that normally the procedure is for proposed catches in March and then the final in April. We would have to change the framework - but don't have the number from IPHC until January. Ms. Cooney said the catch sharing plan states when people have to apply for their licenses and when they are issued; the IPHC would have to issue the licenses, we would have to know the number of licenses issued as well.

Mr. Anderson said we went from no halibut retention north of Pt. Chehalis to allocating harvest as incidentals in the sablefish fishery when the total allowable halibut harvest is above certain levels. He is having trouble recognizing the severity of the problem, given the complexities it causes for other folks like IPHC. It seems like we're creating enough opportunity for people and we have the ability to tweak that a little bit if needed and he is okay with the way we deal with it now and sees no need to change it.

Mr. Robinson said he will make a couple of comments on the open access issue in November. Ms. Vojkovich said resolving the open access problem is imperative for California. Mr. Anderson supported Marija's comments. Dr. McIsaac said this is under the "contingent" category. He suggested taking the open access limitation update and turn it into a planning session.

Ms. Vojkovich spoke to the item of proposed California nearshore management authority which is below the line. She had hoped to speak on this issue at the November Council meeting, but due to budget constraints she did not have clear direction from CDFG on that. She would be very surprised if we're able to put it on the November agenda, but would like to reserve the right pending a final decision from CDFG in the next 2 weeks. Dr. McIsaac said we could keep it in November or delay until March or April. We would add it on Friday as the 16th groundfish item if she will be able to speak to that subject.

### **C. Groundfish Management**

#### **C.1 NMFS Report on Groundfish Management (09/04/03; 5:05 pm)**

##### **C.1.a Regulatory Matters**

Mr. Robinson provided regulatory activities for groundfish management since the June Council meeting. The Council's inseason recommendations from the June meeting were implemented on July 7, 2003 with the exception of the change in management lines for fixed gear and recreational fisheries in southern California.

On July 11 the shore based whiting fishery was projected to attain its 51,000 metric ton allocation by July 14 when it was closed. NMFS issued a final notice for the fishing capacity reduction program for the groundfish fishery on July 18. Bids were received from 107 vessel owners. The referendum will be sent out around September 30 with voting to occur October 15-29 with results available November 12. If the referendum supports the buyback, the goal will be to complete the program by January 1, 2004.

On August 1, NMFS issued an exempted fishing permit to the state of California for experimental net designs for flatfish. NMFS published a Notice of Availability on August 18 to begin a 60 day secretarial review of Amendment 16-1, the standard and processes for rebuilding plans. The proposed rule for Amendment 16-1 was published on September 5 with a public comment period ending on October 6.

On August 19, NMFS sent a letter to the Council chair announcing approval of Amendment 17 setting up a biennial management cycle. On September 4, the final rule implementing Amendment 17 was published. Mr. Robinson reminded the Council that there is some unfinished business associated with biennial management. The Council needs to establish guidelines and criteria for making changes during the "off years". The Council can anticipate new information including stock assessments and observer data during a two-year management period and a plan for deciding how that information will be used is needed.

On September 2, NMFS promulgated the emergency rule requested by the Council that moved the RCA boundary south of Point Conception from 20 to 30 fathoms for fixed gear and recreational fisheries. The emergency rule was published in the *Federal Register* on September 6. The proposed rule to implement

mandatory observers in the at-sea whiting fishery will be published on September 10. On September 1, NMFS promulgated the final rule implementing the Council's recommended change to sardine allocation under the Coastal Pelagic Species FMP.

The final rule implementing a Vessel Monitoring System as well as a rule identifying approved units are expected to be published in early October. NMFS intends to follow the GAP recommendation to implement the VMS program on January 1, 2004. Finally, NMFS is reviewing the Environmental Impact Statement for Amendment 16-2, the first four rebuilding plans, and expects to submit the document for publication later this week.

Mr. Alverson asked if the vessel owner's will know if their bid has been accepted with an accompanying cost-benefit analysis before voting on the referendum. Mr. Robinson reported that they will not know. Mr. Alverson asked if the aggregate landings from the vessels being bought out would be available. Dr. Hogarth responded that they have calculated and published the percent pounds and percent value removed from the various fishing categories. This information is based on approximately 91 vessels that are anticipated to be removed under the programs 46 million dollar budget. A total of 107 bids were received totaling roughly 60 million dollars. At Mr. Brown's request, Dr. Hogarth will provide all available information to the Council.

Ms. DeReynier referred the Council to Exhibit C.1, Supplemental NMFS Report, and briefed the Council on the National Bycatch Plan and Strategy. This program is an agency effort to look at internal and external ways of monitoring and managing bycatch. The Council was last briefed in June and you can see the six steps the agency is following under this strategy. There is a draft plan for a national bycatch plan (Step 2) that will be available for review later this autumn. Step 3 involves the development of regional bycatch plans. NMFS Northwest Region is working on federally managed groundfish, salmon, and halibut fisheries while the Southwest Region is working on coastal pelagic species and those highly migratory species currently managed by NMFS. I am organizing the efforts for the Northwest Region and Mr. Dan Viele is doing the same for the Southwest Region. Ms. DeReynier stated that she will be available throughout the week to hear any comments, suggestions, or ideas from Council members. She announced her intent to utilize the recommendations in the Bycatch Programmatic Environmental Impact statement as Council guidance for a regional bycatch strategy for groundfish fisheries. The regional plan is scheduled to be available for review at the November Council meeting.

Dr. McIsaac asked about step number six, identify new funding requirements to support the bycatch strategy and asked if Ms. DeReynier could provide any examples. Ms. DeReynier cited a likely review of bycatch monitoring programs including an assessment of the associated costs.

Dr. Elizabeth Clarke brought a presentation on the Northwest Fisheries Science Center (NWFSC) activities. The slope survey is in its second pass and has being operating since June and will continue through October on four vessels. The survey has been expanded to include some shelf locations this year and is proceeding very well with an intense data collection effort. In the first pass alone, the survey has collected 15,000 otoliths. Additionally, a pilot pot survey for sablefish was conducted this summer as well as a cooperative acoustic whiting survey with DO Canada. The observer program has recently completed its second year for trawl and fixed gear fisheries and efforts are underway to summarize and analyze the information. Additionally, observers have also participated in the ODFW EFP testing bycatch reduction gear. Stock assessment authors will be presenting cabezon and lingcod assessments at next weeks STAR panel in Seattle. Finally, the NWFSC would like to invite everyone to the October 3 open house at the Barry Fisher building in Newport.

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

None.

C.1.c Public Comment

None.

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

None.

C.2 Observer Data Implementation Status (09/09/03/ 11:21 am)

C.2.a Agendum Overview

Dr. Ed Waters provided the agendum overview.

C.2.b NMFS Report

Dr. Elizabeth Clarke and Dr. Jim Hastie of the Northwest Fisheries Science Center (NWFSC) provided a powerpoint presentation summarizing findings from analysis of the observer data and resulting changes made to the trawl bycatch model since June. The main piece of new information is the incorporation of observer-based discard rates for trawl target species, and the effect this has on preseason 2004 management measures and implications for 2003 inseason management.

Summary of key points:

If observer-based discard rates are applied to the 2003 fisheries, then:

- total catch OYs may be exceeded for some DTS species before the end of the year, and
- the ABC may be exceeded for shortspine thornyheads (SST) sometime during period 5.

Questions and Answers re. NWFSC Report:

Mr. Anderson asked if the trip limit for SST is reduced to 1,500 pounds, what would total mortality be at the end of period 6? Dr. Hastie responded that he couldn't say for sure without doing the model runs.

Mr. Brown asked how likely is it that the QSM data used to drive these results will change. Dr. Hastie responded that QSM data through period 3 are pretty solid. Data for period 4, though, is still considered "soft".

Mr. Brown asked how comfortable the analyst was with the results of this analysis. Dr. Hastie responded that he would be more comfortable if there were sufficient data to increase model stratification. But unfortunately that was not the case.

Mr. Coenen asked whether a reduction in trip limits for periods 5 and 6 would alleviate the inseason problem. Dr. Hastie responded that it is too late to affect period 5, so period six is the only opportunity remaining to make adjustments.

Mr. Alverson asked if it were possible to open the fishery for only the first month (November) of period 6 and then close for the remainder of the year. Dr. Hastie responded that the trip limits are cumulative over the two-month period, so announcing early closing would probably cause fishers to accelerate harvests in order to make their limits during the first month of the period.

Mr. Brown asked if the analyst were comfortable with using this model for modeling 2004 management measures. Dr. Hastie responded yes, but that additional data would be incorporated before the model would be used for finalizing the 2005-2006 preseason management measures next April.

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

##### **GMT**

Ms. Michele Robinson provided Exhibit C.2.c, Supplemental GMT Report and Exhibit C.2.c, Supplemental GMT Attachment 1.

##### **GAP**

Mr. Rod Moore provided Exhibit C.2.c, Supplemental GAP Report.

##### **SSC**

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

#### C.2.d Public Comment

Ms. Kathy Fosmark, Fisherman's Association of Moss Landing, Moss Landing, California  
Mr. Barry Cohen, Olde Port Fisheries,  
Mr. Joe Easley, Oregon Trawl Commission, Astoria, Oregon  
Mr. Gerry Richter, Point Conception Groundfish Fishermen's Association, Santa Barbara, California  
Mr. Steve Bodnar, Coos Bay Trawlers Association, Coos Bay, Oregon  
Mr. Bill James, commercial fisherman, Keizer, Oregon  
Ms. Karen Garrison, NRDC, San Francisco, California  
Mr. Chris Dorsett, The Ocean Conservancy, San Francisco, California  
Mr. Kelly Smother man, trawler, Hammond, Oregon  
Mr. Hugh Thomas, Port San Luis Fishermen's Association, Paso Roblas, California  
Mr. Rod Moore, West Coast Seafood Processors Association, Portland, Oregon  
Mr. Tom Ghio, Ghio Fish Company, Moss Landing, California  
Mr. Allan Hightower, troller, Washington  
Mr. Daniel Platt, Salmon Trollers Marketing Association, Fort Bragg, California  
Mr. Pete Leipzig, Fishermen's Marketing Association, Eureka, California

#### C.2.e **Council Action:** Provide Guidance on Observer Data Implementation

Mr. Coenen moved (Motion 5) to not use these new discard rates for inseason management for 2003 but to use it for 2004, and that we schedule a discussion on the use of that data as an issue at the November Council meeting. Mr. Warrens seconded the motion.

Mr. Brown asked did you mean for a group to meet before the November meeting? Mr. Coenen said he would hope that in the interim a subcommittee of the Council, aided by GMT and SSC representatives, have a discussion on the use of the data as an inseason management tool during 2005-2006. He is troubled at several levels. In the long term we have both a policy gap and an observer program that is evolving and developing - there is no policy to link the observer data as it becomes available to the stock assessments, to the rebuilding plans and the evolution of rebuilding plans themselves. The other issue is whether we feel confident enough with the data to apply these discard rates inseason in 2003. We heard from the GMT that the effect of exceeding the ABC may be lost in the uncertainty incorporated in the models. Exceeding the target by a few percent one year won't affect the viability of SST. Mr. Coenen said that we add data to the



observer program each year but he is troubled by the lack of socio-economic analysis here. There is not enough confidence to use this for inseason management.

Mr. Alverson did not support the motion - but did support the use of the data for the 2004 season. National Standard 2 says that we should use the best scientific information available. In April the SSC and GMT did tell us this is the best available. We applied it to the overfished species then but not to the nonoverfished species now. There were indications back in April that this would happen. He felt our SSC and GMT have had the meetings and the opportunities to discuss this. If we implement this based on Drs. Clarke and Hastie's scenario NMFS would be lucky to shut it down by mid-October. So we would be out the Nov-Dec timeframe (period 6), not four months shutdown (period 5 and 6). Why bother to build a better mouse trap for industry if we are going to ignore the science? We have \$2-3 million funding for this program. He felt we should use the data.

Mr. Brown said this information was not available in April. In April we had the bycatch information for overfished species and we chose to use it. What Mr. Alverson said was not an accurate statement.

Mr. Anderson said the central question is when do we incorporate new information in our management decisions. He thinks we need to consider the socio-economic impacts on the people and businesses affected, and is concerned about the actions taken that create instability for the industry. What did we do in the past? He thinks Mr. Coenen is exactly right that we have an incomplete policy - there is a recognition we are in transition of replacing the old observer information. This is not the only time we will be presented with this. There will be 21 stock assessments next year. The point is we are going to have a lot of new information coming to us during our 2-year management cycle and we need to have a policy to follow of how and when we are going to use that new information. The action taken in April was specific to overfished species and we had info in front of us with a much more specific time period to react. In this case we are dealing with target species that are in a different state of health compared with overfished species. We can take actions under inseason to reduce the mortalities on shortspine and think we should do that. He would like to add to the motion that this group of people that would be assembled would be developing a recommendation of criteria for when new information is incorporated into our management decisions, not just new information that comes out of the observer program. We will need that guidance. Also include the suggestion of giving them some time - the group could give their recommendation in March rather than November.

Mr. Coenen accepted the friendly amendment. Mr. Warrens accepted too.

Ms. Vojkovich agreed with the concepts Mr. Anderson and Mr. Coenen spoke to. She was the seconder of the motion in April to use the bycatch data for overfished species. The consistent application of the bycatch rates in the past she felt would greatly impact those stocks. The issue today is not the same in her eyes. She felt that the risks to the target species are not as great and the timing of this action would have greater risks for the communities. She feels we need better guidance for the use of our data - especially with multi-year management. She finds it difficult to be put into this position - it was rather sudden. She did not feel she could vote to use this data for the rest of 2003.

Mr. Robinson said that Mr. Alverson made some good points. He also agreed with the SSC that the bycatch trawl assumptions are the best available data. But, the issue before us at this time is the issue of when and how to use the best available data. What is our process for incorporating this data? We are in transition to multi-year management. He's comfortable using the information for the 2004 management measures - by April we will have a second years' worth of observer data. Also it would be early enough in 2004 that with two full years of data and a more robust bycatch model that if the model indicates the need to make changes - April would be early enough to make those changes. We need to make it clear to the fleet to expect some adjustments to be made in April if it could be done. He did not intend to oppose the motion. He felt it was important to get to multi-year management with rules and procedures in place for considering new information.

Mr. Brown reminded everyone of the statement by Dr. Hogarth - careful we don't slip back into annual management as we "knee jerk" every little piece of information. Mr. Brown also noted there was a statement made that all of the DTS are overfished. Mr. Brown said none of the DTS are overfished. We are not dealing with DTS as overfished, contrary to what was said in public testimony.

Mr. Alverson, regarding the bycatch data available for the different resources, he understands it has been published on the NMFS website in January. The motion he made in April was for all species, but amended to just include the overfished species.

Dr. McIsaac called the role. 9 yes and 4 no. Motion 5 passed.

### C.3 Final Harvest Levels for 2004

#### C.3.a Agendum Overview (09/09/03; 3:28 pm)

Mr. John DeVore provided the agendum overview. He corrected some of the GMT-proposed harvest specifications depicted in Exhibit C.3, Attachment 1.

#### C.3.b Groundfish Management Team (GMT) Report on Estimates of Acceptable Biological Catch and Optimum Yield

Mr. DeVore noted the GMT recommended that the decision on the canary harvest specifications should be deferred until the Council deliberates Groundfish Management Measures for 2004 under agendum C.6. They said the OY does change relative to the recreational/commercial catch sharing and the team wanted to flesh out the allocation issues before the Council adopts a final canary rockfish OY.

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

WDFW - None.

CDFG - Ms. Vojkovich brought several issues to the California Fish and Game Commission (CFGC) last week and asked for guidance relative to 2004 harvest specifications for bocaccio and canary rockfish. The CFGC is involved in nearshore fishery management and they take great interest in Council discussions that affect California nearshore fishery management. The commissioners indicated they were interested in a conservative approach for 2004 management and wanted to conserve bocaccio to hasten rebuilding. They asked us to select a conservative OY for both bocaccio and canary rockfish. They spoke about black rockfish allocation in 2004 and gave some guidance. Since this stock is healthy, they did not give definite guidance on a preferred OY.

ODFW - Mr. Coenen said that the Council's preferred OYs are the way to go. A few stocks stand out and they do agree with deferring the canary rockfish OY decision until C.6. He would like to see some discussion on preferred harvest specifications for sablefish and widow rockfish. He specifically wanted to receive guidance and rationale for the sablefish Medium OY that assumes density-dependance as the state of nature affecting recruitment versus the High OY that assumes environmental regime shift. He was not clear on the issues surrounding the widow rockfish harvest decision and would like to discuss this further.

Tribes - Mr. Harp said the tribes recommend adopting the Council preferred OYs as in Table 2.1.1-1 (Exhibit C.3, Attachment 1) with the changes provided by Mr. DeVore. They also recommend the Medium OY or High OY for sablefish.

NMFS - Mr. Robinson noted that we need to make sure all the ABCs/OYs are consistent with the process and rebuilding plans adopted under Amendments 16-1 and 16-2, respectively.

Mr. DeVore noted that Amendment 16-1 anticipated there would be changes in rebuilding plans based on new stock assessments. In fact, we have new assessments for darkblotched rockfish and Pacific ocean perch, which could lead to a change in the Council's choice of  $T_{TARGET}$  (the target rebuilding year) or the harvest control rule. Those actions were anticipated in Amendment 16-1 and will be discussed in the EIS which will accompany the action.

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

##### **GAP**

Mr. Rod Moore provided Exhibit C.3.d, Supplemental GAP Report.

Mr. Coenen asked Mr. Moore if the GAP's recommendation for sablefish was at the high end of the environmental regime shift projections? Mr. Moore answered no, the recommendation was within the range of projections.

Dr. McIsaac noted the GAP is recommending a 400,000 mt whiting ABC for the High OY alternative and asked Mr. Moore what happens if the U.S. ABC is greater than 400,000 mt? Mr. Robinson stated it would be best if the final harvest specification was within the range analyzed in the EIS, but the sideboards of the range do not need to be absolute. Mr. Moore stated that advisors to the GAP thought 400,000 mt would be adequately high.

##### **SSC**

Mr. Jagielo provided Exhibit C.3.d, Supplemental SSC Report.

Mr. Coenen asked Mr. Jagielo about the High OY alternative for sablefish and whether the SSC addressed this issue and had a recommendation? Mr. Jagielo said no, but the 2002 stock assessment update and the 2001 assessment had competing density-dependent and environmental regime shift hypotheses. The regime shift hypothesis appears to be validated in last year's assessment update. Mr. Coenen remarked that recent strong recruitment also validates the regime shift hypothesis. There was some further discussion on which state of nature hypothesis is the correct determinant of sablefish recruitment. However, Mr. Jagielo concluded that this question cannot be resolved with the scientific evidence available. The next assessment may put this issue to rest. Dr. Steve Ralston explained that the 2002 assessment update did not focus on the competing state of nature hypotheses, but on the differential results of the 2001 shelf survey and the 2002 slope survey. The 1999 year class was observed in the 2001 shelf survey but not in the 2002 slope survey. The assessment model therefore recalculated the catchability coefficient (q) for the slope survey which resulted in higher estimated biomass. Dr. Ralston agreed with Mr. Jagielo that the true state of nature affecting sablefish recruitment is uncertain.

#### C.3.e Public Comment

Ms. Karen Garrison, NRDC, San Francisco, California

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

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

Mr. Denny Burke, F/V Timmy Boy, South Beach, Oregon

#### C.3.f. **Council Action:** Adopt Final Harvest Levels for 2004 Groundfish Management

Mr. Anderson moved to adopt the harvest specifications as shown in Exhibit C.3, Attachment 1 with the spoken changes as made by Mr. DeVore with the following additions/changes:

whiting: maintain the current range with no stated preferred alternative;  
sablefish: adopt the Medium OY specifications as the preferred alternative;  
canary rockfish: no specific OY yet; defer the decision to agendum C.6;  
bocaccio: adopt the Low OY specifications as the preferred alternative;  
darkblotched rockfish: adopt the Medium OY specifications (ABC and OY of 240 mt) as the preferred alternative;  
black rockfish (in Oregon and California): defer to others

(Motion 6) Mr. Alverson seconded.

Mr. Anderson noted that last year's conservative sablefish decision was a wise choice given the information we had at the time. We don't have any new information that has been reviewed by the scientific community. On the other hand, the 7,786 mt OY assumes an  $F_{45\%}$  harvest rate with the 40-10 adjustment that is based on a density-dependent hypothesis. This species is important to our commercial fishing sectors (fixed gear and trawl) and it is in the precautionary zone. Taking a conservative approach to keep this stock healthy will provide a more stable fishery over time. Mr. Anderson said he was open to considering a broader harvest range for whiting if arguments warrant that. He understands that if we need to go to outside the analyzed range next March, we could. His rationale for the preferred alternative for darkblotched rockfish was that using Model 6 in the assessment/rebuilding analysis with an 80% rebuilding probability represented a conservative approach.

Mr. Coenen asked for a friendly amendment to the motion to raise the High OY alternative for whiting to a 325,000 mt ABC and a 250,000 mt OY? Mr. Coenen suggested this would give us room to maneuver if rockfish bycatch can be minimized and the new assessment is optimistic. Mr. Coenen then asked to adopt the Medium OY alternative for the black rockfish stock occurring off California and Oregon as preferred? Mr. Anderson and Mr. Alverson accepted both amendments.

Mr. Ticehurst asked for a friendly amendment to the motion to raise the preferred bocaccio OY to 250 mt (intermediate to the OY under the Low OY and Medium OY alternatives) to provide more management flexibility. Mr. Anderson did not understand the need for more management flexibility for this species. Ms. Vojkovich explained the recreational fishery has exceeded its allocation for four of the last five years. Mr. Ticehurst is trying to avoid a situation where the allocation for the recreational fishery would be exceeded and the entire fishery would be subject to premature closure. Mr. Anderson understood this was consistent with the proposal Mr. Fletcher put forward under public comment. Mr. Anderson asked whether the intent was to develop a management strategy targeting a catch of 199 mt (the OY under the Low OY alternative), but specify an OY of 250 mt as a buffer against recreational catch estimation uncertainty? Ms. Vojkovich said yes. Mr. Anderson accepted the friendly amendment. Mr. Alverson requested the rebuilding probability associated with a 250 mt OY. Mr. DeVore referred to Volume I of the current SAFE document. Table 3 in the bocaccio rebuilding analysis indicated a 250 mt OY in 2004 was consistent with a range of rebuilding probabilities of 70% to 96% depending on which assessment model represented the true state of nature. Mr. Alverson then accepted the friendly amendment by Mr. Ticehurst.

Motion 6 passed.

Mr. Alverson asked for the concurrence of the Council to have the GMT look at the applicability of developing a fixed gear logbook prior to the November Council meeting. Chairman Donald Hansen said that can be taken up under the workload agendum on Friday.

Ms. Vojkovich asked the GMT and GAP to structure 2004 management options that are designed to attain but not exceed the bocaccio OY of 199 mt under the Low OY alternative.

#### C.4 Status of Groundfish Fisheries and Inseason Adjustments (09/09/03; 5:22 pm)

##### C.4.a Agendum Overview

Mr. Mike Burner stated that this was the Council's third opportunity in 2003 to review and consider adjustments to the 2003 groundfish fisheries. He briefly reviewed Council action under C.2 on the inseason use of new observer data as there were some preliminary results on potential inseason adjustments presented then. The Council's decision to utilize new information on target species discards when considering 2004 management measures but not for 2003 inseason adjustments provided a key policy determination for completing this agenda item. Mr. Burner noted the GMT has a final report on inseason adjustments. The GAP has a verbal report on that agenda item.

##### C.4.b GMT Report

Dr. Jim Hastie provided Exhibit C.4.b, Supplemental GMT Report.

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

Mr. Robinson asked if the recommended DTS trip limit increases south of 40° 10' N Latitude result in any increases in estimated bocaccio or canary rockfish impacts. Dr. Hastie reported that the canary rockfish and bocaccio impacts presented in the scorecard for this fishery assumes full attainment of the DTS OYs, so increasing trip limits to reach the OYs should not increase impacts to overfished species. Currently, these fisheries are tracking at about 30% of their target.

Mr. Brown asked about the existing trip limits for the large footrope and south of 40° 10' N Latitude trawl fisheries in period 6. Dr. Hastie reported the following two month cumulative limits: shortspine thornyheads 2,400 pounds, longspine thornyheads 11,500 pounds, sablefish 9,000 pounds, and Dover sole 34,000 pounds.

Mr. Anderson reviewed the trip limit changes for the trawl fleet and asked if the reductions by species take their relative contribution to the fishery into account. Dr. Hastie replied that the GMT typically tries to maintain a fixed relationship between the longspine and shortspine thornyhead limits when managing the DTS fishery. It has been a longstanding policy to increase Dover sole limits in the winter as it has been demonstrated that larger amounts of that species can be taken in winter in relative isolation from the other deep water species. Therefore Dover sole limits were not reduced as much as the other species. The GMT did not have any information on the relationship between shortspine thornyhead and sablefish. The GMT felt that the relationship between longspine and shortspine thornyhead would be tighter. Mr. Anderson stated that his concern is that the proposed reduction for sablefish is less than the reduction for shortspine thornyhead and is looking for some assurance that this action would not create additional shortspine thornyhead discards. Dr. Hastie replied that the GMT did consider this issue when developing these trip limits using the best available information.

Ms. Vojkovich asked if the recommended trawl trip limit reductions could be implemented in period 5 and six instead of only period six, like the increased limits for the deeper nearshore fishery. Dr. Hastie replied that the decreased limits could be implemented in period 5, but the expectation would be that it would take several weeks to publish the changes in the *Federal Register*. The GMT usually works on the assumption that vessels that had not yet attained the cumulative trip limits for the current period would do so during the time between Council recommendation and regulatory implementation. There could be some reduction in landings if people were busy with other things in September and planned to take period 5 limits in October. It is much easier to raise limits in the middle of a period as that allows time between publication of the new regulation and the end of the period for attainment of the increased limits. The GMT did not see an opportunity for significant savings by implementing reductions during period 5. Additionally, implementing a reduction in the middle of a two month period would likely cause a large amount of fish to be delivered to

processors in a short period of time which is less desirable than delivering over the full two months of the period.

Dr. McIsaac asked about references to the low release mortality rate on shortspine thornyheads and whether or not assumed survivability of released shortspine thornyheads combined with these recommended trip limit reductions would result in attaining but not exceeding the ABC even if the Council had chosen to implement new observer data for target species. Dr. Hastie replied that when estimating landings, the GMT considered the new survival rates and the proposed trip limit reductions in period six when assessing the effect of the new observer data and if new observer data for target species were used, these recommended trip limits would be expected to exceed the ABC.

## **GAP**

Mr. Rod Moore stated that the GAP had a brief opportunity to discuss the recommendations from the GMT. The GAP did not have the opportunity to put anything in writing. The GAP does not object to the GMT recommendations.

### **C.4.d Public Comment**

Ms. Karen Garrison, NRDC, San Francisco, California

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

### **C.4.e Council Action: Consider and Adopt Groundfish Inseason Adjustments as Needed**

Mr. Anderson asked for further clarification on Ms. Vojkovich's interest in implementing trip limit reductions as soon as possible. He asked Mr. Robinson how long it is anticipated to take to implement these recommended inseason actions.

Mr. Robinson said that if what we are talking about are a simple set of inseason changes, they could be done fairly quickly, perhaps submitted to HQ by the end of this week. It would then just be a matter of how long it would take for HQ to process and although he cannot speak for HQ, normally it does not take more than one week. Therefore, recommended changes could be implemented by the end of next week. However, this action would reward vessels that chose to fish in early September while penalizing those who planned to fish later in the period.

Mr. Brown understands Mr. Anderson and Ms. Vojkovich's thoughts on these issues. However, by reducing limits in the middle of a period, we are sending the clear message to the fleet to take their fish early. This contributes to an existing problem of pulses of fish delivered to the market at the start of a period followed by shortages later in the period. Plants are already implementing limits on deliveries to try to spread out the catch.

Mr. Brown moved and Mr. Harp seconded a motion (Motion 7) to adopt the values as shown in Exhibit C.4.b, Supplemental GMT Report with the following changes. Under Coastwide Recommendations, change the text to read "Remove midwater yellowtail/widow trawl opportunity in period 6." and the deeper nearshore limits south of 40° 10' N Latitude should be changed to 400 pounds per two months instead of one month. Motion 7 passed.

C.5 Final Criteria for Exempted Fishing Permits (EFPs) and Consideration of Proposals for the 2004 Season  
(09/10/03; 1:23 pm)

C.5.a Agendum Overview

Dr. McIsaac reviewed the Council business under this agenda item. First the Council is to consider and approve a final operating procedure for review and approval of exempted fishing permits. Second, the Council is to review draft EFP applications for 2004 and consider OY set-asides for these EFPs for the purpose of proceeding with the development of 2004 management measures. The Council chose to move on to agenda item C.5.c while the GMT completed its statement.

C.5.b GMT Report on Criteria and Standards for Approving EFPs

The GMT report on this portion of the agenda was combined with agendum C.5.d.

C.5c State EFP Proposals for 2004 (09/10/03; 11:09 am)

**WDFW**

Mr. Anderson presented four EFP proposals put forth by WDFW:

Exhibit C.5.c WDFW Report 1 (Application for Issuance of an Exempted Fishing Permit for Arrowtooth Flounder).

Exhibit C.5.c, WDFW Report 2 (Application for Issuance of an Exempted Fishing Permit for Nearshore Flatfish).

Exhibit C.5.c, WDFW Report 3 (Application for Issuance of an Exempted Fishing Permit for Pollock).

Exhibit C.5.c, WDFW Report 4 (Application for Issuance of an Exempted Fishing Permit for Spiny Dogfish).

Mr. Brown asked if the various gear types tested in the arrowtooth flounder EFP will be presented separately in the final report so that trawlers will have the opportunity to consider which gears are most appropriate for bycatch reduction for the areas they fish. Mr. Anderson reported that they added a requirement this year for an excluder device for rockfish. Trawlers requested the ability to experiment with gear types of their choice. WDFW related their desire to identify a few specific gear types for testing to facilitate solid results that have the potential for future fishery benefits. The industry and agency are working on determining the exact gear types for the experiment and will report results by gear type when the program is completed.

**CDFG**

Ms. Vojkovich presented the following CDFG EFP proposals:

Exhibit C.5.c, CDFG Report 1 (Application for Issuance of an Exempted Fishing Permit for the sport harvest of rockfish from partyboats in waters deeper than 20 fathoms off the south central coast to duplicate the sampling program conducted by the Department of Fish and Game from 1988-1998).

Exhibit C.5.c, CDFG Report 2 (Application for Issuance of an Exempted Fishing Permit to Test a Selective Flatfish Trawl [including Scottish Seine] in and area otherwise closed to fishing, 2004).

**ODFW**

Mr. Mark Saelens presented the following ODFW EFP proposal:

Exhibit C.5.c, Supplemental ODFW Report 2 (Application for Exempted Fishing Permit to Test a Reduced-Discard Strategy for The Deepwater Complex Fishery).

Ms. Cooney said she is supportive of these types of innovations but to expand this concept coastwide would be difficult because we could not approve regulations that require processors to pay a particular price.

Additionally, price agreements, although not regulatory, often have anti-trust implications. The agency has talked to the Department of Justice on this issue and will provide more guidance in the future.

Mr. McIsaac reported all advisory body statements have been submitted at this time and the Council may proceed through the rest of this agenda item.

#### C.5.d Reports and Comments of Advisory Bodies (09/10/03; 12:01 pm)

### **SSC**

Mr. Jagielo provided Exhibit C.5.d, Supplemental SSC Report.

Chairman Donald Hansen asked why the SSC report did not speak to EFPs in Washington or Oregon. Mr. Jagielo replied that the SSC emphasis on the CDFG proposal was simply in response to the GMT request. The GMT completes the initial review of proposals and requests SSC review only for those proposals for which there are scientific or statistical issues.

Dr. McIsaac asked about the SSC statement on the need to clarify the EFP time line under multi-year management. Mr. Jagielo and Ms. Robinson clarified that the GMT was tardy in its delivery of EFPs in need of SSC review and that additional review time has been built into the calendar for multi-year management. Additionally, under multi-year management, EFPs will continue to operate on an annual cycle and applicants who wish to continue and EFP in the second year of a two year cycle, they will have to reapply.

Dr. McIsaac clarified that the GMT will provide the SSC the lead time of one Council meeting when recommending SSC review of an EFP proposal. In 2004, GMT recommendations on SSC review would be presented at the April meeting, followed by SSC groundfish subcommittee review prior to the June meeting and full SSC review at the June meeting.

Mr. Alverson asked about the inclusion of economic data in the EFP proposals. Oregon included economic analyses in their proposal but there is little economic information in the other applications. Mr. Alverson also asked why only the Oregon application enumerates retained species and whether the observers are recording all the retained species during EFPs. Mr. Jagielo stated that there is considerable variation in the applications largely due to the varying objectives of the EFPs. The SSC has spent significant time figuring out what their role is in this evaluation. Ms. Vojkovich was struck by the Oregon proposal as an EFP based on economic incentive and was curious about the SSC's value in reviewing the economics of the proposal. Mr. Jagielo said that needs to be given some serious thought relative to the EFP proposal process. He stated that the SSC certainly has the economic expertise and if requested by the GMT, the SSC would be more than happy to review EFP applications on their economic merits. Ms. Vojkovich asked for clarification on specific SSC comments on the CDFG partyboat EFP. She asked if the SSC was requesting additional analyses by the applicant before assessing the merits of the proposal. Mr. Jagielo confirmed that was the case.

Lunch Break (9/10/03; 12:14 pm).

### **GMT**

Ms. Michele Robinson provided Exhibit C.5.d, Supplemental GMT Report. (09/10/03; 1:15 pm)

Ms. Robinson also made note of Exhibit C.5.b, GMT Attachment 1 (Revised Proposed Council Process for Consideration of Exempted Fishing Permits for Multi-Year Management) and Exhibit C.5.b, GMT Attachment 2 (Revised Proposed Council Operating Procedure: Protocol for Council Consideration of Exempted Fishing Permits for Pacific Coast Groundfish Fisheries).



Mr. Coenen asked if yelloweye rockfish impacts in the WDFW spiny dogfish EFP were discussed by the GMT. Ms. Robinson responded that the GMT reviewed impacts to all overfished species as they reviewed the applications but focused the statement on canary rockfish due to management constraints posed by canary rockfish management for 2004. The WDFW spiny dogfish cap on yelloweye rockfish was two metric tons in 2003 and based on results of the first year, the cap for 2004 was reduced to one metric ton.

Mr. Alverson asked if the CDFG and WDFW EFPs for nearshore flatfish were targeting the same species. Ms. Robinson stated that the target species catch and non-target species bycatch are different and are detailed in the applications for these two proposals.

Mr. Anderson requested clarification on the time line for review of the CDFG partyboat EFP. Ms. Robinson stated that the GMT and SSC had several concerns and requests for analyses that warranted delaying the implementation of that EFP for one year. Additionally, she requested that language be added to the proposed COP to allow such a deferral in the future. Dr. McIsaac stated that he had made note of the request and should the COP be approved by the Council, Council staff can add the language to the COP at a latter date.

## **GAP**

Mr. Mike Burner provided Exhibit C.5.d, Supplemental GAP Report.

### C.5.e Public Comment

None.

### C.5.f **Council Action:** Adopt Final Criteria and Standards for Approving EFPs and Establish Harvest Set-Aside Needs for EFP Proposals

Mr. Burner reviewed the two required parts of this agenda item, adoption of the proposed COP for exempted fishing permits, and consideration of EFP proposals and their harvest set-asides.

Mr. Coenen suggested dividing the Council discussion and action into two parts, addressing the proposed COP separately.

Mr. Coenen moved and Mr. Warrens seconded a motion (Motion 9) to approve the EFP proposals as prioritized by the GMT as shown in Exhibit C.5.d, Supplemental GMT Report and use the GMT report as guidance during later discussion under Agenda Item C.6. Mr. Coenen clarified that this motion will not be used as final Council action on the proposed EFPs. Rather, the Council is merely accepting the GMT recommendations and priorities for the purposes of discussion and as a tool to look at EFPs and how they affect the groundfish scorecard.

Dr. McIsaac asked if the motion is intended to include the GMT recommendation to delay one of the EFPs and not allocate any resources to that EFP at this time. Mr. Coenen said all of the recommendations of the GMT are part of the motion, including the EFP recommended by the GMT not to proceed.

Motion 9 passed.

Mr. Anderson moved that the Council adopt the Council Operating Procedure for exempted fishing permits as proposed under Exhibit C.5.b, GMT Attachment 2, with the following modifications (1) under the section on submission, add the GAP to the list of advisory bodies in the first sentence; (2) under the section on review and approval add "Explore the use of higher trip limits or other incentives to increase utilization of

underutilized species while reducing bycatch of non-target species (this point is taken from the Strategic Plan and is consistent with the language included under the paragraph on the first page under “Purpose”); and (3) under “Proposal Contents” add “A description of how vessels will be chosen to participate in the EFP”. Mr. Cedergreen seconded the motion (Motion 10).

Ms. Vojkovich said she is unclear on how the second point differs from the first bullet. Mr. Anderson stated that the first bullet is focused on resource management and bycatch reduction. He added that he was unable to interpret the desire for increase utilization of underutilized species in the first bullet.

Mr. Brown did not have a problem with the motion. He noted the GAP had suggested the addition of two required pieces of information in a completed application, a description of how vessels will be chosen to participate in the EFP and a description of the anticipated cost and known sources of funding. Mr. Anderson said he would be willing to include, as a friendly amendment, the first statement on how vessels will be chosen to participate in the EFP, but not the second part. Mr. Cedergreen accepted.

Mr. Robinson felt that the bullet on underutilizations was a good addition. However, the use of trip limits should only be considered in the short-term as he is not convinced that trip limits should be in our long-term vision of the fishery at all.

Chairman Donald Hansen asked for the vote (consensus). Motion 10 passed.

## C.6 Groundfish Management Measures for 2004: Tentative Adoption

### C.6.a Agendum Overview (09/10/03; 2:30 pm)

Mr. John DeVore provided the agendum overview and walked the Council through the available attachments and reports. He also noted under Exhibit C.6, Attachment 2, the table on page C-6 has some incorrect specifications. Those were brought to his attention by Mr. Rob Jones. Where it is labeled “total trawl landed”, that number is the total trawl catch including discards; that will be explained more thoroughly in subsequent statements. The text in part C more accurately discusses the way the tribal catch impacts are calculated.

### C.6.b Summary of State Hearings

## **Oregon**

Mr. Coenen noted that Oregon held three public meetings, and held an Oregon Fish and Wildlife Commission (OFWC) meeting in August. There was no support for the 26 inch size limit for lingcod for the recreational fishery, but interest was expressed in: use of trawl longline gear to access sablefish; accelerating the timing of the next canary assessment; deepwater complex issues; keeping the Trawl B platoon; new recreational limits for cabezon and greenling; developing special management area options between Florence and Bandon (very little or no reef structure to support rockfish fishing); legalizing/expanding directed use of selective flatfish gear. The OFWC prefers other management strategies than non-retention for species that die on or after the landing (therefore, they endorse a one-fish recreational retention limit for yelloweye and canary). The OFWC did not take a position on the special area proposal (off Florence and Bandon) due to enforcement concerns. They supported the selective flatfish trawl EFP and the deepwater trawl complex EFP. They also supported the proposed caps for nearshore species (they will consider a change of ODFW regulations) and concurred with recreational size limits of 10 inches for cabezon and 16 inches for greenling. They took no position on the lingcod size limit proposal.

## **California**

Ms. Vojkovich reported the CDFG held four state hearings where turnout was poor. They did get a diverse representation from recreational divers to commercial fishermen. Some of the comments they heard dealt with the public process and the limited opportunity to engage in dialogue about upcoming proposals. There was little interest in changing the size limits or adopting a slot limit for cabezon. People were more concerned with keeping things stable for now. The primary desire of the recreational community was more time on the water. Both recreational and commercial fishermen would like to have consistent seasons (i.e., align closures). There was an expressed desire by commercial fishermen to increase deepwater chilipepper and other deep water opportunities. Both commercial and recreational fishermen wanted additional canary rockfish allocated to California fisheries to allow more time on the shelf to take pressure off the nearshore species. The public was interested in new stock assessments for canary rockfish and California scorpionfish. There was also interest in data improvements for recreational fishery monitoring and a precautionary approach in establishing a bocaccio OY for 2004.

## **Washington**

Mr. Anderson reported that Washington held workshops, not formal hearings. There was interest in Forks to adopt greater recreational bag limits for yelloweye and canary rockfish. There was a general belief the Yelloweye Rockfish Conservation Area was effective in reducing yelloweye bycatch. They were supportive of taking actions to stay within the OY for both yelloweye and canary and an interest in a new canary rockfish stock assessment. Recreational fishermen were well represented at the Olympia meeting. There was support for a new canary assessment and management measures designed to reduce the bycatch of canary rockfish. They also supported continuation of current lingcod rules.

An additional constituent's meeting in Olympia was well attended by commercial fishermen. There was support for a nearshore flatfish EFP; most people who attended the meeting had concerns about the 50 fm limitation and how it affects their ability to carry out viable fishery operations. They would like the Council to consider allowing trawl permit holders to use longline gear to access sablefish trip limits. This would help the small trawl boat fleet access their allocation without incurring a significant rockfish bycatch. They would also like the Council to move forward with development of a trawl IQ program and are interested in the effects of the buyback program and how the Council might react if the referendum passes. The Bellingham meeting was attended by trawl fishermen. Those discussions were focused on the arrowtooth flounder EFP, development of the trawl IQ program, and buyback program adjustments if the referendum passes. There was support for eliminating the trawl "B" platoon.

### **C.6.c. Summary of Written Public Comments**

Mr. DeVore summarized the written public comments that were in the briefing book.

### **C.6.d. Report of the GMT**

Ms. Robinson briefly went over Exhibit C.6.d, Supplemental GMT Report. She explained that the report contained draft information which has not been thoroughly reviewed. She also stated that the initial analyses had a 1 mt set-aside of canary rockfish for research and EFP caps had not yet been set aside. She requested further Council guidance on canary, lingcod, and black rockfish allocation.

Dr. Hastie explained the tables on pages 2 and 3. He pointed out that the Medium OY analyses in alternatives 1, 2, and 3 were consistent with the Council decision on 2004 harvest levels except for bocaccio. The trawl management lines and trip limits under the Low OY alternative are responsive to the bocaccio harvest decision. The Council needs to consider the 1999 year class effect for determining bocaccio bycatch rates. He recommended a 100% increase in the assumed bocaccio bycatch rate as a starting point for GAP

discussions. He explained there is about 40-45 mt of bocaccio available to the trawl fishery. The Council might want to start the year conservatively and increase trip limits later in 2004 if there is no increased bocaccio bycatch. He asked whether the deep trawl line should be deeper to conserve sablefish?

Mr. Brown wondered if management specifications could be shaped to allow retention of otherwise discarded groundfish? He pointed out the GMT was estimating there would be about 1,503 mt of sablefish discard mortality in 2004 (Table M2). Dr. Hastie said new discard data would be available in early 2004. The intent is to start the season conservatively and increase limits later in the year. Trawl fleet reduction scenarios are presented in Table E-17 in Attachment 2. This scenario assumed a 33% reduction in capacity with the first opportunity to increase trip limits in Period 3 after fleet reduction. Mr. Anderson asked if the estimated canary impact of 9.8 mt in Table M3 was for non-whiting trawl coastwide? Dr. Hastie said yes, and the impact would be 10.3 mt if the line is not moved from 100 fm to 75 fm during periods 1,2, 5, and 6 in the south. He said we need to buffer canary impacts if the new trawl discard data is more pessimistic.

Mr. Harp said the tribal proposal had a 25 mt lingcod allocation, but the GMT report shows a 15.9 mt impact. Ms. Robinson said the 15.9 mt impact was consistent with the tribal share of the commercial OY in 2003.

Mr. Mark Saelens referred to the table on page 5 of the GMT report and said Oregon recreational options 3-9 were being considered. Mr. Tom Barnes explained the tables on pages 6-9 of the GMT report and the California recreational options. Another option will be forthcoming later this week that better meets the EC needs. Mr. Anderson asked for the basis for the 9.1 mt and 10.5 mt of canary recommended as California recreational harvest guidelines? Mr. Barnes explained these harvest guidelines do not assume EFP cap reductions. Mr. Coenen asked if "north/south" referred to north and south of Cape Mendocino and Mr. Barnes said yes. Mr. Coenen asked how the north of Cape Mendocino impact estimates were derived? Mr. Barnes said these were the values in the 2003 bycatch scorecard.

#### C.6.e Reports and Comments of Advisory Bodies

##### **GAP**

Mr. Moore noted the GAP received the supplemental GMT report at the same time the Council did and did not have time to discuss it. He explained that as soon as this particular agenda item ends this afternoon, the GAP will meet with the GMT and come up with management options and recommendations.

##### **EC**

Captain Mike Cenci provided Exhibit C.6.e, Supplemental EC Report.

#### C.6.f Tribal Comments and Recommendations

Mr. Harp provided Exhibit C.6.f, Supplemental Proposed Treaty Indian Management Measures. Mr. Brown asked how the 100 lb yelloweye trip limit proposal corresponds to the full retention proposal? Mr. Harp explained full retention would be mandated during the open competitive halibut fishery in March-April. The Yelloweye Rockfish Conservation Area (YRCA) is in the middle of this fishery. While the tribes are trying not to fish in the YRCA, full retention and the 100 lb trip limit allows monitoring of yelloweye impacts. Mr. Anderson noted there is a significant enforcement presence in the YRCA and he would like the tribes to consider avoiding this area. Mr. Harp said he shared those concerns, but there are a lot of halibut in the YRCA. Therefore, the tribes are looking at alternative depth and bait restrictions to avoid yelloweye. Mr. Steve Joner added that bait tests started in 2002 indicated using cod instead of squid baits appeared effective in avoiding yelloweye and most rockfish.

#### C.6.g Agency Comments and Recommendations

##### **NMFS**

Mr. Robinson stressed the need for the Council to heed enforcement advice. He recommended the Council respect the proposals to eliminate the trawl B platoon and adopt more simplified depth lines. Otherwise, there is too much potential for mistakes. There are only about 29 of 250 vessels in the B platoon. Arguably, the spreading of landings can be done by agreement of the buyers and harvesters.

##### **WDFW**

Mr. Anderson noted there has been much "staking of ground" on allocation. We need flexibility to create allocation proposals different than what was discussed in June. The Medium OY bycatch scorecard (on page 2-45 in Attachment 1) indicates the canary constraint and obviates the need to negotiate flexibly. He is less concerned with allocation than coastal equity.

##### **CDFG**

Ms. Vojkovich supported some of the comments made by Mr. Robinson relative to enforcement. She admitted the California regulations are complex and difficult to understand and enforce. She supports making the regulations in 2004 as simple as possible while still allowing for increased fishing opportunities. She also supports Mr. Anderson's comments on allocation and equity. She recommended looking to EFPs for additional canary rockfish impacts.

##### **ODFW**

Mr. Coenen agreed in spirit with Mr. Anderson and Ms. Vojkovich. However, he felt the Council needs to appreciate a fundamental choice: use the scorecard as a basis for decision-making or premature posturing for allocation. He supports using the scorecard to weigh assumptions and consider measures that balance the needs of our fisheries.

#### C.6.h Public Comment

Mr. John Holloway, Oregon Anglers, Portland, Oregon

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

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

#### C.6.i **Council Action:** Tentatively Adopt 2004 Groundfish Management Measures for Analysis 09/10/03; 4:40 pm)

Mr. Anderson moved (Motion 11) to direct the GMT and GAP to develop more refined 2004 management measures using the trip limits in Exhibit C.6.d, Supplemental GMT Report and develop the Medium OY scorecard on page 2-45 of Attachment 1 with the EFP actions taken earlier. Ms. Vojkovich seconded the motion.

Ms. Vojkovich asked for a friendly amendment to use a 58:42 Oregon:California black rockfish allocation. Mr. Anderson accepted the friendly amendment.

Mr. Brown expressed concern with using the scorecard on page 2-45 of Attachment 1 as it implies allocation decisions. Mr. Anderson suggested using new California recreational options, Oregon recreational option #3, and the new bocaccio OY. The GMT should try to develop management measures that leave an OY buffer for constraining stocks. Mr. Brown reiterated the need for flexibility when developing options to

provide fishing opportunities. Mr. Anderson agreed that was the intent of the motion. Mr. Coenen wanted the GMT to be clear they are not assuming that allocation decisions are based on robust data. Chairman Hansen asked if the tribal proposals were included in the motion? Mr. Anderson said yes.

Motion 11 passed.

Mr. Moore noted that there may be a way to keep the trawl B platoon that addresses the EC concerns.

C.6.j Agendum Overview - Clarify Council Direction

Dr. McIsaac gave an update. The GMT has been making progress and they appreciate not coming back to the Council this evening.

C.6.k Reports and Comments of Advisory Bodies

None.

C.6.l Public Comment

None.

C.6.m **Council Action:** Guidance and Direction as Needed on Groundfish Management Measures for 2004

None.

C.6.n Agendum Overview (09/12/03; 2:01 pm) Final Action on Groundfish Management Measures for 2004

Mr. DeVore provided the agendum overview and listed the new reports made available to the Council.

Mr. Seger provided Exhibit C.6.n, Supplemental Attachment 4.

C.6.o GMT Analysis of Impacts

Ms. Robinson provided an overview of pages 1-9 of Exhibit C.6.o, Supplemental GMT Report 3 and Dr. Hastie provided an overview of pages 10-13.

Ms. Vojkovich provided some edits to the GMT report. The proposed California scorpionfish recreational daily bag limit is 5 per person, not 10, and the minimum size limit is 10 inches. The California proposal also includes a 1 bocaccio daily bag limit with a 10 inch minimum size limit. Additionally, the Farrallon Islands recreational proposal should include, "also allows fishing in 10-30 fm only when the 30 fm fishery is open".

Mr. Brown asked if there was a discrepancy between Table C.6.o Trawl 3 and the bycatch scorecard? Dr. Hastie said yes and provided the total bycatch amounts. Ms. Robinson corrected the estimates in the bycatch scorecard. Mr. Coenen asked if the difference in the estimated Oregon recreational impact of 6.5 mt of canary in the original Medium OY scorecard and the estimate of 5.3 mt in the revised scorecard was due to non-retention? Ms. Robinson said yes, but the revision was also due to a ten percent effort shift when the fishery is restricted by depth.

Mr. Anderson referred to page 2 of the GMT report regarding selective flatfish trawl implementation and asked whether it was the GMT recommendation to choose from options in Exhibit C.6.q, Supplemental

ODFW Report now or delay this decision? Ms. Robinson said the GMT recommends choosing options now, but implementing regulations later after further analysis. This would allow industry to know what suite of regulations would apply to this fishery if it were implemented and the exact net specifications to better prepare for implementation. The GMT recommends implementation in the May through August timeframe. Mr. Robinson agreed delayed implementation would be prudent given the complexity of this regulation. He thought ODFW should assist with the NEPA analysis since NMFS and Council staff workload is an issue. After this discussion, Mr. Coenen suggested the selective flatfish trawl regulations should be considered for the 2005-2006 management period to provide more time for analysis.

Mr. Alverson asked whether the recommended one month delay in starting the primary sablefish fishery was for one year only? Ms. Robinson said the GMT discussed this relative only to the 2004 fishery. The recommendation is in anticipation of the new fixed gear discard data being available in early 2004. The GMT did not discuss 2005-06 management. Mr. Alverson asked when future bycatch data would be available? Ms. Robinson said she cannot speak for the NWFSC. However, if the Council decides to use new fixed gear data in 2004, then we will need new data, models and analyses at the March meeting. Mr. Alverson asked if the primary sablefish season would start in April or May if the new data was delivered in March? Ms. Robinson said we would need the new data in March to have an April opening.

Mr. Brown noted that darkblotched and POP specifications largely affect the trawl fishery in the north. He asked if the GMT recommended the 150 fm line north of 40°10' N. lat. with no changes? Dr. Hastie said yes, the original scenario had that line at 150 fm throughout the entire year. Mr. DeVore clarified the totals to the bycatch scorecard.

Ms. Vojkovich asked why the canary OY changed? Ms. Robinson replied the GMT totaled the projected canary impacts in commercial and recreational fisheries. New catch shares in these sectors result in the new canary OY of 47.3 mt. (09/12/03; 2:53 pm)

Dr. McIsaac asked Mr. Robinson what regulatory actions would be recommended to change the primary sablefish season start date to May 1 and set tier limits? Mr. Robinson suggested the Council could change the start date today and set the tier limits next March after the new observer data report and fixed gear bycatch model is available.

#### C.6.p Reports and Comments of Advisory Bodies

##### **EC**

Cpt. Mike Cenci provided Exhibit C.6.p, Supplemental EC Report.

##### **GAP**

Mr. Moore provided Exhibit C.6.p, Supplemental GAP Report.

Mr. Brown noted that neither the GAP nor GMT discussed the implications of the trawl buyback program. He asked Mr. Moore whether the GAP had any recommendations? Mr. Moore said the GAP did not discuss the buyback program in detail. Industry does, however, expect inseason action next year to raise trip limits.

Mr. Anderson expressed concern that a dramatic reduction in tier limits in the primary sablefish season based on new observer data would create a situation where fishermen would access higher limits early before the regulations changed. He noted that sablefish limit attainment is progressing faster than usual this year based

on the Quota Species Monitoring (QSM) report. Mr. Moore said this was discussed and it was believed by the fixed gear representatives to the GAP that the sablefish allocation would not be met. Mr. Alverson said his fishermen support this assumption due to the higher OY in 2003 and a history of some of the tier 3 fishermen not fishing at all.

Dr. McIsaac asked if the EC was aware of the GAP recommendation to move depth lines concurrently inseason for both trawl platoons before they wrote their statement? Mr. Moore said the GAP did discuss this with the EC and assumes this recommendation was understood.

Ms. Vojkovich asked about the GAP recommendation to analyze the impact of California scorpionfish mortality. Does the GAP have new numbers? Mr. Moore said the GAP does not have new numbers. Some GAP members thought the impact estimates were too high.

#### C.6.q Agency and Tribal Comments

##### **WDFW**

Mr. Anderson explained that WDFW was concerned with inshore trawling in the north and the potentially deleterious effects on molting crab. WDFW analyzed both the location and number of trawl tows in depths less than 50 fm off Washington. There were 27 tows between Umatilla Reef and Destruction Island in the last two years. Additionally there have been about 25 tows per year south of Destruction Island. Mr. Anderson believes the 2004 trawl package will not cause crab problems since the shallowest line in the GMT recommendation is 60 fm, which is coupled with a strategy to shift effort off the shelf.

##### **ODFW**

None.

##### **CDFG**

Ms. Vojkovich expressed her appreciation to the Oregon representatives for the black rockfish catch sharing agreement. The optimistic assessment will allow increased trip limits for black rockfish. A new California regulation was passed that eliminates the ability of fishermen to land more than one trip limit per vessel in the open access fishery. This should help California fisheries.

##### **Tribal**

Mr. Harp expressed his appreciation to WDFW for looking into the shallow water trawling issue. He agrees with Mr. Anderson that the 2004 GMT recommendations answer well his concerns regarding crab interactions. He noted that Exhibit C.6.q, Supplemental Makah Report presents some preliminary analysis of yelloweye catch reduction strategies tested by the Makah Tribe in 2002 and 2003.

##### **NMFS**

Mr. Robinson noted it is good to see the harvest impact buffers in the scorecard that accompany the GMT's management recommendations. He recommends the Council eliminate the trawl B platoon and adopt the EC's recommendations for VMS. Although he is not opposed to implementing the selective flatfish trawl regulations, he believes the analysis of effects needs to be better fleshed out. There needs to be a separate regulatory amendment which entails a NEPA workload.



## USCG

CDR. Myer expressed his appreciation of the VMS recommendations from the EC.

Mr. Alverson asked Mr. Robinson if the Council adopts a delay to the start of the 2004 primary sablefish season, will the start date revert back to April 1 in 2005? Mr. Robinson said yes.

### C.6.r Public Comment

Mr. Randy Fry, Recreational Fishermen's Alliance, Sacramento, California  
Mr. Bob Osborn, United Anglers of Southern California, Huntington Beach, California  
Mr. Peter Huhtula, Pacific Marine Conservation Council, Astoria, Oregon  
Mr. Steve Moore, Patriot Sportfishing, Port San Luis, California  
Mr. Rod Moore, West Coast Seafood Processors Association, Portland, Oregon  
Mr. Joe Easley, Oregon Trawl Commission, Astoria, Oregon

### C.6.s **Council Action:** Adopt Final Proposed 2004 Groundfish Management Measures

Mr. Anderson moved and Ms. Vojkovich seconded a motion (Motion 20) to adopt the management recommendations in Exhibit C.6.o, Supplemental GMT Report 3 for the 2004 season with the following modifications: 1) the motion does not include the VMS transiting proposals; 2) the motion does not include the delay of the sablefish primary season start date; 3) the motion does not address the proposal to implement selective flatfish trawl regulations (the motion is not in opposition to the proposal; it just does not address it); 4) the motion includes the understanding that the 400 mt ABC for bocaccio does not indicate a Council endorsement of any particular model in the rebuilding analysis; 5) the motion specifically provides that the allocation outcomes between commercial and recreational sectors, as well as between states, except where they are already previously provided in previous actions, are not endorsed for future years; and 6) the motion includes a provision that the Council will revisit the issue of retention of canary rockfish under a one fish bag limit for any of the three states in April, pending the acquisition of the additional data that will come from the observer program and the outlook for the recreational salmon fisheries in the three states.

Mr. Brown offered a friendly amendment to continue the trawl B platoon. Mr. Anderson did not accept the amendment. Mr. Brown then moved to amend the motion to continue the trawl B platoon and noted this was the desire of industry. Mr. Warrens asked Mr. Brown if the amendment includes the GAP proposal to change depth lines concurrently for both platoons inseason? Mr. Brown said yes. Mr. Chairman Donald Hansen asked for a vote on the amendment to the motion. Dr. McIsaac called for a roll call vote for continuing the trawl B platoon with the line changing requirement as proposed by the GAP. The vote was 3 yes, 9 no; the amendment to the motion failed.

Mr. Anderson said, relative to the allocation decisions, the motion does not include the fixed allocations (i.e., sablefish and whiting), but does not hold the de facto allocation of overfished species as a permanent rule. He also spoke to the retention of rockfish issue that was so hotly debated. Although he desires to minimize wastage from discard, he feels it is important to change angler behavior to reduce incidental mortality. However, with such low OYs, the Council needs to do everything possible to change angler behavior. The 1.5 mt of canary impact projected in the Washington recreational fishery does not include non-retention savings. The WDFW intends to continue at-sea observations and studies to attempt to validate impact assessment and the perceived savings from non-retention regulations. Without the fixed gear observation data available, it is important to maintain a buffer when projecting canary impacts. If there is a good salmon season next year and our management decisions and fishery evaluations can still accommodate a buffer, then the Council could consider canary retention in April.

Ms. Vojkovich asked about the VMS transiting issue. She asked Mr. Anderson to reiterate the comment regarding the RCA drifting issue. Mr. Anderson said he was concerned about this issue and would like more analysis and deliberation. The waters near the shelf edge off Washington are rougher than nearshore waters. Fishermen should be allowed to drift at night in calmer waters. Ms. Vojkovich asked if the Council is directing this to be done? Chairman Donald Hansen said there was a VMS meeting scheduled in October and the issue could be addressed then.

Mr. Thomas agreed with Mr. Anderson's comments on canary retention. The California recreational industry will advertise the need to avoid canary.

Mr. Coenen noted the Council should allow the deployment of selective flatfish trawl gear outside the RCA.

Dr. McIsaac asked if the motion included the edits/additions in Exhibit C.6.o, Supplemental GMT Report 3 provided by Ms. Vojkovich? Mr. Anderson said yes, all of that is included in the motion. He is not opposing the selective flatfish trawl proposal.

Mr. Brown asked Cdr. Myer if the USCG was not concerned with safety? Cdr. Myer said safety is paramount. Chairman Donald Hansen thought the VMS meeting to be the appropriate venue since all the enforcement folks would be there. Mr. Anderson agreed it was an appropriate topic for the VMS committee. There needs to be a balance between the integrity of the VMS system and safety at sea. Cdr. Myer agreed to discuss it and then reiterated that safety is paramount. Dr. McIsaac asked how the VMS transiting issue would be decided and implemented? Mr. Robinson said this would be an amendment to the final VMS rule which could be made during the 2004 annual management specifications process. Whatever comes out of the VMS meeting that is agreed to by NMFS could become part of the final rule.

Motion 20 passed.

Mr. Anderson referred to Exhibit C.6.o, Supplemental GMT Report 2 and moved to adopt a canary OY of 47.3 mt and the EFP caps presented in the Table 2 bycatch scorecard (Motion 21). Mr. Alverson seconded the motion.

Mr. Coenen asked if the scorecard was revised with the corrections offered by the GMT and was told yes. Motion 21 passed.

Mr. Harp moved and Mr. Anderson seconded a motion (Motion 22) to adopt Exhibit C.6.s, Supplemental Treaty Indian Management Measures for tribal groundfish fisheries for 2004 (the front page of the written proposed tribal management measures). Motion 22 passed.

Mr. Harp moved and Mr. Coenen seconded a motion (Motion 24) to adopt Exhibit C.6.s, Supplemental Treaty Indian Management Measures for the Makah Pacific whiting fishery (the back page of the written proposed tribal management measures). Mr. Harp clarified that the tribes intend to adopt the trip limits in Table 3 of Exhibit C.6.o, Supplemental GMT Report 3 without the depth restrictions. Motion 24 passed.

#### C.7 Proposed Monitoring Program for the Shore-based Pacific Whiting Fishery (09/11/03; 11:07 am)

##### C.7.a Agendum Overview

Mr. Mike Burner provided the agendum overview. He noted a correction in the situation summary. The sentence which reads "The issue of salmon retention in the groundfish trawl fisheries was brought before the Council in 1997....." the date should read "1996".

### C.7.b NMFS Preliminary Environmental Assessment

Ms. Carrie Nordeen of NMFS Northwest Region Provided Exhibit C.7.b, Supplemental NMFS PowerPoint Presentation.

Mr. Anderson asked if there has been any analysis of the required observer coverage and stated that it seemed that 100% coverage would only be required for a short period of time with periodic sampling in the future as a means of reducing costs. Ms. Nordeen stated that the coverage rates presented are intended to capture the range of alternatives and something less than 100% coverage could be considered in the future. Mr. Robinson stated that there are two monitoring elements, full retention and species composition. Species composition monitoring could eventually be handled with a sub-sample but monitoring of full retention does require 100% coverage in some form, observers or cameras.

Ms. Burke stated that she understands the time constraints that NMFS is operating under but she is recommending that these alternatives not go forward based on several concerns. Ms. Burke asked if in view of the substantial change in salmon health, is this monitoring program overkill as a protective measure for recovering salmon populations. Mr. Robinson stated that the Biological Opinion on salmon is always under review but the other issue that bears on this program is the declaration of overfished groundfish stocks that are also a focus of the monitoring program.

Ms. Burke asked if there was any assessment of the practicality of reviewing all of the video data that would be collected by onboard cameras. Ms. Nordeen stated that one camera was tested last year. The camera is not real-time, and image is collected every few seconds reducing the amount of tape that has to be reviewed. There is also a company in Canada who provided the camera and analyses for this pilot program who felt that this fishery was a good application of their technology. Estimated costs for the program include the costs of camera leasing and installation as well as video analysis.

Ms. Burke asked if there has been any consideration of the timing of a proposed IQ system and this monitoring program. Ms. Nordeen stated that this issue was discussed briefly with the GAP. Many good ideas surfaced and further industry meetings tentatively scheduled for October could further smooth both transitions.

Mr. Robinson stated that NMFS is simply trying to move this monitoring program forward. Initially it was thought that the program could go forward on an aggressive time line for implementation in 2004. It is probably not possible at this time and NMFS is assuming that the program would operate under an EFP in 2004. NMFS really wants to start a dialogue with the states and the industry using this meeting as a starting point. Perhaps work in the fall with the states and the industry will result in more effective and less costly monitoring alternatives. NMFS also hopes to work with industry and the states to tighten up monitoring under the EFP if it is continued in 2004. NMFS feels that this is an important enough issue that progress needs to be made this fall even if these alternatives are not ready for public review at this time.

Ms. Vojkovich stated that during the presentation, only the EFP alternative (status quo) mentioned terms and conditions the fishery would operate under, and asked if this means that these types of provisions would not be required under the other alternatives. Ms. Nordeen stated, no, that these rough alternatives will be further refined and developed.

Ms. Vojkovich asked if the at-sea whiting fishery operates in a totally different part of the ocean than the shore-based fishery. Ms. Nordeen stated that they operate in similar ways and area. Ms. Vojkovich asked if data collected in the at-sea program could be applied to the shore-based sector. Ms. Nordeen stated that there is likely some information that could be shared but that it is also possible that the at-sea sector operates a little further off shore with different bycatch.

Mr. Anderson referred to Table 4 on page 41 of Exhibit C.7 Attachment 1. Mr. Anderson asked if the observers in this monitoring alternative would be collecting the same kinds of data as the observers in the West Coast Groundfish Observer Program (WCGOP). Ms. Nordeen stated that the observers with the WCGOP do not have monitoring in the fish plants like the shore-based whiting fishery so they are more focused on species composition whereas the monitors for the shore-based whiting fishery would be focused on verifying full retention to allow total mortality assessment at the plant. Mr. Anderson asked if there was a difference in the observer costs between Alternative 2 at \$900 per sea day and Alternative 3 listed as \$900 per day. Ms. Nordeen stated that the state chose values for Alternative 3 that was similar to Alternative 2 to avoid underestimation and reported costs per day but she did not feel there was significant difference between the two estimated costs. Mr. Anderson asked about the cost disparity for tracking of landings between Alternative 1 at \$150 per day and Alternative 3 at \$550 per day when the sampling coverages are similar. Ms. Nordeen stated the largest difference is in the pay rates of the people doing the sampling. Under Alternative 1, status quo, plant employees collect the data and Alternative 3 would rely on state trained and paid samplers resulting in greater costs but better information.

Mr. Brown, working from the same table questioned the estimates that the cost of the alternative monitoring programs would range from 10% to 30% of the value of the fishery and asked about the quality of the economic data used to compute the operating costs and profitability of a shore-based whiting vessel. Ms. Nordeen stated any information on the fishery economics would be helpful and that NMFS recently hired a new economist who will be helping to refine the analysis.

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

#### **GAP**

Mr. Burner read Exhibit C.7.c, Supplemental GAP Report.

#### C.7.d. Public Comment

Mr. David Jincks, Midwater Trawlers Cooperative, Newport, Oregon

#### C.7.e **Council Action:** Adopt Alternatives for Public Review on the Proposed Monitoring Program for the Shore-based Pacific Whiting Fishery

Ms. Patty Burke stated that Ms. Nordeen did a very good job covering the options and associated costs. However, she stated that the states have not had the chance to do an analysis of the costs associated with a state monitoring program and that for this draft the states simply matched the reported federal rates. Ms. Burke also stated that the total cost listed for the status quo alternative is not all inclusive of actual costs. Therefore, Ms. Burke felt these options need more work and stated that ODFW staff are already working with industry to draft additional, more cost effective, alternatives.

Ms. Burke moved and Ms. Vojkovich seconded a motion (Motion 14) that the Council defer choosing a range of alternatives until the November meeting at which time a better set of alternatives can be provided while anticipating an additional year of monitoring the shore-based whiting fishery under an EFP.

Mr. Brown asked if the motion includes a request that NMFS hold discussions and meetings with industry to explore other alternatives. Ms. Burke stated that she would accept that as a friendly amendment but felt that was understood and assumed based on Mr. Robinson's comments.

Mr. Robinson clarified that the meetings being discussed would include state representatives, not just NMFS and industry people.

Motion 14 passed.

Mr. Anderson commented that WDFW has been gathering considerable experience in hiring and deploying observers in the last 3 years for both the EFPs and a sardine fishery observer program. Mr. Anderson stated that WDFW has some cost information that would be important to bring to the discussion and believes Mr. Culver would be an appropriate state representative to bring that information to the meetings.

#### C.8 Stock Assessment of Canary Rockfish

##### C.8.a Agendum Overview

Mr. DeVore provided the agendum overview.

##### C.8.b NMFS Report

Dr. Elizabeth Clarke reported the NWFSC could coordinate the STAR review if the Council chooses to do a canary stock assessment. However, there are no NWFSC staff currently available to do the assessment. She reported there will be new data available from this year's survey by the end of January. However, since this is the first year conducting the cooperative shelf survey, there would have to be a calibration survey to link the old triennial survey data to the new survey results. This calibration survey cannot be done until next year.

Mr. Anderson, regarding the revised sampling protocols in the 2003 shelf survey and the need to calibrate results with the old triennial shelf survey, remarked that the new results will provide only one data point. Will there be similar issues with other species' stock assessments? Dr. Clarke remarked, with current resources, they cannot do two total surveys in the same year. There will be a workshop scheduled to figure out how to calibrate the new survey with the old triennial survey. She envisions a strategy where they could "leap frog" surveys by type, conducting a different survey protocol every other year. She does not favor breaking the old triennial survey time series to start a new survey time series. She said the proposed workshop will flesh out how to move forward. She invited the Council family to attend. Mr. Anderson asked when the workshop would be scheduled? Dr. Clarke said they preferred waiting until after January when the new survey data would be available.

Chairman Donald Hansen asked if there was a need to find a canary stock assessment author? Dr. Clarke said yes. Her scientists are busy with the whiting stock assessment and analysis of new survey and observer data. She is also an FTE short of a full assessment staff.

Ms. Vojkovich asked if there were other data sources that could be used or does everything hinge on the new survey data? Dr. Clarke said the critical data sources she is aware of are new observer and shelf survey data. She knows there has been some submersible work done by WDFW, but she was unsure of the data collected. Mr. Anderson remarked he did have some information on the new submersible data. Chairman Donald Hansen asked to defer that until Council discussion/action.

Dr. McIsaac asked how much new information will be available by November 2005 for the 2007-2008 management period? Dr. Clarke said by November 2005 they would have a calibration or survey linkage methodology in place as well as the results from the 2004 shelf survey.

Dr. McIsaac referred to a Stock Assessment Methodology workshop proposed in a letter signed by Dr. Usha Varanasi and asked about a recreational CPUE index such as the one used in the new bocaccio assessment?

Dr. Clarke said that workshop will evaluate that methodology.

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

### SSC

Mr. Jagielo provided Exhibit C.8.c, Supplemental SSC Report.

Ms. Vojkovich asked about the new Delta submersible and shelf survey data and the SSC comment that these data could not be incorporated easily into an assessment. But, could it be done? Mr. Jagielo explained that one needs a data time series of many years to do an assessment, not one data point. The submersible survey was designed to survey in untrawlable habitats. These data cannot be linked or used until there is a time series. We need a workshop to focus discussion on linking the new survey with the old. If a new time series is started, it will take time before it is useful for assessment. Ms. Vojkovich asked if it was unlikely we would get a better canary assessment soon? Mr. Jagielo remarked there was not much new to be learned.

### GAP

Mr. Moore provided Exhibit C.8.c, Supplemental GAP Report.

Dr. McIsaac asked about the GAP comment regarding the history of "out of cycle" assessments? Mr. Moore explained that the yellowtail rockfish assessment was in a once every three year cycle, but two consecutive annual assessments were done when the assessment was considered the first time. This action refined the STAR process. Questions about sablefish recruitment in 2001 led to an assessment update in 2002. The bocaccio assessment was done in consecutive years (2002 and 2003) when the assessment author admitted to needed improvements after the first assessment.

Ms. Vojkovich noted the GAP statement that they were prepared to live with scientifically valid results. Does that mean the GAP agrees with the canary STAR Panel? Mr. Moore responded no. The canary population has increased dramatically according to anecdotal evidence. The 2002 assessment does not have recent data and delay would be unconscionable.

#### C.8.d Public Comment

Mr. Steve Moore, Patriot Sportfishing Avila Beach, California

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

#### C.8.e **Council Action:** Consider Establishing a New Stock Assessment Process for Canary Rockfish for use in the 2005-2006 Biennial Management Period

Mr. Anderson explained he had Dr. Jack Taggart evaluate the potential of conducting a new canary rockfish assessment. He explored the issue of calibration of the new and old survey results and he felt it wasn't wise to go forward without that being done. He also talked with Bob Mikus, an ODFW ageing specialist. They have about 42,000 canary otoliths collected since 1999, of which 17,000 have been aged, with some sub-sampled and many left to age. Dr. Taggart recommended these structures get aged, a task which could take between four months to a year. Dr. Taggart thought that incorporating these data would be critical for a new assessment.

Mr. Anderson concluded there were three options:

- 1) We could scramble to age the otoliths in ODFW's possession, step up the process for deriving a survey calibration methodology, identify a stock assessment author, and go through the STAR process in time for the April 2004 meeting; or
- 2) Delay the assessment another year (complete by early 2005) to accomplish these tasks and obtain one more shelf survey data point. A new survey would be available in time for the 2006 fishery. This option would essentially break the new multi-year management strategy; or
- 3) Wait to adopt a new assessment in November 2005 for use in the 2007-08 management cycle.

He said each one of these options has its problems. He was uneasy about waiting until the 2007 to react to a new canary assessment. The second option breaks down the "wall of science" that is part of the multi-year management process. The first option was questionable in that he doubted we have the capacity to do all the needed steps so quickly.

Mr. Coenen mentioned the reviews and check points detailed in the canary rockfish rebuilding plan. He thought scrambling to get an assessment done (option 1) might not fit the requisite review period of once every two years decided in the canary rebuilding plan. We may want to have a new assessment prior to the year we review the canary rebuilding plan.

Ms. Vojkovich understands the need to do a new canary assessment prior to the 2007-08 management period. She questions the ability to complete a new assessment by the April 2004 meeting. She prefers option 2 although it does compromise the multi-year management process.

Mr. Brown thought it important to develop a policy on when to do assessments or else we'll get jerked around whenever new information becomes available. He is worried about breaking the new multi-year management process. He asked Mr. Anderson how many of the canary otoliths were collected in 1990 and how many collected more recently? The specific years of available ageing data is an important consideration. Mr. Anderson said he did not know.

Mr. Anderson asked Mr. Jagielo if there were any plans to continue the submersible survey? Mr. Jagielo said no, it was a pilot project. There is no ongoing plan. Mr. Anderson said he was familiar with how that project was conducted. The intent was to analyze submersible survey data to attempt a yelloweye biomass estimate in the survey area? Mr. Anderson asked if this technology could be used in a canary assessment? Mr. Jagielo explained that some species are hard to survey with a submersible. Canary and yellowtail rockfish are more pelagic and often swim out of view of the camera. We need more analysis to evaluate its potential for canary assessment. Mr. Anderson remarked this was another reason to delay.

Mr. Brown said he understands that rockfish are patchily distributed. As a consequence you need to determine densities in different habitats and adjust your survey analysis accordingly. Did the submersible survey examine density differences of rockfish in rocky vs. other habitats? Mr. Jagielo said yes, this is the type of analysis we are doing. The trawl survey is habitat-biased. We intend to compare the 2002 submersible survey results with the 2001 trawl survey results in the U.S.-Vancouver INPFC area.

Mr. Coenen noted from the SSC Report that the next regularly scheduled canary assessment will not be available until November 2005. Would the inter-calibration data be the only new data available for the next regularly scheduled assessment? Mr. Jagielo explained that any calibration effort would benefit from multiple data points. More data would be available by 2005.

Mr. Alverson wondered if we could table this action until the November 2003 meeting? Would we know more by then? Mr. Coenen said delaying a decision to scramble would be tough. We would need to plan now to make this happen.

Mr. Ticehurst asked what are the chances the current assessment is overly optimistic or overly pessimistic? He thought getting a new assessment soon would be important to avoid prolonging management mistakes.

Ms. Vojkovich asked Dr. Clarke about the risk of pulling people off of planned assignments. What current activities would be put at risk to get a new assessment by November 2004? Dr. Clarke said there are about 22 stock assessments planned in that time period. We need the off year to structure models, etc. to do this many assessments by November 2005. Since we can't do all the STAR reviews in 2005, we will have to front load a lot of that work in the first year. She said you would not get all of the stock assessments done if people are re-tasked.

Mr. Anderson responded to Mr. Ticehurst's earlier comments that the trend in recent canary assessments has been more pessimistic. He is concerned that the current assessment may be overly pessimistic. His option 1, getting a new assessment by April 2004, is not doable. There are other things that need to get done in that timeframe. He emphasized the need to establish criteria for accepting new information in this process. He suggested we could get a new canary assessment by April 2005 in time to modify 2006 management measures. However, we need to understand the consequences to the multi-year management process. Also, we need to move forward on developing criteria and policy for accepting new data by November 2003 or April 2004. Mr. Brown agreed with Mr. Anderson about the need to develop this policy very soon. Dr. Clarke said we have to know that now to get contracts for next year in place.

Mr. Robinson asked if the recommendation was to get a new full canary assessment by April 2005? He would like to preserve the multi-year management process. Canary rebuilding constraints are a keystone to our present management system. Adopting a new assessment in April 2005 would kill the multi-year management process. Mr. Anderson suggested that we ask Dr. Clarke to give us an assessment of what the consequences would be if we try to get the canary assessment done and available to the Council by April 2005. We could then better understand the tradeoffs to the multi-year management process. Dr. Clarke said we could consider this question while we develop the process and decide on the timing of a new assessment later. Ms. Vojkovich asked when would the Council develop this policy? Mr. Robinson assumed we were going to talk about that on Friday. He also assumed it would not be done by the November 2003 Council meeting. He suggested this policy should be adopted by the March or April 2004 Council meeting. Dr. McIsaac noted that his notes reflect the workgroup reporting back in March. He suggested the Council could decide to start policy development at the November Council meeting.

Mr. Anderson moved and Mr. Alverson seconded a motion to not do an assessment in time for the 2005-2006 management period (Motion 15). Motion 15 passed.

## C.9 Groundfish Bycatch Program Environmental Impact Statement

### C.9.a Agendum Overview

Dr. Kit Dahl provided the situation summary, which differs from the printed version. The preliminary draft EIS made available for this meeting is not sufficiently complete for public review. Therefore, NMFS is asking the Council to defer public review of the document until after the November meeting. A draft EIS is scheduled for publication in January 2004 for public comment; the Council review process will run concurrently from then through the April 2004 Council meeting. The Council may wish to provide further guidance on the development of the EIS document.

### C.9.b NMFS Report



Mr. Jim Glock gave an overview of bycatch reduction requirements and how they are addressed in the EIS. However, the Council is not expected to choose a preferred alternative at that time. Instead, the Council should evaluate the document at the November meeting and decide whether it is ready for the public comment period required by NEPA. The draft EIS will be published in mid-January and the Council can make additional comments and receive public comments during that period. At the April meeting the Council may choose the preferred alternative. Both the public comment period required by NEPA and the review under Council procedures will occur concurrently.

#### C.9.c Reports and Comments of Advisory Bodies

### HC

Dr. Dahl read Exhibit C.9.c, Supplemental HC Report:

*The Habitat Committee received a briefing from Mr. Jim Glock on the Groundfish Bycatch Program Environmental Impact Statement (EIS). We felt the document was highly informative, useful, readable, and reflected the hard work of its authors. According to the Magnuson-Stevens Act, "bycatch" includes nearly all species of marine organisms except seabirds and marine mammals. This means bycatch includes biogenic species that are important as fish habitat. We concur that bycatch should include such elements. This produces an overlap with the Essential Fish Habitat EIS. This overlap is positive; however, the information in these two planning documents should be consistent. As these documents develop, we will continue to provide feedback to help ensure consistency.*

### GAP

Dr. Dahl read Exhibit C.9.c, Supplemental GAP Report:

*The Groundfish Advisory Subpanel (GAP) received an update on the Groundfish Bycatch Programmatic Environmental Impact Statement (EIS). While the GAP is interested in providing comments, we note that the document keeps changing as new information is received. Therefore, the GAP prefers to wait until a final document is presented before making final comments.*

*The GAP also urges NMFS and the Council to ensure that adequate opportunity for public comment is available on the final document.*

### SSC

Mr. Jagielo provided Exhibit C.9.c, Supplemental SSC Report:

*Mr. Jim Glock presented a progress report on the Bycatch Program Environmental Impact Statement (EIS) (Exhibit C.9, Attachment 1). This initial draft is fairly complete with respect to the first three chapters (Purpose and Need; Alternatives; and Affected Environment). However, the fourth chapter (Impacts of the Alternatives), which will embody all of the analysis, will not be completed until the November 2003 Council meeting. The planned timeline for the EIS then includes: Council release for public review (November 2003); NEPA review (January through April 2004); and Council selection of the preferred alternative (April 2004).*

*The Scientific and Statistical Committee (SSC) discussion focused primarily on the (1) definition of bycatch and (2) aspects of the analyses that should be included in Chapter 4 of the next draft.*

#### 1. Definition of Bycatch

*The current draft first defines groundfish as those species covered by the Council's Groundfish Fishery Management Plan and discards as those animals that do not survive after being returned to the sea. Bycatch is then defined as the combination of groundfish discards and nongroundfish species caught during the course of a fishing operation. The SSC notes that this definition differs from that used in the Magnuson Act (discards*

only), and is more closely aligned with the definition of bycatch used in *Managing the Nation's Bycatch (NMFS 1998)* – the latter being the basis for the guidelines on implementation of National Standard 9.

While the bycatch definition in the current draft is workable, the SSC recommends that when completing the analysis of alternatives (Chapter 4), the components of bycatch under this definition be further delineated. Namely:

- A. Regulation-induced discards, (e.g., catch that exceeds a trip limit, undersized fish, etc.)
- B. Non-regulation-induced discards, (e.g., no or little economic value, recreational releases that do not survive, etc.).
- C. The retained part of bycatch that is managed by a something other than the Groundfish FMP, (e.g., Pacific halibut, California halibut, etc.).
- D. The retained part of bycatch that is not managed.
- E. Take of protected species.

## 2. Analysis of Alternatives

For the most part, the alternatives identified in the draft EIS attempt to minimize only component A of the bycatch, as defined above. In order to meet the National Standard 9 guidelines, however, it will be necessary to minimize component B as well. In addition, the Council may also find it necessary to gauge the impact of each alternative on components C, D, and E, separately.

The various alternatives require greatly differing levels of observer coverage for proper implementation. The level of observer coverage and associated costs should be clearly identified for each alternative.

Logbook and other reporting requirements as well as levels of enforcement also differ among the alternatives. The respective costs and practicalities under each of the alternatives should be included in the next draft.

For the various alternatives, it is likely that substantial differing levels of bycatch will result as well as substantially differing implementation costs. Consequently, the selection of a preferred alternative may not be straightforward.

The SSC recognizes the analyses that will appear in Chapter 4 are likely to be qualitative, and this is customary for a programmatic EIS. However, it should be recognized that at some future time, it will become necessary to develop a fully-fledged quantitative model for such analyses. The trawl bycatch model may provide a convenient starting point for such model development.

### C.9.d Public Comment

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

Mr. Phil Kline, Ocean, Washington, DC

Mr. Peter Huhtala, Pacific Marine Conservation Council, Astoria, Oregon

### C.9.e Council Action: Adopt Options for the Groundfish Bycatch Program EIS for Public Review

Mr. Robinson asked the Council to defer action.

Ms. Vojkovich asked whether the Council will choose a single alternative once the draft EIS is completed. Mr. Glock assented and she noted that she can only find one alternative that speaks to the recreational fishery and is concerned that she is being forced to choose only one alternative because recreational fishery issues are not addressed in the other alternatives. She recommended that recreational issues be addressed within each of the alternatives.

Mr. Glock agreed that the alternatives focus on the commercial side. However, the EIS does analyze secessions, bag limits, size limits, etc; they are available as tools and would apply under all the alternatives. (He noted that alternatives 2 through 4 are extensions of measures in place under the status quo, with

associated recreational management measures.) Mr. Glock said that the Council could develop another alternative, or fine tune one of the existing ones as their preferred alternative by combining tools evaluated separately in the EIS. The only part that would kick us off schedule would be if an alternative was so different that it was outside the range of alternatives already evaluated in the draft EIS.

Ms. Vojkovich stated she was still not clear about this issue but will speak with Mr. Glock off the Council floor.

Mr. Alverson said these options are not mutually exclusive: for example, alternative 6 has area closures, which have already been implemented. Other measures in alternatives 1 through 5 have also been implemented. Therefore, we are not going to just pick one alternative and exclude the rest. He asked what the final decision process is; would parts of all alternatives be adopted?

Mr. Glock agreed that this is a challenge because status quo is a moving target. He would like to evaluate each of the alternatives under the current fleet size. If the buyback program is implemented, hopefully they can evaluate the alternatives with the new, reduced fleet size. The other challenge is making sure the alternatives are distinct and mutually exclusive. The status quo is an adaptable, flexible management approach. The EIS will evaluate broader suites of management measures. Each alternative is maintained as distinct as possible, as required by NEPA.

Mr. Robinson, answering Mr. Alverson, stated nothing will preclude the Council from choosing a preferred alternative that applies different dosages of management measures.

Dr. McIsaac asked about the NEPA review process with reference to the SSC statement: Will the NEPA review be scheduled through the month of April so the Council can consider advisory body and public statements and offer comments during the NEPA public comment period? Mr. Glock, in agreeing, stated that Council final action at the April meeting would be during that comment period.

#### C.10 Consideration of Individual Quota (IQ) Programs (09/11/03; 4 pm)

##### C.10.a Agendum Overview

Mr. Seger provided the agendum overview based on the situation summary.

##### C.10.b Report on the Canadian Symposium

Ms. Dorothy Lowman, accompanied by Dr. Richard Young, Mr. Bob Turis, provided a power point presentation (Exhibit C.10.b, Supplemental PowerPoint Presentation) on the joint US-Canada industry symposium on the Canadian IFQ system.

##### C.10.c Whiting Catcher Vessel Industry Report (09/11/03; 4:44 pm)

Mr. David Jincks presented Exhibit C.10.c, MTC Letter.

##### C.10.d Newport, Oregon Inclusive Rationalization Meeting Report

Mr. Craig Urness of Pacific Seafood provided a review of the industry wide rationalization discussions that took place in Newport. He covered the plan for a process, support for rationalization, infrastructure, and Council support.

#### C.10.e Trawl Sector Initiatives

Mr. Pete Leipzig referenced an initiative provided to the Council in a January 1999 report on this issue. He presented a stepwise framework for implementing an IQ program.

#### C.10.f Reports and Comments of Advisory Bodies

##### **GAP**

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

##### **EC**

Cpt. Mike Cenci provided Exhibit C.10.f, Supplemental EC Report.

#### C.10.g Public Comment

Mr. Barry Cohen, Olde Port Fisheries,  
Mr. Bud Femling, F/V Lucky Strike, Sequim, Washington  
Mr. Brent Payne, United Catcher Boats, Seattle, Washington  
Dr. Rod Fujita, Environmental Defense, San Francisco, California  
Ms. Leesa Cobb, Pacific Marine Conservation Council, Astoria, Oregon  
Mr. Peter Huhtala, Pacific Marine Conservation Council, Astoria, Oregon  
Mr. Jan Jacobs, Pacific Whiting Conservation Cooperative, Seattle, Washington  
Mr. Chris Peterson, F/V Pacific Challenger, Auburn, Washington  
Mr. Marion Larkin, trawler, Mt. Vernon, Washington  
Mr. Joe Plesha, Trident Seafoods, Seattle, Washington  
Mr. Phil Kline, Oceana, Washington, DC  
Mr. Brad Pettinger, Oregon Trawl Commission, Astoria, Oregon  
Mr. Steve Bodnar, Coos Bay Trawlers Association, Coos Bay, Oregon  
Mr. Dave Fraser, F/V Muir Milach, Pt. Townsend, Washington

#### C.10.h **Council Action:** Plan Future Council Action Regarding Groundfish IQ Development (09/11/03; 5:48 pm)

Mr. Ralph Brown noted the hope that was reflected in the public comment on ITQs and commented on the opportunity that ITQs provide an opportunity to resolve problems in the fishery. He moved to proceed with the ITQ committee to design a trawl harvest ITQ program (for both whiting and non-whiting groundfish sectors). Mr. Brown suggested membership for the committee and asked that if possible arrangements be made to involve Mr. Bruce Turris from Canada on the committee. Mr. Frank Warrens seconded the motion (Motion 16).

Ms. Vojkovich spoke in support of the motion. She noted the consensus support among those making public comment. While she understood the need for guidelines and standards she was concerned that there could be a considerable wait for such guidelines. If guidelines come out later, adjustments could be made at that time. She expressed hope that the committee would be able to report back fairly rapidly.

A friendly amendment was accepted from Mr. Harp to add Mr. Steve Joner to the committee as a tribal representative.

Mr. Alverson suggested that someone from Mr. Brent Payne's organization be included on the committee as well as Mr. Jan Jacobs as they both have expertise on this. Mr. Brown said he listed Mr. Dale Myer as a person he thought might be involved in the mothership and catcher-processor operations.

Mr. Robinson expressed NMFS support for ITQ programs. With respect to committee membership, whether or not NMFS is a member they intend to fully participate, provide guidance, and support. He prefers the committee be primarily industry with the agency people in support roles. Mr. Brown asked to include Dr. David Hanson and that he could provide a link to issues related to the data system that would be necessary for the program.

Mr. Anderson said he is supportive of the creation of the group. He would have preferred that we identify the number of positions without the names on the Council floor and leave the names up to the Council chairman. He suggested the group be composed of nine trawl representatives, and representatives from enforcement, processors, environmental sector, and economists. Mr. Brown accepted Mr. Anderson's suggestion as a friendly amendment to not name specific individuals but to also add a tribal representative. The seconder agreed to the friendly amendment.

Ms. Burke expressed concern about the budget needed to support the process and suggested the possibility that a program might be developed outside the Council process. Dr. McIsaac, suggested that he work with the industry, NMFS, and other offers to get the needed funding together for the initial steps.

Council members agreed that the MTC report, a primer put together by Dr. Dan Huppert, and NPFMC programs might provide an outline of considerations from which the committee could work. Mr. Brown asked to see an initial cut at the basics for the program from the committee in November including a listing of those topics they can and cannot agree upon.

Motion 16 was re-stated by Dr. McIsaac. Established an IQ committee composed of nine trawl representatives, and representatives from enforcement, processors, environmental sector, economists, and a tribal seat with the names to be selected by the chair at a later date.

In response to a question from Mr. Anderson, Mr. Harp said his main interest had to do with whiting because any IQ system could possibly affect them. That is not to say the concept of IQs could not be applied among four tribes in the groundfish fishery at a later date.

Motion 16 passed.

There was a discussion of a control date. It was decided that issue would be placed on the November agenda.

## **D. Habitat**

### D.1 Current Habitat Issues

#### D.1.a Agendum Overview (09/10/03; 8:06 am)

Ms. Jennifer Gilden provided the agendum overview.

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

Mr. Michael Osmond provided the HC Report.

D.1.c Reports and Comments of Advisory Bodies

None.

D.1.d Public Comment

None.

D.1.e **Council Action:** Consider Habitat Committee Recommendations

Mr. Brown said that he has been meeting with people involved in Klamath River issues. They have made a compelling case for why water should not leave the Project in the fall and go into the Klamath River. They are concerned about releases out of the Trinity River. When they increase Trinity River flows, they draw fish into the river. Then, once fish are in the Trinity, they shut the flows off and the water temperature rises to about 80°. This is a good way to kill fish. There needs to be a good look at the system operations. They (the people involved with the Klamath) have asked Mr. Brown to arrange for their people to speak to our HC and the Council to give their version of events.

Another issue is the proposal for the Conservation Implementation Program. They are rewriting the proposal and would like to make a presentation to the Council because they feel that this Council is only hearing one side of the issue. Chairman Donald Hansen concurred and recommended that they speak to the Klamath Fishery Management Council. Mr. Brown noted that they seem ignorant of how to get involved in our process although they are highly involved in other processes.

Mr. Anderson felt it was premature to ask the HC to develop the proposed resolution on salmon net pens and their affect on habitat. It would not be premature if there is a concern about current net pen aquaculture projects that may have detrimental affects on habitat for natural spawning populations that contribute to Council-managed fisheries. He assumes since they brought it forward and made references to problems in British Columbia and Alaska that they believe there may be problems in our Council jurisdiction. If that is true, then it would be more appropriate for the HC to give us a list of the projects, the size of those projects, whether or not there are escapees, and whether they have detrimental effects on spawning populations. He would like the HC to do some fact finding and determine whether or not they have a detrimental effect. Then we could determine the appropriate response and action by the Council.

Mr. Warrens said he believes the PSMFC is working on a project addressing net pens and detrimental effects. They are ahead of the Council on this issue. He concurred with Mr. Anderson's comments.

Mr. Gaudet also agreed with Mr. Anderson. He offered to have ADFG work with the HC. Alaska has some experience with this, and could help with documentation. Atlantic Salmon Watch could provide some of the material Mr. Anderson requested.

Dr. Hanson said the PSMFC has been working with Alaska. Mr. Stephen Phillips is the primary contact for arranging something with the British Columbia and Alaska people dealing with this issue.

Mr. Roth agreed with Mr. Anderson's comments on doing a fact finding survey. However, there is no doubt there are problems with salmon aquaculture in other places; this issue does need attention.

Ms. Gildea noted that the HC had suggested inviting someone to speak to the Council on salmon net pen issues, and asked how the Council wanted to address that suggestion.

Mr. Anderson said he would first like to have the HC investigate current operations in our coastal states, and do some fact finding before bringing in speakers. The Council needs to pay attention to operations affecting the habitat and resources for which we have responsibility—not problems occurring in other parts of the West Coast.

Mr. Donald Hansen concurred with Mr. Anderson's comments.

Mr. Anderson said if the HC would like to bring forward a status report on their strategy regarding net pens, that would be great.

Mr. Brown said he would work with Dr. McIsaac to schedule an HC presentation by someone from the Trinity River.

## **E. Marine Reserves**

### **E.1 Update on Marine Reserves Issues**

#### **E.1.a Agendum Overview (09/10/03; 8:26 am)**

Ms. Gilden outlined four different topics under this agenda item: increased funding for coordinating marine reserves issues (Ms. Gilden noted Dr. McIsaac would be speaking on the topic of funding for Phase II; there has been some funding available to improve coordination); the meeting of the SSC on the marine reserves white paper; an update on the Joint Management Plan Review for the three central California Sanctuaries; and a proposal to change the name of the agenda item from “marine reserves” to “marine protected areas.”

Dr. McIsaac elaborated on the West Coast MPA Demonstration Project.

#### **E.1.b Scientific and Statistical Committee (SSC) Report**

Ms. Cindy Thomson provided Exhibit E.1.b, Supplemental SSC Report.

Mr. Brown said he had received a paper whose authors had examined literature on marine reserves. The authors found there was very little new research on marine reserves, and that most research consisted of rehashed models. How does what you're proposing differ from that?

Ms. Thomson said the white paper reviews the literature and objectives for marine reserves and describes the state of knowledge regarding marine reserves. The paper will provide a conceptual framework for conducting regulatory analyses and will discuss what constitutes a reasonable range of alternatives and what needs to be considered in evaluating alternatives. The paper will also try to look at management implications in general.

#### **E.1.c Reports and Comments of Advisory Bodies**

None.

#### **E.1.d Public Comment**

Ms. Kathy Fosmark, Fishermen's Association of Moss Landing, Pebble Beach, California (fishery management falls under the Council's and NMFS' jurisdiction, not NOS).

#### E.1.e Council Discussion on Update on Marine Reserves Issues

Ms. Patty Wolf moved and Mr. Thomas seconded a motion (Motion 8) to change the name of this agenda item category from “marine reserves” to “marine protected areas” in future Council agendas.

Ms. Patty Wolf said this is something they have done in California in order to more broadly encompass the issue. She moved to use the term “protected areas” instead of reserves.

Mr. Brown said if this is being done so we can broaden the discussion, we should keep in mind that the contention is over marine reserves. Mr. Coenen appreciated this semantical change, but noted that Mr. Brown is completely right that the Ocean Advisory Council in Oregon uses “marine reserves” to mean “marine protected areas.” That led to part of the confusion in-state. Outside Oregon, “marine reserves” generally means “no fishing.” This terminology change would be helpful.

Mr. Cedergreen said there was a letter that went out a couple of years ago, signed by about 100 scientists nationwide, that said clearly that “marine reserves” meant “no take.”

Motion 8 passed.

Mr. Robinson asked about the organization of the MPA Demonstration Project. The West Coast regional offices of NMFS and the NWFSC and SWFSC are involved in a lot of related activities, in particular the EFH EIS. How do you intend for us to participate in the Demonstration Project? Are we under the “Council umbrella”?

Dr. McIsaac said the project was very inclusive. The three principle entities would be NMFS, the Council and the National MPA Center. This is a draft fact sheet and the proper corrections will be made to reflect that.

Mr. Brown proposed we send a letter to DOC to ask for clarification and remind them that NMFS is the fishery management body, not NOS.

Chairman Donald Hansen said that he discussed this with Dr. Hogarth and that Dr. Hogarth would provide something at the November meeting.

Mr. Warrens, building on Ms. Fosmark's and Mr. Brown's comments in regard to fisheries management with the affected Council and NMFS on all issues regarding fisheries management, and to avoid confusion and conflicts of territory, stated the jurisdictional issues need to be clarified up front. Letters to that effect should go to DOC and Admiral Lautenbacher. Chairman Donald Hansen said that that's what they had heard from Dr. Hogarth—we will put this on the agenda in San Diego.

#### E.2 Marine Reserves in the Federal Waters Portion of the Channel Islands National Marine Sanctuary (CINMS)

##### E.2.a Agendum Overview (09/10/03; 8:51 am)

Ms. Jennifer Gilden presented the agendum overview.

##### E.2.b Presentation by CINMS Staff

Mr. Mike Murray, the Management Plan Coordinator and Advisory Council Coordinator for CINMS, provided a brief update on the CINMS timeline.



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

None.

Ms. Patty Wolf thanked Mr. Murray for the update, and thanked the Sanctuary Advisory Council for making changes to its representation and creating a recreational fishing seat. She encouraged the Sanctuary to be realistic in terms of setting the schedule.

Chairman Donald Hansen wanted to clarify that there would be a recreational seat and a commercial seat on the SAC. Mr. Murray said there is currently a “fishing” seat on the SAC. It will become a commercial fishing seat, and they will add a new recreational seat.

Dr. McIsaac asked about the 120-day response period for the Council—we understood the 120 days would begin when substantive materials were supplied to us. Is that true? Mr. Murray said it was logical that the 120 days would begin when the Council received documents to review, but he would follow up to make sure that was the case. Dr. McIsaac said that initially we had talked about a two-meeting process with the Council – September and November. When you say that March is more realistic, do you mean for the first feedback on the initial NEPA document, followed by a second meeting? Are you still thinking of a two-meeting process—March and April, or March and June? Mr. Murray said they were still planning for a two-meeting process. But they would like to get preliminary materials to the Ad Hoc Committee much earlier (before March).

### E.2.d Public Comment

Mr. Hugh Thomas, Port San Luis Commercial Fisherman’s Association (supporting Kathy Fosmark’s comments saying that fishery management decisions should remain within the Council.) Mentioned a UCLA report that was critical of the CINMS process, and said the reserves close off access to recreational and commercial users.

### E.2.e Council Discussion on Marine Reserves in the Federal Waters Portion of the CINMS

Mr. Brown said he would like to see the UCLA report mentioned by Mr. Thomas. Ms. Wolf said she was not familiar with it, but would look into it.

Dr. McIsaac said they would try to get the report to the Council members for their information. The people on the Ad Hoc CINMS committee should expect to have a meeting after the next Council meeting. There will be an opportunity to meet during the winter and come to Council on how to proceed.

## **F. Salmon Management**

### F.1 Salmon Fishery Update (09/11/03; 8:12 am)

Mr. Tracy presented the agendum overview.

#### F.1.a Salmon Technical Team Report

Mr. Dell Simmons referred the Council to Exhibit F.1.a, Supplemental STT Report.

F.1.b Reports and Comments of Advisory Bodies

None.

F.1.c Public Comment

None.

F.1.d Council Discussion

Mr. Roth asked Mr. Harp why the treaty troll fishery took so little of its coho quota. Mr. Harp responded that it was primarily a lack of effort prompted by low prices.

Mr. Cedergreen characterized the season north of Cape Falcon as very successful, with excellent chinook catch, large size, and no inseason closures, which added stability. The flexibility to transfer chinook from the recreational fishery to the commercial fishery is a strategy that would be desirable in other fisheries.

Mr. Warrens was concerned about an apparent lower coho mark rate than expected, and suggested an STT analysis of at what point the handling mortality associated with releasing a large proportion of the catch outweighed the direct mortality of allowing unmarked fish to be retained.

Mr. Tracy expressed his appreciation to the Council for the structure of the north of Cape Falcon commercial fishery, which resulted in only two inseason conference calls for that fishery.

F.2 Salmon Methodology Review: Final Prioritization of Modeling Issues for SSC (09/11/03; 8:21 am)

F.2.a Agendum Overview

Mr. Tracy presented the agendum overview.

F.2.b Agency and Tribal Reports and Comments

Mr. Coenen reported items 5 (Lower Columbia River coho management plan) and 6 (OCN coho prediction methodology) in Exhibit F.2, Attachment 1 were low priority items for ODFW and would not be ready for SSC review in 2003.

Mr. Anderson reported that for WDFW the highest priority was item 1 (FRAM documentation) in Exhibit F.2, Attachment 1. Items 4 (Columbia River fall chinook ocean abundance predictors) and item 3 (Chinook FRAM modification for selective fisheries) are prioritized appropriately.

F.2.c Model Evaluation Workgroup Report

Mr. Simmons presented Exhibit F.2.c, Supplemental MEW Report.

F.2.d Reports and Comments of Advisory Bodies

**SSC**

Mr. Jagielo presented Exhibit F.2.d, Supplemental SSC Report.

## STT

Mr. Simmons presented Exhibit F.2.d, Supplemental STT Report.

### F.2.e Public Comment

None.

### F.2.f **Council Action:** Establish Final Prioritization and Schedule for Review of Salmon Methodology Changes for the 2004 Season

Mr. Tracy summarized the two requests for the methodology review from the SSC, STT, and MEW: the modification of the coho FRAM to accommodate Canadian coho stocks and fisheries for the PSC process, and review the MEW overview document for the FRAM. There was also a request that the STT and SSC be allowed to comment on the calculation of the ISBM indices.

Council members concurred with the requests.

Mr. Roth expressed appreciation of the MEW process and suggested a similar process for other Council managed species may be appropriate.

## F.3. Mitchell Act Program Update (09/11/03; 8:44 am)

### F.3.a Agendum Overview

Mr. Tracy presented the agendum overview.

### F.3.b NMFS Report

Mr. RZ Smith reported on the technical meeting to develop a base budget for Mitchell Act programs (Exhibit F.3, Attachment 3, Exhibit F.3.b Supplemental NMFS Report 2), which will be provided to Mr. Bob Lohn, NMFS NW regional administrator.

Dr. McIsaac asked what portion of the \$33 million was required just to maintain fish production. Mr. Smith responded that about \$20 million would be required. The remainder is to address other issues such as facilities maintenance, mass marking, screens, etc.

Mr. Roth stated that the \$33 million would also bring the hatcheries up to ESA consultation standards.

Mr. Larson noted that increasing mark selective fisheries will require additional funds for sampling those fisheries. Mr. Anderson replied that the states and tribes are involved in a separate process to discuss implementation of the federal mass marking requirement.

### F.3.c Pacific States Marine Fisheries Commission Policy Group Report

Mr. Anderson reported a meeting of tribal and agency representatives was held on August 22, 2003 at the Council office with representatives from NMFS, USFWS, Yakama Indian Nation, ODFW, WDFW, PSMFC, and Trout Unlimited. The report from the technical meeting held on August 13, 2003 was received. At that time it was hoped that level funding would be obtained for FY 2004, recognizing that program reductions would have to be made even at that level. It appears, however, that the House and Senate mark-ups have reductions in FY2004 relative to FY2003 of about \$3-4 million. Additional constraints on facilities are resulting from new requirements such as mass marking and ESA requirements.

The earlier strategy of states finding support for annual increases in Mitchell Act funding from their congressional delegation will likely not be adequate in the future, but that is likely the only alternative for the FY2004 and FY2005 budgets. As a long term strategy, the group considered looking at other funding sources as well as approaching NMFS regarding the priorities within the agencies internal budgeting process.

The group recommended developing mechanisms to demonstrate the value of Mitchell Act production to West Coast fisheries, including estimating the effect of 50% and 100% reductions in Mitchell Act production during past seasons in terms of fishing opportunity and community income. The group also recommended developing a strategy to deliver their message to the proper individuals, the sequence of presenting the message, and the most effective way to present the message.

### **Tribes**

Mr. Harp presented Exhibit F.3.f, Supplemental Tribal Report.

### **USFWS**

Mr. Roth summarized two options for USFWS implementation the FY2004 budget as proposed by congress and the administration. One option includes closing one facility, and both options include loss of production of around 2 million fish.

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

None.

#### F.3.e Public Comment

None.

#### F.3.f **Council Action:** Provide Guidance on Mitchell Act Issues

Dr. McIsaac asked Mr. Anderson if there was discussion of a subsequent meeting of the policy group to address budgeting for FY2005 beyond. Mr. Anderson replied that the next meeting would be held after the information from the analysis of Mitchell Act production contributions. Messrs. Roy Sampsel, Rick Applegate, Randy Fisher, and representatives of the coastal tribes will meet to develop a strategy for delivering the message.

Dr. McIsaac noted that if the Council concurs, a report from PSMFC at the March 2004 meeting would be appropriate to continue communication on this matter.

Dr. Dave Hanson noted that NMFS is currently developing the FY2006 presidential budget.

Mr. Tracy asked if the STT should be involved in conducting or reviewing the analysis of Mitchell Act production to Council area fisheries. Mr. Anderson responded that STT involvement was not contemplated, but any help would be appreciated. Mr. Simmons said the STT would make itself available if WDFW staff required assistance.

Mr. Donald Hansen asked what budget figure should be requested. Mr. Smith responded that the \$33 million figure would be appropriate to achieve all objectives.

Mr. Robinson reminded the Council that setting priorities was not a NMFS responsibility, but others could state their views to the appropriate parties.

Mr. Anderson stated that level funding for FY2004 was the best that could be hoped for at this point, and should be the message carried to NMFS in the near future. As for future budgets, the proper value should be developed through the ongoing process at a later date.

Mr. Gaudet asked what the value was for level funding. Mr. Smith replied \$17.622, which included a \$1.1 million add on by Congressman Dicks for mass marking.

Mr. Tracy noted there will be a progress report in March.

## **G. Pacific Halibut Management**

### **G.1 Status of 2003 Pacific Halibut Fisheries**

#### **G.1.a NMFS Report**

Ms. Yvonne de Reynier presented the NMFS Report (Exhibit G.1.a, NMFS Report).

#### **G.1.b Reports and Comments of Advisory Bodies**

None.

#### **G.1.c Public Comment**

None.

#### **G.1.d Council Discussion on Status of 2003 Pacific Halibut Issues**

None.

### **G.2 Status of Pacific Halibut Bycatch Estimates for Use by the International Pacific Halibut Commission (09/11/03; 10:05 am)**

#### **G.2.a Agendum Overview**

Mr. Tracy presented the agendum overview.

#### **G.2.b NMFS Report**

Dr. Jim Hastie and Mr. John Wallace provided a powerPoint presentation reviewing the report titled Pacific Halibut Bycatch in IPHC Area 2A in 2002 (Exhibit G.2, Supplemental Replacement Attachment 1).

Mr. Brown asked if the depth strata between 100 and 300 fm could be resolved at a finer scale. Dr. Hastie responded that they intend to re-stratify the model for that purpose.

Dr. McIsaac asked for clarification on the use of the data by the IPHC to calculate bycatch mortality. Dr. Hastie replied that the IPHC uses both the poundage and size at age to estimate mortality in terms of adult equivalents.

Dr. McIsaac asked if the data used was from August 2001 to August 2002. Dr. Hastie replied that the observer data covered that period, however the effort estimates were based on calendar year 2002 log book data, which reflected the depth based closures in the groundfish trawl fishery, and the 64% decrease in mortality accounted for both decreased effort (22%) and bycatch rates (42%).

G.2.c Reports and Comments of Advisory Bodies

**GAP**

Mr. Tracy read Exhibit G.2.c, Supplemental GAP Report.

**SSC**

Mr. Jagielo presented Exhibit G.2.c, Supplemental SSC Report.

G.2.d Public Comment

None.

G.2.e **Council Action:** Provide Guidance on Pacific Halibut Bycatch Estimation Issues

Mr. Brown requested that in the transmission letter to the IPHC, to note bycatch in 2003 was likely much lower than presented in this report due to depth based trawl closures throughout the year.

Mr. Anderson moved (Motion 12) to recommend that NMFS transmit the report for halibut bycatch estimates for the 2002 groundfish trawl fishery to the IPHC for use in management Area 2A (provided as Exhibit G.2, Attachment 1) and include in that transmittal letter the comments made by Mr. Brown that the closures in 2003 were substantial year round. Mr. Alverson seconded the motion. Motion 12 passed.

G.3 Proposed Changes to the Catch Sharing Plan and Annual Regulations (09/11/03; 10:32 am)

G.3a Agendum Overview

Mr. Tracy presented the agendum overview.

G.3.b State Proposals

**ODFW**

Ms. Patty Burke provided a summary of Exhibit G.3.b, Supplemental ODFW Report.

**WDFW**

Mr. Anderson provided Exhibit G.3.b, Supplemental WDFW Report.

G.3.c Tribal Comments

Mr. Harp provided Exhibit G.3.c, Supplemental Tribal Comments.

G.3.d Reports and Comments of Advisory Bodies

None.

G.3.e Public Comment

Mr. Dan Leinen, Clerk/Treasurer - City of Forks; Forks, Washington

G.3.f **Council Action:** Adopt Proposed Changes for Public Review

Mr. Anderson moved (Motion 13) to adopt for public review the proposed changes to the Area 2A Pacific halibut catch sharing plan and annual regulations as shown in Exhibit G.3.b, Supplemental WDFW Report and Exhibit G.3.b, Supplemental ODFW Report. Ms. Patty Burke seconded the motion. Motion 13 passed

**NOAA Fisheries 2003 Constituent Sessions**

Dr. William Hogarth, Assistant Administrator for the National Marine Fisheries Service (NOAA Fisheries) convened a constituent session on Monday September 8 and Tuesday, September 9 designed to gather public input on ways to improve the effectiveness of NOAA Fisheries and its management of living marine resources.

**4 PM Public Comment for Items not on the Agenda**

Mr. Ryan Kapp, NW Pilchard Producers Association, Bellingham, Washington. Spoke about the northwest sardine fishery. He Provided some background about the debate over the allocation decision. He felt flexibility was overlooked under this new plan.

Mr. Fred Fellemen, Ocean Advocates/Ocean Conservancy, Seattle, Washington. Spoke about MPAs and the issues and concerns raised by the tribal governments for the Olympic coast

**ADJOURN**

The Council meeting was adjourned at 5 p.m. on Friday, September 12, 2003.



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**Council Chairman**

**March 12, 2004**

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**Date**