

MINUTES
Pacific Fishery Management Council
September 12-17, 2004
Hyatt Regency Islandia
1441 Quivira Road
San Diego, CA 92109
619-224-1234

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A. Call to Order

A.1 Opening Remarks, Introductions (09/14/04; 8:56 am)

Chairman Donald Hansen opened the 175th meeting of the Pacific Fishery Management Council.

Dr. Steve Freese announced the reappointments for Messrs. Roger Thomas and Dave Ortmann.

A.2 Roll Call

Dr. Donald McIsaac called the roll:

Mr. Bob Alverson

Mr. Phil Anderson

Mr. Ralph Brown

Dr. Steve Freese, NMFS

Mr. Mark Cedergreen

Mr. Donald Hansen (Chairman)

Dr. Dave Hanson (Parliamentarian)

Mr. Jim Harp, Tribes

Mr. Jerry Mallet, IDFG

Dr. Patty Burke, ODFW

Cdr. Fred Myer, USCG

Mr. Dave Ortmann (Vice-Chairman)

Mr. Roger Thomas

Mr. Darryl Ticehurst

Ms. Marija Vojkovich, CDFG

Mr. Frank Warrens

Mr. Gordy Williams, ADFG

Mr. Tim Roth, US Fish and Wildlife representative was absent during this meeting. Mr. Stetson Tinkham, US Department of State (DOS) was also absent; however, Mr. Jim Story, DOS, was present on Thursday..

A.2.a Obituaries

Chairman Don Hansen, Mr. Daryl Ticehurst, and Mr. Rod Moore honored the memory Mr. Randy Fry. Cdr. Fred Myer, on behalf of Captain Mike Cenci and the Enforcement Consultants, provided recollections in honor of SAIC Brett Schneider. A moment of silence was also held in their honor.

A.3 Executive Director's Report

Dr. Don McIsaac summarized the four informational reports and announced that the Pacific Council will host the next Regional Fishery Management Council (RFMC) Chairs' meeting in April 2005 (Dana Pt., California). He highlighted Informational Report 3, pertaining to the Oregonian's editorials and various responses regarding the role of the eight RFMCs.

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

The Council approved the agenda as shown in Agendum A.4, Council Meeting Agenda, September 2004. (Motion 1)

B. Administrative Matters

B.1 Approval of Council Meeting Minutes

B.1.a Council Member Review and Comments

None.

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

The Council approved the April 2004 minutes as shown in Agendum B.1, Draft April 2004 Council Minutes (Motion 2).

B.2 National Marine Fisheries Service Revision of National Standard 1 (09/14/04; 4:29 pm)

B.2.a Agendum Overview

Mr. Tracy presented the agendum overview.

B.2.b Reports and Comments of Advisory Bodies

Dr. Kevin Hill presented Agendum B.2.b, Supplemental SSC Report. D. Hill noted that the SSC did not have time to review the proposed language for specific implications to council managed species, and has requested the SSC sub committee chairs to conduct such a review and submit reports back to him for compilation and distribution to the SSC for final review. A final document will be forwarded to the Council for submittal to NMFS.

Mr. Brown asked for additional information on the SSC concerns regarding stock classification and applications to short lived species. Dr. Hill replied that regarding stock classification, biological (e.g., productivity) and geographic factors should also be considered in addition to assessment information. Regarding short lived species, biomass based assessments are not the convention for salmon, and for squid, biomass estimates are not available.

Mr. Moore presented Agendum B.2.b, Supplemental GAP Report.

Mr. Hansen asked Dr. Methot to clarify the question regarding attributing research mortality to the Optimum Yield. Dr. Methot replied that issue will be addressed in the final rule.

Mr. Brown asked how the proposed guideline would address the needed flexibility (e.g., gear modification) to access healthy stocks in an assemblage if the indicator stock was declining. Dr. Methot replied that assemblages are intended to address stocks of unknown status, and not as a replacement for the mixed stock exception. Implementing the assemblage concept has not been tried and may be difficult, but the guidelines are intended to emphasize core stock management.

B.2.c Public Comment

None.

B.2.d Council Action: Response to Proposed Revision of National Standard 1

Dr. McIsaac noted that the SSC would work with Council staff in putting together a letter regarding NS1 guidelines, and asked for any additional Council input.

Mr. Brown asked that the letter request clarification on how assemblage management would be implemented and how management flexibility would be preserved.

Ms. Vojkovich recommended other advisory body comments be channeled through the SSC to avoid conflicting advise.

Dr. McIsaac asked Dr. Methot about the time frame for Council comments in relation to publishing the final rule. Dr. Methot replied that comments should be in no later than the September 24, 2004.

B.3 Update of Council Operating Procedures (COP) and Statement of Organization, Practices, and Procedures (SOPP) Documents (09/17/04; 8:04 am)

B.3.a Agendum Overview

Dr. McIsaac provided the agendum overview stating there were some COPS that he felt could be dealt with at this meeting.

Dr. Burke had issues about the timing of this agendum and felt there was not enough time for discussion; regardless if some were nonconsequential -- the COPS still needed to be reviewed. She felt the GMT still needed to provide input but they did not have ample time to discuss the COPS.

B.3.b Reports and Comments of Advisory Bodies

Dr. McIsaac read Agendum B.3.b, Supplemental SSC Report. Dr. McIsaac read Agendum B.3.b, Supplemental SAS Report.

B.3.c Public Comment

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

B.3.d **Council Action:** Review and Approve Proposed Updates to COP and SOPP Documents

Dr. Burke said we have not had time to look at it in detail, but there may be some we can do. But she hasn't been able to talk to Council members about C.9 to raise the issue of the 150 fm line.

Mr. Warrens asked Dr. McIsaac with regards to this agenda item, are there any issues that can be put off? What is urgent? Maybe changes and typo errors can be corrected at the November meeting. Dr. McIsaac said none are urgent as we have COPS on the books right now.

Mr. Anderson said he did not have a chance to go through the COPS at all and would prefer to bring this back to the Council in November in order to have a brief discussion about the SOPPs. Mr. Anderson said it did not look like policy issues, but in response to the strong recommendation from the NOAA Fisheries Grants Division. He did not see anything else in the SOPPs that caused concern. It seems that we could take action on the SOPPs. He agreed with the other Council members who had concerns over not having enough time.

Ms. Vojkovich said she did read up until COP 7 and all of the SOPPs. She would agree with Mr. Anderson that the SOPPs can be taken care of at this meeting and found general typographical errors. She supported having the advisory bodies take a look at the COPs that are relevant to their entity. Regarding the statement by the SAS, she was unclear about which COPs the SAS reviewed.

Mr. Warrens moved and Mr. Anderson seconded a motion (Motion 13) to approve the SOPPs as shown in Agendum B.3.a, Attachment 2, and delay adoption of the COPS until the November Council meeting. Mr. Anderson seconded the motion. Motion 13 passed.

B.4 Council Communication Plan (09/17/04; 1:41 pm)

B.4.a Agendum Overview

Ms. Jennifer Gilden provided the agendum overview and explained the Council's tasks related to this agenda item.

B.4.b Reports and Comments of Advisory Bodies

Ms. Gilden read statements from the Habitat Committee and Salmon Advisory Subpanel.

Dr. Burke read a statement regarding ODFW's response to the Habitat Committee's comments. Mr. Brown said that ODFW had communicated as well as it could have regarding a recent recreational groundfish closure.

B.4.c Public Comment

None.

B.4.d Council Guidance on Implementing Phase I of Communication Plan and Timetable for Phases II and III

Ms. Vojkovich said that communications are important, but that funding the committee would be problematic. She supports the recommendations in the Action Plan, but did not support funding the group.

Mr. Warrens agreed about the funding, but said it was important to move ahead with Phases II and III of the Action Plan. He moved (Motion 21) to continue with the next phases in succession and get feedback from the Council. Dr. Burke seconded the motion.

Mr. Anderson said that the recommendation about tracking motions would require additional staff, and recommended that the Council restate motions as a more cost-effective way to track motions.

Mr. Warrens noted that as long as attachments that form the basis of motions are available to the public, that should be sufficient.

Dr. Burke said she felt the CET's work needed to continue, but she was concerned that the recommendations in Phase I be implemented before moving on to the next phases.

Dr. McIsaac said that Council staff was working on implementing the recommendations.

Mr. Harp supported the motion. He noted that his motions are always in writing and hopes they are clear to people. He encouraged other Council members to do the same.

Mr. Brown asked if committee participation was voluntary. Mr. Warrens said that participation was and would continue to be voluntary.

Mr. Mallet thanked Ms. Gilden and the CET and said that one of our major tasks, and the reason we are here, is to serve the public. He said we need to go forward with this even if we don't have the funds to implement every item. We need to be reminded of that constantly.

The Council adopted the communication plan as shown in Agendum B.4.a, Attachment 2 and directed the Communications Enhancement Team (CET) to continue with Phases II and III of the plan. (Motion 21)

B.5 Legislative Matters (09/17/04; 2:12 pm)

B.5.a Agendum Overview

This agenda item was postponed until the November 2004 meeting.

B.6 Fiscal Matters (09/17/04; 2:13 pm)

B.6.a Agendum Overview

Dr. John Coon provided the agendum overview.

B.6.b Budget Committee Report

Mr. Harp provided Agendum B.6.b, Supplemental Budget Committee Report.

B.6.c Reports and Comments of Advisory Bodies

None.

B.6.d Public Comment

None.

B.6.e **Council Action:** Consider Recommendations of the Budget Committee

Ms. Vojkovich asked what the process would be if funds were necessary an available to fund the salary expense for the Idaho Fish and Game representative to attend the October conference. Dr. McIsaac said that this is a minor item and would be taken care of between Idaho liaison and the Council.

The Council approved the report of the Budget Committee as shown in Agendum B.6.b, Supplemental Budget Committee Report. (Motion 22 moved by Mr. Thomas an seconded by Mr. Ortmann).

B.7 Interim Appointments to Advisory Bodies (09/17/04; 2:20 pm)

B.7.a Agendum Overview

Mr. Tracy presented the agendum overview.

B.7.b Council Action: Appoint Members to Advisory Bodies as Necessary

Mr. Anderson moved (Motion 23) to appoint Dr. Stephen Barrager to the GAP to replace Mr. Phil Kline who resigned. Ms. Vojkovich seconded the motion. Motion 23 passed.

Mr. Tracy indicated nominations will be solicited to fill two vacancies in the Groundfish Advisory Subpanel (GAP) sport fisheries at-large seats, and one vacancy in the Salmon Advisory Subpanel Oregon Charter Boat Operator seat.

Mr. Ticehurst moved (Motion 24) to allow Mr. Jim Martin to serve as an alternate on the GAP sport fisheries at-large seat for the late Mr. Randy Fry at the November 2004 Council meeting. Mr. Anderson seconded the motion. Motion 24 passed.

B.8 Work Load Priorities and Draft November 2004 Council Meeting Agenda (09/17/04; 2:23 pm)

B.8.a Agendum Overview

Dr. McIsaac provided the agendum overview.

B.8.b Reports and Comments of Advisory Bodies

None.

B.8.c Public Comment

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

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

B.8.d Council Guidance on Work Load, November Council Agenda, and Priorities for Advisory Body Consideration

Mr. Brown urged that the Council discuss management options sometime between March and April. November may not be the appropriate time to do it. He would like to be able to discuss a mechanism to make adjustments if necessary.

Mr. Anderson thinks we better plan for problems with inseason management and recommends the Pacific halibut fishery update be an informational report in the briefing book; same with the salmon fishery update. He suggested eliminating artificial reefs from the agenda – this would give more time to inseason as well as move it later on in the day to give the GAP and GMT time to discuss it.

Mr. Fougner reported he will be retiring in mid-November and that will be his last Council meeting. He would like to see a half hour on the agenda to discuss how or whether to proceed with any HMS regulatory items. Between now and early November he plans on trying to find resources and a process so the Council can continue to work on this at a minimal expense. Also, on the krill harvest ban proposal, it was indicated

that the gap and GMT would be the primary providers of comments, he asked the Council to broaden the issue as it affects other fisheries as well.

Mr. Anderson said the analysis for 2005/2006 regulations was done prior to having the 2003 observer data and the GMT will be looking at that. We need to make sure we provide them ample time.

Ms. Vojkovich, speaking about funding, noticed NMFS has issued a final plan of action for handling fishing capacity. She wondered if there were some funds that came with that policy and plan that we might try to tap into for the open access permit issue that has been below the line for a long time.

Dr. Freese stated he is not aware of any funds. He will provide more info on it at the next Council meeting.

C. Groundfish Management

C.1 California Recreational Fishery Survey (CRFS) Program Review (09/14/04; 9:27 AM)

C.1.a Agendum Overview

Mr. Mike Burner provided the agendum overview.

C.1.b Program Report

Messrs. Russell Porter and Steve Crooke provided an overview of the CRFS program survey methods and sampling rates.

Mr. Steve Crooke talked about the California phone survey program and license data program.

Mr. Thomas stated many of the trailers left in lots at ramps are from commercial salmon vessels and could be counted as recreational effort and asked if the survey has taken this into account. Mr. Crooke stated that this is an issue that is continually being considered not only for commercial trailers, but for trailers of recreational boats that are temporarily moored at a marina.

Mr. Crooke and Mr. Porter reiterated the schedule of monthly reporting of CRFS data for inseason consideration in 2005 and assured Dr. McIsaac and Dr. Burke that sample sizes collected in 2004 were adequate even though there were some initial problems with the angler license database and concerns about a bias towards higher sampling in Southern California.

Dr. Burke asked when results from the survey would be available for Council consideration. Ms. Vojkovich stated that the results are under review at CDFG and will not be available at this meeting. CDFG will provide some inseason information on California recreational fisheries under the inseason agenda item, but this information will not be CRFS estimates. Ms. Vojkovich stated the results would be fully reviewed and available for Council consideration at the March 2005 meeting.

Mr. Anderson reminded the Council of how far we have come in improving the sampling of California recreational fisheries in a relatively short period of time and commended PSMFC and CDFG staffs for their hard work.

Mr. Porter responded to questions from Dr. Freese about internet access to recreational survey data by stating that PSMFC has been busy with CRFS and has fallen a bit behind on internet postings, but anticipates complete postings in 2005.

C.1.c Reports and Comments of Advisory Bodies

Dr. Kevin Hill provided Agendum C.1, Supplemental SSC Report. Mr. Burner read Agendum C.1, Supplemental GAP Report.

C.1.d Public Comment

Mr. Dan Wolford, Coastside Fishing Club, San Diego, California
Mr. Bob Fletcher, Sportfishing Association of California, San Diego, California

C.1.e Council Guidance on the Next Steps in the CRFS Program

Mr. Burner requested the Council consider guidance on both the information provided at this meeting relative to survey design and sampling rates, but also, guidance on implementation of the new CRFS data once available. Specifically, what type of review process the Council would like to see prior to using the new results in fishery management.

Ms. Vojkovich stated that CDFG went to the RecFIN Statistical Committee for review of the sampling design and estimation algorithms for catch and effort. The program was reviewed by the RecFin committee as well as NMFS and was essentially approved as a valid approach. CDFG is currently reviewing the preliminary results to ensure that the coding of the programs are correct and are following the approved approach. When estimates are brought forward, they will be accurate and precise. CDFG is under the impression that the CRFS data will be usable as brought to the Council without further review by any other body. Ms. Vojkovich stated she understands this is the same process for review and approval for Oregon and Washington recreational sampling programs as well.

Dr. Burke said all of the states are recognizing that monthly reporting requirements are getting to be inadequate for inseason management and that recreational fishery models do not take into account the potential effort shifts that can occur following inseason closures. Dr. Burke complemented the efforts to improve the California survey and reminded the Council that continued improvements in Oregon and Washington will also need to be addressed.

Ms. Vojkovich agreed with Dr. Burke's comments and stated that "knife edge" implementation of fisheries and impacts has raised many problems and concerns. PSMFC had to add additional staff to the program to help California so other staff could take care of issues in other states and California provided additional contract funds to support this endeavor.

Mr. Anderson agreed with comments relative to increasing the frequency of reporting groundfish catches, more frequent than the current monthly reporting that are a month behind. WDFW has put a lot of resources into their program in the last two years to ensure that monthly estimates are available within 30 days. WDFW does not have the additional resources needed to report more quickly. He thinks there needs to be more discussion in terms of the needs from a management perspective at some later time. He did not want the Council or the public to think we were leaving this meeting with more frequent or expedient reporting.

Dr. Burke said that is her point, we are putting together regulations that require frequent reporting that is not currently available and as a result we have difficulty in managing to such small fine tuned expectations. Ms.

Vojkovich echoed both Dr. Burke's and Mr. Anderson's concerns. Ms. Vojkovich also noted having discussions with CDFG internally on exploring different approaches to recreational fisheries and she is becoming increasingly concerned about the management system we currently have.

C.2 Initial Consideration of Status of Fisheries and Inseason Adjustments (09/14/04; 10:55 am)

C.2.a Agendum Overview

Mr. Mike Burner provided an overview.

C.2.b Groundfish Management Team/Groundfish Advisory Subpanel Comments/Questions

Ms. Michele Culver provided Agendum C.2.b, Supplemental GMT Report.

Dr. McIsaac asked about reasons for the exceptional catch of the darkblotched rockfish over the summer. Ms. Culver said trip limits for slope rockfish were increased at the April Council meeting and the RCA boundary was at 150 fathoms, creating the potential for a target fishery. The basis for the trip limit increase in April was based on GMT projections using new observer data and results of the trawl buyback program.

Dr. Burke asked if recreational impacts to canary rockfish were available. Ms. Culver stated numbers for Washington have been updated with current catch projections but those for Oregon and California are the same, with one exception. The projection of widow rockfish in California recreational fisheries was increased. There is no evidence from Oregon or California fisheries to suggest that projected harvest estimates should be updated at this time.

Mr. Anderson asked if the discard rates used by the GMT were from 2003 and if the 2003 regulations were more closely aligned with 2002 or 2004 regulations. Ms. Culver said the GMT looked at the discard proportion from 2002 and 2003 for canary rockfish and 2003 only for darkblotched rockfish and thought it was prudent to use the latest data, 2003, as the best available data for both of the species. The model, as based on data for 2002, is incorrectly projecting impacts. In an effort to try to predict how far off the model is, the GMT is looking at the 2003 data. The regulations between the 2003 and 2004 seasons are largely similar except the shallow boundary line for the trawl RCA was more restrictive in 2003.

Mr. Anderson referenced an earlier discussion about the frequency of recreational catch reporting and wondered about how we find ourselves considerably over the darkblotched rockfish limits. He thought the commercial catches were being updated more frequently than the one month lag in the recreational fisheries. Mr. Anderson asked if the GMT or NMFS has tasked someone to track those landings and if so, how often. Ms. Culver said there is no formal designation of someone to provide updates to the GMT or to the Council family. However, PacFIN landing estimates are updated weekly and there are email exchanges amongst team members to anticipate inseason adjustments. If the Council would like a more formal process to identify someone to track landings, the GMT would welcome and help the effort.

Dr. McIsaac asked why the OY for darkblotched rockfish is set equal to the ABC, this is unusual for an overfished species. Ms. Culver explained that the last rebuilding analysis was influenced by recent strong recruitment and indicated that the stock would rebuild at OYs that exceed the ABC.

C.2.c Reports and Comments of Advisory Bodies

Mr. Rod Moore provided Agendum C.2.b, Supplemental GAP Report.

Dr. Burke asked what opportunities the industry would lose with a closures out to 250 fathoms. Mr. Moore said it depends on many things, weather, fuel costs, and what opportunities remain nearshore. Mr. Moore added that the largest expected loss from the proposed action is the loss of the winter petrale sole fishery. Dr. Burke asked about the shift in effort inshore and asked about GMT or GAP expectations for predicting the impacts of effort shift. Mr. Moore said the GAP did not have specific discussions on what people might do. It will depend on what opportunity is available deeper than 250 fathoms and at what cost. If fishing in deep areas is not cost effective due to markets or fuel costs, nearshore opportunities will become more attractive, even with the lower limits for inshore areas. Dr. Burke asked if the GMT had a chance to consider effort shift. Ms. Culver said the GMT is unable to predict effort shifts associated with moving the line out to 250 fathoms. However, regarding canary rockfish impacts, the GMT is not anticipating many inshore opportunities.

Dr. Burke then asked Ms. Culver if the GMT has options on canary rockfish available for Council comment and guidance. Ms. Culver said the GMT does not have any recommendations and would appreciate Council guidance on specific fishery reductions, if any, the Council would like the GMT to consider.

Mr. Brown stated that if we shut down the fishery within 250 fathoms we would stop darkblotched rockfish landings for the rest of the year. This would effectively end the year's data on darkblotched rockfish catches from the observer program. Mr. Brown stated that landings through August are not over the darkblotched rockfish OY. Only estimated total impacts, including discards as calculated using the 2003 discard rate. He asked how long it will take the GMT to look at the data from 2004 to see what was actually discarded. Those numbers may show that we are not over the estimated OY and at this point we don't know.

Dr. Freese asked Mr. Brown if he was requesting an analysis after the year is over or for inseason management. Mr. Brown said he was not requesting the analysis for inseason consideration, but stated a follow up analysis needs to be done to assess the effects of our management decisions after the season is complete. He believes this could have a big effect on future Council actions.

Mr. Anderson asked if there is an explanation for that large of difference in canary rockfish impacts between 2002 and 2003 relative to the regulations that were in place. Ms. Culver said in 2002 they did not have observer data in the bycatch modeling and many regulations were different including RCA boundaries, trip limits, changes in fishing effort and behavior.

Mr. Alverson asked Ms. Culver about the slope rockfish trip limits during recent years. Ms. Culver said in 2003 it was 1,800 pounds per two months, then raised in 2004 to 4,000 pounds per two months, then an inseason action in April of 2004 raised the limit to 8,000 pounds per two months.

C.2.d Public Comment

None.

C.2.e Council Guidance on Groundfish Management Team/Groundfish Advisory Subpanel Comments and Questions

Mr. Anderson, relative to darkblotched rockfish, said it looks like the management tool we have is moving the RCA line deeper, and the GMT has noted a 250 fathom line as one that would exclude or prevent the fishery from interacting with darkblotched rockfish for the remainder of the year. There was also a reference by Ms. Culver about the trip limits going from 8,000 to 1,800 pounds suggesting that the areas we have left open have some potential for interaction with darkblotched rockfish, which is a potential problem as we need to get the fishery off that species.

Ms. Culver said the GMT felt that trip limits would have to be changed. The 1,800 pounds is referencing a slope rockfish trip limit, not a darkblotched rockfish trip limit. There is no anticipated darkblotched rockfish interactions expected in areas deeper than 250 fathoms, but the GMT is recommending the 1,800 pounds of slope rockfish to allow some incidental landings for vessels targeting the DTS complex.

Mr. Alverson asked about the tracking and reporting issue, particularly for overfished species between the June and September meetings. He felt that NMFS should take the lead on that and they should be able to take an inseason action between meetings if necessary.

Dr. Freese said we don't have a mechanism in place, and it is a combined responsibility upon the states and NMFS. The idea of having a designated staff to better track impacts is a good one and a mechanism for inseason should be considered.

Mr. Alverson asked if the groundfish FMP allowed for in season action without a Council forum. Ms. Cooney said the FMP is structured to have the Council recommend an inseason action to NMFS. We could have the Council recommend in June that NMFS track and take an inseason action if necessary for overfished species. That has been done before for other fisheries when needed.

Cdr. Myer reminded the Council, as always, that moving the line out to deeper water has safety concerns, because it creates longer response time for rescue efforts and it takes vessels longer to get to a port of safe haven.

Dr. Burke and Mr. Anderson asked if we could get an update from each of the states on recreational impacts on canary rockfish.

Mr. Anderson said for 2004, the Washington scorecard estimate for canary rockfish was 1.74 metric tons, rounded to 1.7 metric tons in the GMT report; lingcod, the original estimate was 65 metric tons and the updated value is 71.7 (72 metric tons); yelloweye rockfish estimates changed from 3.5 metric tons to 3.4 metric tons. He noted that WDFW assumes no survival of released canary rockfish or yelloweye rockfish in any of these projections.

Dr. Burke said for Oregon in 2004, cabezon was prohibited as of August 18 to remain within the harvest limit. ODFW is now literally tracking and managing some of these fisheries by day. On black rockfish, original projections suggested the recreational fishery would continue at least through mid- September when effort begins to decline. Catches tracked ahead of expectations and weather was favorable and ODFW decided to close the fishery on Thursday, effective the Friday before the Labor Day weekend. As a result, there are some savings for canary rockfish and yelloweye rockfish. The canary rockfish preseason estimate was 6.8 metric tons and fisheries have taken 3.5 metric tons leaving 3.3 metric tons. Lingcod was estimated at 109 metric tons and is now at 109.9 metric tons taken, so non-retention regulations would have been necessary if the closure did not take effect. Yelloweye rockfish was projected to be 3.2 metric tons and is now at 2.3 metric tons taken. Dr. Burke stated it would be helpful to see if California has estimated impacts for these species. The state of Oregon took action in two cases to honor and manage to the caps we have. In the past, the Council has used previous years' catches as quasi allocations. If a fishery is closed early, there is corresponding reduction in the take of many species that can influence future allocation decisions. The incentives should be to keep within your harvest limits without impacting future allocation discussions. Oregon recreational fisheries have taken a huge hit and ODFW is working with NMFS to explore minimizing this impact by finding other opportunities, such as halibut fishing. These opportunities will take small amounts of yelloweye rockfish and canary rockfish but could mean the difference between business staying

open or closing for good. Dr. Burke is hopeful that the Council can provide guidance that will find ways to manage canary rockfish to impacts below the OY while preserving minimal recreational opportunities for the remainder of 2004.

Mr. Brown requested an assessment of canary rockfish impacts through August from the GMT.

Mr. Alverson asked if we could have some recommendation from the GMT when the discussion takes place about the "tracking assignment" whether it be at this meeting or some other meeting. Ms. Culver said the GMT will take that as guidance and try to have a recommendation for the Council under final inseason consideration later in the week.

C.2.e Council Guidance on Groundfish Management Team/Groundfish Advisory Subpanel Comments and Questions (continued)

Ms. Vojkovich spoke to last November's Council meeting relative to California recreational MRFSS estimates that came in and indicated the California recreational fishery had caused the canary rockfish, lingcod, and black rockfish OYs to be exceeded, resulting in coastwide fishery closures. At September's meeting we had established the 2004 season structures and regulations and as we went through the winter we had discussions with NMFS that resulted in February discussions regarding altering lingcod seasons, size, and bag limits for the 2004 season. We had that discussion in March, which resulted in a two fish to one fish bag limit reduction, an increase in size limit, and a closure to lingcod retention in November and December. In April we looked at how to address canary rockfish and black rockfish issues for the remainder of the season and changed the north coast recreational season to be aligned with Oregon, reduced black rockfish opportunity to only 3 months, and implemented the depth restriction of no deeper than 30 fathoms for the recreational fishery. For central coast, it was a 7 months closure with a depth closure at 20 fathoms to address canary rockfish issues. In March and April California took drastic measures to address the issues the 2003 MRFSS data indicated they would have. This was done earlier this season, and in many cases there has been little or no fishing until August. Ms. Vojkovich said earlier she did not have new information from the CRFS program for this meeting. In response to Council concerns, CDFG has attempted to provide some sort of index of recreational take to see if there were any "red flags" to bring to the Council's attention.

Ms. Vojkovich asked Ms. Debra Aseltine-Neilson to explain what California brought forth to the Council. Ms. Aseltine-Neilson reviewed the methodology for sampling CPFVs. This method is essentially the same under CRFS and MRFSS providing a glimpse into how 2004 is tracking relative to previous years. These CPFV numbers were provided to the GMT and no red flags were identified at that time. She spoke about the different sampling programs, programming difficulties, and lack of time there has been to fully review the data. CDFG has found errors in some of the CRFS estimates and is working with PSMFC to correct them. CDFG expanded the estimates for CPFV impacts using the recent relative contribution of the CPFV fleet to the entire recreational fishery to create an estimated total recreational catch for all modes. CDFG believes this provides a benchmark of the status of the recreational fishery, but the methodology has not been reviewed by the GMT and is only recommended to be used at this time as a rough estimate. The review of the data did reveal a greater than anticipated take of widow rockfish and the GMT has increased the California recreational value in the scorecard. CDFG has asked the CPFV fleet to avoid areas of widow rockfish catch to keep this catch under control. CPFV operators were happy to be informed of the situation and voluntarily agreed to change their fishing practices.

Ms. Vojkovich said the recreational take of widow rockfish has been essentially 100% in the CPFV fleet and CDFG feels confident that the numbers reflect a fishery wide estimate that has been effectively dealt with. Other than widow rockfish, CDFG feels that the changes instituted in April, and the model projection for the rest of the year, do not indicate the need for changes to the recreational impacts in the scorecard for

California. Relative to the California sponsored EFP, there is a set aside for canary rockfish of 0.5 metric tons. In the past few years, this set aside has not been used and CDFG feels they could reduce the set aside on canary rockfish from 0.5 metric tons to 0.1 metric tons.

Mr. Anderson asked Ms. Vojkovich when red flags would go up relative to the proposed assessment and the fact that there were no red flags identified. Ms. Vojkovich replied that they looked at the range of projections that bracketed the estimated catch and compared it to the scorecard. If there was anything over, such as widow rockfish, that would have been the red flag. On other species if the scorecard values fell within the range they did not see a problem. CDFG did not feel safe to assume they were on the upper or lower edge of any of these ranges. On Bocaccio, it fits within the range, but it is on the higher end so we took action to get the CPFV fleet to minimize bocaccio impacts. The numbers in the scorecard are within the boundaries of the estimates we have projected from that one source of information.

Mr. Brown said if you close the commercial fisheries and the Oregon and Washington recreational fisheries today and leave California recreational values as stated, there is still an overage on canary rockfish and asked if CDFG has a proposal on how to deal with that. Ms. Vojkovich said they took the action in April to make sure California was dealing with the canary rockfish issue and there is not much room available to reduce any impacts below what is in the scorecard.

Mr. Thomas said, relative to canary rockfish, when California moved from 30 fathom to 20 fathoms we drastically reduced our impacts. Additionally, he feels the recreational fishery impacts on canary rockfish will come in under projections because many boats have been participating in this year's exceptional salmon season.

Dr. Burke stated that the range presented on canary rockfish by CDFG has an upper extreme of 6.1 metric tons of canary rockfish which is considerably less than the 9.3 metric tons in the scorecard. Ms. Vojkovich said the numbers in the current scorecard are based on the model projection that was reviewed and discussed in the GMT and GAP. This CPFV benchmark range of estimates has not undergone that scrutiny, she did not feel it was appropriate to use this approach for the scorecard.

Dr. McIsaac restated Council tasks under this agenda item. He asked the GMT chair to identify the fisheries that remain for 2004 where the Council may begin discussions relative to canary rockfish savings.

Ms. Culver stated it is difficult to find canary rockfish savings in general when it is September and many of the fisheries have concluded. Ms. Culver went through each fishery on page 3 of the GMT report and reviewed canary rockfish impacts.

Regarding California recreational fisheries, Dr. McIsaac asked if there are any seasons left now open that catch canary rockfish.

Ms. Aseltine noted that many of the California recreational fisheries in the north had closures during the beginning of the year and recently reopened. In general, those areas still open are only open out to 30 fathoms with minimal canary rockfish potential and are about halfway through their season.

Mr. Anderson reiterated the canary rockfish impacts as a 0.6 metric ton savings in the whiting fisheries, and the tribal midwater yellowtail fishery has taken 0.7 of 1.3 metric tons. The Washington sport fishery, if it were to close outside 3 miles, might provide a savings of 0.3 metric tons. Ms. Culver said 0.3 metric tons would be a maximum savings from such an action. Mr. Anderson said in Oregon recreational fisheries there are 3.3 metric tons left and 0.4 metric tons needed in the fisheries that would take place later this month resulting in 2.9 metric tons of savings. Adding the 0.4 metric tons of savings from the California EFP, the

Council has identified 4.8 metric tons of savings assuming the limited entry groundfish fishery would remain closed shoreward of the RCA boundary for the remainder of the year. We need 5.2 metric tons of canary rockfish savings to balance the books, so we are short 0.4 metric tons.

Dr. Burke stated that the Oregon recreational fishery proposals for the remainder of the year are still being considered and analyzed and could be anywhere from 0.46 to 0.86 metric tons.

Ms. Vojkovich asked Ms. Culver if any updated PacFIN values for the 1.6 metric tons of canary rockfish estimated in the salmon troll fishery would be available. Ms. Culver said they cannot retain canary rockfish so PacFIN would provide no new information.

Mr. Harp stated, relative to the tribal midwater trawl fishery, so far they have taken 0.7 metric tons and they are scheduled to resume in late September or October. He did not think the tribes are prepared to close the fishery. This midwater number was revised from 2.3 metric tons to 1.3 metric tons at either the April or June meeting based on observer data and the tribes will continue to use observer data to keep canary rockfish impacts within expectations.

Mr. Brown focused on the at-sea processor sector and stated that the Council needs to seriously consider a closure. He does not want to close fisheries that have not contributed to the fault, but does not see many other solutions available at this time.

Mr. Anderson understood that if we closed the whiting fishery we generate a savings of 1.4 metric tons of canary rockfish as opposed to the 0.6 metric tons previously referenced by making the adjustment in the bycatch rate. That gives us a 0.8 metric tons swing to the good, resulting in 5.6 metric tons of savings, minus the 0.6 metric tons in the tribal midwater trawl fishery, which leaves us at 5.0 metric tons of canary rockfish savings. If Washington closes their recreational fishery it would actually be a 0.1 metric tons savings putting us back down to 4.8 metric tons.

Mr. Brown asked if the 0.5 metric tons projected for the pink shrimp fishery has been considered for updating and asked the GMT to look into the matter.

Mr. Anderson recommended Council guidance be to close the whiting fishery; make the modification in the scorecard associated with the Oregon recreational fishery, including the provisions for the late September outside of 40 fathom halibut fishery; and incorporate the savings from the canary rockfish EFP in California. He thinks that gets us to 4.7 metric tons of the 5.2 metric tons of canary rockfish needed.

Ms. Culver, in tracking Mr. Anderson's recommendation, asked if he included the Washington recreational closure outside 3 miles. Mr. Anderson said he did not include it. He expects the GMT will take this guidance, check estimated impact values and the math, and report back under agenda item C.9.

Dr. Burke agreed with Mr. Anderson's guidance and asked the GMT to consider canary rockfish impacts in Oregon's limited entry open access commercial nearshore fishery to see if there are any potential savings while leaving that targeted fishery open.

Dr. Freese asked if the GMT could first check the math so we know exactly where we are.

Dr. Burke stated that we need to be aware of what happened relative to the tracking of darkblotched rockfish impacts and not consider these interim actions as permanent solutions. The GMT should be looking at the long term solutions to this problem, not just these inseason solutions, particularly as we move into 2005-2006 management.

Mr. Brown asked the GMT to look at month-to-month landings in that 18 metric tons of canary rockfish to be certain that the numbers are accurate and made sense.

C.3 Consideration of Limited Refinements to the 2005/2006 Fishery Management Specifications (09/14/04; 2:11 pm)

C.3.a Agendum Overview

Mr. John DeVore provided the agendum overview.

C.3.b Reports and Comments of Advisory Bodies

Ms. Culver provided Agendum C.3.b, Supplemental GMT Report with GMT recommendations for refinements to the 2005-2006 groundfish fishery management measures. The GMT recommended: 1) a decrease in the limited entry fixed gear trip limits for longspine and shortspine thornyheads south of 40°10' N latitude, 2) a slight decrease in the 2006 sablefish tier limits, 3) an increase in the northern (Washington and Oregon) recreational lingcod harvest guideline for 2005 and 2006, 4) changing the seaward boundary of the trawl Rockfish Conservation Area (RCA) from 150 fm to 200 fm north of 38° N latitude, and 5) a decrease in the limited entry trawl slope rockfish trip limit north of 38° N latitude.

Mr. Rod Moore provided Agendum C.3.b, Supplemental GAP Report. Mr. Moore noted some additions to the GAP report. He explained the GMT's recommendations for refinements to limited entry trawl management measures came in too late for a GAP discussion. However, he pointed out the GMT's recommendations for limited entry trawl were consistent with GAP recommendations for 2004 groundfish inseason actions. Likewise, there may be a need for the Council to consider changing the Period 5 deeper nearshore rockfish trip limit south of 40°10' N latitude from a monthly limit of 400 lb to 400 lb/2 months to be consistent with the contemplated 2004 groundfish inseason actions.

Mr. Anderson provided Agendum C.3.b, Supplemental WDFW/ODFW Report. The 2004 recreational catch updates in Washington and Oregon led to a recommendation to increase the northern recreational lingcod harvest guideline. He noted there is no recommendation to liberalize management measures. Only projected impacts consistent with previously-decided management measures changed with the data update. Dr. Burke gave thanks to WDFW for working with ODFW on the recreational lingcod issue. She said the Council may also want to consider increasing the commercial lingcod harvest guideline as well.

Ms. Cooney noted there was no recommendation provided regarding the specification of a commercial black rockfish harvest guideline in Oregon. Dr. Burke said that Oregon will set its nearshore species' trip limits and intersector harvest guidelines in December. They decided to go with status quo for 2006 and will have the Oregon Fish and Wildlife Commission (OFWC) settle it at their December meeting. Ms. Cooney explained the overall Oregon black rockfish harvest guideline has already been set, but not the distribution between commercial and recreational sectors in Oregon. NMFS will leave the public comment period open for proposed 2005-2006 specifications and management measures until December. They will solicit public comment, including the OFWC allocation decisions, then. The final decision will be published in the Federal Register with the whiting rule in March 2005.

Mr. Brown asked if the Council needs to take action on this or can NMFS act on this independently? Ms. Cooney said it would be helpful to have the Council bless this action.

Ms. Vojkovich asked, if recreational sampling data through July is being used to change the 2005 and 2006 northern harvest guidelines, is there an intention to update projections again later this year to consider

changing the harvest guideline? Or is this action simply to correct an oversight in the original analysis? Mr. Anderson said it was not an oversight since 2004 recreational sampling data was not available to the Council for their decision in June. When we got through June of this year and looked at the catches and looked at the projection that we had provided to the Council in June, we found it to underestimate projected 2005 and 2006 catches. This is an effort to update projected lingcod impacts.

C.3.c Public Comment

None.

C.3.d **Council Action:** Adopt Recommendations for 2005/2006 Fishery Management Specification Refinements

Mr. Alverson moved and Dr. Burke seconded a motion (Motion 3) to re-specify the limited entry fixed gear trip limits for thornyhead species, as well as to re-specify the 2006 sablefish tier limits as recommended by the GMT in Agendum C.3.b, Supplemental GMT report. Mr. Brown asked for a friendly amendment to adopt the GMT recommendations for the limited entry trawl slope rockfish trip limit and the trawl RCA boundary change to 200 fm for the area north of 38° N latitude. Mr. Anderson asked for a friendly amendment to include in the motion the period 5 trip limit change for deeper nearshore rockfish south of 40°10' N latitude of 400 lb/2 months, and the requested increase in the Oregon and Washington recreational lingcod harvest guideline as per Agendum C.3.b, Supplemental WDFW/ODFW Report. Both friendly amendments were accepted. Motion 3 passed.

Dr. Burke moved and Mr. Brown seconded a motion (Motion 4) that the Council agree with the plan to have NMFS extend public comment on the proposed 2005-2006 groundfish specifications and management measures through December of 2004 and incorporate the OFWC allocation decisions for black rockfish in 2006 Oregon nearshore fisheries with the whiting rulemaking in March 2005. Motion 4 passed.

Ms. Vojkovich gave notice that there may be consideration for changing some California recreational seasons next March depending on actions by the California Fish and Game Commission (CFGF). The CFGF will adopt conforming regulations at their October 21 meeting. There was public comment regarding a proposal to institute a four month season beginning July 1 through September. They said that they would prefer the season open in June for business reasons. She is unsure whether the CFGF will entertain that request at this time; but if they do, there would be a possibility we would come to the Council for inseason action next March. Mr. Brown asked if this season change is expected to change projected impacts in the California recreational fishery? Ms. Vojkovich said no, the change should be impact-neutral. CDFG is looking at the model projection and will advise the CFGF regarding the boundaries of an altered season to stay within projected impacts.

C.4 Red Light/Green Light Threshold for Optimum Yield Adjustments (09/14/04; 4:55 pm)

C.4.a Agendum Overview

Mr. DeVore provided the agendum overview.

C.4.b Reports and Comments of Advisory Bodies

Ms. Culver provided Agendum C.4.b, Supplemental GMT Report. Mr. Moore provided Agendum C.4.b, Supplemental GAP Report.

C.4.c Public Comment

None.

C.4.d Council Guidance on Defining the Task for Red Light/Green Light Threshold for Optimum Yield Adjustments

Dr. McIsaac restated the Council tasks as noted in the situation summary.

Mr. Anderson said he believed the original intent was to develop a process to consider modifying OYs both up and down based on new stock assessments. He thought the Groundfish Information Policy Committee (GIPC) should take up this issue. Changes from new stock assessments would have to be significant to compel an OY adjustment. He also intended the process would handle overfished species differently than healthy, target species. His thought would be to consider only downward adjustments to overfished species' OYs, but that policy should be deliberated by the GIPC. Mr. Brown said he agreed with Mr. Anderson and OY adjustments should be rare events. Mr. Ticehurst added that a policy to consider only downward OY adjustments would be unrealistic.

Ms. Cooney said the next steps in developing this policy should be done by the GIPC. The thresholds and process for mid-course OY adjustments needs to be developed. The GIPC needs to determine the sideboards and process for considering OY adjustments.

Ms. Vojkovich agreed with Messrs. Anderson and Brown. The SSC previously recommended a retrospective stock assessment analysis to understand the potential frequency of OY changes. Those kinds of suggestions would be valuable for this next GIPC meeting. Some of that background work needs to be done if those are appropriate ways to set criteria and processes.

Dr. McIsaac asked Ms. Cooney if the Council intended that the FMP language be different than what is now in the FMP, what would it take to implement that change? Would this action require a technical correction or a new FMP amendment? Ms. Cooney said it would not require re-doing the Council process since this issue entails a minor change in the FMP to allow this process later. However, it would have to go through the Department of Commerce FMP approval process again.

Dr. McIsaac said, given Ms. Cooney's comments, Council staff would send a transmittal letter to NMFS clarifying the Council's intent on this process, as well as requesting a change in the affected FMP amendatory language. While that correction is underway, we need to ask the advisory bodies for input on how to get this policy development process rolling. There were some comments about tasking the GIPC, as well as having the GMT take a look at it as well. It would be helpful if the Council gave specific guidance to advisory bodies at this time.

Mr. Anderson said it seems the first step is to go to the GIPC. The GIPC can request a retrospective analysis of stock assessments. The recent experience with bocaccio stock assessments and responsive management decisions might help us craft triggers, as well as developing the process of how to implement changes. He felt the SSC would also play an important role in the process. Ms. Vojkovich agreed, adding there is also a need to understand how to deal with equally plausible, yet competing stock assessment models. Mr. Brown commented that this will likely be strictly a policy decision. We need to fully understand the goals of multi-year management to weigh the tradeoffs.

Ms. Cooney said the GIPC also needs to know when critical information may be available.

Mr. DeVore said it might be useful to task someone with the retrospective analysis.

Dr. McIsaac said Council staff will task the advisory bodies on needed technical analyses. The next GIPC meeting will probably take place after the November Council meeting. The policy and mechanism for considering a mid-course OY adjustment needs to be in place by early next year.

Mr. Brown said we need to develop two thresholds- a magnitude threshold and a timing threshold.

C.5 NMFS Report (09/15/04; 10:22 am)

C.5.a Regulatory Activities

Dr. Steve Freese reported the final rule implementing Amendment 16-3 was being published this week along with *Federal Register* notices for inseason actions from the June meeting and an emergency rule establishing NMFS authority to close the Pacific whiting fishery based on impacts to overfished species. In addition, NMFS closed the shore-based Pacific whiting fishery upon attainment of the quota and has been working on completing the Environmental Impact Statements relative to bycatch and Essential Fish Habitat.

C.5.b Science Center Activities

Dr. Elizabeth Clarke stated the F/V Excaliber left today for another leg of the trawl survey. The Observer Program has hired a new observer analyst which will begin work October 18 and Dr. Clarke thanked the Council and the NW Region for their support in getting this new position. Stock assessment authors are on track for a hake stock assessment for the winter of next year and have a group working with the Canadian scientists for next summer's acoustic survey. Dr. Clarke will be at sea next week working with OSU on habitat mapping. The hook and line survey is continuing into November and will be working on exploring new tagging methods to tag fish without actually having to bring them to the surface. Relative to the Cooperative Research Program, PSMFC has recently completed the grant process for this year and noted there were more fundable proposals than available funds (25 fundable proposals with funding for 7). Dr. Clarke announced an upcoming meeting with industry members on designing a new canary rockfish survey and will discuss a widow rockfish survey as well. Economists at the NWFSC and PSMFC will conduct a cost earnings survey of the limited entry fleet that will result in better information for conducting economic analyses in the future such as those planned for the ITQ program. This survey will start December 2004 and end February 2005 and Dr. Clarke asked for support from the Council.

C.5.c Reports and Comments of Advisory Bodies

None.

C.5.d Public Comment

None.

C.5.e Council Discussion on NMFS Report

Mr. Brown said he heard a rumor that one of the vessels is having trouble meeting the sampling protocols. Dr. Clarke said some of the vessels are having problems keeping up with the number of stations per day due to electronic problems.

Dr. Burke thanked the NWFSC for spending some time with operators of smaller vessels in Oregon who were having some troubles with observers. Dr. Burke asked about the funding for cooperative research. Dr. Clarke said the funding is not in the president's budget and did not have any more details.

Ms. Vojkovich asked if the ongoing or planned research this year will be used in the next round of stock assessments. Dr. Clarke said all of the survey and observer research is on schedule and will be available for next year's stock assessments. However, the canary rockfish and widow rockfish surveys are in the planning phase and will not be ready for the next assessments.

C.6 Groundfish Essential Fish Habitat (EFH) Environmental Impact Statement (EIS) – Preliminary Alternatives (09/15/04; 10:34 am)

C.6.a Agendum Overview

Dr. Kit Dahl read the situation summary.

Ms. Cooney introduced Jane Hannuksela of NOAA GC-NWR, who was present to provide advice on this item.

C.6.b Ad Hoc EFH EIS Oversight Committee Report

Mr. Phil Anderson asked Mr. Steve Copps, and members of the Ad Hoc Groundfish EIS Oversight Committee (Messrs. Chris Dorsett, Peter Huhtula, and Tom Ghio) to come to the podium to assist in answering questions.

Mr. Anderson reviewed Agendum C.6.b, EFH EISOC Report 1, Report of the Ad Hoc EFH EIS Oversight Committee, and asked Committee members to provide any clarifications if necessary.

Mr. Brown responded by stating that Alternatives 4 and 9 on measures to minimize adverse impacts are not characterized correctly as written and therefore the rationale for the second option doesn't become clear. Alternative 4 restricts the expansion of fisheries, and there was a clause under that alternative stating until research could prove there was no substantial damage to the habitat as a result of any expansion. Similarly, in the third paragraph of the description of Alternative 9 in the attachment, Mr. Brown noted that any scientific demonstration of the effect of gear types, as a criterion for allowing use in various zones, should apply to all gear types. He said he included Option 2 in both of those alternatives to be consistent and apply the same standards to all gear, not just one gear type.

Mr. Dorsett also pointed out some corrections to the description of the alternatives. These corrections apply to impacts minimization Alternatives 3 and 7. Both alternatives include different sensitivity and recovery index values in order to highlight the effects of the measures on different gear types. However, he didn't mean this to be included with the hotspot concept under Alternative 3. Second, for the HAPC the alternatives, all of them except for the special areas alternative (Alternative 7) only affect consultation requirements. He concurred with Ms. Vojkovich's letter highlighting that consultation language, but that's not reflected in Attachment 1. Finally, he pointed out some of the caveats the Committee raised in relation to these alternatives. First, for the EFH alternatives, only half the species and life stages are included in that modeling effort. Alternative 8 also uses other information on distribution of groundfish, using the 3,100 m boundary as a maximum depth for the distribution of groundfish. Second, for the state of Washington, there are still some coding errors on habitat types which could change depending on Ad Hoc Groundfish EFH TRC review of the alternatives this fall.

Mr. Huhtula agreed with the clarifications by both Messrs. Brown and Dorsett.

Mr. Brown said the mood of the Committee was to be inclusive in adopting things for analysis. The Committee felt it was better to have more options than fewer in trying to satisfy the requirement of analyzing the full range of alternatives. These should not be viewed as preferred alternatives.

Mr. Alverson, asked what the Committee's intention for longliners was under Alternative 10, option 7. (This option would require longline gear to be suspended off the bottom.) Mr. Ghio said this came from the Gulf Coast EFH EIS and mentioned his experience related to gear deployment. Mr. Alverson, pointed out that you are not going to catch target species if you float longline gear off the bottom. He asked if the Oversight Committee discussed what other species might be impacted.

Dr. Burke responded that the Committee looked at the gear limitations in all of the other Councils' EFH EISs. Because the Committee does not have the expertise of the different gear users on the West Coast, they expected that the alternative would be modified in response to these types of comments. Messrs. Alverson, Brown, and Ghio engaged in a discussion as to whether suspending the groundline was still practiced by West Coast fishermen and what effect it would have on the efficacy of the gear.

Mr. Copps pointed out, in response to Mr. Dorsett's comment, that the Council may want to address whether HAPCs should be used in the EFH consultation process for non-fishing impacts or also fishing impacts. The Council can then provide guidance on how the alternatives are analyzed.

Dr. Burke asked if the problems with the substrate data from off of Washington had been corrected yet. Mr. Copps said that data problem is being addressed. He noted that these updates should not affect the EFH designations very much.

Ms. Vojkovich took the view that HAPCs are designations and do not necessarily entail any additional action. Her position is that they are a subset of EFH that could be used or evaluated for use to address different issues and therefore should be considered in terms of both fishing and non-fishing impacts..

C.6.c Reports and Comments of Advisory Bodies

Mr. Tom Ghio provided Agendum C.6.c, Supplemental GAP Report. Ms. Culver provided Agendum C.6.c, Supplemental GMT Report. Ms. Teresa Scott provided Agendum C.6.c, Supplemental HC Report. Mr. Harp provided Agendum C.6.c, Supplemental Tribal Comments.

C.6.d Public Comment

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

Mr. Geoff Shester, Oceana, Stanford, California

Mr. Jim Ayers, Oceana, Juneau, Alaska

Ms. Janice Searles, Oceana, Portland, Oregon

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

Mr. Tom Raftican, United Anglers of Southern California, Huntington Beach, California

Mr. John Crowley, Fishing Vessel Owners Association, Seattle, Washington

Mr. George Steinbach, California Artificial Reef Enhancement Program, Ojai, California

Ms. Dorothy Lowman, Environmental Defense, Portland, Oregon

Mr. Tom Ghio, Ghio Fish Company, Moss Landing, California

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

C.6.e **Council Action:** Adopt Range of Alternatives for Preliminary Draft EFH EIS Analysis

Mr. Anderson moved and Mr. Alverson seconded a motion (Motion 7) to adopt the range of alternatives as presented in Agendum C.6.b, EFH EISOC Report 1, September 2004, including the proposed action and purpose and need statements with the following additions and modifications:

EFH alternatives as presented with no changes.

HAPC alternatives: add the suggestion from the HC relative to criteria for future HAPC designations; modify the description to note that NMFS consultation would be for both fishing and nonfishing activities.

Minimize adverse impacts: add to Alternative 2 a 60 fm shoreward line for fixed gear as suggested by GAP; Alternative 4, delete the second sentence (restrict the expansion of commercial fisheries); under Alternative 9, regarding the term mobile fishing gear, use consistent language as appropriate for that type of gear; Alternative 10, with suboptions, add the GAP-suggested language to the introduction, delete options 6 and 7, which require floats on longlines and limits the length of longlines to 1 mile; for option 12, which deals with setnets, keep the current 30 fm option but add 80 fm option; modify option 13 as suggested by the GAP, which would change the description from stick gear to weights with hooks; add an alternative as suggested by the GAP to allow legal gear to be used to catch trip limits without the gear endorsement; and include GMT recommendation #7.

Include in the analysis the Northwest Fisheries Science Center paper on deepwater corals.

In reference to the point made by Mr. Dorsett on the data limitations related to habitat suitability probabilities, make sure that all available data are used, particularly updating the Washington coast information.

Add the Oceana proposal when fleshed out.

Incorporate the formatting and analysis and suggestions from the GMT and HC reports, as appropriate.

The Chairman allowed a question from Mr. Brown but then corrected himself by directing Mr. Anderson to speak to his motion at this point.

Mr. Anderson began by discussing the rationale for his motion. First, he responded to comments on reducing the number of alternatives, arguing that any such narrowing or repackaging of alternatives should not occur at this point, although it could be part of the action the Council takes in November. Second, he noted that most of the suggestions from the GMT and HC were addressed through the parts of the motion having to do with formatting and presentation of the alternatives. An important point brought out by these committees was that unless you say what you are going to do differently in HAPCs, it is difficult to analyze the impacts both from a habitat protection and fishing perspective. There is an expectation that some special action will be taken with respect to these areas and this needs to be considered in the analysis. Third, in relation to the alternative covering fishing gear requirements (impact minimization Alternative 10), after talking to industry and listening to public comment, he felt the changes he made in the motion were appropriate and he did not see the need of keeping the deleted options, which would add to the analytical burden.

Mr. Brown repeated his question about impact minimization Alternative 2: does the addition of a 60 fm line option add an option 3 or replace option 2?

Mr. Anderson responded by saying that it adds an option 3 to the alternative.

Mr. Brown asked if under Alternative 4 Mr. Anderson intended to delete the first sentence, or, as the GAP recommended, delete the second sentence. Mr. Anderson said he apparently misread the GAP recommendation. On examination, he stated that he didn't feel strongly about this and was happy to delete that part of his motion or delete the second sentence as recommended by the GAP.

Mr. Alverson asked about the issue of Alternative 10, option 12. The original recommendation was to prohibit set-gillnets in waters deeper than 30 fm. He asked if this was based on status quo in California or would this allow use of this gear to expand. In other words, should there be some qualifying geographic language?

Ms. Vojkovich spoke relative to California. Gillnets are allowed outside of state waters, so if there are not allowances in other states at all it needs to be stated in the alternative. Mr. Alverson said he was not sure what the groundfish FMP says about sunken gillnet gear.

Ms. Cooney said they are only legal gear off California. Therefore, this option was to address restrictions off California. It should be made clear in the EIS document.

Dr. Burke asked about including the NWSC coral information. Should this information be incorporated into every map in the EIS where it is relevant, or is there a particular place where it should be included? Mr. Anderson did not have specific guidance. The report is new information, which is available to Mr. Copps and his team. There was public comment that spoke to it and Mr. Doresett's comment; he didn't have further views on how it should be used in the EIS analysis.

Dr. Burke asked more questions to ensure that Mr. Copps had the specific guidance he needed. First, is the direction in the motion good enough to know where to use the NWSC coral information? Mr. Copps said he and Dr. Clarke will discuss how to use the report information. Second, Dr. Burke asked if more specific direction was needed about the formatting and analysis recommendations in the GMT and HC reports. She wondered if Mr. Anderson could provide more specific guidance about which points in those reports to incorporate. Mr. Anderson responded by identifying #2, #3, and #6 of the seven recommendations in the GMT report. Mr. Anderson also noted that a recommendation from the tribal report relative to consultation needed to be added to the motion. Mr. Anderson then spoke about the elements of the HC report that should be addressed. First, they recommended combining some EFH alternatives, which he already spoke to in terms of his rationale. Generally, the recommendations related to analysis, rather than any that would change the alternatives, should be addressed in the EIS analysis given to the Council for their November meeting.

Dr. Burke asked Mr. Anderson if he intended to skip over recommendations #4 and #5 in the GMT report because they related to analytical issues. Mr. Anderson responded that those items refer to both fishing and non-fishing impacts. But Ms. Burke asked if it constitutes a new alternative. He then said it was only for nonfishing related activities for HAPCs; noting that the Council had heard a lot about including consultation for both fishing and nonfishing impacts. He felt that the issue was already covered in his motion. However, upon reconsideration he decided it was not included in the motion.

Dr. Burke then asked whether Mr. Anderson also intended to address item #7 in his motion. Mr. Anderson responded that the motion would address this issue: NMFS should consult with the Washington coastal treaty tribes over the effects of the alternatives.

Dr. Hanson said that Mr. Anderson cannot amend his own motion to address the tribal issue. The Chair asked for a motion and Mr. Harp offered a friendly amendment to include GMT recommendations item #7 from their report. Both the maker and seconder accepted the friendly amendment.

Finally, Dr. Burke asked Mr. Copps if Mr. Anderson's clarifications, asking that items #3 and #5 in the GMT Report—which have to do with analyses included in the EIS—would be a feasible addition to the workload. Mr. Copps was confident the EIS team could do that through the GIS tools. Dr. Burke reiterated whether item #5 would be feasible. Mr. Copps said he was unsure if that item was a feasible task and would have to think about it.

Mr. Brown asked about GMT recommendation #2, list the coverage of EFH designation alternatives from highest to lowest. Was the coverage by area? Mr. Anderson said he has a few questions for the GMT and asked the GMT chair to come to the podium.

Ms. Culver, GMT Chair, answered the intention of item #2 was that EFH designation alternatives should be listed in order by the total area covered.

Mr. Brown made some suggestions on the modification of the wording of impacts minimization Alternative 4 made by the motion. He offered a friendly amendment to further modify the wording, removing the reference to trawl fisheries and specifying the content of the two options, referring to trawl gear in option 1 and all bottom tending gear types in the second option. Messrs. Anderson and Alverson accepted this as a friendly amendment with the understanding that the modification for Alternative 4 under "Draft Alternatives for Minimizing Adverse Impacts to EFH" would be combined to read "Restrict the expansion of commercial fisheries into areas that are currently unimpacted or have not been fished between 2000 and 2002."

Mr. Alverson asked about the alternative proposed by the GAP, allowing trawl vessels to switch to fixed gear. Could they move into an area they had not historically fished when using the new gear? Mr. Anderson responded they could as long as they fished in areas that remained open under any other adopted alternative (e.g., Alternative 2).

Mr. Brown asked about the language in Alternative 9 related to the description using the term bottom tending "mobile fishing gear"; He asked for a friendly amendment to remove references to "mobile gear." Mr. Anderson said that was addressed in the motion.

Ms. Vojkovich asked several questions relative to the GAP report and impact minimization alternative 2, options 1 and 2. The new option included in the motion was directed at fixed gear inside 60 fm. But she wondered about the GAP recommendation for analysis of the 150 fm exclusion for trawl in option 2 of that alternative. She asked Mr. Anderson if he deliberately left that GAP recommendation out. Mr. Anderson said yes, the motion was for the 60 fm and would be added to the other option that includes 150 fm closure line north of 40 degrees 10 minutes and a 100 fm closure line in the south.

Ms. Vojkovich then asked about the formatting issues discussed in the HC report. Page 2 of the report notes that HAPC alternatives 2, 3, 4, and 6 designate habitat types as HAPCs. There is a part of a sentence that says "however we suggest that differing proportions of each habitat type be evaluated for overall effects." She wanted to make it clear the Council is not directing the EFH team to find the percentages of those types. Mr. Anderson said that was correct.

Ms. Vojkovich said Mr. Dorsett and Mr. Brown made a comment correcting impact minimization Alternative 4. She thought there was some correcting language stating expansion of fishing would be

restricted until research could demonstrate that there was no damage to EFH. Mr. Brown said he was referring to the discussion of the Oversight Committee meeting. The alternative would restrict the expansion of fisheries until research showed it could be done without harming EFH. That is why he offered up option 2 under Alternative 4; if it is good for one gear, it should be good for all gears. But this issue also applies to impacts minimization Alternative 9. He emphasized that it rested on a burden of proof issue (whether lack of harm needs to be demonstrated) and application to all gear types

Mr. Anderson stated his understanding of Alternative 9, reading from the report. The first option would not necessarily apply to all bottom contact gear types while the second option would apply to all types. He noted that the language could be further clarified using meeting notes, if necessary, but he thought it characterized what the Committee agreed on.

Ms. Vojkovich next asked whether the motion included adding krill as EFH as an option. Dr. Burke said it is Alternative 5 on page 5 of the report. Dr. Burke added that the HC recommended that this include appropriate forage fish as well as krill. Ms. Vojkovich reiterated, in the EFH designation alternatives, not the impacts minimization alternatives, does the motion include krill as EFH? Mr. Anderson said that is not in the motion, the krill prohibition is only as it pertains to minimizing adverse impacts to EFH. He pointed out that the designation alternatives included the water column, so krill would be included in the designation.

Ms. Vojkovich then asked for clarification on how this analysis will be structured and the requirements that she thought Oceana stated relative to HAPCs. In designating HAPCs, is an analysis of impacts to HAPCs and action to mitigate those impacts required? If so, there would have to be some additional action after the designation to address mitigation.

Mr. Anderson said the HC and GMT were struggling with this issue. Given the time limitations, impact minimization tools under those alternatives could be applied to HAPCs when regulations were implemented. Therefore, it is important to have the management tools necessary to mitigate impacts, especially in HAPCs.

Ms. Vojkovich then asked Mr. Copps if the EIS would describe which alternatives would cancel each other out or not be compatible. Mr. Copps asked if she meant can you designate HAPCs that are not within EFH; you cannot pick HAPCs that occur outside of EFH. The EIS will include an overlay analysis to determine which HAPC or impacts minimization alternatives would not be consistent with any EFH designation alternative. Ms. Vojkovich then asked about impacts minimization Alternative 11 (permit buyout alternative). Would the analysis evaluate it's effect on non-limited entry vessels displaced from those closed areas? Mr. Copps said he was not sure how to analyze the economic impacts of that alternative until The Nature Conservancy negotiations are clarified. The analysts will try to characterize all trawlers that would be affected, but Mr. Copps was not sure what else could be analyzed at this point.

Ms. Vojkovich then asked about minimizing impacts alternative 10, option 9, which would assess string length of pot gear. She didn't see how the analysis could be done and wondered if that would invalidate the option. Mr. Copps said all of the Alternative 10 options would have to be discussed with fishing gear experts. This relates to the language about assessing characteristics.

Ms. Vojkovich wanted to make sure the EIS document would be understandable to the public. Affected parties should understand the document and how to participate in the Council process. The EIS should describe what options the Council has for picking alternatives.

Dr. Freese noted that research and monitoring alternatives had not been discussed. He asked if the motion included the alternatives described in the EFH EISOC report (under Agendum C.6.b) as reviewed by the GMT and HC. Mr. Anderson affirmed that those alternatives were included with no changes.

Mr. Anderson asked Ms. Culver about two recommendations, numbered 4 and 5 on page 2 of the GMT report. She replied that item #5, recommending that the rationale for restricting fishing and nonfishing either inside or outside of HAPCs, did relate to the new alternative proposed in item #4, which would establish impact minimization measures in any HAPCs that might be designated. The point of these recommendations was to emphasize that impact minimization measures should focus on HAPCs, while the consultation process applies to all. Mr. Anderson noted that this related to earlier discussion of how HAPCs would be used in relation to minimizing impacts. He felt that these GMT recommendations were an ideal but could not be accomplished in the amount of time available to prepare the DEIS.

Mr. Brown asked a clarifying question using impact minimization alternative 3 as an example. Under this alternative areas would be closed to fishing based on habitat characteristics. He wondered if the GMT proposal was that these areas should then be designated HAPCs. According to Ms. Culver, the closed areas identified in the example would likely be different from any of the HAPCs chosen under those alternatives; the GMT recommendation was that only the areas identified under the impact minimization alternative which also fell within HAPCs designated by Council action would become closed areas. She also provided another example to explain the GMT's point. The analysis should discuss the tradeoff between limiting impact-causing activities only in HAPCs as opposed to some broader area that might be identified in an impact minimization alternative. Mr. Anderson said some impact minimization measures could apply outside of HAPCs while others might apply only to HAPCs. But there is not enough time to do this kind of analysis right now.

Mr. Copps asked Mr. Anderson how to interpret his proposal for designating HAPCs: is it a process or a set of biological criteria? Mr. Anderson said this is a suggestion in the GMT and the HC reports. In addition to designating HAPCs as part of the EIS process, the DEIS describe an ongoing process, and appropriate criteria, for defining additional HAPCs. Mr. Copps said that the North Pacific FMC identified a public process, which could be used as a model for an alternative in the DEIS.

Motion 7 passed.

Dr. Burke asked Mr. Copps to make sure the impact minimization alternative banning krill fisheries will be consistent with other processes that the Council is considering to achieve this, on the advice of Mr. Fougner. Mr. Copps assented. She also referenced the guidance on page 2 of the HC report in reference to the criteria mentioned in Mr. Anderson's motion. Finally, Dr. Burke said it would be helpful to code each of the alternatives with a unique letter and number.

C.7 Off-Year Science Improvements Report (09/15/04; 4:10 pm)

C.7.a Agendum Overview

Mr. DeVore provided the agendum overview.

C.7.b Northwest Fisheries Science Center Report

Dr. Elizabeth Clarke reported on recent Science Center activities. A Recreational CPUE Workshop was conducted in June. A report on this workshop will be available in the November briefing book. The Science Center also sponsored a Data Workshop in July to discuss available data sources for upcoming stock assessments. A report of this workshop will be posted on the Science Center web site. She asked if the report could also be posted on the Council website? The Science Center is also planning a Modeling

Workshop in October. They are currently discussing the agenda for this workshop with the SSC. The models for upcoming stock assessments will be announced at this workshop. Finally, Dr. Clarke said the dates for next year's Stock Assessment Review (STAR) panels will be available by the November Council meeting.

C.7.c Reports and Comments of Advisory Bodies

Dr. Kevin Hill provided Agendum C.7.c, Supplemental SSC Report.

C.7.d Public Comment

None.

C.7.e Council Discussion and Guidance on Off-Year Science Improvements Report

None.

C.8 Terms of Reference for Groundfish Rebuilding Plan Review and Stock Assessment Review (STAR) Panels (09/15/04; 4:20 pm)

C.8.a Agendum Overview

Mr. DeVore provided the agendum overview.

C.8.b SSC Report

Dr. Hill provided Agendum C.8.c, Supplemental SSC Report.

Mr. Anderson asked Dr. Hill if the SSC discussed the WDFW/NWIFC recommendation to regionally stratify stock assessments? Dr. Hill admitted he was not present for the entire SSC discussion, but they would discuss this further at the November Council meeting. He added it was unclear how to regionally stratify stock assessments. Mr. Anderson said he wasn't sure this recommendation needed to be included in the Stock Assessment Terms of Reference. He encourages this type of stratification if recommended by Stock Assessment Teams. Dr. Hill said the Terms of Reference already mandates a discussion of stock structure. He added there may be more than one population (or species) of vermilion rockfish based on new information.

Dr. McIsaac asked if the process for developing a terms of reference for rebuilding plan reviews would require a two meeting process (i.e., November and March or April)? Dr. Hill said yes. Dr. McIsaac asked Dr. Freese if this would work under the court-ordered rebuilding schedule and the precepts specified with FMP Amendment 16-1? Dr. Freese said he thought so, but deferred to his staff.

Ms. Vojkovich asked if there was time to schedule SSC member attendance at post STAR meetings next year? Dr. Hill said he didn't know. Dr. Burke said it was her understanding the post-STAR meeting would be within the Council framework.

Ms. Yvonne de Reynier answered Dr. McIsaac's question on the timing of developing a terms of reference for rebuilding plan reviews. We need a final rebuilding plan review process in place by next March.

C.8.c Reports and Comments of Advisory Bodies

Mr. DeVore read Agendum C.8.c, Supplemental GMT Report.

C.8.d Public Comment

None.

C.8.e Council Guidance on Finalizing Terms of Reference for Groundfish Rebuilding Plan Review and Stock Assessment Review (STAR) Panels

Mr. Harp offered some comments in writing. He supports the WDFW/NWIFC recommendation for regionally stratifying stock assessments as outlined in Agendum C.8.d., Public Comment.

Ms. Vojkovich addressed the need for a standardized format for stock assessments and STAR Panel reports in order to get through the proposed 23 assessments expected next year. She noted few stock assessments are complete with all the critical information needed for management decision-making. This needs to be included in the Terms of Reference.

Dr. Freese said he appreciated the GMT recommendations for standardized formats and a regional approach in stock assessments. This report will help us in planning down the road. He likes what he sees in the GMT report.

Dr. Burke agreed with the comments of Ms. Vojkovich and Dr. Freese. She also supported the WDFW/NWIFC position on encouraging regional differences to be identified in stock assessments whenever possible. What has been left out is the “burden” factor. The SSC should proactively work with the GMT to coordinate schedules, STAR meetings, and post-STAR meetings.

Ms. Vojkovich recommended the Council approve the SSC recommendation to appoint an SSC member to chair STAR Panel meetings. She also recommended completion of the policy development for rebuilding plan reviews by next March.

Mr. Brown noted independent reviewers sitting on STAR Panels sometimes have a different perspective than SSC members or other members of the Council family. There should be some consideration for independent reviewers to chair STAR Panel meetings. However, the independent reviewer often cannot attend post-STAR meetings.

Dr. McIsaac asked Mr. DeVore to extend compliments to the GMT on their report for this agendum.

C.9 Final Consideration of 2004 Inseason Adjustments (09/16/04; 3:56 pm)

C.9.a Agendum Overview

Mr. Burner provided the agendum overview.

C.9.b Reports and Comments of Advisory Bodies

Ms. Culver provided Agendum C.9.b, Supplemental GMT Report.

Responding to Mr. Brown, Ms. Culver stated landing values for darkblotched rockfish have changed a little due to updates to QSM reported landings since the last GMT report.

Dr. McIsaac asked Ms. Culver to elaborate on the GMT recommendation to use a 33% discard rate from the 2003 observer programs when the slope rockfish trip limit was 1,800 pounds per two months when modeling estimated impacts in 2004 in which the slope rockfish trip limits were first set at 4,000 pounds and later adjusted to 8,000 pounds. Ms. Culver stated that the latest information available to the GMT is the 2003 observer data. The 2004 observer data is not available. The observer data was collected at a time when trip limits were much lower, but the seaward trawl RCA boundary was also out at 200 fathoms unlike the 150 fathom line adopted inseason for 2004. It is difficult to determine what portion of the increased catch of darkblotched rockfish in 2004 is attributable to the increased trip limits or the line move.

Dr. Mc Isaac asked if boats in the summer of 2004 were coming in with the full 8,000 pound trip limit or something less and would this help determine if the discard situation is as bad as 2003 when the limit was 1,800 pounds. Ms. Culver stated that the GMT did consider this issue, but with the line moved to 150 fathoms it is impossible to tell what the appropriate discard rate would be.

Mr. Alverson asked how quickly a Council recommendation could be implemented in regulation. Ms. Culver responded October 1.

Mr. Anderson asked for clarification on impacts in the whiting fishery. Ms. Culver acknowledged some areas provided some corrected values in the table on page 5 of Agendum C.9.b, Supplemental GMT Report. Ms. Culver updated the whiting column and the total column relative to canary rockfish impacts. The projection through September of 6 metric tons is correct. Option 1 should be adjusted down from 6.7 to 6.2 metric tons with a corresponding total of 47.6 metric tons. Option 2 is correct as stated.

Mr. Brown asked if the mothership sector has quit fishing, and if so, how likely is it that they will resume fishing. Ms. Culver reported that the GMT understanding is that they have stopped fishing and fishery representatives in attendance have stated they have no intention or starting again.

Dr. Burke asked why there is an option which anticipates the mothership sector to take its full allotment if we don't anticipate them fishing. Ms. Culver stated that they aren't closed and until then the GMT decided to present all possible scenarios. The GMT also wanted to illustrate that the fishery would be capped at 7.3 metric tons of canary rockfish before catching all of the whiting.

Mr. Anderson asked what the canary rockfish OY would be if we adjusted it for the different proportion of canary rockfish taken between commercial and recreation fisheries in 2004 relative to preseason expectations. Ms. Culver stated that the Council would have to take specific action to change the OY for canary rockfish so the OY has remained at 47.3 metric tons. However, the GMT did look into this matter and estimates the OY would be somewhere around 49.4 metric tons if the OY was recalculated. The canary rockfish ABC is 256 metric tons.

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

C.9.c Public Comment

Mr. Dave Benson, Trident Seafoods, Seattle, Washington
Mr. Mike Atteberry, Alaska Ocean Seafood, Anacortes, Washington
Mr. Karl Haflinger, Sea State, Inc., Vashon, Washington
Mr. John Bundy, Glacier Fish Company, Seattle, Washington
Mr. Joe Bersch, Supreme Alaska seafoods, Seattle, Washington
Mr. Dale Myer, Arctic Storm, Seattle, Washington
Mr. Brad Pettinger, Oregon Trawl Commission, Astoria, Oregon
Mr. Dan Wolford, Coastside Fishing Club, Los Gatos, California
Mr. Chris Dorsett, The Ocean Conservancy, San Francisco, California
Mr. Mike Sorensen, charterboat operator, Toledo, Oregon
Mr. Bob Ingles, Golden Gate Fisherman's Association, Hayward, California
Mr. Bob Osborn, United Anglers of Southern California, Huntington Beach, California

C.9.d **Council Action:** Approve Inseason Adjustments in the 2004 Groundfish Fishery

Mr. Anderson moved and Mr. Alverson seconded a motion (Motion 12) to approve the inseason management measures in the GMT Report (Agendum C.9.b, Supplemental GMT Report) which would include the adoption of the inseason adjustments to address darkblotched rockfish impacts, canary rockfish impacts, provide exemptions for sea cucumber and ridgeback prawn as described on page 6, as well as the additional trip limit changes and corrections described in the document with the following additions:

- for the whiting fishery, establish a darkblotched rockfish cap of 9.5 metric tons
- for the whiting fishery, establish a canary rockfish cap of 6.2 metric tons
- effective Oct. 1, close the mothership sector of the whiting fishery.

Mr. Anderson spoke to his motion. The establishment of a darkblotched cap of 9.5 mt is consistent with what the fishery is expected to take by September 30 which is the earliest we could close the fishery. Relative to canary rockfish, we currently have a 7.3 metric ton cap in the whiting fishery, and this is a reduction to 6.2 metric tons. Mr. Anderson recognized that this package would result in canary rockfish impacts of 47.9 metric tons, 0.3 metric tons above the OY for 2004 given the suite of regulations that were adopted at the beginning of the season. There has been redistribution of impacts to canary rockfish from commercial to recreational fisheries which would result in a modest increase in the OY should the Council and NMFS consider revising the OY, something Mr. Anderson does not support and is not including in the motion. This proposal does not attempt to utilize any remainder between the two OY values reported by the GMT, and the 0.3 metric tons above the original OY will not jeopardize our rebuilding plan.

Mr. Brown is in favor of the motion. Mr. Anderson's motion minimizes the damage to other fisheries resulting from the overage in the trawl fishery. He is confident in the process we use to establish the rebuilding schedules. These values we are adopting are not going to jeopardize the rebuilding plans. He also agrees with Mr. Pettinger and is confident the trawl fishery experienced a lower discard this year.

Ms. Vojkovich asked if the whiting closures when caps are attained would be voluntary. Mr. Anderson stated that the caps would be adopted in regulation and implemented by NMFS.

Ms. Cooney said during this inseason action, these recommended caps would fall under the emergency rule adopted by NMFS earlier in the year. If one of those caps is close to being reached, then the catcher/processor fleets voluntarily stops and NMFS follows up with a legal closure. Dr. Freese added that NMFS would be monitoring this on a daily basis.

Dr. Burke asked Mr. Anderson why the motion did not include depth limits for the whiting fishers. Mr. Anderson said he did not include this in his motion primarily because of the testimony of the industry. They demonstrated the ability to identify areas where they have encountered canary rockfish and darkblotched rockfish and the motion provides the industry the flexibility to fish in areas where species of concern will not be encountered.

Dr. Burke asked for a friendly amendment to consider a 150 fathom depth limit for the whiting fishery effective October 1. She said they have learned that any fishery can do better if they have to, and only when then have to. She is not saying that the catcher/processor fleet is not able to monitor their catch, but she thinks it would be prudent for us to further protect canary rockfish through a depth restriction.

Mr. Anderson said his initial reaction is that he is not sure 150 fathoms is going to minimize the potential of a tow that has excessive canary rockfish in it, perhaps 200 fathoms would be more appropriate. Setting such a line at 200 fathoms may decrease the potential for canary rockfish bycatch but may also increase the potential for darkblotched rockfish catches.

Mr. Alverson was not in favor of the friendly amendment as the seconder. The bycatch caps alone are enough incentive to avoid canary rockfish and if they have one bad tow they are done.

Dr. Burke said she would be comfortable with a 200 fathom line but suggested 150 fathoms to keep the fishery contacting more whiting. She thinks it is important for us to show responsibility and is concerned about having no depth restrictions on the whiting fishery when the trawl RCA is set at 250 fathoms. If it can't be done as a friendly amendment she would like to get an idea of how the Council feels about this issue under a separate action.

Dr. Hanson said Mr. Karl Haflinger reported that the fishery has not taken one canary rockfish in September. The fishery has proved they can fish without taking canary rockfish.

Mr. Anderson confirmed there is a 150 fathom line with weigh points that can be enforced.

Dr. McIsaac asked if the maker of the motion would accept the friendly amendment to adopt a depth restriction at 150 fathoms for the whiting fishery.

Mr. Anderson accepted the friendly amendment as the maker of the motion. Mr. Alverson asked Ms. Culver if there was any sense of the distribution of whiting during this time of year. Ms. Culver suggested testimony from the appropriate industry members who testified. Mr. Mike Atterberry and Mr. Karl Haflinger said their boats are in 180 to 200 fathoms of water. The industry would prefer to fish under these restrictive caps with the flexibility to fish where their observed bycatch suggests they can catch whiting while minimizing bycatch.

Mr. Warrens confirmed the industries methods for reducing bycatch and agreed with their methods and the importance of implementing caps without depth restrictions.

Mr. Alverson did not accept the friendly amendment from Dr. Burke.

Dr. Burke appreciated the information from industry. The issue she has is if the proposal goes forward, the catcher/processor fleet can fish wherever they want to until the end of this month and she is not convinced they can prevent a disaster tow. She asked Ms. Cooney how quickly a closure would occur once a cap has been attained.

Ms. Cooney said the closure could be implemented fairly fast. The processors said they would stop voluntarily and NMFS would know when the cap was attained. Documents would be pre-prepared and ready to file which would further speed up the process. Dr. Freese said there would be a broadcast from his office to the fleet as soon as the caps were attained.

Dr. Burke then said that as far as Oregon's position for managing this year, she is concerned about where we are going with these fisheries and our use of the scorecard. There is getting to be less and less incentive for managers to manage their fisheries in a proactive and conservative manner and in the direction of the intent of the MSA. Oregon had the bulk of the darkblotched rockfish landings but took a conservative approach to recreational fishery management. Oregon also worked with the shrimp fleet to develop excluder technology that saved another 0.4 metric tons of canary rockfish. Additionally, Oregon took the lead on selective trawl gear that further saves canary rockfish. If we go on with the way we are managing these fisheries, Oregon is going to be asked about the 2004 recreational harvest for canary rockfish and Oregon is going to lose and that just isn't acceptable. Oregon is working hard to put savings on the table and is making the tough decisions. She thinks we need to look at how we are managing these resources and work with the GMT to develop better ways of bycatch recording and ways of allocating the fish by what we save instead of what we are using, something needs to change.

Mr. Alverson stated that he did not see any values in the scorecard as permanent allocations and feels that all of the states have to work together.

Mr. Anderson said that we have just a very few permanent allocation decisions between states or between sectors and there was a much shorter recreational fishing season in Oregon this year for the groundfish fishery. We have got a very difficult management regime set up here that continues to break down in the middle of the season year after year and meeting after meeting and voiced support for some of the points Dr. Burke has made.

Mr. Brown concurred with Mr. Anderson and Dr. Burke's statements. He certainly hopes we would take a look at our tracking and notification processes.

Ms. Vojkovich is also extremely concerned. Having someone monitor catch on a regular basis is a recommendation we need to follow up on. She was not excited about the self-policing option for the catcher processors brought forward to us today, but she did not see a way out of the box.

Motion 12 passed.

Mr. Alverson said on Tuesday we asked the GMT about the monitoring and tracking issue and asked if they were able to have that discussion.

Ms. Culver said the GMT has not formally discussed the matter but will come back with a final scorecard to the Council and have some ideas for tracking.

C.9 revisited (09/17/04; 12:55 pm)

Ms. Michele Culver provided Agendum C.9.b, Supplemental GMT Report 2.

Public Comment

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

Council Discussion and Action

Ms. Vojkovich stated she is confused about what information had to be available when and what information had to be in the briefing materials. There doesn't seem to be consistency between recreational and commercial fishery information. We need to take this issue at a later time because she is not clear on the priorities.

Ms. Vojkovich voiced her concern with the concept of a recreational QSM program. She did not believe that managing recreational fisheries in the same manner we manage commercial fisheries is appropriate.

Ms. Vojkovich moved and Mr. Thomas seconded a motion (Motion 18) to reconsider Motion 12 relative to California.

Ms. Vojkovich said if the motion to reconsider passes, she would like to add language relative to trip limit corrections, page 7 of Agendum C.9.b, Supplemental GMT Report, in the area between 40°10' N latitude and 34°27' N latitude limited entry fixed gear and open access. In period 5, the deeper near shore trip limits should remain at 400 pounds per month and the recommendation to change this to 400 pounds per two month should not go forward.

Chairman asked for the vote on Motion 18. Dr. McIsaac called the roll. The following Council Members voted no: Messrs. Harp, Cedergreen, Alverson, Ortmann, Anderson, and Mallet. Chairman Hansen voted yes. Motion 18 passed; 8 yes, 6 no.

Ms. Vojkovich moved and Mr. Thomas seconded a motion (Motion 19) to amend Motion 12 to address the limited entry fixed gear and open access fishery trip limits for deeper nearshore rockfish between 40°10' N latitude and 34°27' N latitude to remain at 400 pounds per month in period 5.

Mr. Harp voted no on Motion 19. Motion 19 passed.

Dr. Burke, in participating in this process, feels that she is representing the state of Oregon and anyone who uses Oregon resources. She feels it is better to bring this issue to the table without having discussed the matter with any other Council members.

Dr. Burke asked to present the concerns she had. Dr. Burke moved (Motion 20) and Mr. Anderson seconded a motion to amend Motion 19 to request that the catcher/processors involved in the Pacific whiting fishery voluntarily refrain from fishing in areas shallower than 150 fathoms for the remainder of the 2004 fishery.

Dr. Burke said the Council and Oregon have worked hard to responsibly manage fisheries while keeping some opportunities open. There could be a disaster tow in the whiting fishery that could shut down many other fisheries. We spent all week with the GMT looking for small amounts of savings so we could legally proceed with these fisheries. She feels it is not responsible to have a sector open like this, regardless of their technology, and if we can invoke a precautionary measure we should do it. She spoke about the mention of a derby fishery with a depth restriction and has problems with an industry that is willing to comply with some by not all Council recommendations. Establishing a 150 fathom line is not unconventional and not terribly restrictive. We are only asking them to voluntarily refrain from fishing shallower than 150 fathoms. Based on testimony, she feels that this is a highly responsible fishery but did not feel our fisheries had the same technology not the same management requirements as the North Pacific Council. Dr. Burke thanked industry representatives for their help during the week.

Dr. Hanson said that ordinarily a motion made and rejected cannot be reconsidered, but this was previously

a friendly amendment that the Council did not vote on. He expressed his concern about friendly amendments and stated that they are appropriate for typographical errors but when we start doing substantive changes we need to make amendments.

Mr. Anderson asked if the motion could be restated. Dr. McIsaac restated the motion. He was in favor of the motion. He did not think this was worthy of a strenuous debate. In looking at the objective of the fishery, it was to allow catcher/processors to maximize their whiting catches without exceeding bycatch allowances of darkblotched rockfish and canary rockfish. This sector has the ability to track bycatch on a daily basis and he was impressed the way they came forward to put their credibility on the line.

Dr. Freese said this is a major issue and spoke against waiting until Friday morning without the GAP, GMT, or public comments. That is not good business.

Mr. Harp had thoughts very similar to what Dr. Freese had said. He agreed with him about doing things at the last minute and last day of the meeting. In the future, the Council needs to deal with issues like this better. He is not going to oppose the motion but not happy about the way the motion came about.

Ms. Vojkovich said she is not happy with the way this has played out either. It makes it difficult for her to make a decision since there is no data to tell her of the risks.

Motion 20 passed (Main Motion 19 as amended).

Ms. Vojkovich asked if the Council would support CDFG working with NMFS to take inseason action before the next Council meeting if action is necessary based on CRFS numbers.

Ms. Cooney said that Ms. Vojkovich is suggesting a similar mechanism as the one adopted at the June meeting. If California feels they need to take action on their recreational fishery, NMFS can take federal actions to match the state of California action.

Mr. Anderson said he is not interested in this mechanism at this meeting.

Ms. Vojkovich did not make a motion.

C.10 Expansion of Vessel Monitoring System (VMS) (09/17/04; 8:29 am)

C.10.a Agendum Overview

Mr. Burner provided the agendum overview.

C.10.b NMFS Report

Mr. Dayna Matthews referred to Table 2.0.1 contained in Agendum C.10.b, Attachment 1; *Draft Environmental Assessment/Regulatory Impact Review/Regulatory Flexibility Analysis for Expanded Coverage of the Program to Monitor Time-Area Closures in the Pacific Coast Groundfish Fishery, NMFS, Northwest Region*. Mr. Matthews also read Agendum C.10.b, Supplemental Attachment 2: Overview of Draft EA/RIR/RFA.

Mr. Alverson asked if implementation of VMS in 2005 as mentioned under alternative 2 is a reality. Mr. Matthews stated that the earliest date could be April 2005 and the GAP is recommending June 2005.

Ms. Vojkovich asked whether the report includes any information on vessel sizes within the open access sector and how NMFS determined which fisheries to exempt from VMS. Mr. Matthews stated that it is difficult to define the open access fleet by size categories and that criteria such as RCA restrictions and how easily vessel activity can be detected from at-sea observations were used by the Ad Hoc Vessel Monitoring Committee to determine exemptions.

C.10.c Reports and Comments of Advisory Bodies

Captain Mike Cenci provided Agendum C.10.c, Supplemental EC Report.

Ms. Vojkovich asked about VMS requirements for vessels which only fish in state waters. Capt. Cenci stated that there are legal questions regarding jurisdiction and that the EC did not feel that this VMS proposal would be applicable to vessels that only participate in state water fisheries. Ms. Vojkovich stated there will be difficulties in defining eligible vessels by gear type as a portion of those vessels only fish in state water.

Ms. Cooney stated that if you participate in any of the proposed fisheries in the EEZ you will be required to have VMS.

Dr. Burke asked if the states would have to pass state VMS requirements at least for those vessels which fish in both state waters and the EEZ. Ms. Cooney said the issue needs to be looked into further, but in general, it is often helpful to have concurrent state and federal regulations.

Mr. Chuck Tracy read Agendum C.10.c, Supplemental SAS Report. Mr. Moore provided Agendum C.10.c, Supplemental GAP Report.

Mr. Moore clarified for Dr. Burke that the two provisions listed under the GAP Alternative 7 are not mutually exclusive.

Ms. Vojkovich asked if the GAP had any discussions about the need for public meetings along the coast to help inform people who are not directly involved with the Council process. Mr. Moore said the GAP did not have such a discussion but felt he could safely speak for the GAP when recommending public meetings.

Mr. Moore clarified for Dr. Freese that HMS and CPS vessels are not included in the GAP Alternative 7 as they are not subject to the RCA unless those vessels are also used during part of the year as an open access groundfish vessel.

Ms. Cooney and Mr. Moore discussed groundfish retention regulations for salmon troll vessels north of 40°10' N latitude relative to yellowtail rockfish and agreed that the specific regulations need to be reviewed before salmon troll VMS alternatives are finalized.

C.10.d Public Comment

Mr. Ray Monroe, Dory Fisherman, Pacific City, Oregon

Ms. Kathy Fosmark, Open Access Fisherman, Pebble Beach, California

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

Mr. Gerry Richter, Point Conception Groundfisherman Association, Santa Barbara, California

Mr. Tommy Ghio, Ghio Fish Company, Moss Landing, California

C.10.e **Council Action:** Adopt Vessel Monitoring System Program Expansion Alternatives for Public Review

Dr. Burke moved and Mr. Brown seconded a motion (Motion 14) to proceed with the VMS program expansion alternatives for public review as outlined in Agendum C.10.b, Attachment 1 (including Options 1 through 5); Alternative 6 as provided in Agendum C.10.c, Supplemental GAP Report with the addition of “CPS and HMS” to that alternative as identified by Mr. Moore during the presentation of the GAP report ; Alternative 7 from the GAP report with the addition of the word “or” between the two exceptions; the GAP recommendation to not implement the program until June 2005; and the EC option captured in Agendum C.10.c, Supplemental EC report (second and third paragraphs) recommending a modified Alternative 5 that includes salmon troll vessels.

The adopted alternatives in Motion 14 focus on groundfish directed open access vessels for the next phase of the VMS program, but include vessels in other target fisheries that incidentally take groundfish or are subject to groundfish RCA restrictions. Dr. Burke recommended that Alternative 5 remain as an alternative and that the version modified by the EC be added to provide a range of alternatives.

Motion 14 passed.

Ms. Vojkovich asked if NMFS could hold some meetings/hearings to explain the options to the public and when those meetings could take place. Chairman Hansen replied there is a VMS meeting in October. Ms. Vojkovich said she is concerned about not having public meetings before council action in November. Mr. Brown agreed with Ms. Vojkovich on the time issue and stated that if we were going to delay implementation until June, we could delay Council final action.

Dr. Freese asked for a break. Mr. Burner said we would need to take action in November if we were to look at a June implementation.

Dr. Freese said we could move implementation from June to October 2005, allowing us to do more analysis and do more organized public hearings and/or outreach meetings. The decision of when, where, and how to have meetings is yet to be determined.

Ms. Vojkovich said that knowing individuals who are supportive of expanding VMS use would like to have this implemented as soon as possible, she is more supportive of having public discussion and comments. If it is October in order to provide more public comment then that is fine.

Ms. Vojkovich asked if Oregon was planning to hold similar meetings.

Dr. Burke was not clear on who was sponsoring the meetings. Ms. Vojkovich said she is interested, as a state, in helping those meetings along, but California cannot sponsor them. Dr. Burke said Oregon has from now to January booked with meetings.

Dr. McIsaac thought the concept was for NMFS sponsored meetings. Dr. Freese thought the VMS meetings would be outreach type meetings more like those held for Amendment 10 issues; NMFS Region and Enforcement would staff the meetings with listening stations in appropriate areas. NMFS would welcome any state help in arranging locations and will work with states as to who will be the official sponsor.

Mr. Anderson confirmed the intent to hold the meeting between now and Council final action and pledged WDFW as partner with NMFS in holding public meetings.

Mr. Burner, for clarification, confirmed that the schedule would be to not revisit VMS at the November Council meeting, but to take Council final action at the March Council meeting, after public meetings, for implementation in October.

Dr. McIsaac and Dr. Burke revisited the original motion that spoke to a Council recommended June 2005 implementation and considered a new motion to alter the schedule.

Dr. Burke moved and Mr. Brown seconded a motion (Motion 15) to reconsider Motion 14 (the action taken on VMS). Motion 15 passed.

Mr. Anderson moved and Mr. Brown seconded a motion (Motion 16) to amend Motion 14 to change the VMS program implementation date from "June 2005" to "October 2005". Motion 16 passed (Main motion as amended). The change in implementation date for VMS expansion was made to allow more time for adequate public review of the alternatives.

Mr. Burner confirmed that the previously scheduled meeting of the Ad Hoc VMS Committee will not be delayed and the committee will meet October 7 to review and refine the alternatives.

C.11 Trawl Individual Quota (TIQ) EIS (09/17/04; 10:05 am)

C.11.a Agendum Overview

Mr. Jim Seger provided the agendum overview.

C.11.b Summary of Scoping

Mr. Seger reviewed Agendum C.11.b Summary of Public Comment.

C.11.c Reports and Comments of Advisory Bodies

Mr. Rod Moore provided Agendum C.11.c, Supplemental GAP Report.

C.11.d Public Comment

Mr. Steve Bodnar, Coos Bay Trawlers Association, Coos Bay, Oregon
Mr. Tom Raftican, United Anglers of Southern California, Huntington Beach, California
Ms. Dorothy Lowman, Environmental Defense, Portland, Oregon
Mr. Bob Osborn, United Anglers of Southern California, Huntington Beach, California
Mr. Peter Huttula, Pacific Marine Conservation Council, Astoria, Oregon

C.11.e Council Guidance on TIQ EIS Process, As Necessary

Mr. Brown stated that he believed the scoping document was ready to move forward to the next step of analysis. While all intersector allocations will need to be addressed over the long-term, for the next step in the allocation process only certain allocations need to be taken. That step is to identify those species requiring allocation between the trawl and other sectors for the purpose of implementing a trawl IFQ program. That list should then be given to a committee such as that recommended by the GAP. This would be done in order to avoid having the process deteriorate over allocation battles between other sectors. (The unanimous recommendation of the GAP was as follows: Create a new ad-hoc inter-sector allocation committee with the following structure - 2 limited entry trawl representatives, 2 limited entry fixed gear

representatives; 2 recreational representatives; 1 open access representative; 1 processor representative; 1 tribal representative; a neutral, non-voting moderator/chairman).

Mr. Anderson, suggested that a permit stacking alternative be added to the document. With respect to composition of the Ad Hoc Allocation Committee, Mr. Anderson stated that there are many policy issues that are unique to the states that need to be considered. He did not feel that a panel comprised of the representation suggested by the GAP would have the needed expertise on those state issues. While the Council might look at the idea of adding advisors it should stay with the core group that now comprises the committee.

In response to a question by Mr. Anderson, Dr. McIsaac noted that we have limited funds to carry us through early 2005 but not enough funding to complete the process as it stands.

Mr. Ticehurst expressed concerned about the lack of recreational representation on the committee. There are serious and complex interactions that take place among the sectors and the program needs to take these into account. We should be focused on managing fish species rather than on gear management. The idea of transferability is built into the whole IQ process, and to not have transferability to other sectors of the fishery doesn't make sense. Given the expectation of forthcoming guidance from the MS-Act and the expenditures required to support this process, he questions the value of moving forward. Mr. Brown commented that many of the species at issue were only caught by trawl gear and that other species would be addressed by the allocation committee as they would for an ITQ program or other types of management. Mr. Cedergreen concurred with Mr. Ticehurst.

Mr. Alverson concurred with Mr. Anderson's recommendation for consideration of a permit stacking option, expressed concern about complexity, and stated the need for a simpler option. Mr. Anderson added that alternatives being developed appeared to have some highly controversial elements and that the controversy would likely extend the time required to implement the program. Permit stacking would take some of the controversy and complexity out of the program while allowing some additional consolidation. Mr. Brown stated that if the option is to be included it needed to include the option of a single annual trip limit.

Chairman Hansen provided the following direction to the TIQC: review the votes on processor issues in light of the new committee membership, consider the letter in the briefing book from Mr. Leipzig and others and report back to the Council in November on their discussions. The Chairman also wanted it on the record that the analysis would include evaluation of impacts on the processing sector.

There was a discussion of whether or not the Allocation Committee needed to meet prior to the next Council meeting. The allocation committee also needs to meet to discuss lingcod allocation and management without or within the scorecard system. Mr. Brown asked for a retrospective history on who has caught the fish. This will be relevant to determining what species need to be allocated. Mr. Brown also noted that part of the strategic plan contained some broad priorities for allocation.

Mr. Anderson moved and Mr. Brown seconded a motion (Motion 17): for the purpose of making recommendations pertaining to intersector allocation, add six nonvoting advisors to the Ad Hoc Allocation Committee; the seats will represent groundfish trawl, groundfish fixed gear, open access, and recreational fisheries, as well as the processor sector, and conservation. Mr. Anderson clarified that the GAP would make the recommendations of who would serve. Motion 17 passed. Based on the time required to appoint the advisory group it would not be possible for the allocation committee to meet prior to the November Council

meeting. Mr. Brown commented that there should be at least one meeting of the allocation committee before the Council considers a checkpoint on whether to continue moving through the process. The Council members agreed to postpone the scheduled November checkpoint on the TIQ process to the March 2005 meeting.

Mr. Ticehurst said the ability to transfer to other sectors should be included in the scoping document and suggested that the test for inclusion of any provision should not be “is this good for the trawl IQ” but rather “is [this] good for the fishery. Dr. Freese noted that the NEPA analysis will address the affects of the program on not only trawl groundfish but on all fisheries.

D. Salmon Management

Mr. Dave Ortmann chaired the Salmon Management agenda.

D.1 Salmon Fishery Update (09/14/04; 2:42 pm)

Mr. Tracy presented the Agendum Overview and summarized Agendum D.1.a, Attachment 1.

D.1.a Salmon Technical Team Report

Mr. Dell Simmons presented Agendum D.1.a, Supplemental STT Report.

D.1.b Reports and Comments of Advisory Bodies

None.

D.1.c Public Comment

None.

D.1.d Council Discussion on Salmon Fishery Update

None.

D.2 Salmon Methodology Review (09/14/04; 2:52 pm)

D.2.a Agendum Overview

Mr. Chuck Tracy presented the Agendum Overview and referenced Agendum D.2.a, Attachment 1.

D.2.b Agency and Tribal Reports and Comments

None.

D.2.c Model Evaluation Workgroup Report

Mr. Simmons presented Agendum D.2.c, Supplemental MEW Report.

D.2.d Reports and Comments of Advisory Bodies

Dr. Pete Lawson presented Agendum D.2.d, Supplemental SSC Report. Mr. Simmons presented Agendum D.2.d, Supplemental STT Report. Mr. Tracy read into the record Agendum D.2.d, Supplemental SAS Report.

D.2.e Public Comment

None.

D.2.f **Council Action:** Establish Final Prioritization and Schedule for Review of Salmon Methodology Changes for the 2005 Season

Mr. Gordy Williams noted the concern of Alaska and the Pacific Salmon Commission (PSC) with potential impacts of mark selective chinook fisheries on the Coded Wire tag (CWT) data base, and recommended careful consideration and review of such fisheries. Mr. Eric Larson agreed with Mr. Williams.

Mr. Anderson noted that the MEW has made substantial progress on FRAM documentation. The WDFW also designed, along with comanagers, a pilot program to help evaluate the Area 5-6 mark selective chinook fishery, and a report on the evaluation is forthcoming. Mark selective fisheries have and will continue to be vetted in the PSC process as well.

Dr. Peter Dygert, noted that lower Columbia River coho are now an ESA candidate species, and consultation for that ESU will occur for 2005 ocean salmon fisheries, and the ODFW management plan is under review as a result of that change in status.

Mr. Jerry Mallet moved (Motion 5) the SSC be directed to review the results of the limited mark-selective fishery for chinook conducted in Washington Marine Catch Areas 5 and 6 in 2003 and 2004 at their November 2004 meeting. Mr. Alverson seconded the motion. Motion 5 passed.

D.3 Fishery Management Plan (FMP) Amendment Update (09/14/04; 3:16 pm)

D.3.a Agendum Overview

Mr. Tracy presented the Agendum Overview.

D.3.b Reports and Comments of Advisory Bodies

Mr. Simmons provided Agendum D.3.b, STT Report 1 and Supplemental STT Report 2.

Mr. Anderson recognized the added complexity of following the FMP process in modeling mark selective coho fisheries north of Cape Falcon would require more front loading of the North of Falcon process in order to work out fisheries agreements on schedule.

Dr. Dygert asked how the Preseason Report I model run using last years' regulations with current years' abundance would have to change. Mr. Simmons replied that it would not have much impact on the model run since the previous years' process has already been set.

Dr. McIsaac asked if the STT had a definition for constraining stock(s). Mr. Simmons replied the collective impacts on all stocks are considered when determining fishery constraints.

D.3.c Public Comment

None.

D.3.d Council Guidance on Fishery Management Plan Amendment Update

Mr. Anderson recommended additional discussions with the WDFW modeling staff and comanagers to determine if the FMP process was practicable, then making a final recommendation at the November Council meeting.

Mr. Larson asked if Agendum D.3.b, STT Report 1 had been distributed to the Sacramento River Winter and Spring Chinook Workgroup, and if they had an opportunity to respond to the STT comments. Mr. Tracy indicated that Report had been seen by those on the SST and Dan Viele, but that the rest of the Workgroup had not received the Report pending approval of the Council. Mr. Larson indicated that distribution should proceed.

E. Marine Protected Areas

E.1 Guidelines for Review of Marine Reserves Issues (09/15/04; 8:05 am)

E.1.a Agendum Overview

Mr. Dan Waldeck provided the agendum overview.

E.1.b Scientific and Statistical Committee Report

Ms. Cindy Thomson reviewed the SSC White Paper – *Marine Reserves: Objectives, Rationales, Fishery Management Implications and Regulatory Requirements*. She provided a PowerPoint presentation to the Council. Dr. Kevin Hill read the SSC report – Agendum E.1.b, Supplemental SSC Report.

E.1.c Reports and Comments of Advisory Bodies

Mr. Michael Osmund provided Agendum E.1.c, Supplemental HC Report. Mr. Waldeck read Agendum E.1.c, Supplemental SAS Report.

E.1.d Public Comment

Mr. Greg Helms, The Ocean Conservancy, Santa Barbara, California
Ms. Kate Wing, Natural Resources Defense Council, San Francisco, California

E.1.e **Council Action:** Adopt Guideline Recommendations for Review of Marine Reserves Issues

Mr. Anderson explored with the Council his thoughts on involvement in the MPA and marine reserve development arena. He agreed with the SSC's observation about a "fragmented focus" on marine reserves as a fishery management tool. He relayed his experience with the development of habitat data through the groundfish EFH EIS process, noting that it facilitated a more comprehensive focus on habitat and marine reserves. Going forward, he opined that the SSC White Paper provided a foundation for considering

scientific and technical merits of marine reserves. He noted that the SSC also emphasized the critical need for the Council to develop policies and procedures for addressing MPAs and marine reserves in the context of fishery management. He agreed that the Council needed to do this.

Mr. Anderson suggested the Council adopt the SSC White Paper. In addition, he requested the Council discuss how to proceed with development of the policy and procedural components. He also suggested that further consideration of new marine reserves be tabled until after completion of the groundfish EFH EIS because some of the proposed HAPCs may be candidates for MPAs. He also asked if the necessary funds for working on MPA-related issues were available to the Council. He suggested the possibility of partnering with the National MPA Center.

Dr. McIsaac responded, specific to the funding issue, that the Council received \$150,000 for MPA activities during 2004.

Ms. Patty Wolf thanked Ms. Thomson and the SSC. She agreed with Mr. Anderson's remarks about the SSC White Paper and felt the document would be very useful to the Council and will also inform others well beyond the Council forum. Regarding the policy and procedure development, she agreed it was necessary and an appropriate next step. She also mentioned that the National MPA Center was planning a workshop about the science of MPAs in the context of fishery management, which she felt could provide a means for the Council to increase its involvement in the National MPA process.

Moreover, Ms. Wolf suggested the Ad Hoc Channel Islands Marine Reserves Committee (CIMRC) could provide leadership and guidance for the development of MPA policies and procedures after the Council concludes its work with the Channel Islands National Marine Sanctuary.

Mr. Anderson moved and Mr. Alverson seconded a motion (Motion 6) to adopt the SSC white paper (Agendum E.1.b, Attachment 1, September 2004, *Marine Reserves: Objectives, Rationales, Fishery Management Implications and Regulatory Requirements*). Motion 6 passed.

Mr. Waldeck requested the Council consider how to move forward on developing policies and procedures as recommended in the SSC White Paper and discussed by Mr. Anderson and Ms. Wolf. He reiterated Ms. Wolf's suggestion that the CIMRC would be an appropriate body for initial consideration of the policy/procedures issue.

Mr. Anderson spoke in support of Ms. Wolf's suggestion and requested the CIMRC be tasked with initial consideration of these issues. He also requested the CIMRC review their composition and recommend changes or additions to the committee structure and composition.

Mr. Waldeck stated that Council staff would add this item to the agenda for the October 5-6, 2004 CIMRC meeting.

Dr. McIsaac requested clarification if the Council agreed with Mr. Anderson's suggestion that the Council not consider new MPA proposals until after the groundfish EFH EIS is completed. He noted that, in terms of funding and workload, this would be helpful. The Council concurred. Mr. Anderson noted that the Council would still respond to requests from the National Marine Sanctuary Program per the National Marine Sanctuaries Act. The Council also concurred with this clarification.

E.2 Update on Miscellaneous Marine Protected Areas Activities (09/15/04; 8:56 am)

E.2.a Agendum Overview

Mr. Waldeck provided the agendum overview. He summarized the information about various MPA activities described in the E.2.a Situation Summary.

E.2.b Gulf of Farallones and Cordell Bank National Marine Sanctuaries Staff Reports

Ms. Anne Walton reviewed Management Plan Review progress and anticipated proposed actions for Cordell Bank National Marine Sanctuary (CBNMS) and Gulf of the Farallones National Marine Sanctuary (GFNMS). She also indicated that the Sanctuaries would prepare a briefing packet for the Council's November meeting and, at the November meeting, formally request Council action under the National Marine Sanctuaries Act.

For the GFNMS, Ms. Walton indicated that Management Plan Review actions would not necessitate regulation of fishing activities and, therefore, GFNMS would not be requesting Council action. She reviewed the types of activities under review at GFNMS and how the issues were being addressed.

For CBNMS, Ms. Walton described proposed measures to protect benthic invertebrates and submerged lands. These measures would require management of fishing activities. Hence, CBNMS will request the Council to take action as dictated by the NMSA. She indicated that the request for Council action relative to CBNMS would be combined with a request for Council action related to proposed measures at Monterey Bay National Marine Sanctuary (inclusion of Davidson Seamount within the Sanctuary boundaries and regulation of fishing activities below 3000 feet within the area above the Seamount).

Ms. Walton indicated the NMSA mandates a 120 day period for Council response to the request to develop fishing regulations. For the November 2004 Council meeting, she noted the Sanctuaries intended to provide materials in advance, to give a more detailed presentation, and formally request Council action to develop fishing regulations. Ms. Walton stated that the 120 day time line (if it started at the November 2004 meeting) does not match up with the Council meeting schedule. Therefore, the Sanctuaries would anticipate a response from the Council at the March 2005 Council meeting.

Mr. Brown asked about what would happen if the Council reviewed the Sanctuary's request and responded no, i.e., that the Council did not consider the proposed action to be necessary. Ms. Walton responded that, if the Council did not exercise the opportunity provided under the NMSA, then the Sanctuary would draft regulations.

Mr. Alverson asked how much of the project area is under federal waters? Ms. Walton responded that Cordell Bank NMS is totally within federal waters and there are no land masses above sea level

E.2.c Reports and Comments of Advisory Bodies

Mr. Waldeck read Agendum E.2.c, Supplemental GAP Report.

E.2.d Public Comment

None.

E.2.e Council Discussion on Miscellaneous Marine Protected Areas Activities

Mr. Brown clarified his earlier question about what would happen if the Council said no to the offer to draft fishing regulations. His comments did not represent an opinion of the Council or an expected future action. Rather he simply wanted clarification about the process.

E.3 Krill Harvest Ban Proposal (09/15/04; 9:33 am)

E.3.a Agendum Overview

Mr. Waldeck provided the agendum overview.

E.3.b Reports and Comments of Advisory Bodies

Mr. Fougner called on Ms. Susan Smith NMFS SWFSC for background information on Pacific Coast krill. Ms. Smith summarized the report entitled *A Review of U.S. Pacific Coast Krill*, which she prepared for the September 2004 Briefing Book (Agendum E.3.a, Attachment 3).

Mr. Fougner reviewed the NMFS Report of options for controlling fishing for krill (Agendum E.3.b, Supplemental NMFS Report). He described the various options developed by NMFS and stated that NMFS-Southwest Region supported the option that would incorporate krill into the Coastal Pelagic Species (CPS) Fishery Management Plan (FMP).

Mr. Brown asked about the option for including krill in the CPS FMP, would this require establishing OY and MSY values for krill as a management unit species (MUS). Mr. Fougner responded that it was likely that a proxy for MSY (as allowed under National Standard 1 Guidelines) would need to be developed if krill was included as a MUS.

Mr. Brown noted that, as described in another of the NMFS options, if krill were designated groundfish EFH, the Council would not have to establish an MSY proxy. Mr. Fougner agreed.

Ms. Wolf asked about the option to define krill as groundfish EFH, how long would it take to accomplish this action? Mr. Fougner replied that, if this course was taken, the krill fishing prohibition would be on the same time line as the groundfish EFH EIS.

Ms. Wolf asked if there had been interest expressed in utilizing, harvesting, or having cooperative research for krill? Mr. Fougner said he is not aware of any requests at this time.

Relative to the timing of the issue, Mr. Fougner suggested that the CPS Management Team could review the issue at their September meeting and report to the Council at the November meeting.

Dr. Burke noted that the CPSMT has indicated they are fully subscribed in working on the FMP amendment for sardine allocation. Mr. Fougner was uncertain of how much extra work it would be to include krill measures in the sardine allocation FMP amendment, but that he thought it could be plausible to include both actions.

Dr. Burke asked about the groundfish EFH EIS approach, that would still involve an amendment to the groundfish EFH EIS and would have to be completed under the schedule for that EFH EIS? Mr. Fougner responded, yes. Ms. Cooney added that the whole groundfish EFH EIS package (FMP amendment and regulations) needed to be completed per a Court ordered deadline.

Ms. Wolf expressed concern about designating krill as forage (NMFS-Option 3). She noted that the list for forage species in the NPFMC action includes many species, but it was not a complete list of species that provide forage.

Mr. Waldeck read Agendum E.3.b, Supplemental GAP Report. Mr. Waldeck read Agendum E.3.b, Supplemental SAS Report. Mr. Michael Osmund provided Agendum E.3.b, Supplemental HC Report.

E.3.c Public Comment

None.

E.3.d Council Discussion and Guidance on Krill Harvest Ban Proposal

Dr. McIsaac noted that the concern about adding workload to the CPSMT is valid. He asked Mr. Fougner to elaborate on his remarks about assistance from NMFS SWR and SWFSC?

Mr. Fougner explained that he could not guarantee there is someone that could work full time on this topic, but offered assurance the NMFS SWR and SWFSC would help develop the process, schedule, and necessary documentation to help streamline the action.

Mr. Harp said the tribes have comments on the potential harvest ban for forage species. He noted the tribes are opposed to a ban on fishing for forage species such as smelt and eulachon, which are important to the tribes. The tribes have a treaty right to harvest forage fish and that should not be abrogated.

Mr. Fougner noted that the option for including krill in the CPS FMP does not foreclose the option of adding krill to the groundfish EFH EIS. That is, if it becomes too difficult or burdensome to include krill in the CPS FMP the option for including krill as groundfish EFH could be a fall back contingency. Mr. Fougner also noted that having a species in an FMP can provide leverage for obtaining funds and resources for research and management.

Mr. Waldeck reminded the Council that the CPSMT has stressed to the Council that the Management Team expects to be fully occupied with the issue of sardine allocation, moreover, the CPSMT has not had an opportunity to review the options developed by NMFS. He cautioned the Council that, before they act on this issue, it would be prudent to consult with the CPS Management Team and Advisory Subpanel.

Ms. Wolf stated that the information supplied by NMFS was very helpful, but she was uncomfortable, at this point, of making a decision about which option to pursue. She expressed interest in exploring the option of defining a category of forage fish, particularly under the groundfish FMP.

Dr. Burke supported the comments of Ms. Wolf and suggested that the NMFS krill harvest control options be provided to the Council advisors and teams for review. The Council could review their recommendations in November and make a decision then. She supported Mr. Fougner's offer that NMFS-SWR could do some of the initial work, rather than waiting until after November to begin.

Dr. Burke also stressed her desire to have a process for determining which forage species would be included under the harvest control measures. She also questioned if it was possible to have a species (e.g., krill) specifically managed under one FMP (i.e., CPS FMP), but that management could apply to fisheries managed under separate FMPs (e.g., groundfish fisheries).

Mr. Anderson is supportive of going forward, but agrees with the comments of Ms. Wolf and Dr. Burke for the advisors to have an opportunity to review the options more thoroughly. The Council would hear from these entities at the November meeting.

Mr. Brown reiterated past comments about the need for the Council to consider developing an “umbrella” FMP that could be used for issues that cross-cut species-specific FMPs. For example, ecosystem management, MPAs, forage fish, EFH, and overall limited entry don’t fit neatly into a single FMP.

F. Pacific Halibut Management

Vice-Chairman Dave Ortmann chaired the Pacific Halibut Management agenda.

F.1 Pacific Halibut Fishery Update (09/15/04; 4:48 pm)

F.1.a NMFS Report

Ms. Yvonne de Reynier presented Agendum F.1.a, NMFS report.

F.1.b Reports and Comments of Advisory Bodies

Mr. Harp reported the tribes new halibut management plan included a 40 day restricted fishery with a 50 pound per vessel per day landing restriction, and separately managed fisheries with quotas for individual tribes or groups of tribes. After July 30, any unused quota became available for all tribes in mop-up fisheries. The season ended September 8 with a harvest near 521,000 pounds out of the 523,600 pound commercial tribal quota. The ceremonial and subsistence fishery will continue through the end of the year.

F.1.c Public Comment

None.

F.1.d Council Discussion on Pacific Halibut Fishery Update

None.

F.2 Proposed Changes to the Catch Sharing Plan and Annual Regulations (09/15/04; 4:55 pm)

F.2.a Agendum Overview

Dr. Freese noted some of the proposed changes to the catch sharing plan (CSP) are essentially reversals of recent changes, and indicated NMFS preferred a philosophy of making changes that would result in long term stability of regulations.

Mr. Anderson agreed that the intent of the CSP was to provide a stable regulatory framework, but noted that the Federal CSP system is complex and makes it difficult to make changes, particularly inseason.

Mr. Tracy presented the agendum overview.

F.2.b State Proposals

Mr. Anderson presented Agendum F.2.b, Supplemental WDFW report. Dr. Burke presented Agendum F.2.b, Supplemental ODFW report.

F.2.c Tribal Comments

Mr. Harp presented Agendum F.2.c, Supplemental Tribal Comments.

F.2.d Reports and Comments of Advisory Bodies

None.

F.2.e Public Comment

None.

F.2.f **Council Action:** Adopt Proposed Changes to the Catch Sharing Plan and Annual Regulations for Public Review

Mr. Anderson stated that ODFW proposal #6 was not discussed in the Washington state public hearings, and that it was unlikely to have support from the north coast and south coast subareas, because those areas normally have shorter seasons than the Columbia River subarea, and reallocating quota to an area with a longer season would probably be unpopular in those subareas. However, there may be some opportunity to transfer unused quota inseason, which the CSP does allow for. He indicated there would be no objection to ODFW proposal # 7 being sent out for public review.

Dr. Burke stated that the ODFW proposal # 7 included the concept of increasing the allocation to the Oregon portion of the Columbia River subarea, and would not object to dropping # 6 from the public review proposals.

Mr. Cedergreen noted that in CSP Section (5)(i)(c) and (d) under flexible inseason action, language would have to be changed to reflect the separate quotas for the Oregon and Washington portions of the Columbia River subarea. Dr. Burke replied that appropriate changes to the CSP would be made relating to any adopted changes.

Mr. Anderson moved (Motion 8) to adopt for public review the proposed changes to the Pacific halibut catch sharing plan as provided in Agendum F.2.b, Supplemental WDFW Report. Mr. Cedergreen seconded the motion.

Mr. Warrens proposed a friendly amendment to Motion 8 to include modified language in CSP Section (5)(i)(c) and (d) to allow inseason transfer of unused quota within the respective states' portion of the Columbia River subarea into another subarea within that state.

Mr. Anderson stated that Motion 8 dealt with the four items in the Washington report and did not have any changes to the Columbia River subarea., and did not accept the friendly amendment

Motion 8 passed.

Dr. Burke moved (Motion 9) that the Council adopt for public review the changes to the Pacific halibut catch sharing plan as shown in Agendum F.2.b, Supplemental ODFW Report, except that proposal #6 would be deleted, and proposal #7 would include additional language in Section (5)(i)© and (d) to prohibit transfer of unused quota between the states of Oregon and Washington. Mr. Warrens seconded the motion. Motion 9 passed.

Mr. Tracy asked Dr. Burke if ODFW proposal #4 (a) and (b) were intended to both be included, or just one of the two. Dr. Burke replied that both are to be included for public review, but that if a two fish bag limit were adopted, # 4 (a) would not be included in the final CSP.

Mr. Tracy asked Dr. Burke if there was any consideration of reciprocity issues for ODFW proposal #7. Dr. Burke noted that the current situation requires anglers landing halibut into Oregon ports be in possession of an Oregon halibut catch record card, so that full reciprocity is not in effect for halibut fishing in the Columbia River subarea.

F.3 Review of Pacific Halibut Bycatch Estimates for Use by the International Pacific Halibut Commission

F.3.a Agendum Overview

Mr. Tracy presented the agendum overview.

F.3.b NMFS Report

Dr. Jim Hastie summarized Agendum F.3.b, Supplemental Attachment 1, and presented Agendum F.3.b.

Dr. McIsaac asked if the effects of the Rockfish Conservation Areas were included in the analysis. Dr. Hastie replied that they were, but that the expected reduction in halibut bycatch was not as great as expected, perhaps because of higher catches in the shelf area off Washington.

F.3.c Reports and Comments of Advisory Bodies

Dr. Hill presented Agendum F.3.c, Supplemental SSC Report.

F.3.d Public Comment

None.

F.3.e Council Guidance on Pacific Halibut Bycatch Estimates for Use by the International Pacific Halibut Commission

Mr. Anderson requested the report be provided to the IPHC and used for the 2005 season. Dr. Hastie acknowledged.

G. Habitat

G.1 Current Habitat Issues (09/16/04; 8:21 am)

Ms. Gilden provided the agendum overview.

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

Dr. Waldo Wakefield provided Agendum G.1.a, Supplemental HC Report. Dr. Wakefield also noted that Dr. Bob Lea, CDFG representative on the HC, is retiring and will not be at the next meeting. Dr. Lea also represented the HC on the Ad Hoc Marine Reserves Committee and the HC is recommending that Mr. Michael Osmond replace Dr. Lea on that committee.

G.1.b Reports and Comments of Advisory Bodies

None.

G.1.c Public Comment

None.

G.1.d **Council Action:** Consider HC Recommendations on Current Habitat Issues

Mr. Eric Larson asked about the Columbia River hydropower system - what direction does the HC suggest the Council take, and would it be effective? Also, does the HC have recommendations regarding Klamath flows?

Dr. Wakefield said there was a very short time frame for the Columbia River comments. The HC thought they could put together a fast track letter to include Council comments. They felt it would be constructive for the Council to comment on this.

Regarding the Klamath issue, Ms. Gildea said there was no recommendations for action by the HC at this time, but that they have sent letters in the past.

Mr. Larson said he thought the states could take the lead on Columbia River issues. He said CDFG would be naming a replacement for Dr. Lea. The HC can decide who will represent it on the Ad Hoc Marine Reserves Subcommittee.

Dr. Burke said that since ODFW is working on the Columbia River issue, she asked that ODFW not be a signatory to the letter as it may conflict with Oregon's position.

Mr. Mallet said this issue is critical, especially in regard to impacts on Snake River fish. Idaho would also be affected. He appreciates the fact that the individual states will be making comments and feels it is important to have the Council comment as well. This is an EFH issue. Mr. Mallet moved and Mr. Cedergreen seconded a motion (Motion 10) to have the HC work with Council staff to prepare a letter to NMFS on its draft biological opinion on Columbia River hydropower system operations using the fast track method. The comments will focus on principle and will request an extension to submit more extensive comments. Mr. Mallet said this issue is extremely important, and the Council would be remiss if it doesn't weigh in.

Mr. Anderson agreed with Mr. Mallet, but had concerns about the content of the letter. If a letter is sent, we need support from the agencies. The PSMFC annual meeting begins next week; all of these states are represented and these matters will be discussed there. This provides an opportunity for coordination. He supports sending a letter if it has support from the states and the Council members as a whole. He intends to take this matter to the PSMFC forum next week and discuss it there to ensure the states agree on what position to take.

Dr. Burke said that would accommodate Oregon's concerns; working through PSMFC would be a viable solution.

Dr. Hanson said the states will have their individual meetings Tuesday afternoon and should have talking points and ideas to pass out at that time.

Mr. Williams asked Dr. Freese about the 30-day comment period. Dr. Freese said he did not have an answer to that and would get back to the Council.

Dr. McIsaac reviewed the fast track procedures with Council members. The quick turnaround time may not allow for HC review. A shorter letter that focuses on principal and requests an extension could be done.

Motion 10 passed.

H. Highly Migratory Species Management

H.1. NMFS Report (09/16/04; 8:46 am)

H.1.a Regulatory Activities

Mr. Fougner summarized the NMFS report (Agendum H.1, Attachment 1).

Ms. Vojkovich requested information on how catch authorized under transshipment permits (see Agendum H.1, Attachment 2) was included in West Coast fishery management systems (e.g, PacFIN). Mr. Fougner noted that, while transshipment permits have been issued by NMFS, the permits have not been used. If fishing activity under transshipment permit authority was conducted that catch data would be incorporated into the annual HMS SAFE document.

H.1.b Science Center Activities

Mr. Gary Sakagawa provided an oral report which highlighted the following five SWFSC activities:

- Economic studies: several are currently underway. One revisits the costs of conservation issues in the California drift gillet and longline fisheries; costs and benefits of measures for sea turtle mitigation; and sea turtle conservation.
- Intercessional Meeting (workshop): scientists from U.S., Japan and Taiwan will review longline fishery data and resolve issues with that data. The data will be incorporated into a data set for a full assessment of north Pacific albacore, SWFSC taking lead.
- Tagging of Albacore - Albacore Fishermen's Research Fund (AFRF): the SWFSC launched a tagging program in 2001 (deploying "smart tags"). A total of 218 tags have been deployed, 16 have been recaptured. The objective is to release approximately 50 additional tags.
- International Scientific Group Meeting, August 2004: this committee for billfish and tuna will look at information for assessing stocks for the central western Pacific ocean. Assessments will focus on big eye and yellow fin tuna.
- Series of Research Projects on Oceanic Sharks: several field projects have been conducted (e.g., a shark abundance survey to obtain an index of abundance).

H.1.c Reports and Comments of Advisory Bodies

Mr. Bob Fletcher provided Agendum H.1.c, Supplemental HMSAS Report. Ms. Vojkovich asked about the HMSAS recommendation about recreational bag limits and whether the HMSAS wanted bag limits for all HMS managed under the FMP? Mr. Fletcher indicated the HMSAS did not talk about specific details or species, but that the HMSAS believed it was time to begin consideration of the issue.

H.1.d Public Comment

Mr. Bob Fletcher, Sportfishing Association of California, San Diego, California
Mr. Bob Osborn, United Anglers of Southern California, Huntington Beach, California
Mr. Bart Mathews, American Albacore Fishing Association, Roche Harbor, Washington

H.1.e Council Discussion on NMFS Report

To facilitate Council discussion, Mr. Waldeck highlighted two items that were brought to the Council's attention by the HMSAS and in public comment. The two items are recreational bag limits and illegal high seas fishing. For the first, the request was for the Council to initiate consideration of developing recreational bag limits. For the latter, the recommendation was for the Council to formally request a report from NMFS and Department of State on these activities.

Mr. Alverson noted that Mr. James Story from Department of State was in attendance, and requested DOS to be aggressively attentive to the illegal highseas fishing issue.

Mr. Story stated he appreciated the concerns he heard and will take the information back to DOS. As more complete information becomes available, he anticipates DOS would consider policy recommendations. He noted that DOS was meeting with Japanese officials and other countries in the near future and this will be a topic of discussion.

Ms. Vojkovich spoke about the issue of the bycatch of salmon in drift gillnets which was an issue 10 - 15 years ago. She noted that fisheries are expanding around the world, and the U.S. tends to implement conservation and management measures in domestic fisheries, but is less strident in pursuing remedies for illegal activities of other countries. She supports Mr. Alverson's request that DOS aggressively pursue this issue.

Mr. Thomas noted that the fishing sector he represents concurs with the HMSAS request for recreational bag limits on albacore and bluefin tuna.

Mr. Anderson requested information on the status of funding for Council HMS activities. He did not want to be in the position of the Council considering additional workload that can't be accomplished because of a lack of funds.

Dr. McIsaac said the funding for HMS was not forthcoming this year. However, if it is demonstrated that there are numerous HMS FMP-related items that require Council attention, this could facilitate securing the funds necessary to take on FMP implementation, West Coast HMS management, and the additional workload items. He stressed that, barring additional funding, HMS matters will not appear on the Council agenda.

Mr. Brown requested clarification about the Council doing nothing related to HMS, does that mean that the high seas longline closure will stand and no work will progress on alternative management approaches? Dr. McIsaac noted that the Council has the discretion to redirect funds from other Council FMPs, but, given the general trend, there will not be funds for Council-related work on the HMS FMP.

Mr. Waldeck summarized the Council discussion. First, he suggested a report from NMFS and DOS on illegal high seas fishing could be provided at the March 2005 Council meeting. Second, contingent on funding, recreational bag limit consideration will be added to the list of HMS FMP issues for the Council to consider.

H.2 FMP Amendment for Limited Entry in the High Seas Pelagic Longline Fishery

H.2.a Agendum Overview (09/16/07; 9:57 am)

Mr. Waldeck provided the agendum overview. He noted that anticipated Council action was to consider and provide guidance on how to proceed with FMP-related work to develop measures for the high seas longline and drift gillnet fisheries.

H.2.b NMFS Report

None.

H.2.c Reports and Comments of Advisory Bodies

Dr. Hill provided Agendum H.2.c, Supplemental SSC Report. Dr. Dale Squires and Mr. Steve Croke provided Agendum H.2.c, Supplemental HMSMT Report. As part of the HMSMT report, they noted that developing management measures for the longline fishery to reduce sea turtle takes could be done separate from developing a limited entry program for the longline fishery. Conceivably, management measures for fishing technique or area restrictions could be developed more quickly than an extensive limited entry program.

Ms. Vojkovich posed a series of questions about the work involved in developing measures for both the high seas longline fishery and DGN fishery. She asked if the HMSMT felt it was possible to simultaneously develop measures that would allow for high seas longline fishing and continuation of the DGN fishery. She was also curious if it would be possible to make changes to the DGN fishery (opening a closed area), without working on the high seas longline fishery, and if this course would be easier and faster to complete. Her concern was primarily about the work involved and how much time it would take to complete.

Mr. Fougner noted that the more complex the action being developed, the more analyses, time, and resources are required to complete the action. Specific to regulatory measures to provide for both a high seas longline fishery and DGN fishery, it was conceivable that those actions could be completed simultaneously in a single regulatory amendment, possibly by October 2005. Development of a longline limited entry program could take much longer.

Mr. Ticehurst asked about factors that could affect the DGN fishery, other than interactions with other fisheries (e.g., high seas longline sea turtle takes), on El Nino weather phenomenon (under an El Nino event different regulatory requirements for the DGN fishery are triggered).

In response, Dr. Squires noted that level of effort also influences how the DGN fishery can be conducted.

Mr. Bob Fletcher provided Agendum H.2.c, Supplemental HMSAS Report.

H.2.d Public Comment

Mr. Lillo Augello, Western Fish Company, Inc., San Pedro, California

Mr. Russell Nelson, The Billfish Foundation, Oakland Park, Florida

Mr. Peter Dupuy, Federation of Independent Seafood Harvesters, Tarzana, California

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

H.2.e Council Recommendations for Proceeding with Implementation of Limited Entry in the High Seas Pelagic Longline Fishery (09/16/04; 10:44 am)

Mr. Waldeck described possible actions the Council might want to consider. These include – developing measures specifically for the DGN fishery, measures for the high seas longline fishery and DGN fishery combined, or measures for a limited entry program for the high seas longline fishery. He also noted that the Council might want to request advice on how to proceed from NMFS or NOAA General Counsel.

Dr. McIsaac described the types and amount of work associated with the HMS items, and noted that funds for Council work on HMS FMP-related matters have not been received. Without dedicated funds for HMS (or Council re-direction of other FMP funding) it would be difficult to move forward.

Ms. Vojkovich stated that she is increasingly concerned about how the Council can go forward with management under the HMS FMP. She noted the public has been very involved up to this point and they expect to continue that level of involvement. She described the various tasks she would like the HMSMT to address, e.g., opening closed areas for the DGN fishery, measures for the high seas longline fishery, and the HMS SAFE document in 2005. She believed the Council developed the FMP with the strong desire to manage HMS fisheries, which was fully supported by NMFS. Ms. Vojkovich requested information from NMFS about how the Council can proceed with work on the HMS FMP.

Mr. Fougner stated that funding for the Council for HMS is uncertain. He noted that NMFS -SWR staff are assigned to work on HMS FMP implementation and NMFS staff is willing to work with Council advisors. However, funds are not available to pay for HMSMT or HMSAS meetings, which also affects public access to the process.

In response to a question about funding for MPA-related work, Dr. McIsaac clarified that the Council did receive funding for work on MPA-related matters during 2004. Whereas, HMS funding was not received.

Mr. Brown asked if there wasn't funding for HMS FMP implementation, could the Council pull the FMP. He stated his disappointment that funds were not being provided for the HMS FMP, which was developed at the behest of NMFS. His recommendation would be to withdraw the FMP.

Mr. Brown asked if funds were available to have an HMS meeting in November? Dr. McIsaac responded, no.

Mr. Brown, with regard to EFPs, urged the industry to work with NMFS to develop EFP applications.

Mr. Fougner asked Dr. McIsaac what the estimated cost is for an HMSMT meeting (e.g., a two day meeting) and two day HMSAS meeting in La Jolla, California? Dr. McIsaac responded it was approximately \$7,500. However, it is not just a matter of convening a meeting, but there is much more work involved in terms of logistics, coordination, etc.

Mr. Fougner requested the HMSMT continue to work on evaluating the impacts (on ESA sea turtles) of the various alternatives already developed and to report to the Council in November. He suggested the work could be accomplished via telephone and email.

Ms. Vojkovich asked Mr. Fougner about his request. How would the HMSAS and public be involved? Mr. Fougner responded that it might be possible to arrange a video/telephone conference.

Dr. McIsaac stated that, to help conclude this discussion, Council staff will correspond with the appropriate entities to convey the sentiments expressed by the Council and continue to pursue funds. In terms on what the Council should expect to see or do in November, he suggested the Council discuss those issues on Friday during the workload agenda item.

H.3 Stock Assessments for Albacore and Blue Fin Tuna

H.3.a Agendum Overview

Mr. Dan Waldeck provided a brief overview of this informational item.

H.3.b NMFS Report

Mr. Gary Sakagawa provided a Powerpoint presentation.

H.3.c Reports and Comments of Advisory Bodies

Dr. Hill provided Agendum H.3.c, Supplemental SSC Report. Mr. Waldeck read Agendum H.3.c, Supplemental HMSAS Report.

H.3.d Public Comment

Mr. Russell Nelson, The Billfish Foundation, Oakland Park, Florida

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

H.3.e Council Discussion on Stock Assessments for Albacore and Blue Fin Tuna

Ms. Cooney announced that Ms. Beth Mitchell will be retiring October 1, 2004 and that Ms. Mariam McCall will be replacing her.

Ms. Vojkovich requested that the issues identified in the HMSAS report be added to the list of HMS FMP workload considerations.

I. Coastal Pelagic Species Management

I.1 NMFS Report (09/16/04; 1:10 pm)

I.1.a Regulatory Activities

Ms. Tonya Wick briefed the Council on Agendum I.1.a, NMFS Report. Mr. Fougner noted that the NMFS-SWR would provide a complete report on the CPS observer project upon completion of the pilot program and provide information for the 2005 CPS SAFE document.

I.1.b Science Center Activities

Dr. Paul Crone provided Agendum I.1.b, Supplemental NMFS SWFSC Report.

Ms. Vojkovich thanked the SWFSC for their report and participation. She asked about funding for the CPS research surveys. Does NMFS intend to provide long-term funding for continuing this research?

Dr. Crone responded that the SWFSC intends to continue the research, but that the work is contingent on funding.

Ms. Vojkovich also asked about genetic work investigating sardine stock structure? Dr. Crone indicated that, yes, NMFS-SWFSC is beginning to do this work in association with their current age-and-growth research. He indicated that the researchers were looking at sardine “hard structures” (otoliths and vertebrae) and doing some informal genetic work. The genetic research is not a formal project at this time. He noted that the samples were, generally, from the California fishery.

Dr. Burke asked if that genetic study would be done coastwide? Dr. Crone responded that, for the short term southern California; but over the long term the full range of the coastwide distribution (along with central Mexico) should be included in the research project. Dr. Burke emphasized the importance of making coastwide genetic research a priority and to direct resources to accomplish this task.

I.1.c Reports and Comments of Advisory Bodies

None.

I.1.d Public Comment

None.

I.1.e Council Discussion on NMFS Report

[Other than the question and answer session during Dr. Crone’s report, no Council discussion occurred.]

I.2 STAR Panel Report (09/16/04; 1:25 pm)

I.2.a Agendum Overview

Mr. Waldeck provided the agendum overview.

I.2.b STAR Panel Report

Mr. Tom Barnes presented the STAR Panel Report as a PowerPoint Presentation (on file at the Council office).

Specific to the STAR Panel recommendations, Dr. Burke asked about how those recommendations would be used. Mr. Barnes replied that the STAR Panel developed the recommendations to capture the range of research and data needed for more comprehensive management of CPS fisheries. He observed that progress on the recommendations would be contingent on funding. Mr. Fougner indicated that NMFS would closely review the STAR Panel recommendations and report back on planned research activities.

Mr. Anderson asked if data from the Pacific northwest fishery was being used in the sardine assessment. Mr. Barnes responded, yes.

I.2.c Reports and Comments of Advisory Bodies

Dr. Hill provided Agendum I.2.c, Supplemental SSC Report. Dr. Crone provided Agendum I.2.c, Supplemental CPSMT Report. Mr. John Royal provided Agendum I.2.c, Supplemental CPSAS Report.

I.2.d Public Comment

Ms. Diane Pleschner, California Wetfish Producers Association, Buellton, California

I.2.e Council Discussion and Guidance on the STAR Panel Report

[During the presentation of reports, Dr. Burke asked several questions of the STAR Panel chair and SSC about the sea surface temperature parameter used in the Pacific sardine harvest guideline control rule. In general, her interest focused on the potential need to formally review the sardine harvest guideline control rule, notably, to ensure that it was suitable to the coastwide fishery.]

Mr. Brown moved and Dr. Burke seconded a motion (Motion 11) to adopt the STAR Panel reports as shown in Agendum I.2.b, Pacific Sardine Report and Agendum I.2.b, Pacific mackerel STAR Report. Motion 11 passed.

Dr. Burke asked Mr. Fougner for NMFS to carefully review the STAR Panel recommendations and prioritize them if possible. She was especially interested to hear from NMFS which items could be addressed given current resources and those that would require additional resources.

Ms. Vojkovich encouraged NOAA Fisheries to pursue collaborative research arrangements with the Mexican and Canadian governments.

I.3 FMP Amendment – Sardine Allocation (09/16/04; 2:11 pm)

I.3.a Agendum Overview

Mr. Waldeck provided the agendum overview. He noted there are two separate issues under this item. The first being the allocation issue, which will be reported on by the CPSAS. The second is the CPSMT report on their review of CPS FMP issues identified by NMFS (Agendum I.3.a, Attachment 1).

I.3.b Reports and Comments of Advisory Bodies

Mr. Royal highlighted information on page 1 of Agendum I.3.b, CPSAS Report. Council staff answered questions about allocation scenarios developed by the CPSAS. Dr. Crone provided a summary of Agendum I.3.b, CPSMT Report.

Mr. Fougner thanked the CPSMT for their report and stated that their information was the type of response NMFS was seeking when they requested the CPSMT review these issues.

Dr. Burke noted that review of the CPS harvest control rules was listed as a mid-level priority by the CPSMT. She stated that in her opinion, after sardine allocation, the harvest control rule should be the next highest priority.

Dr. McIsaac asked about the CPSMT review of CPS EFH, which concluded that there was not any new information indicating a need for changes to CPS EFH. Was the CPSMT a complete review? Dr. Crone responded that the CPSMT gave thoughtful consideration to the issue. If requested, a more detailed review could be undertaken, but it is likely the answer would be the same.

Relative to review of CPS EFH, NMFS considers the 2005 CPS SAFE as the appropriate vehicle for detailing the CPSMT's review of EFH information.

Ms. Vojkovich agreed that harvest control rule review should be the next priority for the CPSMT after completion of the allocation action.

I.3.c Public Comment

Ms. Diane Pleschner, California Wetfish Producers Association, Buellton, California

I.3.d Council Guidance on Development of an FMP Amendment

Mr. Waldeck reviewed the items due for Council discussion – guidance to the CPSAS on the development of sardine allocation alternatives, and guidance to the CPSMT relative to their review of the CPS FMP issues raised by NMFS. Guidance relative to sardine allocation could include direction to consider adding an objective related to using the most recent science. The Council could also include guidance to develop alternatives that could be used during high or low OY periods.

Mr. Anderson thanked the CPSAS for their work to date. He stated that if the members of the CPSAS wanted to add objectives or modify the alternatives, that would be at their discretion to propose those to the CPSAS. He also asked about the process and schedule. At the November meeting, the Council will adopt alternatives for analysis by the CPSMT. He opined that it might be overly ambitious to expect completed analysis for public review in December or January. At the April meeting, it is anticipated that the analysis will be complete and public input will have been garnered. What is meant by preliminary action at the April 2005 meeting?

Mr. Waldeck stated that at the April 2005 meeting, the Council would be scheduled to formally adopt a range of alternatives, possibly including a preferred alternative. This action would provide formal notice to the public about the Council intentions and identify the alternatives which the Council will select from when they take final action on this matter (currently scheduled for June 2005). He agreed with Mr. Anderson that it was most likely that public hearings on the draft alternatives and analysis would occur during the February - March 2005 period.

Dr. Burke also thanked the CPSAS for their work.

Mr. Brown asked if it would be possible to get more information about the market squid MSY-proxy issue, specifically, whether it would entail an FMP amendment.

Mr. Waldeck described various guidance items the Council may want to formally comment on in providing direction to staff and the CPSMT. The first would be direction about responding to the request for review of the CPS EFH definitions. The second would be Council consideration of the CPSMT request related to review of fish tickets and potential under reporting.

Relative to market squid MSY, in response to Mr. Brown's question, Mr. Waldeck characterized the CPSMT's report on this issue to be a review of current activities related to the squid MSY-proxy/egg escapement approach. Moreover, NMFS has indicated that a more thorough explanation of the approach and how it is being applied might address the concerns raised in the May 18, 2004 letter.

Dr. Burke had a different read on the priorities of this agenda item. She felt that the Council clearly indicated that review of CPS harvest control rules was the second highest priority (after sardine allocation). She did not recall the Council discussing the fish ticket issue.

Mr. Fougner requested clarification of whether the Council was going to request the CPSAS include as a sixth objective the use of most current scientific data as suggested by Ms. Pleschner and discussed by Mr. Anderson.

Mr. Anderson stated that Council guidance did not include direction to change any of the current language in the CPSAS report nor add objectives. His comments about additional objectives was just a suggestion to Ms. Pleschner about how she may want to proceed.

Relative to the under-reporting issue, Mr. Anderson stated his understanding that the issue is already being addressed by the EC. He agreed that review of the harvest control rule was the second priority. He also wanted to be responsive to the NMFS request for review of CPS EFH and to ensure that an adequate response was developed.

Mr. Waldeck summarized – the Council thanked the CPSMT for their work; stressed that allocation was the top priority, but upon completion the next highest priority for the CPSMT was review of the CPS harvest control rules; and directed staff to work with NMFS SWR to ensure that the request to formally review CPS EFH is fulfilled. Council Chairman and Council members concurred.

Ms. Vojkovich updated the Council and public on the market squid FMP for California. CDFG has developed an FMP to manage the market squid fishery; the CFGC adopted the market squid FMP in late August for implementation April 1, 2005. Among other things, the California state FMP established a restricted access program consistent with the federal limited entry program, also established a seasonal cap on the fishery, established permanent weekend closures, established restrictions on the use of lights around the Gulf of the Farallones NMS, and continued the logbook program. She also described other details of the FMP and management program. She also described state funding of the squid fishery management program, which operates under a limited budget.

4 P.M. PUBLIC COMMENT PERIOD

Public comments on fishery issues not on the agenda were accepted at this time (September 14, 2004, 4 pm).

Mr. Zeke Grader, Pacific Coast Federation of Fishermen's Association, San Francisco, California; spoke to a letter provided to the Council (Supplemental 4 pm Public Comment) regarding planning for any potential cutbacks/closures of 2005 ocean salmon fishery. Mr. Peter Huttula, Pacific Marine Conservation Council, Astoria, Oregon; joined Mr. Grader at the podium and voiced his support for Mr. Grader's comments.

ADJOURN

The Council meeting adjourned on Friday, September 17, 2004 at 2:56 pm.



Council Chairman

March 8, 2005

Date